DAVID BELL PLANNING
CHARTERED TOWN PLANNERS

Scoop Hill Community Wind Farm
Dumfries & Galloway:

Planning Statement Update

July 2023

community windpower

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Contents

1. Introduction

1.1 Background

1.1.1 CWL Energy Limited (hereafter referred to as 'the Applicant'), is proposing a wind energy development (hereafter referred to as 'the proposed development'), on a site approximately 5km south east of Moffat and 11km north east of Lockerbie in the Dumfries and Galloway Council ('DGC') area.

1.1.2 This Planning Statement Update has been prepared by David Bell Planning Ltd (DBP) on behalf of the Applicant to support an application under Section 36 of the Electricity Act 1989 (the 1989 Act), for consent to construct and operate the proposed development. In addition, the Applicant is also seeking consent for deemed planning permission under Section 57 of the Town and Country Planning (Scotland) Act 1997 (the 1997 Act), as amended.

1.1.3 The application was originally submitted to the Scottish Government on November 2020 and was accompanied by an Environmental Impact Assessment Report (EIA Report) which had been undertaken in accordance with the Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017 (the EIA Regulations). The EIA Report presented information on the identification and assessment of the likely significant positive and negative environmental effects of the proposed development.

1.2 The Revised Development

1.2.1 In November 2020, the Applicant submitted a proposal to design, install, operate, and decommission a wind farm comprising of 75 wind turbines with a maximum tip height of 250m. The final EIA turbine design contained turbines of varying tip heights:

> 4 wind turbines will have a maximum tip height of 180m;

> 47 wind turbines will have a maximum tip height of 200m;

> 2 wind turbines will have a maximum turbine height of 225m; and

> 22 wind turbines will have a maximum tip height of 250m.

1.2.2 Consultation with both statutory and non-statutory consultees has highlighted five key concerns as follows:

> Landscape and visual impacts on local receptors, primarily the town of Moffat.

> Aviation lighting impacts on local receptors.

> Residential amenity.

> Potential ornithological impacts.

> Potential impacts on cultural heritage assets raised by the Council.

1.2.3 The Applicant has redesigned the scheme to mitigate these concerns and consequently propose to design, install, operate, and decommission a significantly reduced 60-wind turbine wind farm, comprising four different maximum blade tip heights, as follows:

> 6 wind turbines will have a maximum tip height of 180m (increased by 2 turbines);

> 29 wind turbines will have a maximum tip height of 200m (reduced by 18 turbines);

> 2 wind turbines will have a maximum turbine height of 225m; and

> 23 wind turbines will have a maximum tip height of 250m (increased by 1 turbine).

1.2.4 In addition to the removal of 17 turbines (T1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 35, 37, 38, 54, 56, 61 and 62), the updated wind farm layout as shown in AI Figures 2.1 and 2.2, incorporates a number of changes which can be summarised as follows:

- Further refinements to internal access track design throughout the development site resulting in a reduction of the length of new access tracks;
- Removal of two borrow pits (N1 & N4);
- Removal of one temporary construction compound located within Wamphray Water valley, south of Braefield;
- Relocation of three borrow pits (N6, N7 &N8);
- Reduction in height of four turbines to the south of the site to 180m to tip (T51, 53, 55 and 57);
- Micro-siting of T63 some 99m south east;
- Addition of two new turbines in the forestry (T76 & T77); and
- Removal of three satellite battery storage facilities, as there will just be one main storage facility located on the temporary substation and control room construction compound adjacent to the main substation. This means there has been an increase in size of the substation and control room temporary construction compound to accommodate the primary battery storage facility.

1.2.5 The candidate turbine used in assessments throughout the submitted Additional Information (AI) unless explicitly stated otherwise (for example the Section 6: Landscape and Visual), assumes a typical rated capacity of each turbine is 7.2 Megawatts (MW), giving a minimum installed generating capacity of 432 MW for the wind farm.

1.2.6 In addition to the proposed 60 turbines, the project will consist of the following infrastructure:

- Crane hardstands;
- New on-site access tracks and the utilisation of existing tracks;
- Substation/control room buildings and compounds;
- Underground electrical and fibre optical cables to each turbine;
- Three 125 m meteorological masts;
- A 200MW battery storage facility (BESS) (to be built where the temporary substation construction compound and temporary construction compounds were situated);
- Scottish Power onsite substation; and
- High Voltage connection to a grid supply point (which will be dealt with via a separate Section 37 planning application).

1.2.7 In addition to this, the following will be required during the construction of the proposed development:

- Up to 6 temporary borrow pits and the expansion of 6 existing quarries/borrow pits, with associated temporary screening or crushing plant, which will be reinstated post-construction;
- A temporary substation construction compound;
- Temporary construction and storage compounds which will be removed post-construction; and

- A temporary concrete batching plant located in one or more of the excavated borrow pits or construction compounds.

1.3 Scope of this Planning Statement Update

1.3.1 Since the Planning Statement was submitted the planning policy framework has changed significantly, in particular with National Planning Framework 4 (NPF4) which was formally adopted in February 2023, the publication of the new Onshore Wind Policy Statement (December 2022) (OWPS) and the Draft Energy Strategy and Just Transition Plan (January 2023).

1.3.2 However, the Planning Statement submitted with the original application provides a comprehensive appraisal of the development in terms of all the relevant environmental and technical topics that are addressed in national planning policy and in relation to the Dumfries and Galloway Council Local Development Plan.

1.3.3 This Planning Statement Update therefore builds upon the appraisal as set out in the original Planning Statement, addresses these new policy documents and provides an assessment of the proposed development in terms of the changes made, against relevant new policy provisions.

1.3.4 This Planning Statement Update is structured as follows:

- **Chapter 2** appraises the proposed development against the relevant provisions of the Development Plan which is now made up of both NPF4 and the DGC Local Development Plan (LDP). The focus in the appraisal is on the new policy provisions of NPF4. Consideration is also given to the extent to which the most relevant policies of the LDP are consistent with the new policy provisions of NPF4.
- **Chapter 3** examines the relevant provisions of the OWPS and Draft Energy Strategy and Just Transition Plan, both of which are material considerations; and
- **Chapter 4** presents overall conclusions.

2. Appraisal against NPF4 and the Dumfries & Galloway Council LDP

2.1 Introduction

2.1.1 NPF4 has been subject to consultation and Parliamentary Committee scrutiny over the last year and was first laid before the Scottish Parliament in November 2021. On 8th November 2022, the Revised Draft NFP4 was laid before Parliament for approval. It was accompanied by an Explanatory Report which explains how the Scottish Government has considered responses to the initial draft NPF4 received during the preceding period of Parliamentary scrutiny and consultation, in line with its statutory duty.

2.1.2 Part 1 of the Planning (Scotland) Act 2019 (the '2019 Act') amends the Town and Country Planning (Scotland) Act 1997 (the '1997 Act'). Section 3CA of the 2019 Act deals with procedural matters for NPF4 and states:

"*The Scottish Ministers may not adopt a revised National Planning Framework until a draft of it has been approved by resolution of the Parliament*".

2.1.3 It adds:

"*As soon as practicable after the National Planning Framework as revised has been adopted, the Scottish Ministers are to publish it*."

2.1.4 NPF4, in the same form as the Revised Draft NPF4 laid before the Scottish Parliament on 8 November 2022, was approved by resolution of the Scottish Parliament on 11 January 2023.

2.1.5 NPF4 came into force on 13 February 2023.

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

2.1.7 The Letter of 8th February 2023 confirms that with regard to the Development Plan that from 13th February 2023, NPF3 and Scottish Planning Policy (SPP) will no longer represent Scottish Ministers' planning policy and should not form the basis for or be a consideration to be taken into account when determining planning applications.

2.2 Development Management

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

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

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

2.2.3 The publication of NPF4 also has the effect that all Strategic Development Plans (SDP) will cease to have effect. There is no SDP for the Dumfries and Galloway area. Therefore, the statutory Development Plan covering the application site now consists of NPF4 and the Dumfries and Galloway LDP (2019).

2.2.4 The publication of NPF4 has coincided with the implementation of certain parts of the Planning (Scotland) Act 2019 (the 2019 Act). A key provision is that in the event of any incompatibility between a provision of NPF4 and a provision of an LDP, then whichever of them is the later in date will prevail. That will include where a LDP is silent on an issue that is now provided for in NPF4.

2.2.5 Section 13 of the 2019 Act amends Section 24 of the Town and Country Planning (Scotland) Act 1997 (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*."

2.2.6 As noted, the DGC LDP was adopted in 2019. It makes no mention of Net Zero and contains some policy provisions which are now incompatible with national policy in NPF4. This will further reduce the weight to be afforded to this element of the Development Plan. This matter is examined further below.

2.2.7 In terms of emerging LDPs prepared prior to the adoption and publication of NPF4, the Chief Planner's Letter of 8th February 2023 states that it may be that there are opportunities to reconcile identified inconsistencies with NPF4 through the Examination process. In this case there is no emerging draft LDP that is at such a stage that it is material to take into account.

2.2.8 The Letter of 8th February 2023 also states with regard to Supplementary Guidance associated with LDPs which were in force before 12th February 2023 (the date on which Section 13 of the 2019 Act came into force) that they will continue to be in force and be part of the Development Plan.

2.3 How NPF4 is to be used

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

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

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

"*It plays a key role in supporting the delivery of Scotland's national outcomes and the United Nations Sustainable Development Goals[1]. NPF4 includes a long-term spatial strategy to 2045*."

2.3.3 NPF4 contains a spatial strategy and Scottish Government development management policies are to be applied in all consenting decisions, and it identifies national developments which are aligned to the strategic themes of the Government's Infrastructure Investment Plan[2] (IIP).

2.3.4 NPF4 therefore for the first time, introduces centralised development management policies which are to be applied Scotland wide.

2.3.5 Annex A adds that NPF4 is required by law to contribute to six outcomes. These relate to meeting housing needs, health and wellbeing, population of rural areas, addressing equality

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

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

and discrimination and also, of particular relevance to the Development "*meeting any targets relating to the reduction of emissions of greenhouses gases, and, securing positive effects for biodiversity*".

2.4 The National Spatial Strategy – Delivery of Sustainable Places

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

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

2.4.2 The principles are stated as playing a key role in delivering the United Nations Sustainable Development Goals and the Scottish Government's National Performance Framework[3].

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

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

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

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

2.4.5 The new Energy Strategy and Just Transition Plan for Scotland (as referenced in NPF4) was published as a consultative draft on 10 January 2023 (see below).

2.4.6 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."

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

2.4.8 A summary description of this ND is provided at page 7 of NPF4 as follows:

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

"*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*".

2.4.9 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*."

2.4.10 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.

2.5 National Developments

Overview

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

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

2.5.2 It adds that:

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

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

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

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

2.5.4 Page 103 of NPF4 describes ND3 and it states:

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

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

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

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

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

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

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

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

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

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

2.5.7 As regards the proposed development, having an installed capacity of onshore wind of a minimum of 432 MW (and with 200 MW of BESS), it substantially exceeds the minimum threshold set for a ND therefore it would have national development status. The proposed development is therefore of national importance for the delivery of the national Spatial Strategy set out in NPF4.

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

2.5.9 With a grid connection in place for August 2025, the proposed development is deliverable and would provide renewable generation in the near term and would make a valuable contribution to targets within the key timescale of 2030 and that is a very important consideration. There is recognition that to meet this requirement and make progress, there will be a need for wind farms of 'scale'[4]. This links to the express acknowledgement in NPF4 Policy 11 (see below) that some significant effects are inevitable.

2.6 National Planning Policy

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

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

"*The policy sections are for use in the determination of planning applications. The policies should be read as a whole. Planning decisions must be made in accordance with the*

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

development plan unless material considerations indicate otherwise. It is for the decision maker to determine what weight to attach to policies on a case by case basis. Where a policy states that development will be supported, it is in principle, and it is for the decision maker to take into account all other relevant policies".

2.6.3 In terms of "sustainable places" relevant policies to the proposed development include the following:

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

2.6.4 In the sections below, the two lead policies, Namely Policy 1 and 11 are addressed first, followed by the other relevant policies.

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

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

2.6.6 The Letter adds:

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

2.7 Policy 1: Tackling the Climate and Nature Crisis

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

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

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

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

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

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

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

2.7.7 As noted above, the proposed development would enable a substantial level of renewable generation to make a contribution to targets within the key timescale i.e., before 2030, which is a very important consideration in the context of the response to climate change. As explained the Applicant has a grid connection agreement in place for some 500MW in August 2025. A detailed description of applicable targets is set out in Sections 3.2 and 3.3 below.

2.8 Policy 11: Energy

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

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

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

2.8.3 Policy 11 is as follows:

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

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

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

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

iv. small scale renewable energy generation technology;

v. solar arrays;

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

vii. proposals including co-location of these technologies.

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

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

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

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

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

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

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

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

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

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

vii. impacts on historic environment;

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

ix. biodiversity including impacts on birds;

x. impacts on trees, woods and forests;

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

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

xiii. cumulative impacts.

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

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

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

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

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

Differences with Scottish Planning Policy

2.8.6 Paragraph a) of NPF4 Policy 11 states a position of express "support" for wind farm development.

2.8.7 The spatial and development management topic provisions within Policy 11 largely reflect those of the outgoing Scottish Planning Policy (SPP), but there are some significant differences, namely:

- the role of renewable energy generation and greenhouse gas emissions reduction targets and a specific instruction to decision makers to apply significant weight to that consideration;
- wind farms will not be supported in National Parks or National Scenic Areas but outside of these areas the policy is one, as noted of "general support". This is a fundamental shift away from the previous Spatial Framework approach;
- the reference to significant landscape and visual impacts which are "to be expected" and to localised landscape and visual impacts and the role of design mitigation;
- renewed emphasis on economic benefits and the need to maximise economic impact including local and community socio-economic benefits; and
- the omission of references to tourism which is likely to be an acceptance of the lack of impact on tourism from wind farms.

Other Provisions of Policy 11

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

2.8.9 **Paragraph c) of Policy 11** requires socio-economic benefits to be maximised, rather than just taken into account.

2.8.10 The socio-economic benefits that would arise from the proposed development have been set out in an economic impact assessment as reported in Section 5 of the EIA Report and of the AI (Socio-Economics), as well as in the Commitment to Communities Report submitted as part of the AI. In summary, the key points in this regard are as follows:

- The following economic benefits would result from the development during the construction and development phases:
  - £54.8 million Gross Value Added (GVA) and support 883 years of employment in Dumfries and Galloway; and
  - £206.8 million GVA and 3,260 years of employment in Scotland.
- During the operations and maintenance phase, the proposed development is expected to support the following each year:
  - £4.6 million GVA and 52 jobs in Dumfries and Galloway; and
  - £6.8 million GVA and 84 jobs in Scotland.
- The Applicant has committed to make contributions to a Community Benefit Fund aiding local economic and community development. It is expected to be worth approximately £2.16 million each year, which would amount to £86.4 million over the 40-year lifetime of the proposed development. It is estimated that the Community Benefit Fund could support a further 38 jobs throughout the operational period[5].
- There would also be benefits to the public sector from the annual payment of non-domestic rates. It is estimated that this could be equivalent to £4.32 million per year and over the lifetime of the proposed development would be an estimated £172.8 million.
- As stated in the Scottish Government's Onshore Wind Policy Statement (2022) "Community benefit from, and shared ownership of, renewable energy developments have a key role to play in engaging communities and securing Scotland's transition to net

[5] Biggar Economics, Economic Impact of Community Windpower's Scoop Hill Community Wind Farm, (February 2023).

zero". The applicant is open to the prospect of launching a feasibility study into shared ownership to gauge the level of enthusiasm for it from the local communities surrounding Scoop Hill Community Wind Farm.

2.8.11 In addition, as set out in Section 5 of the AI, the Applicant is committed to investing in Scotland, bolstering the Scottish economy as the Applicant operates a 'Buy Scottish Policy' during the development, construction, operation and decommissioning of all phases of a development project. This policy has been applied and implemented already for the proposal and this would continue as noted through the various phases of the proposed development.

2.8.12 Section 5 of the AI states that the proposed development is expected to provide economic investment overall of some £1.8 billion over its whole lifetime.

2.8.13 A further matter of relevance is the Applicant's proposed Energy Fund. The Applicant has launched Energy Funds in East Lothian and in Dalry (North Ayrshire) to help vulnerable residents to heat and power their homes. In December 2022, the Applicant launched their East Lothian Energy Fund which provided some £1 million worth of grants to over 1,400 households to help with soaring energy costs, in collaboration with national advice charity, Advice Direct Scotland. The Applicant is keen to explore the potential for setting up a similar fund, with money coming from the community benefit fund, for the host communities around the proposed development subject to consent being forthcoming. This is a proposal that will be further explored with local communities during the consultation process.

2.8.14 **Part d) of Policy 11** relates to Policy 4 which is considered in Section 2.10 of this Planning Statement Update.

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

2.8.16 In terms of the 13 matters that require to be addressed, landscape and visual considerations are addressed below, followed by **Table 2.1** which sets out a summary position in relation to the various other environmental and technical topics referenced in Policy 11.

Landscape and Visual Considerations

2.8.17 As set out in the Introduction to this Planning Statement Update, the AI contains an appraisal of the likely environmental changes to the findings of the 2020 Scoop Hill Community Wind Farm EIA Report as a consequence of the removal of 17 no. turbines (and the addition of 2 no. turbines).

2.8.18 A key part of the AI is the updated Landscape and Visual Impact Assessment (LVIA) in relation to the landscape and visual effects of the revised proposed development, both on its own and in cumulative terms. This is contained within Section 6 of the AI which should be referred to, together with the Design and Access Statement (DAS) and also Section 3 of the AI (Site Selection, Design and Evolution).

2.8.19 The DAS sets out the layout design review principles which included:

> To ensure that the design and layout of the turbines expresses the function of the proposed development as a wind farm as clearly as possible, by avoiding complexity and visual confusion (particularly from key viewpoints);

> To take account of relevant national and local policy and guidance;

> To respond to the landscape and visual issues identified by statutory consultees through the process of consultation;

> To respond to the various other environmental and technical constraints identified through consultation, both within and around the site, including cultural heritage and ornithological matters;

- To maintain a close association between the proposed wind turbines and the upland characteristics presented in the 'Southern Uplands with Forest – Eskdalemuir' LCT;
- To avoid turbine outliers to maintain a compact turbine footprint which seeks to affect as narrow a field of view as possible;
- To avoid siting turbines where they would introduce undesirable scale comparisons with features in the smaller scale 'Foothills and Valleys' LCTs surrounding the uplands;
- To site turbines to minimise significant adverse visual effects on sensitive receptors, viewpoints, and especially residential properties;
- To minimise the number and intensity of adverse visual impacts from visible aviation lighting attached to the turbines, through a compact design and with specialist aviation input.

2.8.20 It is also important to note that the Applicant has undertaken consultation with the Dumfries and Galloway Council (DGC) throughout the layout design review process and has also separately consulted NatureScot on ornithological matters. The DAS explains that several design workshop meetings were held during the spring and summer of 2022 with the planning and landscape officers of DGC (and attended by the Energy Consents Unit). Furthermore, it is understood that DGC undertook further site visits to consider proposed changes and provided helpful feedback to the Applicant on landscape and visual matters which has been incorporated into the design evolution process.

2.8.21 The updated LVIA also presents an update to the cumulative assessment to account for changes to the cumulative context that have been identified within a 30km radius LVIA study area, up to a cut-off date of 10th November 2022. It also presents a reduced aviation lighting scheme that the Applicant has developed to secure further mitigation to the likely effects of the proposed development at night, as a result of visible aviation lighting on the turbine nacelles.

2.8.22 As explained in Section 6 of the AI, the consequence of the substantial reduction in turbines is to improve the landscape and visual effects of the proposed development as they are experienced from a wide area surrounding the north western, south western and southern side of the application site. The benefits of the turbine removal are to draw back the edge of the wind farm from the interface between the uplands and Annandale Foothills, in an area that is visible from Moffat and Annandale, while greatly reducing the landscape and visual effects within the Dryfe Water valley. The change to the wind farm results in some significant changes to the overall findings of the original EIA Report (Section 6) and valuable mitigation of effects is derived across a wide range of landscape and visual receptors, including in particular the town of Moffat.

2.8.23 The Cumulative Update also confirms that some material changes to the findings of significance reported in EIA Report Section 6 have arisen, mainly related to the Application stage wind farms that have been added to the baseline in that scenario. These serve to intensify the presence of wind farms in the Application scenario from which some new significant cumulative effects are identified for the proposed development. However, the assessment notes that the lack of certainty that 'Application' stage sites will materialise in reality must be borne in mind when considering these additional significant effects.

2.8.24 The updated LVIA also sets out that a material benefit arises from the reduced aviation lighting scheme which would substantially reduce the intensity of visible light at night and would remove some significant visual effects when operating in the 200cd reduced intensity mode (when clear visibility prevails). Alongside the other mitigation of dimming to 10% of operational capacity, and horizontal beam control, the revised lighting scheme would bring valuable mitigation.

2.8.25 In terms of the impacts in relation to individual dwellings, the AI contains an updated Residential Visual Immunity Assessment (RVAA - as set out in Appendix 6.1 of the AI). The RVAA assesses the likely effects of the proposed development on the visual component of residential amenity relating to individual properties within a localised study area.

2.8.26 The updated assessment submitted as part of the AI states that removal of turbines from the fringes of the uplands has discernibly reduced the magnitude of visual effects that would arise. Therefore, some substantial benefit arises in terms of the likely visual effects on the amenity of residential properties within a 2km Study Area around the wind farm.

2.8.27 The RVAA concludes that the more compact layout of the revised development has had the effect of reducing the geographic extent of the 2km radius study area for the RVAA, and a smaller number of properties is affected as a result. Furthermore, as well as reducing the severity of visual impacts for the properties that are within the 2km study area, there is a material reduction in the likely visibility that other properties beyond 2kms would experience due to the turbine removal and increased separation distances involved.

2.8.28 The RVAA concludes that of the 10 non-financially involved properties within the 2km study area, four are likely to experience a significant visual effect as a result of the proposal. Only one of the 10 properties was assessed as being likely to experience a medium-high magnitude of change, which under the methodology for the RVAA, necessitates detailed assessment. This further stage of assessment did not indicate that the property would reach the 'residential visual amenity threshold'.

2.8.29 When this matter is taken into the planning balance and taking into account other amenity considerations such as noise and shadow flicker, it is concluded that no property would be affected by the proposed development, such that it would be converted into an unattractive place in which to live. The effects arising in relation to residential amenity overall, would not therefore be unacceptable.

Other Topic Criteria in Policy 11

2.8.30 Table 2.1 sets out a summary position in relation to the various other environmental and technical topics referenced in Policy 11

Table 2.1: Policy 11 Criteria & Topic Appraisal Summary

Criterion within Paragraph e) of Policy 11	Topic Appraisal Summary
Noise and Shadow Flicker	Shadow flicker is addressed in Section 14 of the AI. The assessment concludes that shadow flicker would only have a limited impact on residential properties within the vicinity of the proposed development and the effect was not identified as being significant in EIA terms. Noise is addressed in Section 11 of the AI. It explains that the proposed development has been designed such that predicted noise levels associated with the operation of the proposed development are expected to meet the requirements of ETSU-R-97 with all turbines operating unrestricted. As a result, no mitigation measures are necessary. No significant residual operational effects are predicted as operational noise levels meet the relevant derived noise limits. No significant residual operational effects are expected from the operation of the BESS as the noise, without any subsequent mitigation, is predicted to be low impact at noise sensitive receptors.

Criterion within Paragraph e) of Policy 11	Topic Appraisal Summary
	Operational noise will be controlled via planning conditions which set out noise limits for the proposed development. In addition, the assessment concludes that noise associated with construction activities would not result in any significant impacts in planning terms.
Public access, including impact on long distance walking and cycling routes and scenic routes	Public rights of way (PRoW) and Core Paths are addressed in Section 14 of the AI. The majority of turbines are appropriately set back from routes. In terms of visual amenity from recreational routes, this is assessed in Section 6 of the AI. It states that where there would be clear and open visibility from Core Paths, including routes such as the Annandale Way, Southern Upland way and Romans and reivers Route within approximately 18km of the proposed development, the visual effects may be significant. As set out in Section 5 of the AI (Socio-Economics, Population and Community Involvement) there is a large existing path network within and around the proposed development. The Applicant is therefore proposing to maintain the paths that fall within the site boundary and to add signage where necessary to help walkers, hikers, horse riders, and cyclists to navigate around the wind farm site. The Applicant will look to include information/display boards at suitable locations along the route, displaying facts and figures about the turbines, route maps, and some health and safety guidelines since the paths are situated within an operational wind farm. The information boards are also a useful educational tool, as they can be used to display information about: • The surrounding landscape; • Local flora and fauna. Therefore overall, there would be considerable enhancement in terms of the public recreation resource. Such an approach is also fully in line with the Government expectations for wind farms to enhance recreational activity as set out in the Onshore Wind Policy Statement (OWPS, paragraph 5.6.6).
Impacts on aviation and defence interests including seismological recording	Aviation and defence interests are referenced in Section 14 of the AI. In November 2020, NATS confirmed its objection to the proposed development due to predicted impact on Lowther Hill radar. The Applicant remains in discussions with NATS in relation to their concerns on the impact of the proposed development on the radar. However, with the installation of the new advanced 3D primary surveillance radar system at Lowther Hill, the Applicant is confident in reaching a mitigation solution with NATS, such that their objection can be removed. The Ministry of Defence (MoD) highlighted in a consultation response that the proposed development is within a Low Flying Area, however, in relation to the Low Flying Area the MoD did not

Criterion within Paragraph e) of Policy 11	Topic Appraisal Summary
	object. In terms of the Eskdalemuir Seismological Array (EKA), the MoD has objected to the proposed development on the grounds that it would have a significant and detrimental impact on the capability of the EKA as the noise budget has already been reached. As set out in Section 14 of the AI, the Applicant is currently working closely with the MoD and informed seismologists to better understand the potential impact of the proposed development on the EKA. Dialogue with the relevant experts suggest that an acceptable mitigation solution, which reassures all interested parties, that the proposed development will not adversely impact the operation of the EKA will be established. The Applicant continues to consult with the MoD to mitigate the potential impact of the proposed development whilst not compromising the detection capabilities of the EKA. In the context of this consultation process, the Applicant considers that a suspensive condition is an appropriate way to progress the application. Suggested wording for such a planning condition is contained within Section 14 of the AI.
Impacts on telecommunications and broadcasting installations	Telecommunications matters are referenced within Section 14 of the AI. All the relevant consultees will be reconsulted following the submission of the AI, given the revised layout for the proposed development, however, the Applicant expects that all responses will remain the same and no objections will be raised, therefore no mitigation is required.
Impacts on road traffic and on adjacent trunk roads	Traffic and transport is addressed within Section 12 of the AI. The assessment explains that there remain three route options for gaining access to the site for the construction phase and all are available for abnormal loads. The assessment states that there is a high level of confidence that the aggregate requirement can be one from onsite borrow pits. Overall, no significant effects are predicted in relation to traffic and transport matters and the implementation of mitigation measures such as the proposed Construction Transport Management Plan (CTMP) and Abnormal Load Traffic Management Plan (ALTMP) will ensure that any potential impact that may arise can be mitigated appropriately.
Impacts on historic environment	Section 9 of the AI addresses cultural heritage matters. The assessment concludes that there is only a low risk in the construction phase in relation to effects on unknown archaeological remains and with appropriate mitigation, this would only be a matter of negligible significance in EIA terms. During the operational phase, there are eight cultural heritage assets which would be subject to some operational effects, but only of minor significance. Overall, no significant residual effects are predicted on the setting of cultural heritage assets from the operation of the proposed development and therefore there is no need for any mitigation in this regard.

Criterion within Paragraph e) of Policy 11	Topic Appraisal Summary
	The assessment also highlights that in terms of revised effects, in comparison with the 2020 EIA Report, low magnitude impact on one scheduled monument and one non-designated heritage asset, resulting in adverse operational effects of minor significance, have been designed out in the revised proposed development layout with no impact now identified upon the Dundoran Hill Fort and upon the Wamphray Motte. There are therefore a number of benefits arising from the revised scheme in relation to cultural heritage matters.
Effects on hydrology, the water environment and flood risk	Section 10 of the AI deals with hydrology, geology, and hydrogeology. The assessment reports that the significance of effects of the proposed development on the geological, hydrological and hydrogeological environment, remains as not significant in EIA terms. The assessment explains that a Peat Management Plan (PMP) had been prepared to accompany the original EIA report and the assessment concludes that the proposed development has the capacity to accommodate all excavated peat as part of the reinstatement of infrastructure. The approach to peat and the PMP is fully aligned with current planning policy requirements as set out in NPF4 and associated good practice guidance.
Biodiversity including impacts on birds	Section 7 of the AI addresses ornithology and Section 8 addresses ecology. The ornithological assessment sets out that species protection and mitigation measures detailed above are implemented, this will contribute to reducing significant negative impacts to occur on the ornithological value of the site and surrounding area. It is explained in the assessment that comments from NatureScot and the RSPB have been considered within the AI and amendments made to the revised layout, as design mitigation has been a key component of the subsequent reduced impacts on the ornithological features at this site. The assessment concludes that by removing 17 turbines, reducing the height of four turbines to the south, adding two turbines within the forestry and putting in place a robust mitigation plan including a revised OHMEP and the various Species Protection Plans, the impacts on golden eagle and other bird species using this site, have been reduced to that of no higher than medium magnitude, long term and of moderate significance. With good practice and mitigation and habitat enhancement, the overall residual impact of the development of the wind farm in terms of ornithological impacts will be reduced. Various enhancements will take place on site to increase the value of the site to bird populations. These are described in detail in the OHMEP, and would include amongst other things: • Woodland and scrub enhancement, mainly planting within the cleughs to benefit black grouse and passerines;

Criterion within Paragraph e) of Policy 11	Topic Appraisal Summary
	• Bog enhancement measures will enhance the site for species such as curlew and snipe; and • A variety of nest boxes will be erected at adjacent farms and maintained for the duration of the wind farm including next boxes specifically for kestrel and barn owl. With regard to habitats, the assessment sets out that whilst there is the potential for some significant effects to arise in relation to habitats, the assessment sets out that a series of mitigation measures are proposed to minimise such impacts, as set out in Appendix 8.4 of the AI. In this regard, the Outline Habitat. Management and Enhancement Plan (OHMEP) which is submitted as part of the AI, includes compensatory and enhancement measures, thus ensuring that the negative impacts would generally be of low magnitude and of low significance or indeed, negligible. More detailed reference to proposed biodiversity enhancement is provided below with reference to NPF4 Policy 3 (Biodiversity).
Impacts on trees, woods and forests	Forestry is addressed in Section 13 of the AI. As set out in the assessment, 39 of the 60 proposed turbines are located within the 12 commercial forestry properties within the site. 175ha of forestry is identified as requiring to be felled. Such felling would take place as close to the existing felling plan as possible. A new Long Term Forestry Plan (LTFP) has been created to account for the proposed forestry management as part of the development. In accordance with the Scottish Government policy on control of woodland removal, the Applicant recognises the requirement to compensate for woodland that is felled and not restocked as part of the proposed development. Compensatory planting is therefore proposed offsite to replace the forestry permanently removed during the construction of the wind farm. Overall, it is predicted that the presence of the wind farm will have minimal residual adverse impact on the forestry operations within this site, especially as the revised proposal has reduced the amount of keyhole felling required to accommodate the proposed development. Furthermore, it should be noted that the OHMEP together with the compensatory planting associated with the proposed development also have also provided not only mitigation in accordance with the hierarchy but additional hierarchy to the local biodiversity by improving habitats for a number of species.

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

Contribution to Renewable Energy Targets

2.8.34 Paragraph e) of Policy 11 of NPF4 in the penultimate paragraph, is expressly clear that in considering any identified impacts of developments, that significant weight must be placed on the contribution of the proposal to renewable energy generation targets and greenhouse gas emissions reduction targets. In particular, the Policy recognises that landscape and visual impacts are to be expected but provided they are localised and/or appropriate design mitigation has been applied, they are likely to be considered acceptable.

2.8.35 The contributions are inextricably related to the scale of a proposed development and policy recognises that any identified impacts must be assessed in the context of these contributions.

2.8.36 Section 2 of the AI provides a detailed assessment of the carbon savings which would be achieved as a result of the proposed development, in addition to carbon losses and the 'payback period' of the proposed development. Key points in summary are as follows:

> Onshore wind generating capacity of 432 MW against the Scottish Government target of 20GW to be operational by 2030.

> The CO2 emissions of the development (through construction) are forecast to be cancelled out within approximately 2.5 years.

> the estimated electricity production over the 40-year life of the Wind Farm will displace approximately 736,000 tonnes of CO2 emissions per annum compared with fossil fuel mix generation. This equates to a savings figure of approximately 29.4 million tonnes over the 40-year operational life of the development. This would be a very significant contribution to Scottish Government targets on renewable energy and carbon emission reduction.

> The renewable electricity generated by the proposed development per annum would be the equivalent of that required to supply up to 450,000 average homes in Scotland.

> Battery Energy Storage capacity of 200 MW – allowing excess electricity generated by the turbines to be stored in battery units during times of low energy demand, improving the flexibility and efficiency of the National Grid.

2.8.37 The scale of the energy output and emissions savings are of national importance.

Conclusions in relation to NPF4 Policy 11

2.8.38 The proposed development is considered to be acceptable in relation to all of Policy 11's environmental and technical topic criteria. The new policy has a much stronger context and is even more supportive of further renewables deployment than the policy which was contained in NPF3 and SPP.

2.8.39 A key point is that any identified impacts have to be weighed against a development's specific contribution to meeting targets – which attracts significant weight. Significant weight is *also* afforded in relation to Policy 1. This policy direction fundamentally alters the planning balance compared to the position in NPF3 and SPP.

2.8.40 Overall, therefore, the proposed development is considered to be in accordance with NPF Policy 11.

2.9 Policy 3: Biodiversity

2.9.1 In summary, there are no unacceptable effects arising in relation to biodiversity matters, nor in relation to nature conservation designations which **NPF4 Policies 3 and 4** respectively address. **Policy 3** requires developments to wherever feasible, provide nature-based solutions that have been integrated and made best use of and for significant biodiversity enhancements to be provided.

2.9.2 It should be noted that Policy 3 does not provide any guidance on how 'significant enhancements' will be measured and assessed, simply referring to "*best practice assessment methods*". In addition, in relation to the relevant wording in Policy 3, the Explanatory Report (as noted, issued alongside Revised Draft NPF4) states:

"*The Scottish Government have commissioned research to explore options for developing a biodiversity metric or other tool, specifically for use in Scotland. This work is at early stages, we will work with NatureScot on a programme of engagement with stakeholders as this work progresses*."

2.9.3 Therefore, exactly how enhancement is to be measured in the longer-term is to be the subject of further guidance, but timescale for the production of this is at present unclear. The Scottish Government also issued a draft Biodiversity Strategy in December 2022 however it does not contain national biodiversity targets – these are to be prepared on a statutory basis later in 2023 and will be subject to a Bill in Parliament.

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

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

2.9.5 Nevertheless, notwithstanding the lack of policy guidance at the present time, in terms of environmental benefit, the Applicant proposes biodiversity enhancements that support both long-established national and local policy, and the emerging requirements of NPF4.

2.9.6 Section 7 Ornithology and Section 8 Ecology of the EIA Report and AI reference habitat enhancement opportunities. The Outline Habitat Management and Enhancement Plan (Outline HMEP) which is submitted as part of the AI outlines the habitat management and enhancement measures that the Applicant proposes.

2.9.7 The overall objectives of the OHMEP are to:

- Accelerate restoration and regeneration;
- Expand and connect protected areas and improve their condition;
- Support nature-friendly forestry;
- Recover and protect vulnerable and important species; and
- Provide the investment needed to support nature recovery.

2.9.8 The aims of the OHMEP are:

- To protect and enhance significant habitats;
- To protect bird species and enhance bird habitats;
- To protect and to enhance the site for mammal species, in particular otter, badger, red squirrel, pine marten and bat species;
- To enhance the site for other species of conservation concern including common toad and common lizard;
- To protect watercourses and enhance water quality for freshwater invertebrates and fish; and
- Education and Community Involvement.

2.9.9 The OHMEP also proposes enhancement measures and specific opportunities for net gain, these measures can be found in section 7.2 It also includes projects to enhance local biodiversity with community involvement contributing to additional biodiversity net gain. This will primarily involve the protection of habitats and species, mitigation and the creation and enhancement of habitats to diversify and improve biodiversity and conditions of the existing habitats on site.

2.9.10 It is proposed that the OHMEP be a working document which will evolve following a grant of consent for the proposed development, and following discussions between the developers, the landowners, the Ecological Clerk of Works and organisations with responsibility for and an interest in key wildlife species such as the Biodiversity Officer at the Local Authority, NatureScot and the RSPB. It is proposed that a Habitat Management Group (HMG) will be set up which will develop and co-ordinate an effective and workable plan for the site with all measures agreed by the members of the HMG.

2.9.11 It should be noted that this commitment has the objective of benefiting biodiversity and would not just mitigate impacts. The proposals would therefore result in the site, from a biodiversity perspective, being in a "demonstrably better state" than without intervention, consistent with the provisions of Policy 3.

2.9.12 It is also important to keep in mind that the greatest threat to biodiversity is climate change. The principal and essential benefit of the development is a significant contribution of renewable energy, to facilitate the earliest possible decarbonisation of the energy system and the achievement of "net zero" no later than 2045, in accordance with the objectives of the Climate Change (Scotland) Act 2009. The purpose of net zero is to protect biodiversity and the earlier it can be achieved, the greater the benefits to biodiversity.

2.10 Policy 4: Natural Places

2.10.1 Policy 4 Part b) addresses both nature conservation and landscape designations. Part b deals with development proposals likely to have a significant effect on an existing or proposed European site (Special Area of Conservation or Special Protection Areas). Part c) deals with national landscape designations and also Sites of Special Scientific Interest (SSSI) and national nature Reserves. This part of the policy is not relevant given the proposed development does not affect such designations.

2.10.2 Of particular relevance to this application, NPF Policy 4 deals with national and local landscape designations.

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

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

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

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

2.10.4 The policy now follows a similar construct to that which deals with national level designations. The first limb of the policy refers to significant effects on the "*integrity*" of the area or "*the qualities for which it has been identified*". The Policy is different to the LDP Policy which deals with local landscape areas, namely LDP Policy NE2 'Regional Scenic Areas'.

2.10.5 The policy set out in the second limb of NPF4 Policy 4, Part d) provides that development proposals that affect a site designated as a local landscape area in the LDP will only be supported where any significant adverse effects on the integrity of the area are clearly

outweighed by social, environmental or economic benefits of at least local importance. It must be noted that:

- this is a new policy provision, reflecting the wider NPF4 policy that adverse effects (including adverse landscape and visual effects outside of a National Park or National Scenic Area) must be balanced against the benefits of a development for which significant weight must be given;
- the second limb is independent of the first ("or") and is to be applied where a decision-maker concludes that a development will have significant adverse effects on the integrity of a local designation;
- NPF4, Policy 4, Part d) now expressly includes a balancing mechanism ("*clearly outweighed by social, environmental or economic benefits*") and sets out the threshold to be used ("*of at least local importance*").

2.10.6 The updated LVIA states that the removal of turbines T1-T10 and T35; T37 and T38 will reduce the magnitude of change across eastern and southern parts of the Moffat Hill Regional Scenic Area (RSA) RSA to a maximum of medium-high. It states that there would be no material change to significance of effect reported in the 2020 EIA Report, which was two significant effects on two special qualities.

2.10.7 In this case the benefits that would result from the proposed development are of national importance – as evidenced, among other things, by designation as a National Development (being significant developments of national importance that will help to deliver the NPF4 Spatial Strategy). As a result, the development accords with the second limb of the policy and should therefore be supported.

2.10.8 Overall, the proposed development is considered to be in accordance with NPF Policy 4.

2.11 Policy 5: Soils

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

2.11.2 As set out in the Planning Statement (paragraph 8.92) the design of the proposed wind farm has considered the results of extensive peat depth surveys and the assessment of Carbon Soils map data. Where possible, the proposed turbine locations have been sited to avoid areas of sensitive habitats and carbon rich soils. Where the proposal cannot avoid areas of peat, floated infrastructure will be adopted to reduce the impact of the proposal. The Peat Management Plan (Appendix 10.3 of Section 10 of the EIAR), which it was stated, should be considered as a 'live document' throughout the planning and future pre-construction phases of work, further qualifies the excavation, temporary storage and reinstatement methodologies for peat in accordance with current guidance to ensure that disturbance is minimised and managed in line with best practice.

2.11.3 Potential effects on peatlands are assessed as not significant as set out in Section 10 of the EIA Report and AI, taking into account mitigation measures. Impacts on carbon-rich soils have been minimised and management measures are proposed.

2.11.4 The proposed development is considered to be in accordance with NPF Policy 5.

2.12 Policy 6: Forestry, Woodland and Trees

2.12.1 The policy states *inter alia* that 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.

2.12.2 As noted, the proposed development is within a commercial forest which has a low biodiversity value. Forestry felling will be required to facilitate the construction and operation of the turbines and associated infrastructure, but this does not include the felling of any ancient woodland or veteran trees.

2.12.3 Full details of the proposed forestry changes and actions are contained in Section 13 (Forestry) of the AI which was prepared following consultation with Scottish Forestry. The report identifies areas of forest to be removed for the construction and operation of the proposed development and outlines the proposed management practices and restocking proposals. The proposed forestry compensatory planting will equate to that of the forestry to be removed to accommodate the wind farm, a total of 175ha.

2.12.4 The Dryfe Water Site of Special Scientific Interest (SSSI) is an upland mixed ash woodland. As set out in the original Planning Statement, this will not be affected in any way. There are a number of un-named ancient woodlands and long-established woodland sites (four adjacent to the Wamphray Water, Milne Wood, Long Plantation, Whate, the Pinnacle, Blaze Plantation, Oakrig, Whinny and Belcraig Plantations). Again, none of these will be felled or affected directly by the development.

2.12.5 A section of the Eskdalemuir Red Squirrel Priority Woodland is within the site. This area will be checked for squirrel dreys prior to felling, however there will always be Red Squirrel habitat present due to the felling scheme and mitigation will enhance the site for this species meaning impacts will be negligible.

2.12.6 A key-hole felling technique will be used to limit the quantity of felling required. By using turbines with greater tip heights, the requirement for long term adjustments to the existing felling plan to account for wake and disrupted air flow is not required.

2.12.7 Using a key-holing method of forestry removal allows for the retention of much of the existing forestry boundaries, thus reducing the magnitude of landscape changes across site.

2.12.8 The proposed development is considered to be in accordance with Policy 6.

2.13 Policy 7: Historic Assets and Places

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

2.13.2 As set out above in the context of NPF4 Policy 11, Section 9 of the AI addresses cultural heritage matters. The assessment of operational effects, has identified setting impacts at the following heritage assets such that NPF4 Policy 7 would be engaged:

Scheduled Monuments

2.13.3 Laverhay Cottage enclosure (SM12721): The values from which this enclosure gains its cultural significance will remain largely unaffected. The intrinsic value from which the asset primarily gains its cultural significance will remain unaffected. The contextual value of this asset set in a valley surrounded by high hills, close to the confluences of a number of watercourses, will remain readily understandable. However, the turbines will be prominent and dominant features on the hills above this asset which will introduce an element of distraction from the sense of place and relative isolation at this asset. In the context of the NPF4 Policy 7 Paragraph h) test, it is considered that the understanding, appreciation and experience of the Scheduled Monument would be adequately retained such that the integrity of setting would not be significantly adversely affected (AI para 9.7.42).

2.13.4 Carthur Hill Fort (SM649), Rangecastle Hill, Fort (SM8364), Castle Hill, fort (SM8366) and Peat Hill, fort and scooped settlement (SM10476): The presence of the turbines will add an element of distraction and prominence in views from these forts over the confluence of Dryfe Water and Murthat Burn and in views between the forts. In the context of the NPF4 Policy 7 Paragraph h) test, it is considered that the understanding, appreciation and experience of the Scheduled Monuments would be adequately retained such that the integrity of setting would not be significantly adversely affected (AI para 9.7.61).

Conservation Areas

2.13.5 Moffat Conservation Area: There will be a few locations where the historic character of the Conservation Area is materially affected (primarily from outside its designation boundary), but the experience of the Conservation Area itself will be largely unaffected. In the context of NPF4 Policy 7 Paragraph d) test, it is considered that the proposed development would preserve the character and appearance of the Conservation Area and its setting (AI para 9.7.143).

Listed Buildings

2.13.6 Craigielands House (LB9842): The assessment has identified a noticeable adverse change in a key designed view that otherwise leaves the designed landscape setting and the actual fabric of the asset unchanged. It is not currently possible to enjoy this designed view from the house, due to a screen of trees, and this could remain the case for the operational life of the wind farm. In the context of the NPF4 Policy 7 Paragraph c) test, it is considered that the proposed development would preserve the character, special architectural or historic interest of the listed building (AI para 9.7.150).

2.13.7 The assessment concludes that there is only a low risk in the construction phase in relation to effects on unknown archaeological remains and with appropriate mitigation, this would only be a matter of negligible significance in EIA terms. During the operational phase, there are eight cultural heritage assets which would be subject to some operational effects, but only of minor significance. Overall, no significant residual effects are predicted on the setting of cultural heritage assets from the operation of the proposed development and therefore there is no need for any mitigation in this regard.

2.13.8 There are therefore no unacceptable impacts arising in relation to the Development and cultural heritage matters. There has been no objection received from Historic Environment Scotland (HES). The Development is considered to be in accordance with NPF Policy 7 and in particular Paragraphs a), c), d) and h) of the policy which are of relevance.

2.14 Conclusions on NPF4 and LDP Appraisal

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

2.14.2 It needs to be recognised that Policies IN1 and IN2 of the LDP are inconsistent with NPF4 Policy 11 insofar as they do not specify the weight to be attributed to the benefits of a development. Furthermore, Policy NE2 is inconsistent with NPF4 Policy 4 in terms of the approach to assessing impacts on a local landscape area.

2.14.3 In these circumstances, given the amendments that have been made to the 1997 Act, the provisions of NPF4 (being the later document) must prevail.

2.14.4 Nevertheless, it is considered that the proposed development would be in accordance with all the relevant policies of the LDP as set out in the appraisal contained in the original Planning Statement. The overall position is therefore, that the Development Plan now consists of both NPF4 and the LDP, with NPF4 providing the most up to date policy provisions. The proposed development is considered to be in accordance with both documents and with the overall Development Plan when it is read as a whole insofar as that is a material consideration for an Electricity Act 1989 application.

3. Other Policy Provisions

3.1 Introduction

3.1.1 This Chapter examines how the proposed development relates to relevant aspects of the new Onshore Wind Policy Statement and Draft Energy Strategy and Just Transition Plan, both of which, as explained, are new important material considerations which have been published since the section 36 application was submitted.

3.2 The Onshore Wind Policy Statement

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

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

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

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

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

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

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

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

Renewable Energy Generation & Greenhouse Gas Emission Targets

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

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

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

3.2.7 Paragraph 1.1.4 states “*our aim is to maintain the supportive policy and regulatory framework which will enable us to increase that deployment*".

3.2.8 In terms of existing deployment, paragraph 1.1.5 states that as of June 2022 the UK had 14.6 GW of installed onshore wind, with around 8.7 GW of this capacity within Scotland. Reference is made to a figure of 11.3 GW of onshore wind "*currently in the pipeline, spread over 217 potential projects*". The breakdown of capacity within the pipeline is shown below in **Table 3.1**.

Table 3.1: Onshore Wind Development Pipeline (December 2022)

Status of Onshore Wind Projects	Giga Watt (GW)	Comments
In the Planning / Consenting Process	5.53	Footnote on page 6 of OWPS applies. Not all projects will receive consent.
Awaiting Construction	4.56	The figures are subject to some duplication – e.g. where some projects have consent but are also subject say to applications for tip height increases.
Under Construction	1.17	
Sub Total	11.26	
Operational Onshore Wind in Scotland	8.70	A number of projects will reach the end of their operational life. Not all will necessarily be repowered or life extended. A considerable proportion of the operational capacity will have passed its notional design life by 2030 and will be under consideration for decommissioning or repowering.
Total	19.96	

3.2.9 Within the table, the figure of 4.56 GW is denoted as "Awaiting Construction", however a footnote acknowledges that some of those projects with consent will need to re-apply or vary such consent to make changes to developments such as to increase tip heights, etc. it is also recognised that this will reduce the deliverable capacity.

3.2.10 There is also a figure of some 5.53 GW as representing projects that are within the planning system; but again, the footnote makes it clear that not all projects will receive consent.

3.2.11 A further point arising is that given consenting and construction timescales for onshore wind developments, projects that are not yet in the planning system are therefore unlikely to provide the "installed" capacity by the Scottish Government's key date of 2030. The development has an agreed grid connection date of August 2025 for 500MW, therefore this project can deliver against this important target date.

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

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

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

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

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

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

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

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

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

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

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

3.2.18 The Scottish Government has made clear that the 20 GW ambition of installed capacity is a “minimum”. In short, there is a substantial ‘hill to climb’ to attain that figure and projects that are not yet in the planning system are unlikely to provide installed capacity by 2030. This underlines the importance of the benefits that the proposed development can deliver – namely near-term delivery of a nationally important level of installed capacity.

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

Delivering the Government’s 20 Giga Watt Ambition for Onshore Wind

3.2.20 Chapter 2 of the OWPS entitled “Delivering on our Ambition for Onshore Wind in Scotland” states that the Scottish Government is to form an Onshore Wind Strategic Leadership Group (SLG) and "*will task this SLG with taking forward the aspirations of this policy statement, and the development of an Onshore Wind Sector Deal*". This reflects the importance of the onshore wind sector.

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

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

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

3.2.23 The Vision Statement states (page 67) that:

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

3.2.24 The Sector Deal has therefore still to be developed but it is clear that will be shared commitment between Government and industry to develop onshore wind as a key sector of the economy.

3.2.25 The Government states at paragraph 2.4.4 of the OWPS that "*given the scale and pace of delivery needed, we are committed to starting work on the Sector Deal immediately*".

Balancing Environmental Considerations and Benefits

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

- Shared Land Use;
- Peat and Carbon-Rich Soils;
- Forestry;
- Biodiversity;
- Landscape and Visual Amenity; and
- Noise.

3.2.27 In terms of these topics, the matter of particular relevance to the case relates to the landscape and visual amenity considerations. Landscape and Visual Amenity is addressed at Section 3.6 in Chapter 3 of the OWPS with direct cross references to NPF4.

3.2.28 Paragraph 3.6.1 of the OWPS states (original emphasis):

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

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

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

3.2.31 There is therefore express direction of greater weight being placed to the benefits of the development in terms of how it contributes to tackling the climate emergency.

3.2.32 Paragraph 3.6.5 makes reference to Landscape Sensitivity Studies and makes it clear that these should not be used in isolation to determine matters of acceptability but can be a useful tool in assessing specific sensitivities within an area. It should be noted that the term is now Landscape sensitivity, in comparison with SPP paragraph 162 which encouraged Landscape Capacity Studies. This reflects NatureScot's 2021 advice that Landscape Capacity Studies are not appropriate and such studies should only conclude with regard to landscape sensitivities.

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

3.2.34 In the previous Chapter of this Planning Statement Update, it has been explained how appropriate design mitigation has been applied such that there would not be unacceptable landscape and visual effects arising and as noted in this Planning Statement Update, further design mitigation has been carried out with the reduction of 17 turbines (with the addition of 2 in forestry) which has maintained that there would not be unacceptable landscape and visual effects arising.

Technical Considerations

3.2.35 Chapter 7 of the OWPS deals with technical considerations and specifically covers the Eskdalemuir Seismological Array. It states that the Government is aware that the MoD's policy for budget allocation is due to be reviewed and the Scottish Government remains engaged with the MoD as they determine the next steps for developing policy on this matter. The Government also references (paragraph 7.2.12) the recent consultation on the topic and states that it intends to finalise its approach to maximising renewable deployment within the 50km consultation zone as soon as possible following publication of the OWPS.

3.2.36 The Chapter also refers to aviation matters and notes that bespoke solutions which alleviated specific, individual objections have been deployed successfully over the last decade or more, which has resulted in the release of significant volumes of renewable generation. It adds that it is important that solutions are cognisant of the cost of deploying renewable energy, particularly given the need to focus on both security of supply and low cost generation matters given the current international and economic situation.

Energy Systems & Regulation

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

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

3.2.38 As noted above the proposed development has a grid connection agreement with a connection date of August 2025 and could substantially contribute to the 2030 target.

3.2.39 Section 8.4 of the OWPS refers to security of supply and storage potential. Paragraph 8.4.1 recognises that onshore wind can play a greater part in helping to address the substantial challenges of maintaining security of supply and network resilience in a decarbonised electricity system.

3.2.40 Paragraph 8.4.5 states that on site battery storage not only reduces pressures from the grid, but enables more locally focussed energy provision, and reduces costs to consumers.

3.2.41 Paragraph 8.4.6 states:

"*The Scottish Government will continue to support the co-location of both battery storage and hydrogen production facilities with onshore wind developments to help balance electricity demand and supply, add resilience to the energy system and support the production of renewable hydrogen to meet our future demands*".

3.2.42 The proposed development contains battery storage and can therefore also contribute to the Government policy objectives in relation to balancing demand and supply, resilience to the energy system and security of supply.

OWPS Conclusions

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

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

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

3.2.45 The term "mission critical" is strong language and indicates onshore wind is crucial and extremely important to the attainment of the Government's policy and legislative objectives. This is fundamentally different policy language to that which was contained within NPF3 and SPP.

3.2.46 Overall, the Applicant's position is that the right balance has been struck in this case such that the development is acceptable.

3.3 The Draft Energy Strategy and Just Transition Plan

3.3.1 The Scottish Government published a new Draft 'Energy Strategy and Just Transition Plan' entitled 'Delivering a fair and secure zero carbon energy system for Scotland' on 10 January 2023. The new Strategy is to replace the one previously published in 2017. The consultation period on the draft runs up until 4 April 2023.

3.3.2 The Ministerial Foreword states:

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

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

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

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

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

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

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

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

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

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

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

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

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

3.3.6 In terms of policy and onshore wind, the Strategy cross refers to NPF4 and the recently published OWPS and reiterates the new ambition for a deployment of a minimum further 12 GW of installed onshore wind by 2030.

3.4 Conclusions on other Policy Provisions

3.4.1 Overall, the Draft Energy Strategy forms part of the new policy approach alongside the OWPS and NPF4 and confirms the Scottish Government's policy objectives and related targets reaffirming the crucial role that onshore wind will play in response to the climate crisis which is at the heart of all these policies. The proposed development would clearly help to further the Government's policy aspirations in that regard and would make a valuable contribution to the onshore wind target. A key point further emphasised in these policy documents is the need for urgency and to have substantially more installed capacity in place to meet the key 2030 targets. In this regard the proposed development can make a very substantial and timely, near-term contribution.

4. Conclusions

4.1 The Electricity Act 1989 (1989 Act)

4.1.1 Paragraph 3 of Schedule 9 to the 1989 Act provides a specific statutory requirement on the Scottish Ministers to have regard to various matters when considering development proposals for consent under section 36 of the 1989 Act.

4.1.2 The information that is contained within the individual topic sections of the EIA Report enables Scottish Ministers to be satisfied that the obligations under Schedule 9 are met and that suitable mitigation has been identified. It is also considered that the detailed work undertaken in the formulation of the EIA overall has confirmed and provides confidence that the proposed development would be undertaken in an environmentally acceptable manner.

4.2 The Climate Crisis & Renewable Energy Policy Framework

4.2.1 The urgent need for onshore wind has been set out: a large increase in the deployment of this renewable energy technology is supported through a number of policy documents and by Scottish Government commitments – most recently expressed in the new OWPS and in NPF4.

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

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

4.2.4 The benefits of the development have been set out in the context of the current Climate Emergency – they would help address the issue of global heating and very challenging 'net zero' targets and contribute to improving security of supply.

4.3 National Planning Policy & the Development Plan

4.3.1 In policy submissions to date on the application, as set out in the original Planning Statement (2020) the Applicant highlighted existing policy support for the proposed development and its contributions towards emissions reduction and renewable energy generation targets. The Applicant's position was that the Climate Emergency and the needs case were considerations which should be afforded substantial weight. It was made clear that these considerations were not a "trump card" that must lead to consent for every wind farm development; but they added to the weight of positive support in the planning balance. Any identified adverse effects should be considered within this context.

4.3.2 The policies contained in the draft NPF4 and draft OWPS supported and strengthened the case for approval. There was a clear recognition that climate change must become a primary guiding principle for all plans and decisions. Significant weight was to be given to the Climate Emergency and the contribution of individual developments to tackling climate change.

4.3.3 The draft policies were subject to consultation, and this influenced the weight that could be attached to these draft policy statements. NPF4 and the OWPS are no longer subject to consultation. The revised OWPS has now been published. NPF4 has now been approved and came into force on 13 February 2023. Both are up to date statements of Scottish Government policy, directly applicable to determination of this application. Both should be afforded very considerable weight in decision-making.

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

> The global climate emergency and the nature crisis are the foundations for the NPF4 Spatial Strategy as a whole. The twin global climate and nature crises are "*at the heart of our vision for a future Scotland*" so that "*the decisions we make today will be in the long-term interest of our country*"[6]. The policy position, and the priority afforded to combatting the Climate Emergency, is different to that under the former NPF3 and SPP;

> NPF4 Policy 1 directs decision-makers to give significant weight to the global Climate Emergency in all decisions. This is a radical departure from the usual approach to policy and weight and clearly denotes a step change in planning policy response to climate change. The matter of weight is no longer left entirely to the discretion of the decision maker; and

> Both NPF4 and the OWPS are clear that further onshore wind development, of scale and utilising modern, larger turbines, has a crucial role in combatting climate change, transitioning to a net-zero Scotland and ensuring security of energy supply. NPF4 Policy 11 strongly supports proposals for all forms of renewable, low-carbon and zero emissions technologies, including onshore wind farms.

4.3.5 As the Chief Planner has made clear, Policy 1 of NPF4 means that the decision maker must apply significant weight, but it is for the decision maker to decide if it is for or against the proposal, on the basis of its positive or negative contribution to the climate and nature crises. It is considered the proposed development would make a substantial and valuable positive contribution in relation to the climate crisis and would also deliver significant biodiversity enhancement.

4.3.6 It is important to fully recognise both the scale and urgency of the challenge set out in these documents and the required response from decision-makers. NPF4 is clear that significant progress must be made by 2030 requiring, as set out in the OWPS, that "*we must now go further and faster than before. We expect the next decade to see a substantial increase in demand for electricity to support net zero delivery across all sectors, including heat, transport and industrial processes*"[7].

4.3.7 Publication of the OWPS followed and cross-refers to NPF4 and, for the first time, sets an onshore wind target: a Scottish Government ambition for a minimum of 20GW of installed onshore wind capacity by 2030. New policy therefore supports an increase in the installed capacity of onshore wind in Scotland by a minimum amount equivalent to about 130% of the entire installed capacity of all current operational onshore wind farms in Scotland in a period of less than 7 years from the date of writing this Planning Statement update. This is also embedded in the Scottish Government's consultative draft Energy Strategy and Just Transition Plan, together with the commitment to "***place the climate and nature at the centre of our planning system***"[8] (original emphasis) in line with the NPF4.

[6] NPF4, page 2.
[7] OWPS 2022, paragraph 1.1.2.
[8] Energy Strategy and Just Transition Plan, page 55

4.3.8 By any measure, the identified need for delivery of this additional capacity is a massive challenge requiring an urgent and positive response. As noted above, unless projects are in the planning system now, there is a high likelihood is that they cannot contribute to this ambition before 2030.

4.3.9 This change in policy is also seen in the designation of individual renewable development applications as National Developments. National Developments are significant developments of national importance that will help to deliver the spatial strategy. As the Statement of Need for Strategic Renewable Electricity Generation and Transmission Infrastructure explains[9] "*A large and rapid increase in electricity generation from renewable sources will be essential for Scotland to meet its net zero emissions targets*."

4.3.10 The recognition of national development relates to the attainment of Government renewable generation and emission reduction targets. Moreover, it relates to the importance of developing electricity supplies which are not dependent on volatile international markets and are located within the UK's national boundaries. The urgency for an electricity system which is self-reliant and not reliant on fossil fuels is now enormous, in order to protect consumers from high and volatile energy prices, and to reduce opportunities for destructive geopolitical intrusion into national electricity supplies and economics has grown in importance in recent months. The 'window' until the key date of 2030 for Scottish Government targets is also getting narrower.

4.3.11 Other policy support for development of large-scale wind farms and the deployment of larger turbines is found in NPF4 and the OWPS:

> In addition to the cross-cutting NPF4 Policy 1, NPF Policy 11 directs that in considering the identified impacts of an onshore wind proposal significant weight will be placed on the contribution of a proposal to renewable energy generation targets and on greenhouse gas emissions reduction targets;

> The OWPS expressly recognises that meeting the ambition of a minimum installed capacity of 20GW of onshore wind in Scotland by 2030 will require taller and more efficient turbines and that this will change the landscape;

> NPF4 Policy 11 confirms that significant landscape and visual impacts are to be expected for some forms of renewable energy. Scottish Government policy, which will form part of the Development Plan, is that where such impacts are localised and / or appropriate design mitigation has been applied, they will generally be considered to be acceptable. Notably, policy recognises that significant landscape and visual effects are inevitable and generally acceptable.

4.3.12 NPF4 and the OWPS of course require that the decision-maker must also identify and weigh the adverse effects of a development. However, the way that decision makers can recognise the strengthening policy imperative and the increased weight that should be given to the benefits of the development is by giving stronger weight in the planning balance to the seriousness and importance of energy policy related considerations and the contribution of the proposed development in meeting renewable energy targets.

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

[9] NPF4, page 103.

4.3.14 In this case, the proposed development has a capacity substantially over 50MW (432 MW of onshore wind and 200 MW of BESS) and is a development of national importance that will help to deliver the national Spatial Strategy set out in NPF4. The development would make a substantial and valuable and near-term contribution to help Scotland and the UK attain Net Zero, security of supply and related socio-economic objectives. Specifically, the proposed development would be able to contribute to the interim 2030 emissions reduction target. It is submitted that very substantial weight should be given to this contribution when weighing the need for the development and its identified effects within the planning balance.

4.3.15 The DAS submitted with the AI explains that the layout review secures the following benefits compared to the originally submitted development:

> Cultural/built heritage concerns in relation to various assets in Moffat and at Dundoran Hill are fully addressed. Effects on the setting of Rangecastle Hill Fort are reduced;

> Visibility from Moffat (including from the conservation area) is substantially reduced meaning that turbines are less prominent in relation to the foothill and valley edges above Annandale;

> The number and prominence of visible aviation lights from Annandale and Moffat is substantially reduced;

> Turbines are set back from smaller scale and settled valley fringes, strengthening the perception that they are rooted in the upland plateau, away from the settled valley;

> Visual impact on residential property and amenity in Sandyford, Boreland, Wamphray area, Annandale and Moffat are substantially reduced;

> Removal of T61/T62 removes turbine outliers near Sandyford and reinforces the impression of the wind farm being located within the more upland parts of the foothills (LCT 18 (ii)); and

> NatureScot's ornithological concerns are addressed.

4.3.16 Overall, it is concluded in the DAS that in landscape and visual terms, the changes to the proposed development achieves a wind farm footprint that is substantially located within the upland plateau of the Southern Uplands, where the scale of development and size of wind turbines proposed can be accommodated, assisted by extensive commercial plantation land cover which provides a simple context to the development.

4.3.17 Furthermore, the DAS concludes visibility of wind turbines will not be removed from within 'Annandale and Dryfe Water Valley', but it will be substantially reduced following removal of turbines along the fringes of the uplands. It adds that in views from these surrounding areas, the development will appear set back and contained within the uplands, where it will appear to be an appropriately scaled intervention in landscape character terms. It therefore follows that the visual effects on people living in the foothills and surrounding farmland will reduce, as shown in the updated Residential Visual Amenity Assessment which is contained within the AI.

4.3.18 The DAS concludes that in overall terms, the proposed development will achieve a better 'fit' with its landscape and visual context.

4.3.19 The proposed development is considered to be in accordance with the relevant policies of the NPF4, the LDP and the related Supplementary Guidance.

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

4.4 Overall Conclusion

4.4.1 The policy set out in NPF4 and the OWPS requires a rebalancing of the consenting of onshore wind developments in response to the challenges of tackling the climate and nature crises. Having regard to the weight to be ascribed to the nationally important benefits of the development it is considered that the benefits of the proposal clearly outweigh its adverse effects.

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

4.4.3 The conclusion is that the proposed development would be consistent with all relevant policies of NPF4, and with the Development Plan when read as a whole insofar as that is a relevant matter in a Section 36 application.

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