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Chapter 4.

Climate Change, Legislative and Policy Context

Contents

Glossary

Term	Definition
Environmental Impact Assessment	Environmental Impact Assessment (EIA) is a means of carrying out, in a systematic way, an assessment of the likely significant environmental effects from a development.
Environmental Impact Assessment Regulations	The Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017 (EIA Regulations)
Environmental Impact Assessment Report	A document reporting the findings of the EIA and produced in accordance with the EIA Regulations
Proposed Development	The South Kyle II Wind Farm development
Proposed Development Area	The area within the “Site boundary” as illustrated on Figure 1.1which the Proposed Development will be located
The 1997 Act	The Town and Country Planning Act (Scotland) 1997, as amended by The Planning etc. (Scotland) Act 2006 and by the Planning (Scotland) Act 2019.

List of Abbreviations

Abbreviation	Description
CCUS	Carbon Capture Utilisation and Storage
EIAR	Environmental Impact Assessment Report
kV	kilovolt
LDP	Local Development Plan
MW	Megawatt
ND	National Development
NPF4	National Planning Framework 4
PAN	Planning Advice Note
EALDP2	East Ayrshire Local Development Plan 2 (adopted 8 April 2024)
DGLDP2	Dumfries and Galloway Council Local Development Plan 2 (adopted 3 October 2019)
SG	Supplementary Guidance
SNH	Scottish Natural Heritage
SPP	Scottish Planning Policy
UK	United Kingdom

4.1. Introduction

4.1.1. This Chapter of the Environmental Impact Assessment Report (EIAR) describes the legislative and policy background relevant to the Proposed Development. The Chapter points to relevant energy, climate change and planning policy at a national and local level. An objective summary of the energy, climate change and planning policy considerations that have been taken into account in the preparation of the EIAR is also provided. The refences and summaries will ensure that the appropriate policy direction is highlighted when considering the Application.

4.1.2. This Chapter does not include an in-depth assessment of the accordance of the Proposed Development against planning policy: a separate Planning Statement has been prepared to support the application and should be referred to for a detailed planning policy appraisal. However the planning policy direction that assisted with determining both the location and design layout of the Proposed Development is referenced here in order to provide a comprehensive policy background to this Chapter of the EIAR.

4.2. The Statutory Framework

The Electricity Act 1989

4.2.1. The Proposed Development will have an installed capacity of over 50 megawatts (MW). In Scotland, onshore renewable energy developments that have capacity to generate over 50 MW require consent from the Scottish Ministers under Section 36 of the Electricity Act 1989 (the Electricity Act). In such cases, the Planning Authority is a statutory consultee in the consenting process and procedures.

4.2.2. In an application under Section 36 of the Electricity Act, the Development Plan does not have primacy in the decision-making process. The provisions of Schedule 8 and 9 of the Electricity Act are relevant to the assessment of the Proposed Development.

4.2.3. Schedule 8 requires that an application under Section 36:- shall:-

"...be in writing and shall describe by reference to a map the land to which the application relates, that is, the land -

(a) on which the generating station is proposed to be constructed, extended or operated;"

4.2.4. Schedule 9, Sub-paragraph 3(2), requires the Scottish Ministers to have regard to:

"(a) the desirability of the matters mentioned in paragraph (a) of sub-paragraph (1) above; and (b) the extent to which the person by whom the proposals were formulated has complied with his duty under paragraph (b) of the sub-paragraph".

4.2.5. The Applicant is not subject to the duties referred to in Schedule 9 sub-paragraph 3 (1) (a) and (b) of the Electricity Act as the Applicant is not an electricity generation licence holder and holds no exemption to the requirement for such a licence, but the matters set out in Sub paragraph 3(1)(a) to which the Scottish Ministers must have regard are:

"…. the desirability of preserving natural beauty, of conserving flora, fauna and geological or physiographical features of special interest and of protecting sites, buildings and objects of architectural, historic or archaeological interest".

4.2.6. At sub-paragraph 3(3), the Scottish Ministers [are required to…] "*avoid, so far as possible, causing injury to fisheries or to the stock of fish in any waters*".

4.2.7. The provisions of Schedule 9 of the Electricity Act set out a number of features to which regard must be had by the Scottish Ministers and such features have been fully taken into account in the iterative design process and assessed in terms of the EIA process.

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

4.2.8. The Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017 (the EIA Regulations) (Scottish Government, 2017) require that all applications for Section 36 consent considered likely to have significant effects on the environment must be subject to an Environmental Impact Assessment (EIA) and the Applicant must submit an EIAR.

4.2.9. Schedule 1 of the EIA Regulations lists types of development for which EIA is mandatory, whilst Schedule 2 highlights the types of development for which the need for EIA is judged by the Scottish Ministers on a case-by-case basis. The Proposed Development falls within the definition of a Schedule 2 development.

4.2.10. The Applicant has considered the Proposed Development in light of Schedule 2 of the EIA Regulations, and has concluded that, due to its nature, size and location, it has the potential to cause significant environmental effects Therefore, there is a requirement for an EIA to be undertaken and an EIAR to be submitted in support of the application.

The Town & Country Planning (Scotland) Act 1997

4.2.11. The principal planning statute in Scotland is the Town and Country Planning Act (Scotland) 1997 ('the 1997 Act'). as amended by The Planning etc. (Scotland) Act 2006 and by the Planning (Scotland) Act 2019.

4.2.12. Section 57(2) of the 1997 Act provides:

"On granting or varying a consent under section 36 or 37 of the Electricity Act 1989

i, the Scottish Ministers may give a direction for planning permission to be deemed to be granted, subject to such conditions (if any) as may be specified in the direction for (a) so much of the operation or change of use to which the consent relates as constitutes development; (b) any development ancillary to the operation or change of use to which the consent relates".

4.2.13. Section 25 of the 1997 Act states that:

"Where, in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material considerations indicate otherwise".

4.2.14. The Courts have confirmed that Section 25 does not apply to a decision to make a direction to grant deemed planning permission pursuant to section 57(2)[1].

4.2.15. The Scottish Ministers will determine the application having considered the statutory duties in Schedules 8 and 9 of the Electricity Act, so far as relevant, and all relevant considerations or matters, one of which will be relevant aspects of the statutory Development Plan.

4.3. International Climate Change and Energy Policy

4.3.1. As of 31st January 2020, the UK ceased being a member of the European Union (EU). A transitional period was in place until the end of 2020, during which time the UK remained bound by EU rules, including the renewable targets

[1] Petition Of William Grant & Sons Distillers Limited For Judicial Review - Case Law - VLEX 802393005.[Accessed 06/08/24]

noted in the following paragraphs. Following the end of the transitional period, Section 2 of the EU (Withdrawal) Act 2018[2] (as amended) provides that all EU derived domestic legislation continues to have effect after exit day.

4.3.2. EU energy legislation and policy, like that in the UK, is driven by international co-operation to cut the emission of greenhouse gas emissions, as a means of combating climate change. This includes the 'Paris Agreement' (United Nations, 2015)[3], established through the 21st session of the Conference of Parties ('COP 21'). Ratified in the UK on 17th November 2016, the Paris Agreement sets out the ambition of holding the increase of global average temperature to 'well below 2 °C' and pursuing efforts to limit temperature increase to 1.5 °C. The COP26 'Glasgow Climate Pact'[4] published in 2021 reaffirms the Paris Agreement temperature goal of holding the increase in the global average temperature to well below 2 °C above pre-industrial levels and pursuing efforts to limit the temperature increase to 1.5 °C above pre-industrial levels.

4.3.3. The United Nations Emissions Gap Report 2023[5], is the fourteenth in a series of reports comparing where greenhouse gas emissions are heading, against where they need to be and highlighting the ways to close the gap. This latest report shows that new national climate pledges combined with other mitigation measures put the world on track for a global temperature rise of 2.5 - 2.9°C by the end of the century. The report further notes in 2023 that 86 days were recorded with temperatures over 1.5°C above pre-industrial levels. September 2023 was the hottest recorded month, with global average temperatures 1.8°C above pre-industrial levels. That is well above the goals of the Paris Agreement and the Glasgow Climate Pact and would lead to catastrophic changes in the Earth's climate. To keep global warming below 1.5 °C this century, the aspirational goal of the Paris Agreement, this report states that the world needs to cut annual greenhouse gas emissions by 28-42 per cent in the next six years.

4.4. UK Climate Change and Energy Policy

4.4.1. Energy policy in Scotland is a matter that is reserved to the UK Parliament. However, as the following Section notes, the Scottish Government has published several of its own energy policy and strategy documents that apply to Scotland only and these are material to the determination of this application.

Climate Change Act 2008

4.4.2. The Climate Change Act became law on 26th November 2008 and introduced a legally binding target for the UK to reduce CO_2 emissions by at least 80% by 2050, relative to 1990 levels.

4.4.3. In June 2019, the UK Government passed the draft Climate Change Act 2008 (2050 Target Amendment) Order 2019[6] to amend the Climate Change Act 2008, by introducing a target for a 100% reduction of greenhouse gas emissions in the UK, compared to 1990 levels (referred to as 'net zero'). The 100% reduction is expected to be achieved by 2050. This Order follows on from the recommendations presented by the Committee on Climate Change (CCC) publication 'Net Zero, The UKs contribution to stopping global warming'[7].

4.4.4. Efforts to reduce greenhouse gas emissions in Scotland would contribute to achievement of UK wide targets, as well as meeting Scotland specific targets as discussed below.

[2] European Union (2018) Section 2 of the European Union (Withdrawal) Act 2018 (as amended). [Online] Available at http://www.legislation.gov.uk/ukpga/2018/16/contents/enacted Accessed 03/04/24]

[3] United Nations (2015) Conference of Parties ('COP 21'). [Online] Available at . https://unfccc.int/process-and-meetings/the-paris-agreement/the-paris-agreement Accessed 03/04/24]

[4] United Nations (2021) The COP26 'Glasgow Climate Pact'. [Online] Available at https://unfccc.int/process-and-meetings/the-paris-agreement/the-glasgow-climate-pact-key-outcomes-from-cop26 Accessed 03/04/24]

[5] Emissions Gap Report 2023 | UNEP - UN Environment Programme Accessed 03/04/24]

[6] UK Government (2019) The draft Climate Change Act 2008 (2050 Target Amendment) Order 2019. [Online] Available at https://www.legislation.gov.uk/ukdsi/2019/9780111187654 Accessed 03/04/24]]

British Energy Security Strategy – Secure, clean and affordable British energy for the long term

4.4.5. In April 2022 the UK Government published the above Strategy[8], primarily in response to rising global energy prices and following the Russian invasion of Ukraine. A key aim of the Strategy is to reduce our dependence on imported oil and gas and to help decarbonise the energy sector, achieving net zero by 2050.

4.4.6. The Introduction notes that *'the transition away from oil and gas then depends critically on how quickly we can roll out new renewables*." It continues and notes that *'the growing proportion of our electricity coming from renewables reduces our exposure to volatile fuel markets'*.

4.4.7. The Strategy discusses a range of technologies including offshore and onshore wind, solar, hydrogen and nuclear. It recognises that *'onshore wind is one of the cheapest forms of renewable power'* and that there is a *'strong pipeline of future projects in Scotland'*. While there is a strong focus in the Strategy on new nuclear and the continued expansion of offshore wind, the report recognises that *'…we need to be bolder in removing the red tape that holds back new clean energy developments and exploit the potential of all renewable technologies'* (emphasis added).

Energy Act 2023

4.4.8. The Energy Act 2023l[9], introduced to Parliament on 6 July 2022, received Royal Assent on 26 October 2023, and seeks to deliver a cleaner, more affordable, and more secure energy system. Including 26 measures, the Bill is expected to bring £100 billion in private sector investment into diversifying the UK's energy mix by 2030.

4.4.9. Growing renewable markets is a key focus, with an expectation that close to 480,000 new jobs will be created by the legislation.

4.4.10. In a push to reduce the UK's dependence on volatile fossil fuel markets and gas prices, the Act seeks to improve domestic energy production and make the country more self-sufficient when it comes to the energy it uses.

4.4.11. Announcing the Bill, the then Business Secretary Kwasi Kwarteng said, '*this is the biggest reform of our energy system in a decade'* and, *'the measures in the Energy Security Bill will allow us to stand on our own two feet again, reindustrialise our economy and protect the British people from eye-watering fossil fuel prices into the future'*.

Committee on Climate Change – The Sixth Carbon Budget, The UK's Path to Net Zero

4.4.12. In December 2020 the CCC published 'The Sixth Carbon Budget'[10] which comprises three documents: 'The UK's Path to Net Zero'; 'Methodology Report'; and 'Policies for the Sixth Carbon Budget and Net Zero'. The 2020 CCC Report describes what the potential path options to net-zero look like and what steps must be taken to achieve this. A key recommendation of the Report is that the UK Government requires a reduction in UK greenhouse gas

[7] Committee on Climate Change (2019) Net Zero, The UKs contribution to stopping global warming. [Online] Available at https://www.theccc.org.uk/publication/net-zero-the-uks-contribution-to-stopping-global-warming/ [Accessed 03/04/24]]

[8] UK Government (2022) The British Energy Security Strategy. [Online] Available at https://www.gov.uk/government/publications/british-energy-security-strategy/british-energy-security-strategy Accessed 03/04/24]

[9] UK Government (2022) Energy Security Bill [Online] Available at https://www.gov.uk/government/collections/energy-security-bill#:~:text=The%20Energy%20Security%20Bill%2C%20introduced,Energy%20Security%20Bill Accessed 03/04/24]

[10] Committee on Climate Change (2020) The Sixth Carbon Budget. [Online] Available at https://www.theccc.org.uk/publication/sixth-carbon-budget/ [Accessed 03/04/24]

emissions of 78 % by 2035 relative to 1990 and that this should be coupled with a pledge by 2030 to reduce emissions by at least 68 % from 1990 levels.

4.4.13. The Foreword by Lord Deben highlights the importance of taking decisive action in the 2020s, noting that if efforts are not scaled up in this '*decisive decade'* then the UK will not deliver net zero by 2050. The Foreword notes that that '*utmost focus is required from government over the next ten years'* and that policy now needs to be *'scaled up across every sector'* to deliver net-zero.

4.4.14. The Report recognises that reducing emissions from electricity generation to near-zero will require significant expansion of low-carbon generation technologies. Emphasis is also placed on the increasing demand for electricity through the electrification of the economy. Wind power is highlighted in the 2020 Report as the backbone of renewable energy production, stating that the deployment of 3 Gigawatts (GW) per year of new wind capacity is required, plus repowering of existing sites.

Progress in reducing emissions in Scotland - 2021 Progress Report to the Scottish Parliament (2021)

4.4.15. Published on 7 December 2021, the 2021 Progress Report to the Scottish Parliament[11] (CCC, December 2021) assesses Scotland's overall progress in achieving its legislated targets to reduce greenhouse gas emissions. This is the tenth annual Progress Report to the Scottish Parliament as required by the Climate Change (Scotland) Act 2009. This report shows that, in 2019, Scotland's greenhouse emissions fell by 2 % compared to 2018, and as at 2019 were 44 % below 1990 levels. The reductions were largely driven by the manufacturing and construction, and fuel supply sectors, with electricity generation remaining the biggest driver of emissions cuts over the previous decade (2009-2019).

4.4.16. There are a number of key messages from this report including a recognition that the annual targets set for the 2020s will be very difficult to meet, even with strong climate policy support. Climate policy in Scotland must focus on the transition required to net zero in order to make rapid progress by 2030 and the focus must also be on implementation and delivery of real-world progress.

4.4.17. The report makes a number of recommendations including for the Scottish Government to *'Set out an updated assessment of how much renewable and low-carbon electricity generation will be required to meet Net Zero in Scotland and contribute cost-effectively to Net Zero in the UK, with a clear trajectory to 2045'*, as well as to *'Complete the definition and enforcement of a planning and consenting scheme for onshore wind and other low carbon generation in a manner that is consistent with other policies on land use, supporting repowering and life extension of existing wind power in Scotland, and aligning with adaptation priorities under the Scottish Climate Change Adaptation Programme.'*

Progress in reducing emissions in Scotland 2023 - Report to Parliament

4.4.18. The latest report was published in March 2023 by the CCC[12].

4.4.19. This followed an a) emissions increase of 2.4% in 2021 compared to 2020, (b) Scotland missing its 2021 annual emissions reduction target and (c) this being the eighth target that Scotland had missed in the past 12 years.

4.4.20. The Executive Summary within the report states that, *'Emissions reduction needs to accelerate in almost all sectors. The overall pace needs to increase by a factor of nine over the nine years from 2021 to 2030, excluding electricity supply, aviation, and shipping emissions, compared to the prior nine years from 2012, if Scotland is to meet its 2030 target of a 75% reduction on 1990 levels ….. This is almost a factor of two faster than in the CCC's highly ambitious 2022 updated pathway for Scotland..'*

4.4.21. The report furthers highlights that "*The growth in onshore wind capacity has slowed, however, and it is slightly off track to deliver its 2030 target, which will require operational capacity to more than double (Figure 3k)*.[13]". " and "*….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.*'

4.4.22. Report states "*NPF4 is a key lever for considering major infrastructure and aims to encourage, promote, and facilitate all forms of renewable energy development onshore and offshore*. "

4.4.23. It further advises: "*The Scottish Government consulted on its draft Energy Strategy in January 2023, which included its ambition to deliver more than 20 GW of additional renewable generation capacity by 2030. The final plan due this year should include a delivery plan and the Scottish Government should work with the UK Government on practical measures to ensure both the Scottish targets and the UK-wide objective of a decarbonised electricity system by 2035 are achieved*."

Energy White Paper – Powering our Net Zero Future

4.4.24. The UK Government published the above paper in December 2020 (HM Government, 2020)[14] which sets out the approach to be taken to tackling the challenge of climate change. Recognising the world-leading UK net-zero target, the Foreword states that this will require decisive global action and significant investment to open up opportunities for economic growth and job creation.

4.4.25. The various actions set out in the White Paper are described as '*a strong signal to project developers and the wider investor community about the government's commitment to delivering clean electricity'*. In the Section 'Our Key Commitments', the White Paper notes that '*onshore wind and solar will be key building blocks for the future generation mix, along with offshore wind*'. The White Paper continues and states that *'we will need sustained growth in the capacity of these sectors in the next decade to ensure that we are on a pathway that allows us to meet net-zero emissions in all demand scenarios'*.

4.4.26. The White Paper further underlines the need for fast and decisive action on climate change and confirms the important role that the continued development of renewable energy generation projects will play in delivering net zero.

4.5. Scottish Climate Change and Energy Policy

4.5.1. In Scotland, the net zero target must be delivered by 2045 (the Climate Change (Scotland) Act 2009). The target year under this Act was initially 2050 but was amended by the Climate Change (Emissions Reduction Targets) (Scotland) Act 2019 in direct response to the Paris Agreement. It includes an interim target of a 90% by 2040 against the baseline. The Climate Change (Scotland) Act 2019 also required the production of a Scottish Climate Change Adaptation Programme (Scottish Government, 2019)[15]. This more ambitious 2045 target, in part, reflects

[11] Progress in reducing emissions in Scotland 2021 Report to Parliament (theccc.org.uk) [Accessed 3/4/24]

[12] Progress in reducing emissions in Scotland - 2023 Report to Parliament - Climate Change Committee (theccc.org.uk) [Accessed 03/04/24]

[13] Progress-in-reducing-emissions-in-Scotland-2023-Report-to-Parliament-Charts-and-data.xlsx (live.com) [Accessed 08/08/2024]

[14] UK Government (2020) Energy White Paper – Powering our Net Zero Future. . [Online] Available at https://www.gov.uk/government/publications/energy-white-paper-powering-our-net-zero-future Accessed 03/04/24]

[15] Climate Ready Scotland: climate change adaptation programme 2019-2024 - gov.scot (www.gov.scot) (Accessed: 31/01/2024)

the Scottish Government's acknowledgement of a Climate Emergency in 2019[16] and forms part of an ambitious plan to tackle the Climate Emergency.

4.5.2. The Scottish Government has published a number of climate change and energy policy documents and its own targets. The most relevant Scottish publications include:

- The Climate Change (Emissions Reduction Targets) (Scotland) Act 2019[17];
- The Climate Change (Scotland) Act 2009[18];
- The Scottish Government's 'Programme for Scotland 2021-2022 'A Fairer, Greener Scotland' (2021)[19];
- The 'Progress in Reducing Emissions in Scotland 2023 Report to Parliament' (CCC, March 2024)[20];
- The Scottish Climate Change Plan (February, 2018)[21];
- Climate Change Monitoring Report 2023[22];
- Update to the Climate Change Plan 2018 - 2032: Securing a Green Recovery on a Path to Net Zero (December, 2020)[23];
- The Scottish Energy Strategy (December, 2017)[24];
- Scotland's Energy Strategy Position Statement (2021)[25];and
- The 'Onshore Wind Policy Statement 2022[26].

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

4.5.3. The Climate Change (Emissions Reduction Targets) Act 2019 (Climate Change Act 2019) amends the Climate Change (Scotland) Act 2009 and sets a target date of 2045 for reaching net-zero emissions. The Climate Change Act 2019 states that the Scottish Ministers must ensure that the net Scottish emissions account for the year (with 1990 being the baseline year):

- 2020 is at least 56 % lower than the baseline;
- 2030 is at least 75 % lower than the baseline; and
- 2040 is at least 90 % lower than the baseline.

The Scottish Government's 'Programme for Scotland 2023-2024'

4.5.4. On 5 September 2023, the Scottish Government published its 'Programme for Scotland 2023-2024'. The Introduction from the First Minister within the Programme states that, *'We are seeing the devastating impacts of climate change, particularly on the world's poorest, with increasing frequency. This is the existential threat of our times and we have a moral duty to respond to the climate and nature crises. The stakes could not be higher. We do not underestimate what this change means for daily life, particularly during these tough times. However, this is the time for climate leadership, not for playing politics while the planet burns, and my government will continue to show the leadership required.*

In the year ahead, we will set out how we propose to reduce Scotland's contribution to climate change by 2040 in our draft Climate Change Plan, ensuring this journey is fair and actively tackles inequalities through our just transition planning..'

4.5.5. The Màiri McAllan MSP, Cabinet Secretary for Transport, Net Zero and Just Transition, commits to '*Set out how we will continue to drive down emissions in a draft Climate Change Plan, with bold action across transport, heat, our natural environment, and other areas, demonstrating how our ambition will be realised while maximising opportunities for the economy, job creation, and health'* and to *'Host, with the First Minister, a meeting with key stakeholders to discuss ways forward to meet our climate ambitions ahead of COP28'.*

4.5.6. Critical action identified is publishing of *'the final Energy Strategy and Just Transition Plan'* and to *'Publish Scotland's Biodiversity Strategy and first five-year delivery plan and build on the international engagement undertaken in developing the Edinburgh Declaration adopted at COP15'*

Climate Change Plan (2018) and Monitoring Report (2023)

4.5.7. The vision of the Climate Change Plan (Scottish Government, 2018) (CCP) sets out that *'By 2032, Scotland's electricity system will supply a growing share of Scotland's energy needs and by 2030, 50 % of all Scotland's energy needs will come from renewables'*.

4.5.8. The CCP includes two specific policy outcomes in relation to electricity generation, as follows:

- Policy Outcome 1: From 2020 onwards, Scotland's electricity grid intensity will be below 50 grams of carbon dioxide per kilowatt hour. The system will be powered by a high penetration of renewables, aided by a range of flexible and responsive technologies; and

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[16] The Global Climate Emergency - Scotland's Response: Climate Change Secretary Roseanna Cunningham's statement - gov.scot (www.gov.scot) [Accessed 08/08/2024]

[17] Scottish Government (2019) The Climate Change (Emissions Reduction Targets) (Scotland) Act 2019. [Online] Available at https://www.legislation.gov.uk/asp/2019/15/enacted Accessed 03/04/24]

[18] Scottish Government (2009) The Climate Change (Scotland) Act 2009. [Online] Available at https://www.legislation.gov.uk/asp/2009/12/contents Accessed 03/04/24]

[19] Scottish Government (2021) The Scottish Government's 'Programme for Scotland 2021-2022 'A Fairer, Greener Scotland [Online] Available at https://www.gov.scot/publications/fairer-greener-scotland-programme-government-2021-22/ Accessed 03/04/24]]

[20] Committee on Climate Change (2024) The 'Progress in Reducing Emissions in Scotland 2023 Report to Parliament'. [Online] Available at Progress in reducing emissions in Scotland - 2023 Report to Parliament - Climate Change Committee (theccc.org.uk) / Accessed 25/07/24]

[21] Scottish Government (2018) The Scottish Climate Change Plan [Online] Available at https://www.gov.scot/publications/scottish-governments-climate-change-plan-third-report-proposals-policies-2018/ [Accessed 03/04/24]]

[22] Scottish Government (2021) Climate Change Monitoring Report 2023. [Online] Available at: Climate change monitoring report 2023 - gov.scot (www.gov.scot) [Accessed 03/04/24]

[23] Scottish Government (2020) Update to the Climate Change Plan 2018 - 2032: Securing a Green Recovery on a Path to Net Zero. [Online] Available at (https://www.gov.scot/publications/securing-green-recovery-path-net-zero-update-climate-change-plan-20182032/ [Accessed 03/04/24]]

[24] Scottish Government (2021) The Scottish Energy Strategy. [Online] Available at https://www.gov.scot/publications/scottish-energy-strategy-future-energy-scotland-9781788515276/ [Accessed 03/04/24]

[25] Scottish Government (2021) Scotland's Energy Strategy Position Statement. [Online] Available at https://www.gov.scot/publications/scotlands-energy-strategy-position-statement/ Accessed 03/04/24]]

[26] Onshore wind: policy statement 2022 - gov.scot (www.gov.scot) Accessed 03/04/24]

- Policy Outcome 2: Scotland's energy supply is secure and flexible, with a system robust against fluctuations and interruptions to supply.

4.5.9. Implementation indicators for Policy Outcomes 1 and 2 are:

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

4.5.10. The first CCP Monitoring Report was published in May 2023. In terms of the electricity sector, it notes that it is on track to meet the outcomes set by the CCP, including a reduced CO_2 electricity grid intensity, an increase in the installed capacity of renewable generation and an increase in the capacity of renewable energy projects at the planning stages.

4.5.11. The Monitoring Report notes that '*The Scottish Government is also committed to reviewing its energy consenting processes and to continuing efforts to ensure a sustainable security of electricity supply*"

Update to the Climate Change Plan 2018-2032: Securing a Green Recovery on a Path to Net Zero

4.5.12. In December 2020, the 'Update to the CCP 2018 - 2032: Securing a Green Recovery on the Path to Net Zero' (CCP Update)[27] (Scottish Government, 2020) was published. Building on the policy outcomes identified in the 2018 CCP, the CCP Update sets the Scottish Government's legislative commitment to reducing emissions by 75 % by 2030 (compared with 1990) and to net-zero by 2045 in the context of a post-COVID green recovery.

4.5.13. The CCP Update highlights that a key part of the green recovery is a co-ordinated approach across sectors. For example, the development of renewable energy supports the decarbonisation of numerous sectors, including industry and agriculture. The CCP Update emphasises the growth and success to date of Scotland's renewable energy generation as well as stating strongly the determination that this growth must continue. Page 78 of the Update states that *'Planning has been, and will remain, a critical enabler of rapid renewables deployment in Scotland'.* Referring particularly to onshore wind generation, on page 84 it is noted that there is a motivation to reduce determination periods for applications so as to enable projects to be awarded consent to be developed more quickly.

Scottish Energy Strategy (2017)

4.5.14. In December 2017, the Scottish Energy Strategy (SES)[28] (Scottish Government, 2017) was published by the Scottish Government alongside the then Draft CCP and the Onshore Wind Policy Statement.

4.5.15. A key goal within the SES is that Scotland will become a world leader in renewable and low carbon technologies and services. The SES sets out a target for Scotland to achieve almost complete decarbonisation of energy and sets a 2030 'all energy' target for the equivalent of 50 % of Scotland's heat, transport and electricity consumption to be supplied from renewable sources. This vision is also included in the CCP (February, 2018), which is discussed above.

4.5.16. The SES sets out on page 35 that *'Scottish Government analysis underpinning this target shows that renewable electricity - which has already outperformed our interim 2015 target of 50 % - could rise to over 140% of Scottish electricity consumption, ensuring its contribution to the wider renewable energy target for 2030'*, and that *'This assumes a considerably higher market penetration of renewable electricity than today - requiring in the region of 17 GW of installed capacity in 2030 (compared to 9.5 GW in June 2017) - with greater interconnection with parts of continental Europe providing an expanded market for our electricity'.*

4.5.17. In general terms, onshore wind is also recognised as a key opportunity. The SES sets out that '*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. The sector supports an estimated 7,500 jobs in Scotland, and generated more than £3 billion in turnover in 2015'.*

Scotland's Energy Strategy Position Statement (2021)

4.5.18. On 16 March 2021 the Scottish Government published its Energy Strategy Position Statement[29] in relation to the SES. The Energy Strategy Position Statement provides an overview of the key priorities for the short to medium-term in ensuring a green economic recovery, whilst remaining aligned to the net zero ambitions.

4.5.19. The Energy Strategy Position Statement confirms that Scotland continues to make excellent progress in areas such as renewable electricity generation and that this progress reflects the huge strides that have been made over the last couple of decades in onshore wind deployment. However, it is also recognised that there remains potential for much more development of renewable energy infrastructure across Scotland, both in the established forms, such as onshore wind, as well as other forms of technology.

4.5.20. Within the section relating to support for the renewable energy sector, the Energy Strategy Position Statement notes 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. We continued to make good progress last year, with Scotland's renewable electricity generation having grown to such an extent that it was able to meet the equivalent of 90 % of Scotland's gross electricity consumption - making 2019 another record breaking year for the sector.'*

Onshore Wind - Policy Statement Refresh 2022

4.5.21. The above document[30] was published on 21 December 2022 and sets out the Scottish Government ambition to deploy 20GW of onshore wind by 2030. The Onshore Wind Policy Statement 2022 also details the formation of an onshore wind strategic leadership group, who will develop an onshore wind sector deal.

4.5.22. The Ministerial Foreword notes that onshore wind remains vital to Scotland's future energy mix and recognise that "……*we must accelerate our transition towards a net zero society".* Chapter 2 Delivering on our Ambition for Onshore Wind in Scotland notes that "*Onshore wind will play a crucial role in delivering our legally binding climate change targets. '.* Coupled with this, there is recognition in Chapter 3 Environmental Considerations: Achieving Balance and Maximising Benefits that the need for more onshore wind and the developments in wind turbine technology mean that Scotland's landscape will change[31].

[27] Update to the Climate Change Plan 2018 - 2032: Securing a Green Recovery on a Path to Net Zero (www.gov.scot) [Accessed 08/08/2024]

[28] Scottish Energy Strategy: The future of energy in Scotland (www.gov.scot) [Accessed 08/08/2024]

[29] Scotland's Energy Strategy Position Statement (www.gov.scot) {Accessed 08/08/2024]

[30] Onshore Wind Policy Statement 2022 (www.gov.scot) [Accessed 08/08/2024]

[31] Onshore Wind Policy Statement 2022 (www.gov.scot) Page 19 para 3.6.1

4.5.23. Annex 5 Vision Statement of the Onshore Wind Policy Statement 2022 highlights "*Onshore wind is one of the cheapest and quickest forms of new electricity generation. Onshore wind remains vital to meeting this increasing demand, providing fast deployment whilst minimising costs to the consumer. This will be achieved by deploying the most productive modern turbines that are taller than older models, by repowering existing sites where possible, and by maximising the use of our exceptional natural wind resource where environmental effects are acceptable. These will sit in Scotland's evolving landscape among reforested hills, restored peatland, and thriving and sustainable ecosystems."*

Scotland's Energy Strategy Position Statement

4.5.24. The Scottish Government published the most recent of Scotland's Energy Strategy Position Statements (SESPS)[32] in March 2021. The Statement 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 the United Nations Conference of the Parties in Glasgow in 2021 (COP26).

4.5.25. 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".*

4.5.26. 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".*

4.5.27. The Forward further stated (inter alia) that:

> *"The potential remains for much more renewable capacity and development across Scotland."*

4.5.28. 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.

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

Onshore wind sector deal

The Onshore Wind Sector Deal was published 21 September 2023[33].

4.5.30. The onshore wind sector deal sets out commitments from the Scottish Government and the onshore wind industry to deliver upon our collective ambition of 20 GW of onshore wind in Scotland by 2030 whilst delivering maximum benefit to Scotland.

4.6. Renewable Energy and Climate Change Policy: Summary

4.6.1. In recent years, United Kingdom (UK) and Scottish Government policies have focussed increasingly on concerns about climate change. Each tier of Government has developed targets, policies and actions to deal with the climate crisis and generate more renewable energy and electricity.

4.6.2. The UK Government retains responsibility for the overall direction of energy policy, although some elements are devolved to the Scottish Government. The UK Government has published a series of policy documents setting out how targets can be achieved. Onshore wind generation, located in Scotland, is identified as an important technology to achieve these various goals.

4.6.3. The Scottish Government has published a number of policy documents and its own targets.

4.6.4. The Climate Change (Emissions Reduction Targets) (Scotland) Act 2019 amends the Climate Change (Scotland) Act 2009 and requires that "*The Scottish Ministers must ensure that the net Scottish emissions account for the net-zero emissions target year is at least 100% lower than the baseline (the target is known as the "net-zero emissions target").* The target year is 2045 and the Act also sets out challenging interim targets.

4.6.5. It is important to note that these targets are minimum targets, they are not maximums or aspirations. The targets legally bind the Scottish Ministers and have largely been legislated to set the framework for Scotland's response to the Climate Emergency.

4.6.6. On 20 March 2024 the Climate Change Committee noted that[34]

"Continued delays to the updated climate change plan and further slippage in promised climate policies mean that the Climate Change Committee no longer believes that the Scottish Government will meet its statutory 2030 goal to reduce emissions by 75%"

4.6.7. Notwithstanding the above the Climate Change Committee further notes:-

"There is a path to Scotland's post 2030 targets, but stronger action is needed to reduce emissions across the economy."

4.6.8. The Proposed Development relates to the generation of electricity from renewable energy sources and comes as a direct response to national planning and energy policy objectives.

4.6.9. The Proposed Development would make a contribution to the attainment of emissions reduction, renewable energy and electricity targets at both the Scottish and UK levels. Detailed reference to the renewable energy policy framework is provided in the Planning Statement.

4.7. National Planning Framework 4

Introduction

4.7.1. National Planning Framework 4 (NPF4) as a Revised Draft was laid before the Scottish Parliament on 8th November 2022, accompanied by an Explanatory Report setting out how the Scottish Government considered responses to the initial draft and explaining responses to scrutiny and consultation thereof. Revised Draft NPF4 was approved by the Scottish Parliament, without amendments, following a vote on 11th January 2023. NPF4 came into force at 9am on 13 February 2023.

4.7.2. Section 13, of the Planning (Scotland) Act 2019[35] (2019 Act) amends Section 24 of the 1997 Act regarding the meaning of the statutory Development Plan, such that for the purposes of the 1997 Act, the Development Plan for an area is taken to consist of the provisions of:

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

[32] Energy strategy: position statement - gov.scot (www.gov.scot) Accessed 04/04/2024

[33] Onshore wind sector deal - gov.scot (www.gov.scot) Accessed 2/04/24

[34] Scotland's 2030 climate goals are no longer credible - Climate Change Committee (theccc.org.uk) [accessed 03/04/24]

[35] Planning (Scotland) Act 2019 (legislation.gov.uk) [Accessed 2/4/24]

4.7.3. Strategic Development Plans no longer form part of the Development Plan.

4.7.4. NPF4 therefore forms part of the statutory Development Plan. A key provision of the 2019 Act is that in the event of any incompatibility between the provisions of NPF4 and a provision of an LDP then whichever of them is the later in date will prevail. That will include where a LDP is silent on an issue that is now provided for in NPF4.

4.7.5. Section 13 of the 2019 Act amends Section 24 of the 1997 Act to provide that:

"In the event of any incompatibility between a provision of the National Planning Framework and a provision of a local development plan, whichever of them is the later in date is to prevail".

4.7.6. As explained, for the purposes of Section 36 decision making, Section 25 of the 1997 Act is not engaged, however NPF4 forms a significant material consideration in the overall decision-making process.

The National Spatial Strategy: Delivery of Sustainable Places

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

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

4.7.8. 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.

4.7.9. The principles are stated as playing a key role in delivering the United Nations Sustainable Development Goals and the Scottish Government's National Performance Framework[36].

- The Spatial Strategy is aimed at supporting the delivery of:
- 'Sustainable Places': "where we reduce emissions, restore and better connect biodiversity"*;*
- 'Liveable Places': "where we can all live better, healthier lives"; and
- 'Productive Places': "where we have a greener, fairer and more inclusive wellbeing economy".

4.7.10. Page 6 of NPF4 addresses the delivery of "Sustainable Places". Reference is made to the consequences of Scotland's changing climate, and it states, *inter alia*:

"Scotland's Climate Change Plan, backed by legislation, has set our approach to achieving net zero emissions by 2045, and we must make significant progress towards this by 2030" and;

"Scotland's Energy Strategy will set a new agenda for the energy sector in anticipation of continuing innovation and investment".

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

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

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

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

4.7.12. Six National Developments support the delivery of sustainable places, one being 'Strategic Renewable Electricity Generation and Transmission Infrastructure'. A summary description of this National Development is provided at page 7 of NPF4 as follows:

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

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

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

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

National Developments

4.7.15. NPF4 sets the approach to planning and development to help achieve a net zero, sustainable Scotland by 2045. It continues the planning policy approach of identifying 'national developments' which refers to the allocation of national development status to certain classes of development. There are six categories of national development proposed namely '

- Energy Innovation Development on the Islands,
- Pumped Hydro Storage
- Strategic Renewable Electricity Generation and Transmission Infrastructure
- Circular Economy Materials Management Facilities
- Urban Sustainable, Blue and Green Surface Water Management Solutions
- Urban Mass/Rapid Transit Networks

4.7.16. Page 97 of NPF4 sets out that 18 National Developments (NDs) have been identified. These are described as: "*significant developments of national importance that will help to deliver the spatial strategy … National development status does not grant planning permission for the development and all relevant consents are required*".

4.7.17. It adds that:

[36] The Scottish Government National Performance Framework sets out 'National Outcomes' and measures progress against a range of economic, social and environmental 'National Indicators'. https://nationalperformance.gov.scot/ [Accessed 08/011/2024]

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

4.7.18. Annex B of NPF4 sets out the various NDs and its related Statements of Need. It states (page 99) that:

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

4.7.19. Page 103 of NPF4 describes ND3 - Strategic Renewable Electricity Generation and Transmission Infrastructure and it states:

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

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

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

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

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

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

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

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

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

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

4.7.22. The Proposed Development, having a capacity which exceeds the 50 MW threshold set for a ND means it has national development status as per these provisions of NPF4. The Proposed Development is of national importance for the delivery of the national Spatial Strategy.

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

National Planning Policy

4.7.24. The following policies within NPF4 are relevant to the Proposed Development. **Note**: only policy text relevant to development are quoted

Policy 1 'Tackling the climate and nature crises'

4.7.25. Policy 1 states: "*when considering all development proposals significant weight will be given to the global climate and nature crisis*".

Policy 3 'Biodiversity'

4.7.26. Policy 3 seeks to protect biodiversity, reverse biodiversity loss, deliver positive effects from development and strengthen nature networks with an outcome of ensuring biodiversity is enhanced and better connected. Policy 3 states:

"LDPs should protect, conserve, restore and enhance biodiversity in line with the mitigation hierarchy. They should also promote nature recovery and nature restoration across the development plan area, including by: facilitating the creation of nature networks and strengthening connections between them to support improved ecological connectivity; restoring degraded habitats or creating new habitats; and incorporating measures to increase biodiversity, including populations of priority species.

a) Development proposals will contribute to the enhancement of biodiversity, including where relevant, restoring degraded habitats and building and strengthening nature networks and the connections between them. Proposals should also integrate nature-based solutions, where possible.

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

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;

ii. wherever feasible, nature-based solutions have been integrated and made best use of;

iii. an assessment of potential negative effects which should be fully mitigated in line with the mitigation hierarchy prior to identifying enhancements;

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; and

v. local community benefits of the biodiversity and/or nature networks have been considered.

d) Any potential adverse impacts, including cumulative impacts, of development proposals on biodiversity, nature networks and the natural environment will be minimised through careful planning and design. This will take into

account the need to reverse biodiversity loss, safeguard the ecosystem services that the natural environment provides, and build resilience by enhancing nature networks and maximising the potential for restoration".

Policy 4 'Natural Places'

4.7.27. Policy 4 seeks to protect, restore and enhance natural assets making best use of nature-based solutions and states:

"LDPs will identify and protect locally, regionally, nationally and internationally important natural assets, on land and along coasts. The spatial strategy should safeguard them and take into account the objectives and level of their protected status in allocating land for development. Spatial strategies should also better connect nature rich areas by establishing and growing nature networks to help protect and restore the biodiversity, ecosystems and natural processes in their area.

a) Development proposals which by virtue of type, location or scale will have an unacceptable impact on the natural environment, will not be supported.

b) Development proposals that are likely to have a significant effect on an existing or proposed European site (Special Area of Conservation or Special Protection Areas) and are not directly connected with or necessary to their conservation management are required to be subject to an "appropriate assessment" of the implications for the conservation objectives.

c) Development proposals that will affect a National Park, National Scenic Area, Site of Special Scientific Interest or a National Nature Reserve will only be supported where:

i. The objectives of designation and the overall integrity of the areas will not be compromised; or

ii. Any significant adverse effects on the qualities for which the area has been designated are clearly outweighed by social, environmental or economic benefits of national importance. All Ramsar sites are also European sites and/or Sites of Special Scientific Interest and are extended protection under the relevant statutory regimes.

d) Development proposals that affect a site designated as a local nature conservation site or landscape area in the LDP will only be supported where:

i. Development will not have significant adverse effects on the integrity of the area or the qualities for which it has been identified; or

ii. Any significant adverse effects on the integrity of the area are clearly outweighed by social, environmental or economic benefits of at least local importance.

e) The precautionary principle will be applied in accordance with relevant legislation and Scottish Government guidance.

f) Development proposals that are likely to have an adverse effect on species protected by legislation will only be supported where the proposal meets the relevant statutory tests. If there is reasonable evidence to suggest that a protected species is present on a site or may be affected by a proposed development, steps must be taken to establish its presence. The level of protection required by legislation must be factored into the planning and design of development, and potential impacts must be fully considered prior to the determination of any application.

g) Development proposals in areas identified as wild land in the Nature Scot Wild Land Areas map will only be supported where the proposal:

i. will support meeting renewable energy targets; or,

ii. is for small scale development directly linked to a rural business or croft, or is required to support a fragile community in a rural area.

All such proposals must be accompanied by a wild land impact assessment which sets out how design, siting, or other mitigation measures have been and will be used to minimise significant impacts on the qualities of the wild land, as well as any management and monitoring arrangements where appropriate. Buffer zones around wild land will not be applied, and effects of development outwith wild land areas will not be a significant consideration".

Policy 5 'Soils'

4.7.28. Policy 5 seeks to protect carbon-rich soils, restore peatlands and minimise disturbance to soils from development and states:

"LDPs should protect locally, regionally, nationally and internationally valued soils, including land of lesser quality that is culturally or locally important for primary use.

a) Development proposals will only be supported if they are designed and constructed:

i. In accordance with the mitigation hierarchy by first avoiding and then minimising the amount of disturbance to soils on undeveloped land; and

ii. In a manner that protects soil from damage including from compaction and erosion, and that minimises soil sealing.

b) Development proposals on prime agricultural land, or land of lesser quality that is culturally or locally important for primary use, as identified by the LDP, will only be supported where it is for:

i. Essential infrastructure and there is a specific locational need and no other suitable site;

ii. Small-scale development directly linked to a rural business, farm or croft or for essential workers for the rural business to be able to live onsite;

iii. The development of production and processing facilities associated with the land produce where no other local site is suitable;

iv. The generation of energy from renewable sources or the extraction of minerals and there is secure provision for restoration; and

In all of the above exceptions, the layout and design of the proposal minimises the amount of protected land that is required.

c) Development proposals on peatland, carbon rich soils and priority peatland habitat will only be supported for:

i. Essential infrastructure and there is a specific locational need and no other suitable site;

ii. The generation of energy from renewable sources that optimises the contribution of the area to greenhouse gas emissions reductions targets;

iii. Small-scale development directly linked to a rural business, farm or croft;

iv. Supporting a fragile community in a rural or island area; or

v. Restoration of peatland habitats.

d) Where development on peatland, carbon-rich soils or priority peatland habitat is proposed, a detailed site specific assessment will be required to identify:

i. the baseline depth, habitat condition, quality and stability of carbon rich soils;

ii. the likely effects of the development on peatland, including on soil disturbance; and

iii. the likely net effects of the development on climate emissions and loss of carbon.

This assessment should inform careful project design and ensure, in accordance with relevant guidance and the mitigation hierarchy, that adverse impacts are first avoided and then minimised through best practice. A peat management plan will be required to demonstrate that this approach has been followed, alongside other appropriate plans required for restoring and/ or enhancing the site into a functioning peatland system capable of achieving carbon sequestration.

Policy 6 'Forestry, Woodland and Trees'

4.7.29. Policy 6 seeks to protect and expand forests, woodland and trees and states:

"LDPs should identify and protect existing woodland and the potential for its enhancement or expansion to avoid habitat fragmentation and improve ecological connectivity, helping to support and expand nature networks. The spatial strategy should identify and set out proposals for forestry, woodlands and trees in the area, including their development, protection and enhancement, resilience to climate change, and the expansion of a range of types to provide multiple benefits. This will be supported and informed by an up to date Forestry and Woodland Strategy.

a) Development proposals that enhance, expand and improve woodland and tree cover will be supported.

b) Development proposals will not be supported where they will result in:

i. Any loss of ancient woodlands, ancient and veteran trees, or adverse impact on their ecological condition;

ii. Adverse impacts on native woodlands, hedgerow and individual trees of high biodiversity value, or identified for protection in the Forestry and Woodland Strategy;

iii. Fragmenting or severing woodland habitats, unless appropriate mitigation measures are identified and implemented in line with the mitigation hierarchy;

vi. Conflict with Restocking Direction, Remedial Notice or Registered Notice to Comply issued by Scottish Forestry.

c) Development proposals involving woodland removal will only be supported where they will achieve significant and clearly defined additional public benefits in accordance with relevant Scottish Government policy on woodland removal. Where woodland is removed, compensatory planting will most likely be expected to be delivered.

d) Development proposals on site which include an area of existing woodland or land identified in the Forestry and Woodland Strategy as being suitable for woodland creation will only be supported where the enhancement and improvement of woodlands and the planting of new trees on the site (in accordance with the Forestry and Woodland Strategy) are integrated into the design".

Policy 7 'Historic Assets and Places'

4.7.30. Policy 7 has a stated intent to protect and enhance historic assets and places. It states (so far as relevant):

"a) Development proposals with a potentially significant impact on historic assets or places will be accompanied by an assessment which is based on an understanding of the cultural significance of the historic asset and/or place. The assessment should identify the likely visual or physical impact of any proposals for change, including cumulative effects and provide a sound basis for managing the impacts of change.

Proposals should also be informed by national policy and guidance on managing change in the historic environment, and information held within the Historic Environment Records.

d) Development proposals in or affecting Conservation Areas will only be supported where the character and appearance of the Conservation Area and its setting is preserved or enhanced.

h) Development proposals affecting Scheduled Monuments will only be supported where:

i. direct impacts on the Scheduled Monument are avoided;

ii. significant adverse impacts on the integrity of the setting of a Scheduled Monument are avoided; or

iii. exceptional circumstances have been demonstrated to justify the impact on a Scheduled Monument and its setting and impacts on the monument or its setting have been minimised.

i) Development proposals affecting nationally important Gardens and Designed Landscapes will be supported where they protect, preserve or enhance their cultural significance, character and integrity and where proposals will not significantly impact on important views to, from and within the site, or its setting.

l) Development proposals affecting a World Heritage Site or its setting will only be supported where their Outstanding Universal Value is protected and preserved.

o) Non-designated historic environment assets, places and their setting should be protected and preserved in situ wherever feasible. Where there is potential for non-designated buried archaeological remains to exist below a site, developers will provide an evaluation of the archaeological resource at an early stage so that planning authorities can assess impacts. Historic buildings may also have archaeological significance which is not understood and may require assessment.

Where impacts cannot be avoided they should be minimised. Where it has been demonstrated that avoidance or retention is not possible, excavation, recording, analysis, archiving, publication and activities to provide public benefit may be required through the use of conditions or legal/planning obligations.

When new archaeological discoveries are made during the course of development works, they must be reported to the planning authority to enable agreement on appropriate inspection, recording and mitigation measures."

Policy 11 'Energy'

4.7.31. Policy 11 has a stated intent: *"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 emissions technologies including hydrogen and carbon capture utilisations and storage (CCUS)".*

4.7.32. The desired outcome of this policy is stated as an "*Expansion of renewable, low carbon and zero* emissions *technologies*".

4.7.33. LDPs are directed to seek to realise their area's full potential for electricity and heat from renewable, low carbon and zero emissions sources by identifying a range of opportunities for energy development.

4.7.34. Policy 11 'Energy' states:

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

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

ii. Enabling works such as grid transmission and distribution infrastructure;

iii. Energy storage such as battery storage and pumped storage hydro;

vi. Small scale renewable energy generation technology;

v. Solar arrays;

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

vii. Proposals including co-location of these technologies.

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

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

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

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

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

ii. significant landscape and visual impacts, recognising that some impacts are to be expected from 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;

vii effects on hydrology, the water environment and flood risk;

ix biodiversity including impacts on birds;

x impacts on trees, woods and forests;

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

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

xiii cumulative impacts.

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

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

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

4.8. National Planning Guidance

4.8.1. Planning Advice Notes (PANs) set out detailed advice from the Scottish Government in relation to a number of land use planning topics. Relevant PANs are summarised in Table 4.1 below.

Table 4.1 Relevant PANs

Title	Summary Content of PAN
PAN 1/2013 Environmental Impact Assessment (as amended)	Provides information on the role local authorities and consultees play as part of the EIA process, and how the EIA can inform development management.
PAN 60 (2000) Planning for Natural Heritage	Advises developers on the importance of discussing their proposals with the planning authority and Scottish Natural Heritage (SNH) (now NatureScot) and use of the EIA process to identify the environmental effects of development proposals and seek to prevent, reduce and offset any adverse effects in ecology and biodiversity.
PAN 75 (2005) Planning for Transport	The objective of PAN 75 is to integrate development plans and transport strategies to optimise opportunities for sustainable development and create successful transport outcomes.
PAN 1/2011 Planning and Noise	This PAN provides advice on the role of the planning system in helping to prevent and/ or mitigate any potential adverse effects of noise. It promotes the principles of good acoustic design and promotes a sensitive approach to the location of new development
PAN 51 Planning, Environmental Protection and Regulation (Revised 2006)	Describes the role of the planning system in relation to the environmental protection regimes.

4.9. The Local Development Plans & Relevant Policies

East Ayrshire Local Development Plan 2

4.9.1. The LDP covering the main development site is the East Ayrshire Local Development Plan 2 (EALDP2) which was adopted on 8th April 2024[37]. Relevant policies of the EALDP2 are set out below.

4.9.2. The policies from the EALDP2 relevant to the consideration of the Proposed Development and for the purposes of a comprehensive policy assessment are as follows:

- Policy RE1: Renewable Energy Developments
- Policy SS1: Climate Change
- Policy HE1: Listed Buildings
- Policy HE2: Conservation Areas

[37] Information about local development plan 2 · East Ayrshire Council (east-ayrshire.gov.uk) [Accessed 11 September 2024]

- Policy HE3: Scheduled Monuments, Historic Battlefields and other Archaeological and Historic Environment assets
- Policy HE4: Gardens and Designed Landscapes
- Policy NE1: Protecting and Enhancing Landscape and Features
- Policy NE2: Development Impacts on Areas of Wild Land
- Policy NE3: Local Landscape Area
- Policy NE4: Nature Crisis

4.9.3. The EALDP Vision is as follows:

"East Ayrshire will be a net zero place with a thriving and diverse environment. We will have strong, healthy and resilient communities that benefit from high quality places, multi-functional green spaces and access to high quality services that are well located to maximise sustainable travel choices. Our economy will have recovered and be fairer, greener and more inclusive, with all East Ayrshire citizens able to benefit from greater economic opportunities."

Policy RE1: Renewable Energy Developments

4.9.4. Policy RE1 states:

"Proposals for the generation, storage and utilisation of renewable energy, including proposals for the co-location of these technologies, in the form of new build development, infrastructure or retrofit projects are encouraged and will be supported in standalone locations and as integral parts of new and existing developments, where they are acceptable when assessed against all relevant criteria set out in the Renewable Energy Assessment Criteria table[38].

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.

Policy SS1: Climate Change

4.9.5. Policy SS1 states:

"When considering all development proposals, the Council will give significant weight to the Global Climate Emergency.

All development should support these aspirations, where possible, by:

(i) Minimising carbon emissions;

(ii) Maximising carbon storage and sequestration;

(iii) Mitigating the impacts of climate change, including through the delivery of net zero and low carbon infrastructure;

(iv) Being designed to be adaptable to the future impacts of climate change.

Where necessary, the Council may request further information from developers to assess how the climate emergency has been taken into account in a proposal. This information should demonstrate what measures will be put in place to address the climate emergency."

Policy HE1: Listed Buildings

4.9.6. Policy HE1 states:

"Development proposals that affect a listed building, its curtilage or its setting, including through restoration, alteration and adaptation, will only be supported by the Council where it can be demonstrated that this is sensitive to the character, appearance and architectural or historic interest of the building and its setting. Proposals should be consistent with the Council's Listed Buildings and Buildings within Conservation Areas Supplementary Guidance."

Policy HE2: Conservation Areas

4.9.7. Policy HE2 states:

"Development within a Conservation Area or affecting its setting should:

(i) preserve and enhance its character and appearance, by being sympathetic to the area in terms of use, layout, size, scale, design, siting, material and colour; and

(ii) be consistent with any relevant Conservation Area appraisal or management plan, as well as the Listed Buildings and Buildings within Conservation Areas Supplementary Guidance.

Development proposals should ensure that existing natural and built features which contribute to the character of the conservation area and/or its setting are retained i.e. structures, boundary walls, railings, trees and hedges."

Policy HE3: Scheduled Monuments, Historic Battlefields and other Archaeological and Historic Environment assets

4.9.8. Policy HE3 states:

"Development that would have an adverse effect on Scheduled Monuments or a significant adverse effect on the integrity of their settings shall not be supported unless there are exceptional overriding circumstances. When exceptional circumstances have been satisfactorily demonstrated, impacts on the Scheduled Monument or its setting should be minimised and mitigated.

The Council will seek to protect, conserve and, where appropriate, enhance key landscape characteristics and special qualities of sites in the Inventory of Historic Battlefields.

Other archaeological resources should be preserved in situ wherever possible. The developer may be required to supply an archaeological evaluation report prior to the determination of a planning application. Where the case for preservation does not prevail, the developer shall be required to make appropriate and satisfactory provision for archaeological excavation, recording, analysis and publication in advance of development. When archaeological

[38] Page 143 of EALDP2: Information about local development plan 2 · East Ayrshire Council (east-ayrshire.gov.uk)

discoveries are made in the course of development works, they should be reported to the Council to enable discussion on appropriate inspection, recording and mitigation measures.

Development proposals that seek to repair, enhance and bring back into beneficial use historic environment assets identified as being at risk, i.e. through the Buildings At Risk Register, will be supported.

The Council will seek to preserve and protect as far as possible other non-designated historic environment assets and areas of historic interest that do not have statutory protection but that are nonetheless of important heritage value. Any impacts on these historic assets should be avoided, and where this is not possible, minimised.".

Policy HE4: Gardens and Designed Landscapes

4.9.9. Policy HE4 states:

"Gardens and Designed Landscapes are an important element of East Ayrshire's historic environment, offering significant opportunities for recreation, education, employment and tourism. Sites of national importance included in the National Inventory, and Non-Inventory sites of local importance are protected and their enhancement encouraged. Development will not be supported where it will have significant adverse impacts upon the special historical, architectural and landscape interest of both Inventory and Non-Inventory Gardens and Designed Landscapes

The Council will also have regards to the following aspects of both Inventory and Non-Inventory Gardens and Designed Landscapes: (a) important views and approaches to, from and within the landscape; (b) features that contribute to its value that justify its designation or special interest; and (c) wider setting.

Where a proposed development will impact on any Garden and Designed Landscape, applicants will be expected to provide a landscape conservation and management plan, commensurate to the scale of the development, setting out an understanding of the special interest of the site in detail, identifying conservation needs, and identifying how change can best be accommodated without unacceptable adverse impacts. Proposals should be accompanied by a suitably detailed heritage impact assessment.".

Policy NE1: Protecting and Enhancing Landscape and Features

4.9.10. Policy NE1 states:

"The protection and enhancement of East Ayrshire's landscape character as identified in the Ayrshire Landscape Character Assessment will be a key consideration in assessing the appropriateness of all development proposals in the rural area. The Council will require that:

(i) Development proposals are sited and designed to respect the nature and landscape character of the area and to minimise visual impact. Particular attention will be paid to size, scale, layout, materials, design, finish, lighting and colour.

(ii) Where visual impacts are unavoidable, development proposals should include adequate mitigation measures to minimise adverse impacts on the landscape.

(iii) Particular features that contribute to the value, quality and character of the landscape are conserved and enhanced, where applicable or feasible to the development. Development that would result in the loss of valuable landscape features, to such an extent that character and value of the landscape are unacceptably diminished, will not be supported. Such landscape features include: (a) Settings of settlements and buildings within the landscape; (b). Skylines, distinctive landform features, landmark hills and prominent views; (c) Woodlands, shelter belts, hedgerows and trees (especially ancient and veteran trees of high nature conservation and landscape value); (d) Field patterns and means of enclosure, such as dry stone dykes; (e) Burns, rivers, lochs and other water features; and (f) Public rights of way and footpaths.

The Council will not support development that would create unacceptable visual intrusion or irreparable damage to landscape character.

All development which has the potential to have an adverse impact on landscape character and/or landscape features will be required to consider mitigation from the outset. Landscape and visual considerations should inform decisions on site layout, architectural design, and landscape design to reduce the potential for significant effects. Proposals should outline how mitigation measures will be incorporated into the design of the development. These will be considered as part of any planning application.

Dependent on the likely magnitude of landscape impact, the Council may require proposals to be accompanied by a Landscape and Visual Impact Assessment (LVIA), which demonstrates clearly the level of impact the proposal will have on the landscape. The level of detail submitted should be commensurate with the scale of the application. The LVIA should also include a cumulative impact assessment, which must take account of all relevant development types, taking a broader approach than focusing on the site alone.

The Council will not support proposals where there will be an unacceptable cumulative landscape and/or visual impact."

Policy NE2: Development Impacts on Areas of Wild Land

4.9.11. Policy NE2 states:

"East Ayrshire Council will only support development proposals in the Merrick Wild Land Area where the proposal:

- *will support meeting renewable energy targets; or*
- *is for small scale development directly linked to a rural business or croft or is required to support a fragile community in a rural area.*

All such proposals must be accompanied by a wild land impact assessment which sets out how design, siting or other mitigation measures have been and will be used to minimise significant impacts on the qualities of the wild land, as well as any management and monitoring arrangements, where appropriate. Effects of development outwith wild land areas will not be a significant consideration."

Policy NE3: Local Landscape Area

4.9.12. Policy NE3 states:

"Within the Local Landscape Areas shown on the Rural Area Map, the Council will give priority to the protection and enhancement of the landscape, in its consideration of development proposals.

All proposals within the Local Landscape Area must be designed to take account of the landscape qualities of the area and seek to avoid adverse impacts where possible. Where not possible, and where there are significant social, environmental or economic benefits of local importance which can be demonstrated and justified, measures should be taken to reduce or lastly mitigate against any potential adverse impacts.

The Council will not support proposals that have unacceptable impacts on the character and visual amenity of the Local Landscape Areas and on the qualities that make them special."

Policy NE4: Nature Crisis

4.9.13. Policy NE4 states:

"In order to protect biodiversity and facilitate its enhancement, recovery and restoration across East Ayrshire, the Council will support development proposals that contribute to the enhancement of biodiversity, including the restoration of degraded habitats, build and strengthen nature networks and improve the connection between these networks and minimise adverse impacts through careful planning and design.

The Council will be supportive of proposals which incorporate measures which are likely to increase biodiversity and the population of species.

Measures to enhance biodiversity will be anticipated to be proportionate to the nature and scale of the development proposal.

Development proposals which integrate nature-based solutions and deliver positive effects for biodiversity will be supported by the Council.

Development proposals for national or major development or development that requires an environmental impact assessment (EIA) will only be supported by the Council where it can be demonstrated that the proposal will conserve, restore and enhance biodiversity, including nature networks so that they are in a demonstrably better state than without intervention, including through future management. To inform this, best practice assessment methods should be used.

Development proposals should:

(i) Be 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;

(ii) Wherever feasible, integrate and make best use of nature-based solutions, demonstrating how this has been achieved;

(iii) Be supported by an assessment of potential negative effects which should be fully mitigated in line with the mitigation hierarchy prior to identifying enhancements; and

(iv) Provide significant biodiversity enhancements, in addition to any proposed mitigation. Biodiversity enhancements should include supporting nature networks, linking to and strengthening habitat connectivity within and beyond the development. Biodiversity enhancements should be secured within a reasonable timescale and with reasonable certainty. They should include management arrangements for their long-term retention and monitoring, wherever appropriate.

(v) Consider local community benefits of the biodiversity and/or nature networks.".

Dumfries and Galloway Local Development Plan 2

4.9.14. The red line boundary to the Proposed Development encompasses both the site of the turbine infrastructure (all of which is within East Ayrshire) and the access track from the nearest publicly adopted highway (a section of which is within Dumfries and Galloway). The LDP covering a portion of the access track is the Dumfries and Galloway Council Local Development Plan 2 (DGLDP2) which was adopted on 3 October 2019[39]. DGLDP2 provides a planning framework for the future use and development of land within Dumfries and Galloway, creating a backdrop to guide the location of development over the next ten years alongside setting out development opportunities and ways to enhance the urban and rural environment. The overarching principle of the DGLDP2 is that:

"*all development proposals should support sustainable development, including the reduction of carbon and other greenhouse gas emissions".*

4.9.15. The DGLDP2 recognises that climate change is a pressing issue globally and outlines polices specific to renewable energy developments. The DGLDP2 provides a spatial framework for development of wind energy and two policies directly relevant to the Proposed Development; Policies IN1 and IN2.

4.9.16. Policy IN1 – 'Renewable Energy', the policy states that the Council will support development proposals for all renewable energy generation and/or storage which are located, sited and designed appropriately.

4.9.17. The acceptability of the proposal 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*".

4.9.18. The key DGLDP2 policy of direct relevance to the Proposed Development is Policy IN2: Wind Energy. This policy indicates support for development where it can be accommodated without unacceptable significant adverse effects and cross references other relevant polices.

4.9.19. Policy IN2 – Wind Energy, states that the acceptability of any proposed wind energy development will be assessed against a defined list of criteria and that wind energy developments will be supported when sited and designed appropriately. The spatial framework provided within the DGLDP2, is based on the spatial framework previously contained in the now superseded SPP. NPF4 no longer requires or endorses the use of spatial frameworks for onshore wind.

4.9.20. The DGLDP2 seeks to develop its renewables sector to help support growth in the Dumfries and Galloway area, aligning its renewable energy policy with the now superseded SPP. The DGLDP2 also recognises the importance of the renewable energy sector and its contribution to the economy.

4.9.21. The DGLDP2 contains other general policies (i.e. non-wind specific), which contain elements potentially relevant to the Proposed Development, and have the overarching aim to encourage prosperous and sustainable communities and businesses, balance with protecting and improving the quality of the environment. These are listed below:

- OP1 – Development Considerations
- OP2 – Design Quality and Placemaking
- HE6 – Gardens and Designated Landscapes
- NE2 - Regional Scenic Areas
- T1 – Transport Infrastructure

Dumfries and Galloway Supplementary Guidance: Wind Energy Development February 2020

4.9.22. The SPG is intended to help guide developers to appropriate areas for development and provide additional information for planners to assess a wind farm proposal. It provides further detail in support of the development management considerations in Policy IN2: Wind Energy, which the Proposed Development will be assessed against so far as relevant (noting there are no turbines within Dumfries and Galloway).

4.10. Conclusions

4.10.1. This chapter has set out the legislative background, a summary of the national energy policy framework, and the national and local planning policies and guidance relevant to the consideration of the Proposed Development. It provides an objective summary of the energy and planning policy considerations that have been taken into account

[39] Local Development Plan 2 (LDP2) | Dumfries and Galloway Council (accessed 05/11/2024)

in the preparation of the EIAR in order to ensure that it provides the appropriate information for the consideration of the application for consent.

The policy appraisal for the Proposed Development is contained in a separate Planning Statement.