Cumberhead West Wind Farm

South Lanarkshire

Planning Statement

November 2020

on behalf of

Cumberhead West Wind Farm Ltd

Contents

1. Introduction

1.1 Background

1.1.1 This Planning Statement has been prepared by David Bell Planning Ltd (DBP) on behalf of Cumberhead West Wind Farm Ltd (the Applicant) to support a section 36 application under the Electricity Act 1989 (the 1989 Act), for consent to construct, operate a wind farm known as Cumberhead West Wind Farm, and associated infrastructure ("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.

1.1.2 The proposed development is located within the South Lanarkshire Council (SLC) area and will comprise up to 21 wind turbines with a total installed generating capacity in the order of 126 megawatts (MW) together with approximately 40MW of energy storage output capacity.

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

1.1.4 This Planning Statement makes various cross references to information contained in the EIA Report and presents an assessment of the proposed development against relevant policy with due regard given to the provisions of the statutory Development Plan for the SLC area, national energy and planning policy, and other relevant material considerations. The Planning Statement is supplementary to, and should be read in conjunction with, the EIA Report submitted with the application. The Planning Statement also considers the potential benefits and harm which may arise and concludes as to the overall acceptability of the proposed development in relation to the planning policy framework and relevant material considerations.

The Applicant

1.1.5 Cumberhead West Wind Farm Ltd is a joint venture between local business 3R Energy Solutions Ltd (3R Energy) and ScottishPower Renewables (UK) Limited (SPR). 3R Energy was established in 2009, with its head office now situated in Lanark. The company was initially established to help farms and rural businesses to invest in renewable energy technology. 3R Energy has since diversified into larger scale renewables and has now developed a number of wind farm projects with the Hagshaw Cluster. As a local company 3R Energy is committed to working with communities closest to the Hagshaw Cluster for the long term to develop and deliver successful projects which create significant and tangible benefits for the local area.

1.1.6 3R Energy is part of a family enterprise group which also includes: Holz Energie UK Ltd, also based in Lanark, which is a wholly owned UK import franchise of the successful German wood-gas CHP manufacturer, Holz Energie Wegsheid, Mitchell Farming Partnerships and William Mitchell & Sons (WMS) Ltd, based at Newtonhead Farm Rigside and Hazelside Farm Douglas respectively, which manage the farming assets of the group. Together the group:

- owns and manages 3,500 acres of land in the Douglas Valley;
- has farmed the land for over 120 years;
- generates a combined annual turnover of ca. £6m; and
- employs 15 people on a full and part time basis.

1.1.7 ScottishPower Renewables is part of the ScottishPower group of companies operating in the UK under the Iberdrola Group, one of the world's largest integrated utility companies and a world leader in wind energy. ScottishPower now only produces 100% green electricity – focusing on wind energy, smart grids and driving the change to a cleaner, electric future. The company is

investing over £4m every working day[1] to make this happen and is committed to speeding up the transition to cleaner electric transport, improving air quality and over time, driving down bills to deliver a better future, quicker for everyone.

1.1.8 ScottishPower Renewables is at the forefront of the development of the renewables industry through pioneering ideas, forward thinking and outstanding innovation. Its ambitious growth plans include expansion of its existing onshore wind portfolio, investment in new large scale solar deployment and innovative grid storage systems including batteries. The company is also delivering the Iberdrola Group's offshore windfarms in the Southern North Sea off East Anglia.

1.1.9 With over 40 operational windfarms, ScottishPower Renewables manages all its sites through its world leading Control Centre at Whitelee Windfarm, near Glasgow.

1.2 The statutory Framework

Schedule 9 to the Electricity Act 1989

1.2.1 A decision on the Application under the 1989 Act is the principal decision to be made. Paragraph 3 of Schedule 9 to the Electricity Act 1989 deals with preservation of amenity. In summary, the provisions set out a number of environmental features to which regard must be had and that mitigation must be considered. Sub-paragraph 1 can be relevant to an Applicant if they hold a License at the date a s.36 application is made. Sub-paragraph 2 applies in any event. Sub-paragraphs 1 and 2 state:

(1) "*In formulating any relevant proposals, a licence holder or a person authorised by exemption to generate, transmit, distribute or supply electricity*

(a) shall have regard to the desirability of preserving natural beauty, of conserving flora, fauna and geological or physiographical features of special interest and of protecting sites, buildings and objects of architectural, historic or archeological interest; and

(b) shall do what he reasonably can to mitigate any effect which the proposals would have on the natural beauty of the countryside or on any such flora, fauna, features, sites, buildings or objects.

(2) In considering any relevant proposals for which his consent is required under section 36 or 37 of this Act, the Secretary of State shall have regard to—

(a) *the desirability of the matters mentioned in paragraph (a) of sub-paragraph (1) above; and*

(b) the extent to which the person by whom the proposals were formulated has complied with his duty under paragraph (b) of that sub-paragraph."

3) Without prejudice to sub-paragraphs (1) and (2) above, in exercising any relevant functions each of the following, namely, a licence holder, a person authorised by exemption to generate or supply electricity and the Secretary of State shall avoid, so far as possible, causing injury to fisheries or to the stock of fish in any waters".

1.2.2 The Applicant has sought to develop a project that takes full account of the Schedule 9 duties. It is relevant to note the use of the terms 'desirability' and 'reasonably' with regard to project design, siting and mitigation. This recognises that there are balances and reconciliations to be considered in decision making for this type of application.

[1] Between 2018 – 2022.

1.2.3 Although the Applicant is not bound at the present time by the requirements of Schedule 9 of the 1989 Act, the Scottish Ministers will have to have regard to sub paragraph 2 and 3. As a consequence, the Applicant has considered these matters during the design of the proposed development. This is demonstrated by the robust evaluation and assessment of effects as set out within the EIA Report.

1.2.4 In the Fauch Hill / Harburnhead s.36 decision (page 5, paragraph 1) it was set out by the Reporters with regard to Schedule 9 of the 1989 Act that:

"*The provisions of Schedule 9 of the Electricity Act 1989 apply to the assessment of wind farms with an installed capacity of over 50 MW. The Scottish Government's position is that whether an applicant is licensed or not, Ministers will have regard to the Schedule 9 provisions and expect them to be addressed through the Environmental Statement. We are satisfied that both applications have submitted sufficient environmental information and that the relevant requirements have been complied with. We are also satisfied that both applications have had regard to the relevant environmental matters and within the parameters of their chosen design have done what they reasonably could to mitigate any impact*."

1.2.5 The EIA for the proposed development demonstrates that due regard has been paid to Schedule 9 of the 1989 Act and appropriate mitigation has been considered in detail.

The role of the Development Plan

1.2.6 In considering the overall statutory and regulatory framework within which the proposed development should be assessed, the statutory Development Plan is a material consideration which should be taken into account in the round with all other relevant material considerations. It is important to note however, that section 25 of the 1997 Act is not engaged as there is no 'primacy' of the Development Plan in an application made under the 1989 Act. This matter is now settled following various High Court and Court of Session cases in recent years[2].

1.3 Site Location & Description

1.3.1 The site adjoins an established cluster of wind farms around Hagshaw Hill (known as the 'Hagshaw Cluster') in rural South Lanarkshire. The site is located approximately 4.3 km to the west of Coalburn, 5.6 km to the south-west of Lesmahagow 7.2 km north-west of Douglas and 6 km north-east of Muirkirk (distances to the nearest turbine). The M74 motorway is approximately 7.6 km east of the proposed turbines.

1.3.2 The site comprises a main Development Area of approximately 898 hectares (ha) of the existing Cumberhead Forest and adjoining land, consisting primarily of commercial coniferous plantation and existing forestry tracks plus a small parcel of farmland around Black Hill and Eaglinside. The site boundary also includes the site access track (from junction 11 of the M74 motorway along existing and proposed tracks to the southern corner of the site) which is approximately 16 km long and comprises an area of 151 ha. The site gradually rises from 320 m Above Ordnance Datum (AOD) in the north to 522 m AOD at the summit of Nutberry Hill in the south of the site.

1.3.3 The surrounding land comprises open moorland to the west and south-west, farmland with some scattered individual properties to the north and north-east, with further coniferous plantation to the south and south-east. Some of the moorland adjoining the site to the west lies within the northernmost extent of the Muirkirk and North Lowther Uplands Special Protection Area (SPA) and Site of Special Scientific Interest (SSSI).

1.3.4 The Birkenhead Burn Site of Special Scientific Interest (SSSI), covers a small section of the north of the site (3.11 ha) and is designated for its geological features. The SSSI is one of a network of Silurian sites in the Midland Valley of Scotland that yields important vertebrate fossil-bearing rocks.

[2] See R (on the application of Samuel Smith Old Brewery (Tadcaster) v Secretary of State for Energy & Climate Change; William Grant / Dorenell s.36 Wind Farm Judicial Review case of June 2012; and, Fauch Hill / Harburnhead s.36 Wind Farm Decision (July 2014).

1.3.5 A section of the Birk Knowes SSSI (approximately 4.03 ha) extends into the application site, at its western boundary. The SSSI is designated for its localised exposures of fossiliferous rock, upland habitats. It is a location that represents late Llandovery age sediments with unusual and palaeontologically relevant arthropod and fish faunas.

1.3.6 No residential properties lie within the site boundary. The closest occupied residential property is Logan Farm, located to the north of the site, approximately 780m north of the nearest proposed turbine (T10).

1.4 Proposed Development

A Coordinated Strategy for the Future of the Hagshaw Cluster

1.4.1 It is relevant to set out the background to the proposed development and how it fits into a wider strategic plan for the local area. As explained in Chapter 3 of the EIA Report, the proposed development forms one component of a wider strategy for the future of the Hagshaw Cluster.

1.4.2 As neighbouring landowners to Cumberhead Forest, 3R Energy is working in partnership with SPR to develop a wind energy scheme on the eastern part of the forest as an extension to the consented Douglas West Wind Farm – known as 'Douglas West Extension'. As landowners of Scotland's first wind farm on the neighbouring Hagshaw Hill, 3R Energy has also recently concluded arrangements with SPR to repower Hagshaw Hill Wind Farm at the end of its operational life. 3R Energy and SPR have now extended their partnership to progress the opportunity to develop the Cumberhead West Wind Farm (the subject of this application) which would complete the wind farm 'picture' within the western part of the forest (see EIA Report Figure 1.2). There is a high degree of confidence that the Hagshaw Cluster will be delivered in the near term (refer to EIA Report Chapter 1 for current grid connection dates).

1.4.3 There are various benefits in taking these projects forward in partnership, including: helping to create and sustain local employment, keeping income generated in the local area, and maximising renewable generation and community benefit opportunities from the sites. Together, these projects create a unique opportunity for the local area to secure a substantial 30 year income stream that could deliver a transformational change agenda for the villages of Coalburn, Lesmahagow, Douglas and outlying settlements, aligned to a strategic opportunity to develop a regional Adventure Tourism destination on the M74.

1.4.4 There are also many benefits from a physical perspective which can be achieved by these local projects being taken forward in a coordinated fashion, including:

- Delivery of an outcome which is better designed in landscape terms, more strategically efficient and cost-effective;
- Optimisation of renewable generation from an established wind farm location;
- More efficient use of existing infrastructure and grid connection assets;
- Consideration of energy storage options;
- Better coordinated habitat management proposals;
- Enhanced public access delivery across multiple sites; and
- A significant Community Benefit package which would generate a 30-year income stream to fund a Local Investment Strategy for the area.

The Main Elements of the Proposed Development

1.4.5 The proposed development is described in detail in Chapter 3 of the EIA Report, however, in summary, the main elements of the proposal can be summarised as follows:

- Up to 21 horizontal axis wind turbines, each with a maximum tip height of 200m and a typical generating capacity of approximately 6 MW.

- Associated foundations and crane hardstandings at each wind turbine location;
- Access tracks linking the turbine locations comprising of a combination of new, upgraded and existing tracks;
- Two temporary construction compounds and a temporary turbine laydown area;
- Two steel lattice tower meteorological masts, up to 100m in height;
- A network of underground cabling; and
- Substation, control building and energy storage compound. Subject to economic viability, a separate energy storage facility providing around 40 MW of storage output capacity will be located adjacent to the control building.

1.4.6 To minimise the volume of imported material brought onto the site and any associated environmental impact, borrow pits located within the site will be used to source stone for track and hardstanding construction. Three borrow pit search areas have been identified and it is proposed that the actual borrow pit(s) would be located within these search areas, however, would only require using a portion of the search area. Existing borrow pits for forestry purposes already exist within each of the three borrow pit search areas identified.

1.4.7 Access to the site will be taken from junction 11 of the M74 motorway, via an existing private haul road through the Douglas West Wind Farm site, then into the Cumberhead Forest via the Douglas West Wind Farm Extension site (which is currently in planning) using existing access tracks and tracks which are to be created/upgraded as part of the Douglas West Wind Farm and Extension works. On leaving the Douglas West Extension site existing forest tracks will be utilised, through both the consented Cumberhead Wind Farm site and operational Nutberry Wind Farm site.

1.4.8 In terms of grid connection, the proposed development will most likely be connected to the wider electricity network via the Coalburn Transmission Substation to the north-east of the site, with agreement for connection at the end of 2024. The final routing and design of the grid connection cable(s) between the on-site substation and Coalburn Transmission Substation will be the responsibility of the Network Operator. An underground cable solution is presently proposed.

1.4.9 The EIA assessment assumes that the operational lifespan of the proposed development would be 30 years, after which it would be appropriately decommissioned.

1.4.10 The siting and design of the proposed development has gone through an iterative process whereby the Applicant considered different turbine layouts, heights and access proposals – as explained in Chapter 2 of the EIA Report (Site Selection & Design). This has resulted in a scheme which seeks to maximise renewable energy generation whilst minimsing significant environmental effects to an acceptable level.

1.5 Structure of Planning Statement

1.5.1 The structure of this Planning Statement is as follows:

- **Chapter 2** describes the renewable energy policy framework.
- **Chapter 3** addresses relevant national planning policy and guidance.
- **Chapter 4** provides a summary of the relevant Development Plan and applicable Supplementary Guidance. The proposed development is considered against SLC's 'lead' policy which deals with renewable energy developments, namely, Local Development Plan Policy 19 and the related Supplementary Guidance 10. The assessment also refers other Development Plan policies and to the emerging LDP.
- **Chapter 5** sets out the benefits that would arise from the proposed development.
- **Chapter 6** presents overall conclusions.

2. Climate Emergency & the Renewable Energy Policy Framework

2.1 Introduction

2.1.1 This Chapter refers to the renewable energy policy framework with reference relevant international, European, UK and Scottish energy policy provisions. The framework of international agreement, binding targets and climate change global advisory reports is the foundation upon which national energy policy is based. The international and national policy referred to demonstrates the need case for renewable energy from which the proposed development can draw a high level of support.

2.1.2 It is evident that there is unequivocal, clear and consistent policy support at all levels, from international to local, for the deployment of renewable energy generally and onshore wind particularly to combat global heating, diversify the mix of energy sources, achieve greater security of supply, and to attain legally binding renewable energy and emission reduction targets. The proposed development would make a valuable contribution to help Scotland meet its renewable energy and electricity production targets, while supporting CO_2 reduction to combat global heating in the current Climate Emergency.

2.1.3 Government renewable energy policy and associated renewable energy and electricity targets are an important material consideration and it is important to be clear on the current position as it is a fast-moving topic of public policy. More fundamentally, there have been new legally binding targets introduced at both a UK and Scottish level and declared Climate Emergencies.

2.2 International & European Policy Considerations

International Agreements and Obligations – The COP21 UN Paris Agreement

2.2.1 The Paris Agreement (12 December 2015) sets out (page 2) that it "*emphasises with serious concern*" the need to hold the increase in global average temperature to "*well below 2^{o}C*" above pre-industrial levels and to pursue "*efforts to limit the temperature increase to 1.5^{o}C*". In order to achieve this long-term temperature target, the text states "*parties aim to reach global peaking of greenhouse gas emissions as soon as possible*".

2.2.2 It is clear that moving to a low carbon economy is now a globally shared goal and will require absolute emission reduction targets

2.2.3 The **Court of Appeal Judgment[3] on the third Heathrow runway** dated 27 February 2020 is of relevance in that it firmly sets out that the UK Government's commitment to the Paris Agreement (2015) is part of Government policy, therefore other policy documents and decision making must take into account and cannot ignore international commitments on climate change.

2.2.4 The UK Government's commitment under the Paris Agreement links through to the Committee on Climate Changes' (CCC) advice to both the UK and Scottish Governments on 'net zero' targets which have now, at both the UK and Scottish levels been translated into new legislative provisions and targets for both 2045 and 2050. This is referred to below.

The IPPC SR1.5 Report (2018)

2.2.5 The Intergovernmental Panel on Climate Change (IPPC) published a 'Special Report on the impacts of global warming of 1.5°C above pre-industrial levels and related global greenhouse gas emission pathways' in response to an invitation contained in the Decision of the Conference of Parties of the United Nations Framework Convention on Climate Change to adopt the Paris Agreement. The IPCC accepted the invitation in April 2016 and the Special Report known as 'SR1.5' was published in October 2018.

[3] [2020] EWCA Civ 214.

2.2.6 The report concludes that human-induced warming reached approximately 1°C above pre-industrial levels in 2017 and at the present rate, global temperatures would reach 1.5°C around 2040. The report makes it clear that delayed action, limited international cooperation, and weak or fragmented policies that lead to stagnating or increasing greenhouse gas emissions would put the possibility of limiting global temperature rise to 1.5°C above pre-industrial levels out of reach.

2.2.7 In response to the IPPC report, the Scottish Government stated it would seek updated advice from the CCC on meeting the 1.5ºC target. The Government has received and acted on that advice (this is referred to below).

The United Nations 'Gap Report' (2019)

2.2.8 The United Nations Environment Programme 'Gap Report 2019'[4] published in November 2019 provides an assessment of scientific studies on current and estimated future greenhouse gas (GHG) emissions and compares these with the emission levels permissible for the world to progress on a least-cost pathway to achieve the goals of the Paris Agreement. This difference between "*where we are likely to be and where we need to be*" has become known as the 'emissions gap'.

2.2.9 The Executive Summary (page 4) states that the "*summary findings are bleak. Countries collectively failed to stop the growth in global GHG emissions, meaning that deeper and faster cuts are now required*." Key points in the report include *inter alia*:

- GHG emissions continue to rise despite scientific warnings and political commitments. There is no sign of emissions peaking in the next few years; every year of postponed peaking means that deeper and faster cuts will be required;
- A continuation of current policies would lead to a global mean temperature rise of between 3.4°C and 3.7°C by 2100 relative to pre-industrial levels, and continuing thereafter.
- The emissions gap is large – larger than ever;
- Dramatic strengthening of 'national contributions' is needed – countries must increase ambitions fivefold to achieve the 1.5ºC goal;
- Given the time lag between policy decisions and associated emissions reductions – waiting until 2025 to strengthen contributions will be too late to close the 2030 emissions 'gap';
- Renewables in combination with electrification is key to the energy transition and to drive down GHG emissions;
- Unprecedented and immediate action is required; and
- Postponing ambition and action is no longer an option.

European Policy & Targets

2.2.10 The Renewable Energy Directive 2009/28/EC established an overall policy for the production and promotion of energy from renewable sources in the EU. It requires the EU to fulfil at least 20% of its total energy needs with renewables by 2020 – to be achieved through the attainment of individual national targets. All EU countries must also ensure that at least 10% of their transport fuels come from renewable sources by 2020.

2.2.11 In December 2018, the new revised Renewables Energy Directive on the promotion of the use of energy from renewable sources (2018/2001) entered into force – establishing a new binding renewable energy target for the EU for 2030 of at least 32%, with a clause for a possible upwards revision by 2023.

[4] United Nations Gap Report (November 2019).

2.2.12 On 29 March 2017, the UK formally notified of its intention to leave the EU under Article 50 of the Treaty of the EU. The European Union (Withdrawal) Act 2020 converts all EU laws, rules and targets into domestic UK governance. It is considered that the existing EU renewable energy targets for the UK, such as the requirements of the Renewable Energy Directive, will remain applicable. During the Transition Period existing rules and targets apply and there is currently no suggestion that those targets will not continue to apply beyond the end of the transition period.

2.2.13 For the UK, the EC's obligations include for 15% of all energy consumed in the UK to come from renewable sources by 2020. The position as of the end of 2019 (the last full year for which figures are available) was that renewable energy only accounted for approximately 12.3% of energy consumption in the UK, well short of the 15% target[5]. The national targets set for 2020 (under the previous 2009 Directive) are set out in the 2018 Directive as constituting the Members States' minimum contribution to the new '2030 Framework'.

2.3 United Kingdom Energy Policy

Relationship of UK / Scottish Energy Policy

2.3.1 Energy policy is a matter reserved to the Westminster Parliament. The UK Government therefore retains control of the overall direction of energy policy including the attainment of UK national targets on renewable energy generation.

2.3.2 Although the overarching position in the UK is that energy policy is not a devolved matter, important policy documents such as the UK Renewable Energy Strategy (2009) and the UK Renewable Energy Roadmap (2011 and its various Updates) have embraced and encouraged actions across the UK as a whole. Such documents have also made clear that the Devolved Administrations play an important role in the attainment of overall UK and European targets for renewable electricity.

2.3.3 While the Scottish Government does not have the core competency over energy policy, it has not prevented them issuing a range of policy statements and 'Routemaps' for renewable energy and the low carbon agenda for their own territory. The Scottish Government has been engaged in policy making over successive Governments on the topic of renewable energy often going further and faster than UK wide policy and targets.

2.3.4 A key recent matter in terms of UK policy is the recommendations from the CCC and the UK Government's commitment to net zero emissions and the advice from the CCC on the recommended recovery approach from the COVID-19 crisis.

Committee on Climate Change Report (May 2019)

2.3.5 The CCC[6] published its landmark report entitled 'Net Zero – UK's Contribution to Stopping Global Warming' in May 2019. The report responds to requests from the Governments of the UK, Wales and Scotland, asking the CCC to reassess the UK's long-term carbon emissions targets.

2.3.6 The Foreword (page 8) sets out that the CCC has "*reviewed the latest scientific evidence on climate change, including last year's IPCC special report on global warming of 1.50C and considered the appropriate role of the UK in the global challenge to limit future temperature increases*". It adds, "*Net Zero is a more fundamental aim than previous targets. By reducing emissions produced in the UK to zero, we also end our contribution to rising global temperatures*".

[5] BEIS, Digest of UK Energy Statistics (July 2020), Chapter 6. Onshore wind remains the leading technology in terms of UK renewable capacity, at 29.9% recorded for 2019.

[6] The CCC is an independent, statutory body established under the Climate Change Act 2008. Its purpose is to advise the UK Government and Devolved Administrations on emissions targets and report to Parliament on progress made in reducing greenhouse gas emissions and preparing for climate change.

2.3.7 The Foreword also sets out that "*we must now increase our ambition to tackle climate change. The science demands it; the evidence is before you; we must start at once; there is no time to lose*".

2.3.8 The report makes recommendations for the UK economy including:

- UK overall: a new tougher emissions target of net zero[7] greenhouse gases (CHG) by 2050, ending the UK's contribution to global warming within 30 years. This would replace the previous target of an 80% reduction by 2050 from a 1990 baseline;
- Scotland: a target of net-zero GHG economy by 2045, reflecting Scotland's greater relative capacity to remove emissions than the UK as a whole;
- A net zero GHG target for 2050 would deliver on the commitment that the UK made by signing the Paris Agreement.

2.3.9 In terms of the UK and Scottish targets, the report makes it clear that, *"this is only possible if clear, stable and well designed policies to reduce emissions further are introduced across the economy without delay. Current policy is insufficient for even the existing targets*". (underlining added)

2.3.10 The report also adds for Scotland that:

"*Scotland has proportionately greater potential for emissions removal than the UK overall and can credibly adopt a more ambitious target. It should aim for net zero greenhouse gas emissions by 2045. Interim targets should be set for Scottish emissions reductions (relatively to 1990) of 70% by 2030 and 90% by 2040*".

2.3.11 The CCC report sets out various scenarios for UK net zero GHGs in 2050. These include one of extensive electrification, particularly of transport and heating. Page 23 of the Executive Summary states that this would need to be "*supported by major expansion of renewable and other low carbon power generation. The scenarios involve around a doubling of electricity demand, with all power produced from low carbon sources (compared to 50% today*)." (underlining added)

2.3.12 The Technical Annexe to the CCC report specifically addresses integrating variable renewables into the UK electricity system. The Annexe makes it clear that variable renewable electricity such as large-scale onshore wind is now the cheapest form of electricity generation in the UK and can be deployed at scale to meet UK electricity demands.

2.3.13 The report contains a number of key messages including that *"intermittency of renewables does not prevent full decarbonisation of the power system. Deployment of variable renewables, alongside system flexibility, is a low regret and low cost means of de-carbonising the UK's electricity system*".

The UK Net Zero Target

2.3.14 On 11 June 2019, the then Prime Minister Theresa May announced that the UK Government would bring forward legislation to set a Net Zero target into law. On 27 June 2019 the UK Government became the first major economy in the world (the first G7 country) to pass legislation to end its contribution to global warming by 2050 – by way of 100% reduction of greenhouse gas emissions. The target is now legally binding by way of an amendment to the Climate Change Act 2008.

CCC - Progress Report to Parliament (July 2019)

2.3.15 The Foreword of the Report states that in May 2019, the CCC's Net Zero report offered compelling analysis of the need to reduce greenhouse gas emissions in the UK effectively to zero by 2050. The net-zero target meets the UK's obligations under the Paris Agreement and responds to the

[7] A net zero target would require 100% reduction in greenhouse gas emissions. It is referred to as 'net' as the expectation is that it would be met with some remaining sources of emissions which would need to be offset by removals of CO_2 from the atmosphere.

urgent need for action highlighted by the IPCC in the 2018 Special Report on 1.5°C of global warming.

2.3.16 The Report states that the CCC welcomes strongly the UK Parliament's decision to make net zero law – and the corresponding decisions of the Welsh Assembly and the Scottish Parliament. These are acknowledged to be positive steps which are of "*fundamental consequence for the future path of our economy, our society and the climate. Carbon neutrality has now become a mainstream goal*".

2.3.17 Other key points included:

- It is time to act.
- The Adaptation and Mitigation Committees have reviewed the UK Government's approach to climate change adaptation and emissions reduction. The Report states "*we find a substantial gap between current plans and future requirements and an even greater shortfall in action*".
- The Clean Growth Strategy, the UK's plan for emissions reduction, provides a solid foundation for the action needed to meet a net-zero GHG target but "*policy ambition and implementation now fall well short of what is required*".

BEIS consultation on proposed amendments to the CfD scheme for low carbon electricity generation

2.3.18 The 'consultation on proposed amendments to the Contracts for Difference (CfD) scheme for low carbon electricity generation' was issued by the Department for Business Energy and Industrial Strategy (BEIS) in early March 2020. The Secretary of State confirmed on 02 March that onshore wind and solar developments would be able to bid in the 2021 CfD round and the consultation was on how best to facilitate this change to the CfD scheme.

2.3.19 The document is informative in setting out the UK latest policy position in relation to renewables and 'net zero'. Key points arising with regard to the policy position within the document include the following:

- The changes to the CfD scheme have been made to support the increase in ambition needed to achieve the Government's 2050 net zero target.
- It states that decarbonising the power sector is a vital part of the UK's effort to meet its world leading net zero target. It states whilst we cannot predict today exactly what the generating mix will look like in 2050, we can be confident that "*renewables will play a key role, alongside firm or flexible low carbon generating capacity*". (underlining added)
- It adds that the UK was the first major economy to set a legally binding target to cut emissions to net zero by 2050 and end its contribution to global warming. It states, "*the target, which came into force on 27 June 2019, will require the UK to reduce all greenhouse gas emissions to net zero by 2050, compared with the previous target of an 80% reduction from 1990 levels. This is a landmark decision for the UK and one which demonstrates that we are continuing to lead the international effort to bring an end to climate change*".
- It further adds that this is "….. an important step towards decarbonising the UK's energy system. The UK's new *2050 net zero emissions target means that we will continue to require substantial amounts of new, low carbon power sources to be built before 2050. In the report on net zero the Committee on Climate Change (CCC) states that the UK could require four times the amount of renewable generation from today's levels, requiring sustained and increased deployment between now and 2050*". (underlining added)
- Page 11 also adds that "*the transition to a net zero greenhouse gas economy will require change across the whole of society, and in this context the Government has considered how to ensure that CfD allocation rounds can best support an increase in the pace of renewable deployment needed to achieve its net zero ambitions*….".

2.3.20 The aims of the consultation set out (page 11) are described as supporting the following themes, *inter alia*:

- Delivering net zero - by supporting the increased ambition required by the Government's economy wide legislative target to reach net zero GHG emissions by 2050; and
- Maintaining energy security - by supporting deployment of new power sources needed to achieve a low cost and secure low carbon power system.

2.3.21 At page 15 of the document 'delivering net zero' is addressed and the Government sets out that "*on 27 June 2019, a new legally binding target to reach net zero greenhouse gas emissions by 2050 came into law in the UK. By 2050, the UK will need an ultra-low carbon power sector to meet this economy wide net zero emissions target. In parallel, generation will need to increase to meet future demand and at the same time as aging plants are being decommissioned. The CCC believes almost complete decarbonisation in the power sector can be achieved, but that to achieve this, low carbon electricity generation will need to quadruple by 2050. The CfD scheme therefore needs to be able to support a substantial increase in low carbon generation capacity*". (underlining added)

2.3.22 The document continues by stating "*the UK's new 2050 net zero target will require a substantial amount of new, low carbon power sources to be built before 2050 and to produce the majority of power with renewables if we are to decarbonise at low cost… In its report on net zero, the CCC advise that the UK could require up to a four-fold increase in renewable generation under their 'further ambition' scenario*".

2.3.23 With regard to the established technologies for CfD, importantly the consultation document sets out that Government is aware of a number of projects (mainly solar PV and onshore wind) that have deployed or are planning to deploy on a merchant basis since the last 'Pot 1' auction was held under the CfD regime. It adds:

"*however, there is a risk that if we were to rely on merchant deployment of these technologies alone at this point in time, we may not see the rate and scale of new projects needed in the near term to support decarbonisation of the power sector and meet the net zero commitment to low cost*".

2.3.24 The consultation document from BEIS is therefore very important in further strengthening the overall policy case for onshore wind.

CCC Annual Report to UK Parliament (June 2020)

2.3.25 The CCC published its Annual Report[8] to the UK Parliament (required under the Climate Change Act 2008) on 25 June 2020.

2.3.26 The report includes new advice to the UK Government on securing a green and resilient recovery following the COVID-19 pandemic. It recommends that Ministers "*seize the opportunity to turn the COVID-19 crisis into a defining moment in the fight against climate change*". The CCC states that although a limited number of steps have been taken over the past year to support the transition to a net-zero economy and improve the UK's resilience to the impacts of climate change "*much remains to be done*".

2.3.27 With reference to COVID-19, the CCC sets out that recovery from it will reshape how the climate crisis is tackled. It states in the Executive Summary:

"*Choices in the coming months must steer a recovery that drives vital new economic activity, accelerates our transition to Net Zero and strengthens our resilience to the impacts of climate change. UK domestic climate ambition can be the basis for UK international leadership in 2021, in the Presidency of the delayed UN climate summit in Glasgow (COP26) and in the G7 Presidency. It is 12 months since Net Zero became law, requiring the UK to reduce net emissions of greenhouse*

[8] CCC 'Reducing UK emissions: 2020 Progress Report to Parliament' 25 June 2020.

gases to zero by 2050. Initial steps towards a net-zero policy package have been taken, but this was not the year of policy progress that the Committee called for in 2019.

Net Zero has been adopted as a key goal of the Government ……but we are not making adequate progress in preparing for climate change. The delay of COP26 to November 2021 provides a window to address this policy deficit and establish a credible internationally-leading position".

2.3.28 In terms of building a resilient recovery from the COVID-19 crisis the CCC state:

- Success requires that net-zero emissions and improved climate resilience are integral to the COVID-19 recovery;
- The extraordinary steps taken to slow infections in recent months have created new economic and social pressures;
- Climate investments will help create jobs and stimulate economic recovery, while changing the course of UK emissions and improving our resilience to climate change for the coming decade and beyond; and
- The fundamental requirements to achieve Net Zero are largely unchanged by COVID-19.

2.3.29 The report adds that the steps that the UK takes to rebuild from the COVID-19 pandemic and its economic damage can also accelerate the transition to low-carbon activities and improve climate resilience.

2.3.30 At page 16 of the report, the CCC state that in April 2020, the CCC wrote to the Prime Minister and the First Ministers of Scotland, Wales and Northern Ireland setting out six principles for a resilient recovery from COVID-19 as follows, *inter alia*:

- Use climate investments to support the economic recovery and jobs;
- Tackle the wider 'resilience deficit' on climate change.
- Ensure the recovery does not 'lock-in' greenhouse gas emissions or increased climate risk.

2.3.31 The report adds that the CCC 'Costs and Benefits Advisory Group on Net Zero', reconvened for the report endorsed these principles and concluded that "*the economic recovery from [COVID-19] gives the UK a chance to grow back in a way that is fit for the low-carbon future to which it aspires, and that can benefit from the industrial and economic developments that this future offers*."

2.3.32 In terms of specific reference to the power sector, the report welcomes plans to bring onshore wind back into the system of power auctions and states a clear timetable for future auctions would support delivery and development of supply chains.

2.3.33 A fundamental part of the report is (Chapter 5 'Planning a resilient recovery'). The CCC state that:

"*the economic impact of the pandemic is being felt worldwide, with the IMF predicting the worst global recession since the 1930s. The UK is heading for a recession. UK Gross Domestic Product (GDP) fell by 2% for the first quarter of 2020, covering only the very start of the crisis, and by over 20% in the month of April. The latest independent forecasts have, on average, predicted a fall of 8.6% in UK GDP for 2020*."

2.3.34 Overall, the Committee recommends that investments in low-carbon and climate adaptation infrastructure must be at the heart of measures to restore economic growth following COVID-19.

2.3.35 The report explains (page 184) that renewables can now be deployed at scale in the UK and Government should take advantage of the cost reductions in renewable electricity over the past decade and "*should continue to use the Contracts-for-Difference (CfD) auction mechanism to deliver ambitious power sector decarbonisation during the 2020s, consistent with plans for electrification of transport and heat*".

2.3.36 Page 169 sets out that where powers are reserved to the UK level, the devolved administrations have an important role in ensuring that the emissions reductions take place. In particular, the devolved administrations should focus on various areas including "planning", described as a "*useful lever over infrastructure that needs to be well aligned to objectives for emissions reduction*" by various means including "*a favourable planning regime for low-cost onshore wind*."

UK Government Response to CCC Progress Report (October 2020)

2.3.37 The Government published its response to the CCC Progress Report to Parliament in October 2020. The Executive Summary (page 7) sets out that attaining net zero will involve fundamental changes across the UK economy and: "*under any feasible scenario, meeting net zero will require reductions in emissions across the economy on a scale not previously seen; ambitious and early deployment of existing technologies and approaches; and innovation in new technologies… will enable us to offset emissions from sectors which cannot fully decarbonise*".

2.3.38 In addition, the report sets out that the Government's position is that in delivering net zero "*we want to ensure that we deliver emissions reductions at a rate which maximises the economic opportunities for the UK, both from domestic deployment of clean technologies as well as through realising export opportunities in what promises to be large and growing international markets in low carbon technologies and services such as renewables*…"

2.3.39 The report sets out that in recovering from Covid-19 "*we must build back better and greener and do that at the pace that this moment requires by investing in and accelerating infrastructure across the UK to promote a clean, green recovery*" (page 10).

2.3.40 In this regard it is recognised that green investments such as renewables is an effective means of delivering jobs and the Government clearly sets out that it is "*determined to seize the once in a generation economic opportunities of the net zero transition – creating new business opportunities and up to two million green jobs by 2030 across all regions of the UK*" (page 13).

2.3.41 The report adds "*the year ahead is critical for global progress on climate change and a major test of global cooperation after Covid-19. We agree that it will be crucial for the UK to demonstrate strong climate leadership*".

2.3.42 The report addresses sector specific action and power is addressed from page 15. A key objective is the delivery of more renewables. In this regard there is recognition of growing electricity demand and it is stated that "*by 2050, electricity demand could double as it is used to decarbonise heat and transport. We will need a substantial increase in low carbon generation and a mix of technologies to deliver a low carbon, low cost and reliable electricity system that can adapt to our needs*" (page 17).

2.3.43 In terms of the international leadership position, the Governments set out that "*the science is clear. To limit global warming to 1.5° Celsius, we need to halve global emissions over the next decade. However current commitments made under the Paris Agreement fall far short of what is required. We must scale up action to respond to the climate emergency, and the world must act together to achieve this*".

2.3.44 In terms of future policy, the Ministerial Foreword sets out that the Government intends to produce an energy White Paper and a comprehensive Net Zero Strategy in 2021: and that the strategy "*will set out the Government's vision for transitioning to a net zero economy, making the most of new growth and employment opportunities across the UK. These will raise ambition as we outline our path to hit our 2050 target*".

2.4 Scottish Government Policy and Renewable Energy Generation Targets

2.4.1 In recent years there has been a large number of Scottish Government policy documents (as well as statute) on the topic of climate change and renewable energy. In this section the following more recent documents are referred to, with key policy objectives and targets highlighted:

- The Scottish Energy Strategy (2017);
- The Onshore Wind Policy Statement (2017);
- The Climate Change Plan (2018);
- Statements from the First Minister on the 'Climate Emergency';
- The Climate Change (Emissions Reduction Targets) (Scotland) Act 2019;
- The Programme for Government (2019);
- The CCC advice to the Scottish Government on recovery from the COVID-19 crisis (May 2020);
- The recommendations from the Scottish Government's Advisory Group on Economic Recovery (June 2020);
- The Report from the Climate Emergency Response Group (CERG) 'Eight Policy Packages for Scotland's Green Recovery' (July 2020); and
- The Programme for Government (2020).

The Scottish Energy Strategy (2017)

2.4.2 The Scottish Energy Strategy (SES) was published in December 2017 and sets a 2050 vision for energy in Scotland as "*a flourishing, competitive local and national energy sector, delivering secure, affordable, clean energy for Scotland's households, communities and businesses*".

2.4.3 The 2050 vision is expressed around six priorities including:

"*Renewable and low carbon solutions – we will continue to champion and explore the potential of Scotland's huge renewable energy resource, and its ability to meet our local and national heat, transport and electricity needs – helping to achieve our ambitious emissions reduction targets.*"

2.4.4 The strategy also contains new whole system targets for 2030 as follows:-

- The equivalent of 50% of the energy for Scotland's heat, transport and electricity consumption to be supplied from renewable sources;
- An increase by 30% in the productivity of energy use across the Scottish economy.

2.4.5 The longer-term target is further articulated on page 34 where it is stated: "*Scotland's long-term climate change targets will require the near complete decarbonisation of our energy system by 2050, with renewable energy meeting a significant share of our needs*."

2.4.6 The SES further states with regard to the 50% target: "*Scottish Government analysis underpinning this target, shows that renewable electricity ….could rise to over 140% of Scottish electricity consumption, ensuring its contribution to the wider renewable energy target for 2030. This assumes a considerably higher market penetration of renewable electricity than today – requiring in the region of 17 GW of installed capacity in 2030 (compared to 9.5 GW in June 2017)*." (underlining added).

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

2.4.8 Onshore wind is identified as a key technology and the SES states "*we will push for UK wide policy support for onshore wind, and take action of our own to prioritise and deliver a route to market – combined with a land use planning approach which continues to support development while protecting our landscapes*".

2.4.9 The SES goes on to set out what is termed the "Opportunity" for onshore wind and there is explicit recognition that onshore wind is amongst the lowest cost forms of power generation. It is also recognised as "*a vital component of the huge industrial opportunity that renewables creates for Scotland*". Reference is made to the employment levels and economic activity derived from onshore wind and the SES sets out that the Government is "*determined to build on these strengths*".

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

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

"*That means continuing to support development in the right places, and – increasing the extension and replacement of existing sites with new and larger turbines, all based on an appropriate, case by case assessment of their effects and impacts and it means developers and communities working together and continuing to strike the right balance between environmental impacts, local support, benefits, and – where possible economic benefits deriving from community ownership*". (underlining added)

2.4.11 The SES adds:

"this can be done in a way which is compatible with Scotland's magnificent landscapes, including our areas of wild land. This means that the relevant planning and consenting processes will remain vitally important. A major review of the Scottish planning system is well underway, and will continue as now to fully reflect the important role of renewable energy and energy infrastructure, in the right places".

2.4.12 The SES goes on to cross refer to further detail in relation to onshore wind as contained within the Onshore Wind Policy Statement (OWPS) which has been published alongside the SES. The SES therefore, in addition to setting new stretching renewable energy and electricity targets, gives unequivocal strong policy support for the further development of onshore wind. In short, there is a renewed and enhanced impetus being imparted, rather than just a continuation of previous support.

2.4.13 Page 69 references "near term actions" for onshore wind including:

- "*Build on the positive and practical provision for onshore wind in our planning system under the next National Planning Framework and Scottish Planning Policy; and*
- *Implement the new Onshore Wind Policy Statement, which underlines the continued importance of this established low cost resource*". (underlining added).

2.4.14 On the basis of the near term actions for onshore wind in the SES (see above), it can be anticipated that these new national planning policy documents, with their enhanced status, will reflect this strong support for onshore wind now set out in the SES and OWPS. A National Planning Framework 4 (NPF4) 'Position Statement' is expected to be published in November 2020.

The Onshore Wind Policy Statement (2017)

2.4.15 The OWPS, published in December 2017 sets out the up to date national policy position in relation to onshore wind. The Ministerial Foreword sets out that "*there is no question that onshore wind is a vital component of the huge industrial opportunity that renewables more generally create for Scotland*".

2.4.16 It adds "*our energy and climate change goals mean that onshore wind will continue to play a vital role in Scotland's future – helping to substantively decarbonise our electricity supplies, heat and transport systems, thereby boosting our economy*."

2.4.17 Chapter 1 is entitled 'Route to Market' and it sets out (paragraph 2) that onshore wind, as a mature and established technology, is now amongst the lowest cost forms of generating electricity, renewable or otherwise. It adds "*we expect onshore wind to remain at the heart of a clean, reliable and low carbon energy future in Scotland*".

2.4.18 Establishing a route to market is essential to enable wider deployment and an increased contribution from onshore wind. In a subsidy free context, it will be the larger scale developments that can capture a good wind resource and which have cost effective grid connection arrangements which will make a valuable early contribution to targets.

2.4.19 Paragraph 3 continues

"*In order for onshore wind to play its vital role in meeting Scotland's energy needs, and a material role in growing our economy, its contribution must continue to grow. Onshore wind generation will remain crucial in terms of our goals for a decarbonised energy system, helping to meet the greater demand from our heat and transport sectors, as well as making further progress towards the ambitious renewable targets which the Scottish Government has set*".

2.4.20 The statement therefore makes it very clear that onshore wind is expected to make a significant contribution to Scotland's energy needs including renewable targets into the long term.

2.4.21 Paragraph 4 of Chapter 1 states that given the recognised contribution that onshore is expected to make to Scotland's future energy and renewable targets "*this means that Scotland will continue to need more onshore wind development and capacity, in locations across our landscapes where it can be accommodated*". This statement not surprisingly therefore continues the current approach as set out in SPP that, whilst there is a very strong need case for further onshore wind development, environmental considerations are factors to be taken into account in the operation of the planning system. This principle is reflected throughout the OWPS.

2.4.22 Paragraph 8 of Chapter 1 emphasises the industrial opportunity presented by a growing onshore wind sector and it states that "*the extent to which we can continue to capture these benefits, remains a top priority for Scottish Ministers*".

2.4.23 The role of onshore wind in sustaining and further growing the supply chain for the sector is therefore a very important consideration and this is recognised in SPP at paragraph 169.

2.4.24 Paragraph 23 states that the Scottish Ministers "*acknowledge that onshore wind technology and equipment manufacturers in the market are moving towards larger and more powerful (i.e. higher capacity) turbines and that these by necessity – will mean taller towers and blade tip heights*". (underling added)

The Climate Change Plan (2018)

2.4.25 The Scottish Government published a draft Climate Change Plan (CCP) – 'the draft Third Report on Policies and Proposals 2017 – 2032 (RPP3)' on 19 January 2017 under the provisions of the Climate Change (Scotland) Act 2009.

2.4.26 A final version of the CCP was published in February 2018 and is intended to be the last produced under the 2009 Act. The CCP confirms the Scottish Government supports the Paris Agreement, which sets the standard for the international response to climate change. In terms of the electricity sector, the CCP states that:

- By 2032, Scotland's electricity system will supply a growing share of Scotland's energy needs and by 2030, 50% of all Scotland's energy needs will come from renewables (page 15).
- By 2032, Scotland's electricity system will be largely decarbonised and be increasingly important as a power source for heat and transport.

- Electricity will be increasingly important as a power source for heat and in transport to charge Scotland's growing fleet of ultra-low emission vehicles.

2.4.27 The CCP states that later in 2018, the Scottish Government will introduce a new Climate Change Bill with even more ambitious targets than those prescribed by the 2009 Act and, in so doing, Scotland will become one of the first countries in the world to legislate to support the aims of the Paris Agreement. (page 27)

2.4.28 Chapter 1 addresses electricity and states "*our ambition for the electricity sector, as set out in this chapter, is consistent with the Scottish Government's Energy Strategy published in December 2017. In 2032, Scotland's electricity system will be largely decarbonised. The system will be powered by a high penetration of renewables, with security of supply and system resilience aided by a range of flexible and responsive technologies*". (page 67)

2.4.29 Reference is made to the SES which the CCP states contains proposals that will increase the level of renewable electricity generation, including new targets and commitments to continue supporting the key renewable generation technologies.

The declared Climate Emergency in Scotland

2.4.30 Scottish First Minister Nicola Sturgeon declared a "Climate Emergency" in her speech to the SNP Conference in April 2019, stating:

"As First Minister of Scotland, I am declaring that there is a climate emergency. And Scotland will live up to our responsibility to tackle it." Referring to the recently published CCC advice, Ms Sturgeon added *"if that advice says we can go further or go faster, we will do so*".

2.4.31 Furthermore, Climate Change Secretary Roseanna Cunningham made a statement on 14 May to the Scottish Parliament on the 'Global Climate Emergency'. Again, with reference to the recent CCC Report:

" There is a global climate emergency. The evidence is irrefutable. The science is clear And people have been clear: they expect action The Intergovernmental Panel on Climate Change issued a stark warning last year the world must act now By 2030 it will be too late to limit warming to 1.5 degrees.

We acted immediately with amendments to our Climate Change Bill to set a 2045 target for net zero emissions - as we said we'd do. If agreed by Parliament, these will be the most stringent legislative targets anywhere in the world and Scotland's contribution to climate change will end, definitively, within a generation. The CCC was clear that this will be enormously challenging...."

2.4.32 The Minister also highlighted the important role of the planning system stating:

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

The Scottish Government has therefore begun to act on the stark warnings issued by the IPCC who have stated that by 2030 it would be too late to limit global heating to 1.5 degrees – but there is much more to be done".

2.4.33 The current situation is more urgent and more grave than that which prevailed in 2014 when SPP and NPF3 where published and that must therefore go to the matter of weight to be attributed to the benefits of the proposed development and the need case.

The Programme for Government (2019)

2.4.34 The Scottish Government's Programme for 2019-20 published on 3 September 2019 puts climate change front and centre of the political agenda and reaffirms the aim of achieving net zero greenhouse gas emissions in Scotland by 2045. In the introduction from the First Minister, the 'Climate Emergency' is acknowledged and it states that:

"*this Programme for Government sets out some of the next steps in Scotland's journey to net zero emissions and raises our ambition in light of the emergency we face. We are leading the world in setting challenging targets but we must also redouble our efforts to meet them*". (underlining added)

2.4.35 The Introduction also refers to the forthcoming renewal of the National Planning Framework (NPF) and that there will be an updated CCP that will take full account of the advice of the UK CCC. As noted above, the Government has received updated advice from the CCC in May 2020 in the context of the COVID-19 crisis.

2.4.36 Chapter 1 of the Programme entitled 'Ending Contribution to Climate Change' makes it clear that Scotland is facing a climate emergency and key points include the following:-

- Scotland has committed to some of the toughest statutory emissions reductions in the world and that adopting a net zero emissions target by 2045 underlines the Government's ambition that Scotland will no longer contribute to global climate change.
- Scotland has a unique opportunity to be at the forefront of global action; and
- This Programme for Government commits to vital early action to accelerate Scotland's journey towards net zero.

2.4.37 Page 38 also states that the Scottish Government is making a number of other major commitments in response to the climate emergency and in terms of 'planning' this will include the fourth NPF which will help to radically accelerate reduction of emissions. The publication of draft NPF4 has however, now been delayed until September 2021 (with an interim 'Position Statement' to be published in Autumn 2020).

2.4.38 Page 39 refers specifically to planning and key points referenced in this regard include:

- The global climate emergency means that the time is right for wide-ranging debate on more radical planning policy options;
- Planning is recognised as a vital tool in leveraging the changes needed to achieve goals; and
- Through engagement on the fourth NPF the Government will explore planning options that radically accelerate reduction of emissions.

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

2.4.39 It is important to take into account the Climate Change (Emissions Reduction Targets) (Scotland) Act 2019 ('the 2019 Act'). The Scottish Government, having taken advice from the Committee on Climate Change, progressed this legislation which received Royal Assent on 31 October 2019. The Act sets a legally binding target of 'net zero' emissions for Scotland by 2045 at the latest, five years ahead of the date set for the whole of the UK. The Act amends the Climate Change (Scotland) Act 2009.

2.4.40 It is also relevant to note that at Stage 3 of the Bill in Parliament the interim target for 2030 was amended and strengthened from a 70% to a 75% reduction in emissions lower than the baseline of 1990 levels (and 90% for 2040)[9]. The new targets were brought into force by way of Commencement Regulations on 23 March 2020[10].

2.4.41 The Interim Targets (and pre-2020 targets) are:

- 2018 – 54%;
- 2019 – 55%;

[9] Progress against the targets is measured against 1990 levels of carbon dioxide, methane and nitrous oxide and 1995 levels of hydroflurocarbons, perflurocarbons, sulphur hexafluoride and nitrogen trifluoride.
[10] The Climate Change (Emissions Reduction Targets) (Scotland) Act 2019 (Commencement) Regulations 2020.

- 2020 – 56%;
- 2030 – 75%;
- 2040 – 90%;
- 2045 – 100% (net-zero emissions).

2.4.42 The Scottish Government publishes an Annual Target Report[11] that sets out whether each annual emissions reduction target has been met. The latest report is for the 2018 target year which was published in June 2020. The Report states that the 'GHG Account' reduced by 50% between the baseline period and 2018. As noted, the 2019 Act specifies a 54% reduction over the same period – therefore the target for 2018 has not been met.

2.4.43 The Scottish Government is currently updating the 2018 Climate Change Plan to reflect the increased ambition of the targets set in the 2019 Act, to help ensure delivery of the long-term targets for every year to net-zero.

CCC Response to Scottish Government on advice for a Green Recovery (May 2020)

2.4.44 The CCC wrote to the Scottish Government (6 May 2020) following a request for advice on a 'green recovery for Scotland' in light of the COVID-19 crisis. The CCC advice relates to how climate policy can play a core part of the Government's approach to 'rebuilding' after the COVID-19 crisis.

2.4.45 In the letter, the CCC set out that "*reducing greenhouse gas emissions and adapting to climate change should be integral to any recovery package. These remain scientific, economic and social imperatives and will only be delivered if ambitious steps are taken by the Scottish Government*". The CCC make it clear that there are clear economic, social and environmental benefits for immediate expansion including "*investment in low carbon and climate resilient infrastructure*".

2.4.46 The CCC also comment that delaying the update to Scotland's Climate Change Plan was the right decision and it is welcomed in terms of it being 'reframed' in the context of a 'green pathway' to aid an economic recovery and to be in line with Scotland's statutory net zero targets. It is expected to be published in late 2020 (the original date had been the end of April 2020).

2.4.47 The CCC set out various principles for a resilient recovery which include comprehensive plans to reduce emissions and prepare for climate change – the CCC notes that these are not yet in place and that "*strong policies from across Government are needed to reduce our vulnerability and to the destructive risks of climate change and to avoid the disorderly transition to net zero*".

2.4.48 The letter refers to further advice to be contained in the Annual Progress Report (that report to the UK Parliament was subsequently published on 25 June 2020 and has been referenced above).

2.4.49 The Annex to the letter adds that the UK and Scottish Governments have already declared their intentions to deliver large scale national infrastructure programmes. The CCC state that "*many of these projects are critical to preparing for climate change and achieving net zero emissions*." Reference is specifically made in this regard to matters such as electric vehicle charging infrastructure, hydrogen production and "onshore wind". The letter adds that "*acceleration of these projects should take priority*". (underlining added)

The Report of the Advisory Group on Economic Recovery (June 2020)

2.4.50 The Scottish Government received the report of the Advisory Group on Economic Recovery - entitled 'towards a robust, resilient well-being economy for Scotland' in June 2020.

2.4.51 The group was established by the Scottish Government in April 2020 as a response to the long term impact of COVID-19 and was specifically asked to focus on Scotland's economic recovery with the emphasis on the period after the immediate emergency created by COVID-19 had been addressed.

[11] Scottish Government, Official Statistics, Scottish Greenhouse Gas Emissions 2018, (June 2020).

2.4.52 The report provides advice to the Scottish Government on actions across businesses sectors and regions throughout Scotland and the solutions are intended to enable a swift economic recovery and one that also ensures the Scottish economy will emerge stronger and more resilient.

2.4.53 The report recognises amongst various measures that there is a need now to considerably increase the pace and scale of deployment of renewables to meet low carbon generating targets over the next 25 years and to enable Scotland to: "*grasp the tremendous opportunities for a green recovery which such a transition offers*".

2.4.54 It adds: "*This imperative presents increased and urgent challenges for the existing policy, planning and licensing framework to identify and consent suitable projects with a sufficient level of impact in the light of the climate emergency at a scale and to a timetable to deliver on Scotland's net zero targets*".

2.4.55 The report sets out that the economic recovery will be long, but action needs to start now. It recommends that the Scottish Government needs to define and execute its recovery plan with purpose and urgency and that the response to the proposals and the Government's strategy in that regard for economic recovery should be published by the end of July 2020.

The Report of the Climate Emergency Response Group to the Scottish Government (July 2020)

2.4.56 The Report from the Climate Emergency Response Group[12] (CERG) entitled 'Eight Policy Packages for Scotland's Green Recovery' was published in July 2020.

2.4.57 The Report sets out that the CCC has written to the Scottish Government with their own initial advice on 'Building a resilient recovery from the COVID-19 crisis' which has now been followed with more detail in its 2020 Progress Report to the UK Parliament. The CERG has developed its policy packages, building on the CCC advice as well as providing CERG principles for a green recovery.

2.4.58 The Report recognises that there has been an enormous impact on the economy in Scotland as a result of COVID-19, potentially of a scale not seen since the Great Depression of the 1920s. It adds:

"*Going into this crisis, the Scottish Government's response to the climate emergency was beginning to gather pace following the Programme for Government announcements in September 2019. New policies were being developed across sectors, and new finance had been allocated to key areas by the 2020/21 Scottish Budget. However, gaps remained in translating policy ambition into policy delivery, and to this extent the necessary refocussing of government attention by the current COVID-19 crisis may have temporarily delayed our response to the climate emergency*." (page 8)

2.4.59 This report is focussed on delivering practical, workable, solutions that the Scottish Government can implement now, in order to move Scotland towards a net-zero economy, while recovering from the COVID-19 crisis.

2.4.60 The recommendations include eight policy packages identified as priorities for accelerating Scotland's climate emergency response as part of a wider economic recovery package for a fairer and greener Scotland. The policy packages are divided into four priority areas for economic recovery and four priority strategies which describe the policy and fiscal approaches which are recommended.

[12] The CERG comprises leaders spanning Scotland's private, public and third sectors, delivery organisations and membership bodies. The group aims to inform and influence the Scottish Government's response to the climate emergency by providing practical, workable solutions that can be implemented – now. After launching in August 2019, the group's 12-point plan for action was adopted by the Scottish Government as part of its 2019 Programme for Government to support its target of achieving net zero carbon emissions by 2045.

2.4.61 One of the four priority strategies, is entitled 'Unlocking private investment with greater policy certainty'. It states:

"The recovery must be investment-led, and the demand for high-quality investments remains much greater than the supply – evidenced by very low interest rates, resilient stock markets, etc. The Scottish Government can secure additional investment by creating an attractive policy environment for investors, resulting in stronger business cases for a climate neutral economy and channelling investment in the right direction. This securing of private investment through greater policy certainty will be at least as important as the role of public sector investment."

2.4.62 Set out under what can be achieved in the near term (next 6-12 months) is reference to planning and onshore wind as follows:

"*Planning policy. Update existing planning guidance to enable new and existing onshore wind planning consents and enhance the competitiveness of Scottish projects. This will help ensure that Scotland secures a high share of Contract for Difference or alternatively financed onshore renewable projects in the coming years*."

2.4.63 The CERG Report states that the Group:

"*encourages the Scottish Government to embrace these policy packages as key components of its economic recovery plans for a fairer and greener Scotland. These commitments should be reflected in the key milestones over the next few months – starting with the Government's response to the report from the Advisory Group on Economic Recovery, and continuing with the Programme for Government, the review of the Infrastructure Investment Plan, and the new Climate Change Plan*".

2.4.64 The Report concludes by stating that:

"*Scotland's response to COVID-19 is a massive opportunity to catapult and prioritise a just transition to a net-zero economy….This report has identified specific policy proposals which can help make that a reality - directly addressing the economic concerns resulting from the public health crisis while stepping up our response to the climate crisis – an existential emergency that has not gone away. The packages have also been designed to make the most of the wider social, health and well-being benefits*."

The Programme for Government (2020)

2.4.65 The Scottish Government's Programme for 2020-21 was published in September 2020. Chapter 1 of the document is entitled 'a National Mission to Create New Jobs, Good Jobs and Green Jobs'.

2.4.66 Page 4 sets out that central to the economic recovery is a new national mission in terms of employment creation. It adds:

"*our economic recovery must be a green recovery. Even before the pandemic, we knew we had significant work to do in order to improve the state of nature and meet our statutory commitment to be a net zero society by 2045. The impact of the crisis has reinforced the need for that, but also the opportunities it presents.*

We will immediately put a clear new focus on our updated Climate Change Plan, ensuring it reflects our new starting point and the central importance of a green recovery to Scotland's progress".

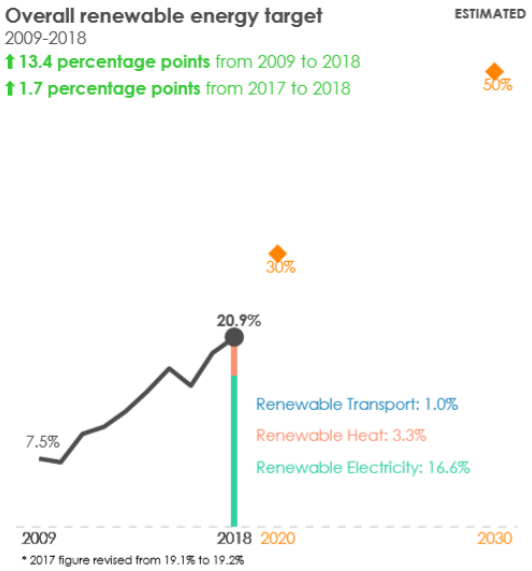
2.4.67 Page 36 sets out that "*the Government's response will ensure that a green recovery is at the heart of the economic recovery" and it states that "an updated Climate Change Plan will be published before the end of 2020*".

2.5 Progress to the Scottish Renewable Energy & Electricity Targets

Renewable Energy

2.5.1 The Scottish Government's targets are to achieve 30% of total Scottish energy use from renewable sources by 2020 and 50% by 2030. The Government's 'Energy Statistics for Scotland' (March 2020) show that in 2018, 20.9% of total Scottish energy consumption came from renewable sources. This is illustrated in Figure 2.1 below. It is evident that there is a steep trajectory that will need to be sustained in order to meet future targets.

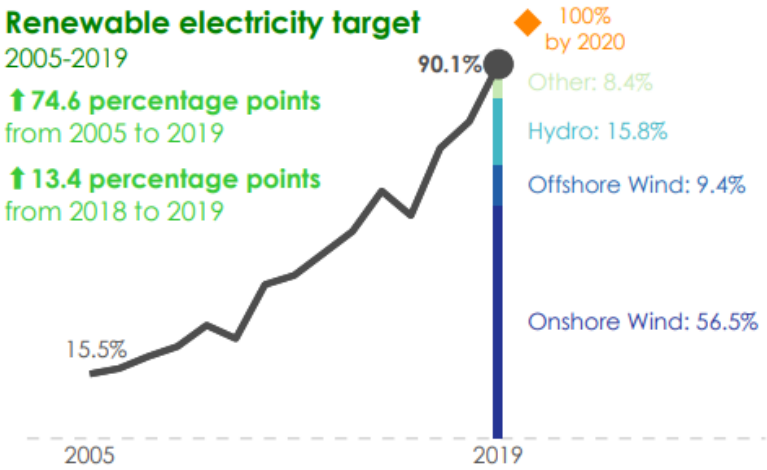
Figure 2.1: Performance against the 2020 & 2030 Renewable Energy Targets



Renewable Electricity

2.5.2 The Scottish Government estimates that in 2019, renewable sources generated the equivalent of approximately 90.1% gross electricity consumption[13]. This is illustrated in Figure 2.2 below. It can be seen that onshore wind is the key contributing technology and that role is expected to continue, as set out in both the SES and OWPS.

Figure 2.2: Performance against 2020 Renewable Electricity Target

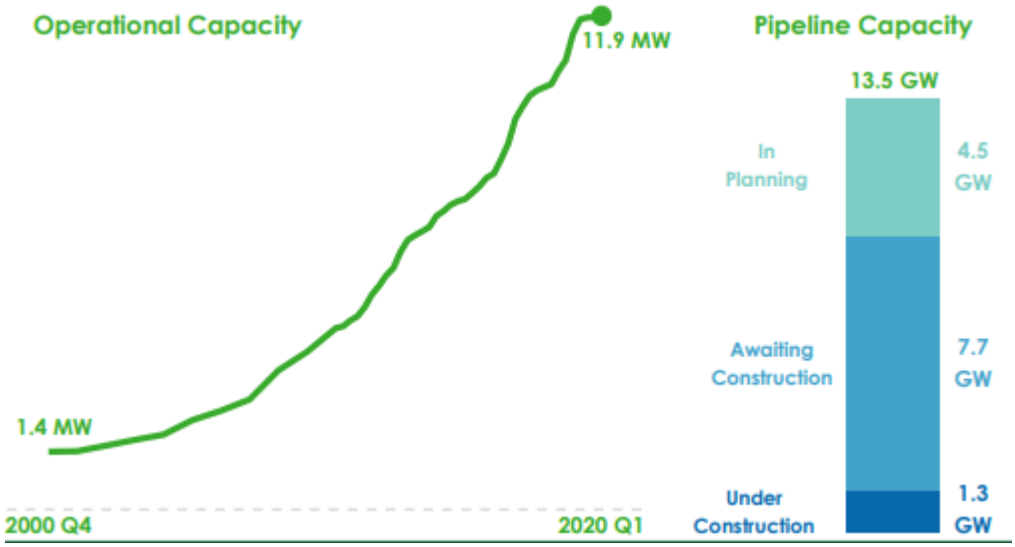


[13] Scottish Government, Renewable Energy Statistics, June 2020.

Renewable Electricity Capacity

2.5.3 The Scottish Government's[14] June 2020 statistics show that as of March 2020, Scotland had 11.9 Giga-Watts (GW) of installed (operational) renewable electricity generation capacity, with an additional 1.3 GW of capacity under construction and 7.7 GW consented. Figure 2.3 below illustrates Scotland's renewable capacity by stage in the planning process.

Figure 2.3: Renewable Capacity in Scotland by Planning Stage, as of June 2020



2.5.4 The proposed development would make a valuable contribution to Scotland's renewable energy, electricity and emissions reductions targets.

2.6 Conclusions on the Renewable Energy Policy Framework

2.6.1 The Scottish Energy Strategy (SES) (2017), which preceded the important events and publications referred to above, already sets out that onshore wind is recognised as a key contributor to the delivery of renewable energy targets – specifically the 2030 50% energy from renewable sources target – which could see renewable electricity rise to over 140% of Scottish electricity consumption. The Government set out (based on targets and circumstances at that time) that this may require in the region of 17GW of installed renewables capacity by 2030 (SES, page 34).

2.6.2 The SES did not and could not take account of what may be required in terms of additional renewable generation capacity to attain the new legally binding 'net zero' targets – this is expected to be addressed in an updated Climate Change Plan to be published in December 2020.

2.6.3 Regardless, the Government's 2020 renewable electricity target remains unmet and has been supplemented by the stretching 2030 targets.

2.6.4 One of the key messages in the OWPS is the recognition that onshore wind is to play a "vital role" in meeting Scotland's energy needs, a "material" role in growing the economy and it is specifically stated that the technology remains "crucial" in terms of Scotland's goals for an overall decarbonised energy system and to attain ambitious renewable targets for the milestone dates of 2020, 2030 and 2045.

2.6.5 This language on the role of onshore wind is demonstrably stronger than that in the NPF and SPP published in 2014. Even if a view is taken that the language is no different, the context within which the NPF / SPP policy statements were given is demonstrably different by way of more stretching targets and no subsidy or certainty on route to market for onshore wind. The increased importance

[14] *ibid*.

of the contribution that onshore wind is expected to make to targets and meeting future energy needs to be recognised.

2.6.6 The OWPS also makes specific reference to the move *"towards larger and more powerful (i.e. higher capacity) turbines and that these by necessity – will mean taller towers and blade tip heights*". Notice is therefore given of market reality and evolving technological change and the benefits larger turbines can bring in terms of energy yield and a consequent larger contribution to targets.

2.6.7 Whilst the SES and the OWPS are evidence of a continuum of ever stronger positive advice on onshore wind development as part of the Scottish Government's renewables strategy, the latest documents and legally binding targets for net zero introduced in 2019 go further.

2.6.8 When it was enacted, the Climate Change (Scotland) Act 2009 set world leading greenhouse gas emissions reduction targets, including a target to reduce emissions by 80% by 2050. However, as noted above, the new Climate Change (Emissions Reduction Targets) (Scotland) Act 2019 sets even more ambitious targets – which reflect the recommendations of the CCC for a net zero GHG emissions target by 2045 at the latest, with challenging interim stages – a 75% reduction target by 2030 and 90% by 2040.

2.6.9 The scale of the challenge presented by the new targets for net zero within the timescale adopted by the Scottish Government on the advice of the CCC is considerable, especially given the requirements for decarbonisation of heat and transport – this will require very substantial increases in renewable generation.

2.6.10 This CCC report was published at the same time as a series of high-profile environmental reports, and political declarations of a "Climate Emergency". It is very clear that the mood changed in 2019 with regard to the importance of tackling climate change and the global heating crisis. Timing is critical as with each year passing, the closer we are to the target dates, and time is lost in implementing the Government's Energy Strategy.

2.6.11 The Scottish Energy Minister[15] has stated that in light of adopting the CCC recommendations "*this means we have the most stringent statutory targets in the world*". Moreover, the CCC is unambiguous in stating that "*Current policy is insufficient for even the existing targets".*

2.6.12 To reiterate key points made above: the Scottish Government has acted on the stark warnings issued by the IPCC who have stated that by 2030 it would be too late to limit global heating to 1.5 degrees.

2.6.13 In light of the CCC recommendations the Scottish Government is seeking "transformative change" – and that action has to be quick and decisive. An emergency is a grave situation that requires urgent action and cannot wait for new policies to emerge in years to come. Decisions through the planning system must be responsive to this position and bring these material matters into play in planning determinations, by according these factors proper weight through the application of the planning balance. The current situation must therefore go to the matter of weight to be attributed to benefits and the need case for the proposed development.

The Weight to be given to Renewable Energy Policy

2.6.14 It has to be acknowledged that the need case with regard to renewable generation and emissions reduction targets as set out in NPF3 and SPP, drafted in 2014, are more than 6 years old and do not reflect the new reality for the reasons outlined above. The documents are under review and have to a large extent been overtaken by new statutory provisions and related policy on renewable energy targets and GHG emissions reductions. We can only expect the expression of the need case to intensify in future policy documents such as NPF4 which will need to facilitate the meeting of the new targets set by the 2019 Act.

[15] Paul Wheelhouse, Minister for Energy, Connectivity and the Islands, Ministerial Foreword of the 'Annual Energy Statement 2019' Scottish Government.

2.6.15 The events of the last 18 months described above do not need formal planning policy articulation in order to be given weight in planning decisions by a decision maker. Significant weight should be given to the recent new law and net zero related pronouncements which clearly go much further than the current targets in SPP and NPF3.

2.6.16 The current situation is more urgent and more grave than that which prevailed in 2014 when SPP and NPF3 where published - that must therefore go to the matter of weight to be attributed to the benefits of the proposed development and the need case.

2.6.17 The Applicant does not suggest that the planning balance that needs to be struck should not reflect the advice in SPP. The fundamental planning principle that needs to be acknowledged and followed is that it is open to a decision maker to place the weight he or she thinks fit on a material consideration.

2.6.18 Any suggestion that the Climate Emergency does not give rise to an urgent need for action simply because, as yet, planning advice and guidance has not been amended would be misguided. As set out above, it is wholly legitimate for the planning system to take account of updated and emerging issues as material considerations in arriving at a decision on a proposal.

2.6.19 The Applicant's position is that the overall planning framework in which the planning balance has to be struck clearly needs to take into account SPP and NPF3 since they are important material considerations. However, as noted, other material considerations of relevance should be afforded weight and the amount of weight is for the decision maker to determine. In other words, the Applicant is not saying the current national planning policy framework is wrong, but it does not currently reflect the weight that needs to be afforded to benefits and the speed of response of deployment that is needed, as set out by the provisions of the 2019 Act. SPP and NPF3 did not predict the scale of the transformation needed to a carbon free society however it is clear now (by way of the 2019 Act) that Scotland was not moving fast enough to achieve emissions reduction.

2.6.20 A recent Appeal Decision Notice helps to illustrate this approach. The Millenderdale Farm Appeal Decision Notice of 16 April 2020 (DPEA Reference: PPA-370-2077) involved a five-turbine wind farm in South Ayrshire which was the subject of an Appeal following a refusal of planning permission by South Ayrshire Council. Although the Appeal was not upheld, the reasoning within it is informative on the matter of energy policy and how it should be addressed by way of a material consideration in a planning or indeed an Electricity Act determination.

2.6.21 In the decision, the Reporter at paragraph 78 states that both SPP and NPF3 offer strong support for onshore wind farms. At paragraph 80 she acknowledges that:

> "*SPP and NPF3 refer to, and are reflective of, the then legislative and policy context in relation to renewable energy and climate change. However, as the Appellant points out, this context has changed in the meantime*".

2.6.22 The Reporter went on at paragraph 81 to refer to new matters including the SES (2017) and the associated OWPS and the new Emissions Reduction Targets Act of 2019. Furthermore, the Reporter made a point of noting that as of 2019 the UK had not met its EU 2020 target for renewable energy and that there are further targets to be met by 2030 under that Directive which remain legally binding notwithstanding the UK's departure from the EU. The declared Climate Emergency in Scotland is also referenced.

2.6.23 At paragraph 83 of the decision, the Reporter states:

> *"I agree with the Appellant that all of this (and the various related documents supplied by the Appellant) demonstrates that they need to respond to climate change, the urgency and scale of that challenge, and the contribution of wind and other renewable energy in doing so, are all considerably heightened and important. I agree that, as a material consideration, this increases the value that should attach to the renewable energy benefits of the proposed development".*

2.6.24 The Reporter went on to state that those benefits would still need to be weighed in the overall planning balance. That is the approach that the Applicant is advocating in this case: namely that SPP and NPF3 provide the broad planning framework, in particular by way of the Spatial Framework and at paragraph 169 where there is reference to the various 'considerations' that need to come into play in a planning judgment.

2.6.25 SPP does not advise decision makers on the amount of weight that needs to be afforded to any given material consideration. It is clear from Millenderdale Wind Farm that the Reporter in that case placed greater weight on the benefits that would flow from a wind farm as a result of the 'considerably heightened' importance "of the need to respond to climate change".

2.6.26 The increased importance is justified on the basis of the new material considerations that have arisen since SPP and NPF3 were published in 2014. As the Reporter rightly highlights, the context since then has considerably changed and that is what needs to be taken into account in planning decisions.

2.6.27 The new targets set by the provisions of the 2019 Act demonstrate the sea change that is needed over a relatively short period of time and it will be necessary to drive further renewables deployment, particularly in the next decade to reach those targets. As the Scottish Ministers have said, Scotland has the "most stringent framework of statutory targets of any country in the world". As a result, it means decisions on developments are needed which can drive attainment of those targets.

3. National Planning Policy & Guidance

3.1 Introduction

3.1.1 Relevant national planning policy guidance and advice is addressed in this Chapter. Reference is made to the National Planning Framework, Scottish Planning Policy and Scottish Government advice on renewable developments. National planning policy is a very important consideration: amongst other matters it sets the framework of development management factors and the approach to Spatial Frameworks for onshore wind energy.

3.2 The National Planning Framework 3

3.2.1 The National Planning Framework 3 (NPF3) was published on 23 June 2014. NPF3 is a long-term strategy for Scotland and is the spatial expression of the Government's Economic Strategy and plans for development and investment in infrastructure. Together, NPF3 and SPP (2014), applied at the strategic and local levels, are intended to help the planning system deliver the Scottish Government's vision and outcomes for Scotland and to contribute to the Government's central purpose.

3.2.2 High level support for renewables is provided through the "vision" which is referred to as *inter alia*:

- A successful, sustainable place – *"we have a growing low carbon economy which provides opportunities…*";
- A low carbon place - *"we have seized the opportunities arising from our ambition to be a world leader in low carbon generation, both onshore and offshore…*";
- A natural resilient place - "*natural and cultural assets are respected; they are improving in condition and represent a sustainable economic, environmental and social resource for the nation…*".

3.2.3 Further support is provided in Chapter 3 "A Low Carbon Place" which sets out the role that Planning will play in delivering the commitments set out in 'Low Carbon Scotland: The Scottish Government's Proposals and Policies'. It states:

"*the priorities identified in this spatial strategy set a clear direction of travel which is consistent with our world leading climate legalisation*".

3.2.4 The introduction to Chapter 3 states that the Scottish Government's ambition "*is to achieve at least an 80% reduction of greenhouse gas emissions by 2020*".

3.2.5 Paragraph 3.7 states onshore wind is *"…recognised as an opportunity to improve the long-term resilience of rural communities*".

3.2.6 Paragraph 3.8 states that the Government's aim is to meet at least 30% of overall energy demand from renewables by 2020 – this includes generating the equivalent of at least 100% of gross consumption from renewables.

3.2.7 Paragraph 3.9 states:

"*Our Electricity Policy Statement sets out how our energy targets will be met. We are making good progress in diversifying Scotland's energy generation capacity, and lowering the carbon emissions associated with it, but more action is needed. Maintaining security of supplies and addressing fuel poverty remain key objectives. We want to continue to capitalise on our wind resource…*".

3.2.8 Paragraph 3.23 states that "*onshore wind will continue to make a significant contribution to diversification of energy supplies*".

3.2.9 In conclusion, it is clear that onshore wind development is recognised as a key technology in the energy mix which will contribute to Scotland becoming 'a low carbon place' which in turn will be a key part of the 'vision' for Scotland (as set out at paragraph 1.2 of NPF3). Furthermore, the Scottish Government has made it unequivocally clear that it wants to continue to *"capitalise on our wind resource*". The Development would contribute to the renewable electricity and energy targets as set out in NPF3 and to longer term Government policy objectives and targets.

3.2.10 Together NPF3 and SPP (see below) applied at the national, strategic and local level will help the planning system to deliver the vision and outcomes for Scotland for a sustainable and low carbon economy. The Development is consistent with the provisions of the NPF3, as it is considered that it makes a use of the natural wind resources to produce low carbon energy and diversify the energy mix. It is assessed to accord with the principle of sustainable development as it is designed and sited to minimise the effects on the environment, whilst bringing benefits to the local community and contributing to economic development.

3.3 Scottish Planning Policy

3.3.1 SPP was published on 23 June 2014. The purpose of SPP is to set out national planning policies which reflect Scottish Government Ministers' priorities for the operation of the planning system, and for the development and use of land. Paragraph (iii) states that the content of SPP is a material consideration that carries significant weight, although it is for the decision maker to determine the appropriate weight to be afforded to it in each case.

Relationship of SPP to National Outcomes

3.3.2 Paragraph 9 of SPP refers to 'Outcomes' as they relate to the Scottish Government's 'Purpose' "*of creating a more successful country, with opportunities for all of Scotland to flourish through increasing sustainable economic growth*…".

3.3.3 Paragraph 10 adds that the Scottish Government's 16 national outcomes articulate in more detail on how the Purpose is to be achieved. It adds that the pursuit of these outcomes provides the impetus for other national plans, policies and strategies and many of the principles and policies set out in them are reflected in both SPP and NPF3.

3.3.4 Paragraph 13 introduces four planning outcomes which explain "*how planning should support the vision*" for the planning system in Scotland. These are further referred to below.

3.3.5 Paragraph 18 makes reference to the Climate Change (Scotland) Act 2009 which has set a target of reducing greenhouse gas emissions by at least 80% by 2050, with an interim target of reducing emissions by at least 42% by 2020. As explained below, the Government has now set updated emission reduction targets.

Principal Policies of SPP

3.3.6 SPP contains two Principal Policies, namely 'sustainability' and 'placemaking'[16]. Sustainability is addressed at Page 9. SPP states at paragraph 24 that:

"*the Scottish Government's central purpose is to focus Government and public services on creating a more successful country, with opportunities for all of Scotland to flourish, through increasing sustainable economic growth*".

3.3.7 Paragraph 27 cross refers to the Government's Economic Strategy which it states *"indicates that sustainable economic growth is the key to unlocking Scotland's potential … and to achieving a low carbon economy* …". It also makes reference to the need to maintain a high quality environment and to pass on "*a sustainable legacy for future generations*".

[16] 'Placemaking' is not addressed in this Planning Statement as it is directed at the built environment and not development of this type, in the countryside.

Presumption in Favour of Development that contributes to Sustainable Development

3.3.8 An important 'Policy Principle' in the planning system, introduced by SPP is the statement at Paragraph 27, as follows:

"*This SPP introduces a presumption in favour of development that contributes to sustainable development*".

3.3.9 Paragraph 28 continues and states:

"*the planning system should support economically, environmentally and socially sustainable places by enabling development that balances the costs and benefits of a proposal over the longer term. The aim is to achieve the right development in the right place; it is not to allow development at any cost*".

3.3.10 The presumption applies to all types of development – SPP does not specify any exclusions.

3.3.11 Paragraph 29 of SPP assists by setting out that policies and decisions should be guided by a number of principles. Those of relevance are listed in Table 3.1 below together with a summary response of the extent to which the proposed development would be consistent or otherwise with the respective principles:

SPP Principles

3.3.12 Paragraph 29 of SPP sets out that policies and decisions should be guided by a number of principles. Those of relevance are listed in Table 3.1 below together with a summary response of the extent to which the proposed development would be consistent or otherwise with the respective principles.

Table 3.1: SPP para. 29 Principles

Policy Principle	Proposed Development
1. Giving due weight to net economic benefit.	There would be net positive socio-economic effects.
2. Respond to economic issues, challenges and opportunities, outlined in local economic strategies.	The proposed development fits with the drive to encourage renewable energy development in ClydePlan and in the LDP.
3. Supporting good design and the six qualities of successful places.	Limited relevance - but a successful layout has been achieved that fits with landscape character - without unacceptable effects.
4. Supporting delivery of infrastructure, for example transport, education, energy, digital and water.	The proposed development would deliver large scale energy infrastructure.
5. Supporting climate change mitigation and adaptation including taking account of flood risk.	The proposed development would help to support climate change mitigation by replacing fossil fuel energy generation with renewable energy, thereby reducing emissions of climate changing gases.
6. Improving health and well-being by offering opportunities for social interaction and physical activity, including sport and recreation.	The proposed development would provide opportunities for walking and biking on access tracks.
7. Having regard to the principles for sustainable land use set out in the Land Use Strategy.	The Land Use Strategy (2016-21) is a key commitment in the Climate Change (Scotland) Act 2009. The Strategy cross refers to development plans and their policies such landscape protection, biodiversity, and renewable energy development which, through planning decision making will help deliver the Strategy and the principles for sustainable land use. The proposed development would contribute positively to climate change action and demonstrate care for the landscape by being in what can be regarded as a 'Group 3' location.
8. Protecting, enhancing and promoting access to cultural heritage, including the historic environment.	The proposed development would have a neutral effect in relation to this principle.
9. Protecting, enhancing and promoting access to natural heritage, including green infrastructure, landscape and the wider environment.	The proposal would not restrict access and whilst there would be some significant landscape effects, the landscape has the capacity for the development at the scale proposed.
10. Avoiding over-development, protecting the amenity of new and existing development and considering the implications of development for water, air and soil quality.	There would be no conflict with this policy principle.

3.3.13 As set out above, the proposed development satisfies the principles set out at paragraph 29 of SPP and it would also assist in delivering SPP Outcomes in particular Outcomes 1 and 2 (namely a successful sustainable and low carbon place) – indicating that overall the proposal is consistent with sustainable development. SPP sets out a presumption in favour of proposals that contribute to sustainable development. Furthermore, the proposal is considered to be acceptable when considered against the development management considerations in relation to renewable energy developments as set out at paragraph 169 of SPP.

3.3.14 The proposed development therefore benefits from the presumption in favour of development that contributes to sustainable development.

3.3.15 The operation of the presumption in favour has been examined at a number of section 36 Electricity Act 1989 Public Inquiries in recent years. The approach of Reporters to the application of the SPP advice on the presumption in these cases has explicitly taken into account paragraph 33 of SPP and held that the advice in that paragraph was relevant. Paragraph 33 of SPP states:

"*Where relevant policies in a development plan are out-of-date or the plan does not contain policies relevant to the proposal, then the presumption in favour of development that contributes to sustainable development will be a significant material consideration. Decision-makers should also take into account any adverse impacts which would significantly and demonstrably outweigh the benefits when assessed against the wider policies in this SPP. The same principle should be applied where a development plan is more than five years old*". (underlining added)

3.3.16 The approach of Reporters to date now has to be addressed in the light of the recent judgement of the Inner House in the Gladman case[17]. The Court determined that in the case of housing development the starting point for considering the presumption was paragraph 33 of SPP. Paragraphs 32 and 33 address the presumption against the background of development plan primacy under section 25 of the 1997 Act and it would seem that the approach in Gladman will apply to all developments proceeding under the 1997 Act.

3.3.17 However, for cases proceeding under section 36 of the Electricity Act 1989 there is no development plan primacy. That being so it is difficult to see that paragraph 33 of SPP can apply to section 36 cases. Indeed, the advice on the tilted balance relates well only to cases where the development plan has primacy. Rather, the correct approach for section 36 cases is that set out above which starts from the position that the presumption is clearly intended to apply to all development regardless of the decision-making jurisdiction. The paragraph 29 SPP principles are applied to determine the applicability of the presumption from case to case[18].

SPP & National Outcomes

3.3.18 Paragraph 9 of SPP refers to 'Outcomes' as they relate to the Scottish Government's 'Purpose' "*of creating a more successful country, with opportunities for all of Scotland to flourish through increasing sustainable economic growth*…".

3.3.19 Paragraph 10 adds that "*The Scottish Government's 16 national outcomes articulate in more detail on how the Purpose is to be achieved". It adds that "The pursuit of these outcomes provides the impetus for other national plans, policies and strategies and many of the principles and policies set out in them are reflected in both SPP and NPF3*".

[17] The judgement of the Inner House of the Court of Session in Gladman Developments Ltd v The Scottish Ministers [(2020) CSIH 28].

[18] In July 2020 the Scottish Government issued a **consultation entitled 'The Scottish Planning Policy and Housing'** – Technical Consultation on Proposed Policy Amendments. The consultation seeks to clarify specific parts of SPP that relate to planning for housing and any changes if made, would apply in the interim period ahead of the adoption of NPF4. The consultation is in response to *Gladman* – one of the proposals is the removal of the presumption in favour of development that contributes to sustainable development "*given that it is considered to have potential for conflict with a plan-led approach*" and has given rise to a significant number of issues for decision makers in its application. The consultation ends on 09 October 2020.

The Scottish Government also issued a **Chief Planner Letter** dated 04 September 2020 making it clear that until there is any change to SPP "*existing policy remains in place*". It further adds "*I would like to make it clear to all authorities that none of the changes proposed in the consultation aim to undermine or contradict Ministers' stated commitments to delivering good quality development, including housing and renewable energy projects*." (underlining added)

3.3.20 Paragraph 13 of SPP introduces four planning outcomes which explain "*how planning should support the vision*" for the planning system in Scotland. Three of these outcomes are particularly relevant namely:

- Outcome 1: a successful sustainable place – supporting sustainable economic growth and regeneration, and the creation of well designed, sustainable places;
- Outcome 2: a low carbon place – reducing our carbon emissions and adapting to climate change; and
- Outcome 3: a natural, resilient place – helping to protect and enhance our natural and cultural assets and facilitating their sustainable use.

3.3.21 In particular, the proposed development would assist in delivering sustainable economic growth in line with Outcome 1.

3.3.22 The proposed development, given its nature and use would clearly assist in achieving Outcome 2 'a low carbon place'.

3.3.23 The proposed development would also assist in achieving Outcome 3 'a natural, resilient place', by reference to paragraph 21 in particular, which deals with the concept of a natural, resilient place in a wider context than merely visual amenity or landscape character. The proposed development would contribute to a natural, resilient place through the part it plays in mitigating the effects of climate change. As explained below, the application site can be regarded as a Group 3 location meaning that it is free of national level designations and many other types of constraints and is in a location in which wind farms are likely to be acceptable.

3.3.24 It also needs to be noted that very few developments would be able to contribute to all four outcomes – that the proposed development contributes positively to three (and the fourth one is not relevant) is to its credit and reinforces the engagement of the presumption.

Conclusions on the Presumption

3.3.25 The proposed development would contribute to sustainable development and following consideration of the principles set out at paragraph 29 of SPP and the desired SPP 'outcomes' the proposal should benefit from the presumption.

SPP: Development Management for Energy Infrastructure Developments

3.3.26 Paragraph 169 of SPP states that proposals for wind farms should always take into account Spatial Frameworks for wind energy developments. It adds that considerations will vary relative to the scale of a proposal and area characteristics, but are likely to include:

- net economic impact, including local and community socio-economic benefits such as employment, associated business and supply chain opportunities;
- the scale of contribution to renewable energy generation targets;
- effect on greenhouse gas emissions;
- cumulative impacts – planning authorities should be clear about the likely cumulative impacts arising from all of the considerations below …;
- impacts on communities and individual dwellings, including visual impact, residential amenity, noise and shadow flicker;
- landscape and visual impacts, including effects on wild land;
- effects on the natural heritage, including birds;
- impacts on carbon rich soils, using the carbon calculator;

- public access, including impact on long distance walking and cycling routes and scenic routes identified in the NPF;
- impacts on the historic environment, including scheduled monuments, listed buildings and their settings;
- impacts on tourism and recreation;
- impacts on aviation and defence interests and seismological recording;
- impacts on telecommunications and broadcasting installations, particularly ensuring that transmission links are not compromised;
- impacts on road traffic;
- impacts on adjacent trunk roads;
- effects on hydrology, the water environment and flood risk;
- the need for conditions relating to the decommissioning of developments, including ancillary infrastructure, and site restoration;
- opportunities for energy storage;
- the need for a robust planning obligation to ensure that operators achieve site restoration."

3.3.27 Given the findings of the EIA and in light of the policy appraisal set out in this Planning Statement, the proposed development is considered to be acceptable in terms of the above considerations.

SPP Subject Policies – A Low Carbon Place

3.3.28 SPP addresses 'A Low Carbon Place' as a 'subject policy' on page 36 and refers to 'delivering electricity'. Paragraph 152 refers to the NPF context and states that NPF3 is clear that planning must facilitate the transition to a low carbon economy and help to deliver the aims of the Scottish Government. It is stated that Scotland has significant renewable energy resources, both onshore and offshore.

3.3.29 Paragraph 153 states that terrestrial planning "facilitates" development of renewable energy technologies, and guides new infrastructure to appropriate locations. It adds that "*efficient supply of low carbon and …. generation of …. electricity from renewable energy sources are vital to reducing greenhouse gas emissions*…". It explains that renewable energy also presents a significant opportunity for associated development, investment and growth of the related supply chain.

3.3.30 In terms of 'Policy Principles', Paragraph 154 states that the planning system should:

- Support the transformational change to a low carbon economy, consistent with national objectives and targets, including deriving:
  - 30% of overall energy demand from renewable sources by 2020;
  - The equivalent of 100% of electricity demand from renewable sources by 2020.
- Support the development of a diverse range of electricity generation from renewable energy technologies – including the expansion of renewable energy generation capacity;
- Guide development to appropriate locations and advise on the issues that will be taken into account when specific proposals are being assessed.

3.3.31 SPP also cross refers to "key documents" and those of relevance include:

- The Electricity Generation Policy Statement (EGPS);

- The 2020 Routemap for Renewable Energy in Scotland; and
- Low Carbon Scotland: Meeting Our Emissions Reductions Targets 2013 – 2027.

3.3.32 The proposed development would be consistent with the 'low carbon place' subject policy and would contribute to its attainment.

Onshore Wind

3.3.33 Onshore wind is specifically addressed at Paragraph 161 *et seq* of SPP. Detailed guidance is provided for Planning Authorities with regard to the preparation of Spatial Frameworks for onshore wind development, and it makes it clear that proposals for onshore wind turbine development should continue to be determined whilst Spatial Frameworks and local policies are being prepared and updated.

SPP: Spatial Framework Approach

3.3.34 With reference to the Spatial Framework approach set out in Table 1 of SPP (see below) the application site is largely within a Group 3 location: 'Areas with Potential for Wind Farm Development'.

3.3.35 A localised area in the southwest of the site is identified as Class 1 Peat according to the SNH Carbon and Peatlands Map 2016. However, detailed peat surveys identified variable thicknesses of peat across the site, with approximately 32% of probes recording peaty or organo-mineral soils (peat depth <0.5 m) rather than peat. Localised deep peat (>1 m) was identified in certain parts of the site which were avoided wherever possible. In conclusion, no significant effects on carbon rich soil or priority peatland habitat as per the SPP Group 2 mapped interest would occur.

3.3.36 Therefore, the site can be regarded as Group 3, an approach endorsed in the Cnoc an Eas Appeal Decision[19] – namely an area with potential for wind farm development and in which wind energy development is likely to be acceptable subject to consideration against development management criteria.

3.3.37 In the Ardtaraig Appeal Decision Notice[20], the Reporter in that case took an identical approach - at paragraph 74 of the decision the Reporter identified that in relation to consideration of soils and peat, he found that with mitigation in place, the proposed development would accord with relevant policy and he stated *"…as this addresses the only reason why the site of the proposed turbines is identified as a Group 2 area, I find that the site may be considered in effect to be in a Group 3 area".*

[19] The Reporter in the Appeal Decision Notice (PPA-270-2155) for the Cnoc an Eas Wind Farm of 2 June 2017 took this approach: he set out in paragraph 111 that "…*the Appeal site straddles an 'area of significant protection' (Group 2) and an 'area with potential for wind energy development' (Group 3). The Group 2 area is identified as such on the basis of SNH's Carbon and Peatland Map, which shows peat and carbon rich soils within the site boundary. However there is no issue with this constraint at the Appeal site, so it can be reasonably regarded as Group 3 in terms of the Spatial Framework*."

[20] Ardtaraig Appeal Decision Notice (PPA-130-2073) in relation to a 7 turbine Wind Farm, 15km west of Dunoon, Argyll & Bute, dated 7 November 2019.

Table 3.2: SPP Table 1: Spatial Frameworks

Table 1: Spatial Frameworks

Group 1: Areas where wind farms will not be acceptable: National Parks and National Scenic Areas.		
Group 2: Areas of significant protection: Recognising the need for significant protection, in these areas wind farms may be appropriate in some circumstances. Further consideration will be required to demonstrate that any significant effects on the qualities of these areas can be substantially overcome by siting, design or other mitigation.		
National and international designations: • World Heritage Sites; • Natura 2000 and Ramsar sites; • Sites of Special Scientific Interest; • National Nature Reserves; • Sites identified in the Inventory of Gardens and Designed Landscapes; • Sites identified in the Inventory of Historic Battlefields.	**Other nationally important mapped environmental interests:** • areas of wild land as shown on the 2014 SNH map of wild land areas; • carbon rich soils, deep peat and priority peatland habitat.	**Community separation for consideration of visual impact:** • an area not exceeding 2km around cities, towns and villages identified on the local development plan with an identified settlement envelope or edge. The extent of the area will be determined by the planning authority based on landform and other features which restrict views out from the settlement.
Group 3: Areas with potential for wind farm development: Beyond groups 1 and 2, wind farms are likely to be acceptable, subject to detailed consideration against identified policy criteria.		

3.3.38 In terms of development management, paragraph 169 of SPP sets out considerations for energy infrastructure and these have been referred to above.

3.4 Scottish Government Advice Notes & Renewables Guidance

Online Renewables Guidance & Planning Advice Notes

3.4.1 The Scottish Government's online renewables guidance is dated May 2014 and is currently under review. No conflict is identified with the national online guidance.

Spatial Planning for Onshore Wind Turbines – Natural Heritage Considerations – Guidance

3.4.2 Scottish Natural Heritage (SNH, now renamed NatureScot) published a policy document on the topic of spatial planning in June 2015 entitled 'Spatial Planning for onshore Wind Turbines – Natural Heritage Considerations – Guidance'. The document replaces the SNH 'Strategic Locational Guidance' for onshore wind farms. The guidance also makes the links between the SPP section on onshore wind (paras 161-172) and other parts of the policy which relate to natural heritage. The guidance states in the introduction on page 3:

"*SPP identifies a clear need for wind energy development to be accommodated in appropriate locations across Scotland to meet energy generation targets and mitigate climate change. Most planning authorities should therefore assume that there will be a future level of landscape change within some of their areas from wind turbines; obvious exclusions will include the National Park Authorities and the most densely populated areas. This guidance seeks to help planning authorities plan for this change and is focused on helping to guide development to the right locations* (SPP para 39)".

3.5 Conclusions on National Planning Policy & Guidance

3.5.1 Both NPF3 and SPP set out a strong position of support in relation to renewable energy and renewable energy targets and recognise the significant energy resource provided by onshore wind. This is clearly not at any cost and development continues to be guided to appropriate locations and environmental effects need to be judged to be acceptable before consents are forthcoming.

3.5.2 The proposed development benefits from the presumption in favour of development that contributes to sustainable development. The proposed development is the right development in the right place (paragraph 28 of SPP) and not only because the proposal is in accordance with the guiding principles relevant to this type of development set out in paragraph 29 of SPP, but also because what is proposed has a strong consistency with the declared desirable planning Outcomes within SPP.

3.5.3 The application site is in a location that can be regarded as a Group 3 location in which wind farms are likely to be acceptable subject to consideration of the criteria at paragraph 169 of SPP with regard to specific site and design approach circumstances.

3.5.4 Finally, with regard to national planning policy, it has to be acknowledged that the need case with regard to renewable generation and emissions reduction targets as set out in NPF3 and SPP is both out of date and out of step with current targets. The documents are under review and have to a large extent been overtaken by new renewable energy targets and statutory provisions on Greenhouse Gas (GHG) emissions reductions which have been explained in the previous Chapter.

4. The Development Plan & Onshore Wind Guidance

4.1 Introduction

4.1.1 The statutory development plan covering the application site comprises the following:-

- The Glasgow and the Clyde Valley Strategic Development Plan ("Clydeplan") (Approved with modification July 2017).
- The South Lanarkshire Local Development Plan (the "LDP") (adopted 29th June 2015); and
- Supplementary Guidance 10: Renewable Energy (2015) (the "SG").

4.1.2 Reference is also made below to the emerging new LDP, known as "LDP2". LDP2 has now been through the Examination process and the Report of Examination was published in August 2020.

4.2 ClydePlan

4.2.1 Section 7 of Clydeplan is entitled 'City Region as a low carbon place' – it sets out that delivering a low carbon future in support of the Scottish Government's ambition to achieve at least an 80% reduction in greenhouse gas emissions by 2050 is central to the vision and development strategy of the plan (paragraph 7.3).

4.2.2 Policy 10 of Clydeplan states that "*in support of the transition to a low carbon economy and realisation of the Vision and Spatial Development Strategy, support should be given, where appropriate to alternative, renewable technologies and associated infrastructure*".

4.2.3 In terms of onshore wind, the policy states:

"*In order to support onshore wind farms, Local Development Plans should finalise the detailed spatial framework for onshore wind for their areas in accordance with SPP, confirming which scale of development it relates to and the separation distances around settlements. Local Development Plans should also set out the considerations which will apply to proposals for wind energy development, including landscape capacity and impacts on communities and natural heritage. Proposals should accord with the spatial framework set out in Diagram 6 and finalised in Local Development Plans*."

4.2.4 The policy requires LDPs to contain finalised detailed spatial frameworks in accordance with SPP and to confirm separation distances around settlements.

4.2.5 Policy 10 also requires LDPs to set out the various considerations that would apply to proposals for wind energy development. In this regard the LDP policy 19 makes specific reference to the requirements listed at paragraph 169 of SPP. The LDP for South Lanarkshire addresses these considerations and contains a Spatial Framework for onshore wind. The adopted LDP and LDP2 contain the development management policies of relevance for the application.

4.3 The LDP (2015)

4.3.1 Table 4.1 sets out the adopted LDP policies which are of relevance to the consideration of the proposed development.

Table 4.1: Relevant LDP (2015) Policies

Policy Topic	LDP (2015) Policies
General Policies	Policy 1: Spatial Strategy
	Policy 4: Development Management and Placemaking
Renewable Energy	Policy 19: Renewable Energy
	Policy 2: Climate Change
Landscape and Visual	Policy 3: Green Belt and Rural Area
Cultural Heritage and Archaeology	Policy 15: Natural and Historic Environment
Ecology	Policy 15 Natural and Historic Environment
Geology and Hydrology	Policy 17: Water Environment and Flooding
Access, Traffic, and Transport	Policy 16: Travel and Transport
Socio-economics (including recreation and tourism)	Policy 11: Economic Development and Regeneration

4.3.2 The 'lead' policy for renewables and onshore wind in the LDP is **LDP Policy 19: 'Renewable Energy'** which states that:

"*Applications for renewable energy infrastructure developments will be supported subject to an assessment against the principles set out in the 2014 SPP, in particular, the considerations set out in paragraph 169 and additionally, for onshore wind developments, the terms of Table 1: Spatial Frameworks.*

The council will produce statutory supplementary guidance, which accords with the 2014 SPP, and which contains the spatial framework for onshore wind energy, and sets policy considerations against which all proposals for renewable energy infrastructure developments will be assessed. Development proposals must also accord with other relevant policies and proposals in the development plan and with supplementary guidance."

4.3.3 Policy 19 outlines the overall approach to the assessment of proposed renewable energy infrastructure developments. Specifically, applications relating to onshore wind developments will be subject to an assessment against the principles set out in SPP.

4.3.4 As referred to in policy 19 above, following the adoption of the LDP in 2015, SLC produced and adopted Supplementary Guidance (SG) entitled '**SG 10: Renewable Energy'** in 2015. The SG provides detailed policy and guidance for developers on the requirements for wind energy and other renewable energy development.

4.3.5 However, as explained, the current situation is that LDP2 is shortly about to replace the adopted LDP. There can be a high degree of confidence in the LDP2 policies as the Report of Examination together with the Reporter's recommendations on LDP2 policies has been published. These have been reviewed to inform this policy appraisal as there is not yet, a consolidated modified plan available (which takes on board the Reporter's recommendations resulting from the Examination process).

4.3.6 The LDP2 policies with the Reporter's recommended changes will be largely binding on the Council. Therefore, the approach taken for this policy appraisal has been to focus on the most relevant policies within LDP2. LDP2 is, according to the latest SLC Development Plan information, programmed to be submitted to the Scottish Ministers for adoption in early 2021.

4.3.7 The planning policy assessment which follows is therefore focussed on LDP2. In order to provide a proportionate assessment, it also seeks to focus primarily on those residual adverse effects which have been identified as significant within the EIA Report following the application of the mitigation measures proposed.

4.3.8 This focus allows the policy assessment to concentrate on those issues which, based on the outcomes of the EIA, are of most significance to the policy aspirations for the area.

4.4 LDP2 - Policy Assessment

4.4.1 The LDP2 documentation includes two Volumes as follows:

- Proposed Plan Volume 1: which contains a Vision and Strategy and development management policies. Those of relevance include:
  - *Policy 1 – Spatial Strategy;*
  - *Policy 2 – Climate Change;*
  - *Policy 4 – Green Belt and Rural Area;*
  - *Policy 5 – Development Management and Placemaking;*
  - *Policy 14 – Natural and Historic Environment;*
  - *Policy 15 – Travel and Transport;*
  - *Policy 16 – Water Environment and Flooding; and*
  - *Policy 18 – Renewable Energy.*
- Proposed Plan Volume 2: which contains additional policies and furthermore detailed criteria against which development proposals are to be considered. Relevant policies include:
  - *Policy SDCC2 – Flood Risk;*
  - *Policy SDCC3 – Sustainable Urban Drainage Systems;*
  - *Policy GBRA1 – Rural Design and Development;*
  - *Policy GBRA2 – Business Proposals within Green Belt and Rural Area;*
  - *Policy NHE2 – Archaeological Sites and Monuments;*
  - *Policy NHE3 – Listed Buildings;*
  - *Policy NHE4 – Gardens and Designed Landscapes;*
  - *Policy NHE6 – Conservation Areas;*
  - *Policy NHE7 – Nature 2000 Sites;*
  - *Policy NHE8 – National Nature Reserves and Sites of Special Scientific Interest;*
  - *Policy NHE9 – Protected Species;*
  - *Policy NHE11 – Peatland and Carbon Rich Soils;*
  - *Policy NHE12 – Water Environment and Biodiversity;*
  - *Policy NHE13 – Forestry and Woodland;*
  - *Policy NHE15 – Local Nature Reserves;*

- *Policy NHE16 – Landscape;*
- *Policy NHE18 – Walking, Cycling and Riding Routes;*
- *Policy NHE20 – Biodiversity;*
- *Policy NHE21 – Geodiversity;*
- *Policy RE1 - Renewable Energy.*

4.4.2 Appendix 1 of Volume 2 contains a **'renewable energy assessment checklist'** similar to that contained in SG10. This is intended to supplement Policy 18 in LDP2 which sets out general policy relating to renewable energy and Policy RE1 (in Volume 2) which relates to the assessment of proposals for renewable energy developments. The checklist is very similar to SG10 and references development management considerations.

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

4.4.4 Polices 18, RE1 and the related checklist and provisions of the SPG are addressed below with cross references as necessary to the Reporter's recommendations from the Report of Examination.

4.4.5 **Policy 18 'Renewable Energy'** is as follows:

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

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

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

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

4.4.6 Appendix 1 lists relevant policies in LDP Volume 2 stemming from Policy 18 as SDCC6 'Renewable Heat', RE2 'Biomass' and RE1 'Renewable Energy'. It is only Policy RE1 that is of relevance to the Cumberhead West application. From a review of the LDP Report of Examination, the Reporter has not recommended any changes to Policy 18.

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

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

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

4.4.9 **Policy RE1 'Renewable Energy'** was as follows in the Proposed Plan:

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

- *Volume 2 Appendix 1 Assessment Checklist for Renewable Energy Proposals;*
- *Landscape Capacity Study for Wind Energy (2016) (as amended by the draft Tall Wind Turbines Guidance 2017);*
- *Other relevant policies in LDP2*."

4.4.10 The policy was however, subject to several objections and the Reporter's recommendations on this policy included the following (Report of Examination, page 242 *et seq*):

- The Reporter found it was inappropriate to say that applications must "accord" with what are mostly considerations, not standards. Rewording of Policy RE1 is "*therefore necessary to resolve the difference between it and Policy 18*".
- It is not envisaged that the Supporting Planning Guidance on Renewable Energy and the amended version of the Landscape Capacity Study for Wind Energy 2016 be adopted as statutory supplementary guidance. In view of this, it would be wrong to require accordance with these two documents. Their status can be no more than material considerations.
- Policy RE1 should begin as follows: "*Proposals for renewable energy development must take into account the considerations, criteria and guidance contained in*…:" (underlining added)

4.4.11 The Reporter also addressed the 'Assessment Checklist'. The Reporter addressed the question of whether the checklist was "*simply a tool to help the council consider the content of planning applications or if it is intended to provide a basis for assessing applications*". He found that this was a well-founded objection / concern and that it was "*likely to lead to confusion*" (page 244).

4.4.12 The Reporter recommended changing the title to "*Renewable Energy Assessment Checklist and Criteria*" and to replace text with: "*Proposals for wind energy and other renewable energy developments must give consideration to the matters listed in the following categories, as indicated by the three columns to the right. Some of the categories also include criteria that are normally expected to be met. Proposals for renewable energy developments must accord with relevant policies in LDP2 and must take into account supporting planning guidance*."

4.4.13 The relevant aspects of the Checklist and Criteria are set out below, with an assessment of how the proposed development relates to each.

(1) Impact on International and National Designations identified as Significant Areas of Protection in Spatial Framework

4.4.14 The criterion states that the impact of all renewable energy developments on international and national heritage designations must accord with the LDP2 Policy 14 'Natural and Historic Environment' and relevant policies in the LDP Volume 2. Various designations are listed including Natura 2000 and Ramsar sites, National Nature Reserves and Sites of Special Scientific Interest (SSSI). In addition, reference is made to Gardens and Designed Landscapes and sites identified in the Inventory of Historic Battlefields.

4.4.15 The EIA Report addresses natural heritage matters in Chapters 7 (Ecology) and 8 (Ornithology) and archaeology and cultural heritage is addressed in Chapter 10. No significant adverse effects are identified in relation to international and national designations. In addition, Chapter 8 of the EIA Report addressed the potential connectivity of the proposed development with the Muirkirk and North Lowther Uplands Special Protection Area (SPA) (and associated Muirkirk Uplands SSSI).

4.4.16 The ornithological assessment identified habitat loss and disturbance during the construction and decommissioning phases, and displacement, collision risk and lighting effects during the operational phase, as potential impacts. Unmitigated effects from construction, operation and decommissioning activities on all ornithological features were assessed as being at worst minor adverse and not significant in the context of the EIA Regulations. The likelihood of a significant effect is further reduced by the consideration of mitigation and enhancement measures in the form of a Breeding Bird Protection Plan during the construction period, and a Habitat Management Plan (HMP) during the operational period.

4.4.17 It was considered that, particularly when mitigation and enhancement measures are implemented, the magnitude of impacts of the proposed development on ornithological features would contribute very little to the overall cumulative effect for each potential impact at a regional level.

4.4.18 Information to inform an Appropriate Assessment as part of the Habitats Regulations Appraisal (HRA) process was presented, and it was concluded that there was no potential of the proposed development to adversely affect the integrity of the Muirkirk and North Lowther Uplands SPA.

4.4.19 It is considered that the proposed development is consistent with this criterion and related LDP policy in relation to natural heritage matters. Cultural heritage and landscape matters are addressed further below.

(2) Impact on Carbon Rich Soils, Deep Peat and Priority Peatland Habitat

4.4.20 The criterion states "*there shall be no significant adverse effects on land identified in Classes 1 and 2 of the SNH National CCP Mapping 2016*".

4.4.21 As noted in Section 3.3 above with reference to SPP, a localised area in the south west of the application site is identified as Class 1 carbon rich soil. However, detailed peat surveys identified variable thicknesses of peat across the site, with approximately 32% of probes recording peaty or organo-mineral soils (peat depth <0.5 m) rather than peat. Localised deep peat (>1 m) was identified in certain parts of the site which were avoided wherever possible. In conclusion, no significant effects on carbon rich soil or priority peatland habitat as per the SPP Group 2 mapped interest would occur.

4.4.22 In addition, a peat slide risk assessment is provided at Appendix 11.1 in the EIA Report and an outline Peat Management Plan (PMP) is provided at Appendix 11.2. Moreover, any peat excavated would be reused on site as set out in the PMP.

4.4.23 It is also important to note that peatland restoration is proposed in two areas of the site: one which has been degraded by historical drainage and self-seeding of conifers, and a second area which is currently forested and due to be felled and left as open land. Habitat management measures including removal of self-seeded conifers and blocking of drains using residual forestry materials and/or excavated peat from elsewhere on the site, to raise the water table and promote restoration of bog habitats, are proposed. Further detail is provided in Appendix 7.5 Outline HMP in the EIA Report.

4.4.24 It is considered that the proposed development is consistent with this criterion in relation to carbon rich soil and priority peatland habitat.

(3) Community Separation for Consideration of Visual Impact

4.4.25 For this criterion there is only a cross reference to the SPG paragraphs 3.16-3.21. These paragraphs refer to the SPP Table 1, Group 2 reference to community separation in relation to visual impact in relation to an area of 2km around cities, towns and villages identified in the LDP – for such consideration. The proposed development is more than 2kms from a settlement boundary.

4.4.26 Nevertheless, careful consideration has been given to the visual effects of the proposed development in particular from settlements and residential properties. This matter is addressed below with regard to landscape and visual impact.

4.4.27 Between 2km and 5km lie the village of Coalburn (4.3km from the nearest turbine) and a number of other individual residential properties or small groups.

4.4.28 Between 5 km and 10km of the application site, there are five further notable settlements, namely Douglas, Lesmahagow, Kirkmuirhall, Muirkirk and Strathaven. Smaller settlements within this area identified in the South Lanarkshire Local Plan also include New Trows, Brocketsbrae, Boghead, Sandford and Glespin.

4.4.29 Chapter 6 of the EIA Report presents a Landscape and Visual Assessment (LVIA) of the proposed development and this has been supplement by a more detailed examination of the potential effects

on the visual component of residential amenity with regard to individual properties located within 2km of the proposed turbines[21]. There are 12 uninvolved properties within 2km of the proposed turbines – at distances beyond 1.3km. This is reported in the Residential Visual Amenity Study (RVAS) contained in Technical Appendix 6.5 of the EIA Report.

4.4.30 The RVAS concludes that when the experience from each property is considered 'in the round', none of the residents of any occupied property would experience such an overbearing or overwhelming effect on their visual amenity that their properties would become unattractive places in which to live. The views available from the properties would remain such that the turbines would not prevent an appreciation or understanding of the underlying landscape context.

4.4.31 The RVAS adds that in the future baseline scenario, the proposed development would be seen in of the same view as the consented Cumberhead Wind Farm from a number of the assessed properties. These consented turbines would form an already notable feature in the landscape however they would lie beyond the proposed development which would appear within the foreground. Therefore, whilst views of the other consented turbines may also be available in the future baseline scenario, the level of effects would remain the same as assessed for the existing baseline, in all situations.

4.4.32 It is considered therefore that whilst some significant visual effects in relation to residential properties would arise, these would not be unacceptable and there is no conflict with this criterion. Other aspects of the wider matter of residential amenity are considered below: namely in relation to the topics of shadow flicker and noise.

(4) Economic Benefits

4.4.33 The criterion states "*proposals for renewable energy should provide a statement, proportionate to the scale of the development, of the social-economic benefits that will arise from the project*". A cross reference is also made to the SPG paragraphs 5.2-5.3. The SPG makes reference to the potential for job creation and economic activity connected to construction and also the operational and decommissioning stages of a development. Reference is also made in the SPG to the potential for local investment and community benefits which should be presented in a socio-economic impact assessment.

4.4.34 A summary of the socio-economic benefits is provided in Chapter 5 below and the detail of the socio-economic assessment undertaken for the project is contained within Chapter 13 of the EIA Report.

(5) Scale of Contribution to Renewable Energy Targets

4.4.35 The criterion states "*proposals should contain a statement setting out how the proposal contributes to national renewable energy targets*". Cross reference is made to the SPG Paragraphs 5.4-5.5. The SPG adds that applications should contain a statement setting out the potential output from the renewable energy development in mega-watts and should provide information on the potential contribution of the proposal to renewable energy targets and also a calculation of the number of households on an annual basis which could be powered by the electricity generated by the proposed scheme.

4.4.36 Chapter 2 of this Planning Statement has presented detailed information on the international, UK and Scottish Government renewable energy and electricity generation targets as well as carbon and greenhouse gas emission reduction targets.

4.4.37 As has been explained, the proposed development would have an installed capacity of approximately 126 MW and would be able to power the equivalent, on an annual basis, of 89,829 households by way of the renewable electricity that would be generated by the project.

[21] Table A6.5.1 lists 'Properties within 2km of the proposed turbines. The Table lists 17 properties in total, four of which are 'involved' with the proposed development. One of the involved properties (Blackhill) and one further property (South Cumberhead) are abandoned.

(6) Effects on Greenhouse Gas Emissions

4.4.38 The criterion states that "*applications should contain a statement setting out how the proposal contributes to reducing greenhouse gas emissions*". Cross reference is made to the SPG's paragraph 5.6. The SPG makes reference to the Scottish Government's Climate Change Plan (2018) and a target set in that document of a 66% reduction in emissions over a 1990 baseline.

4.4.39 However, as set out in Chapter 2 of this Planning Statement, that target referred to in the SPG has now been superseded by the provisions of the Climate Change (Emissions Reduction Targets) (Scotland) Act 2019, which, as explained, sets legally binding targets of 'net zero' for Scotland for 2045 and a 75% reduction in emissions by 2030.

4.4.40 The proposed development, by generating renewable electricity would displace carbon based sources of generation. As set out in the EIA Report (Chapter 3) use of the carbon calculator , the proposed development would result in an estimated carbon saving of 173,842 tCO2 per annum and some 5.2 million tCO2 over the lifetime of the project.

(7) Effects on the Natural Heritage, including Birds

4.4.41 The criterion states "*the Impacts from renewable energy developments on South Lanarkshire's natural heritage are required to be fully assessed and if appropriate, mitigation measures required to be identified. Proposals must accord with the relevant natural environment policies in LDP2 Volume 2*".

4.4.42 The criterion cross-refers to the SPG Paragraphs 5.7 and 5.24. Specific reference is also made to habitat management plans where the criterion states "*for larger wind energy schemes, and for other schemes where specific species/habitats are affected, developers will be required to submit a Habitat Management Plan setting out the means of land management that will secure bio diversity objectives*".

Ecology

4.4.43 Chapter 7 of the EIA Report addresses ecology. The survey work established that the study area is dominated by low conservation value mature conifer plantation. Outwith the expanse of dominant conifer plantation, the study area contains an area of blanket bog around Nutberry Hill as well as a mix of typical upland marshy grassland, acid grassland, mire and woodland communities. Potential groundwater dependent terrestrial ecosystems (GWDTEs) were recorded in the form of flushes and rush pasture (potentially highly groundwater dependent) and wet heath, and some wet grassland habitats (potentially moderately groundwater dependent).

4.4.44 Specific surveys were also undertaken for a range of protected species, including bats. No evidence of otter, water vole, red squirrel, pine marten or great crested newt was recorded. Evidence of badger activity, comprising a sett outside of the site, and various signs within the site were recorded.

4.4.45 Four bat species were recorded however no bat roosts were confirmed during baseline surveys, and all potential roost features were sufficiently buffered from proposed infrastructure during the design layout process.

4.4.46 The ecology Chapter also explains that the proposed development has been designed to minimise impacts on important habitats or protected species to achieve non-significant effects. The Important Ecological Features (IEFs) taken forward for further assessment due to their higher conservation value and potential sensitivity to remaining impacts were blanket bog (including wet modified bog) and Nyctalus and pipistrelle bats. To address risk to bats, a minimum set-back distance of trees from operational turbines (75 m), and a Bat Mitigation and Monitoring Plan would be put in place to ensure any residual effects on bats are not significant

4.4.47 During the construction stage of the proposed development there would inevitably be some direct and indirect habitat loss due to the construction of new infrastructure. Effects of loss of blanket bog and wet modified bog were assessed however no significant effects were predicted, with the extent

of direct and indirect losses not being significant in a regional context, particularly with the modified bog being of low quality.

4.4.48 Although no significant effects are predicted to occur to bog habitats, restoration and enhancement of bog within the site is proposed as part of the HMP referred to, which is predicted to provide an overall beneficial residual effect.

Ornithology

4.4.49 The ornithological assessment is presented in Chapter 8 of the EIA Report. The assessment identified habitat loss and disturbance during the construction and decommissioning phases, and displacement, collision risk and lighting effects during the operational phase, as potential impacts. However, unmitigated effects from construction, operation and decommissioning activities on all ornithological features were assessed as being at worst minor adverse and not significant in the context of the EIA Regulations. The likelihood of a significant effect is further reduced by the consideration of mitigation and enhancement measures in the form of a Breeding Bird Protection Plan during the construction period, and a HMP during the operational period.

4.4.50 Reference to the potential connectivity of the proposed development, the Muirkirk and North Lowther Uplands SPA and associated Muirkirk Uplands SSSI is addressed in relation to criterion 1 of Policy RE1 above.

4.4.51 This criterion also makes reference to the need for HMPs for "*larger wind energy schemes*". As noted an HMP is proposed. In conclusion, no unacceptable effects are predicted in relation to natural heritage considerations and the proposed development is considered to be consistent with this criterion.

(8) Landscape and Visual Impacts

4.4.52 Chapter 6 of the EIA Report should be referred to for its detail with regard to landscape and visual effects. A summary is set out below with regard to the various criteria points.

4.4.53 This criterion (part A) requires renewable energy proposals not to have any unacceptable significant adverse impacts on landscape designations, landscape character and in relation to visual impact and sets out that proposals should contain an appropriate LVIA. The criterion (part B) also references the 'Landscape Capacity Study'. There is a cross-reference to the SPG Paragraphs 5.25 and 5.43 & 5.25 – 5.27.

4.4.54 When considering the landscape and visual effects of the proposed development, it is important to be clear on the 'baseline' against which effects have been assessed. This is explained in the LVIA in Chapter 6 of the EIA Report. In summary, the application site is located within a pocket of the landscape that includes several other commercial wind energy developments, either operational or consented[22].

4.4.55 In terms of how these other wind energy developments are considered in the assessment, the LVIA has followed the approach that only existing operational schemes should be considered as part of the baseline against which the scheme is assessed. As such, those schemes which have been consented but are not yet constructed are excluded from consideration in the first assessment which is set out.

4.4.56 However, there are a number of schemes in close proximity to the site which are consented but not yet constructed, including the Cumberhead Wind Farm which will be located immediately adjacent to the application site. As such, it has therefore been deemed appropriate to bring forward into the main LVIA assessment a consideration of the scenario whereby these schemes were constructed within the landscape. In other words, the main assessment considers two scenarios:

- Firstly, the usual assessment against the current baseline landscape; and

[22] As shown in Figure 6.25 in the EIA Report.

- Secondly, an assessment against the 'future baseline' landscape, once all consented schemes have been constructed. This future baseline scenario is also shown as part of the visualisation material which is provided for each of the assessment viewpoints as this is considered to be the most 'realistic' scenario against which the proposed development should be assessed.

4.4.57 The cumulative impact assessment in the LVIA then extends the assessment to consider other schemes that have not yet been granted consent but are the subject of a formal planning application.

Landscape Designations

4.4.58 There are four Special Landscape Areas (SLAs) within the SLC area which fall within 15km of the application site. The nearest SLA is the Douglas Valley SLA which lies to the south-east of the site boundary.

4.4.59 It is also recognised that the Middle Clyde Valley SLA, Upper Clyde Valley and Tinto SLA and the Leadhills and Lowther Hills SLA also all lie between 5 km and 15 km of the site boundary.

4.4.60 The proposed development would be located around 3.8km from the Douglas Valley SLA at its closest point, in the forested landscape beyond the upper slopes of the SLA landscape, away from the 'meandering upland river' landscape which lies at the heart of the SLA, and as such would appear separate to the distinctive pastoral lower-lying landscape of the SLA.

4.4.61 The LVIA sets out that having regard to the scenic compositional qualities of the Douglas Valley, it is considered that the proposed development would not detrimentally affect the notable landscape fabric of the SLA.

4.4.62 The level of intervisibility between the site and the core lower lying Douglas Water Valley landscape is very limited. It is acknowledged that the proposed turbines would be visible from some higher parts of the SLA, but ground level components, including access tracks, crane pads and the substation etc, would be largely screened. It should be noted that the turbines would be located in a landscape further away from the SLA than that which has already been determined to be able to accommodate wind energy development without detrimentally altering the perception or enjoyment of the core SLA landscape. This includes the existing turbines at Nutberry, Hagshaw Hill and Hagshaw Hill Extension, as well as numerous other consented schemes.

4.4.63 The LVIA adds that the proposed development would also not adversely affect the network of mature policy woodlands and shelterbelts and the high quality water environment within the Douglas Valley. Based on the findings of likely effects upon landscape character in the LVIA, it is assessed that there would only be minor/no effect on the Douglas Valley SLA (whilst recognising that the effect would be no greater than minor effects in some locations and that for much of the SLA there would be no visibility of the turbines and therefore no effect). These effects would not be considered significant.

4.4.64 Furthermore, with the addition of the Douglas West Wind Farm to the current baseline, along with Hagshaw Hill Extension and Hagshaw Hill Repowering, all of which are situated in much closer proximity to the SLA, the proposed development would have a barely perceptible additional effect on the SLA and effects would reduce but would remain as minor/no effect.

4.4.65 In summary, the LVIA concludes that having regard to the potential impact of the proposed development on the key scenic and cultural features of the Douglas Valley SLA, it is considered that the worst case effects identified would not be significant nor detrimentally affect the overall quality and perception of the designated landscape area.

Landscape Character

4.4.66 The application site, including the full extent of the access route falls across a number of landscape character types/sub types namely: Landscape Character Type (LCT) 7 Rolling Moorlands; LCST 7A Rolling Moorlands Forestry; LCST 7B Rolling Moorlands Windfarm; and LCT 5 Plateau Farmland.

4.4.67 However, all of the proposed turbines are located within either LCST 7A – Rolling Moorland Forestry or LCT 7 Rolling Moorlands. The LVIA examines other LCTs within the wider context area – within 35km LVIA study area.

4.4.68 In terms of landscape character effects, the proposed development would result in direct and significant effects to the landscape character types, LCT 7 and LCST 7A, within which the proposed turbines are located and indirect and significant effects to the immediately adjacent Plateau Farmland (LCT 5) landscape character type in both the existing and future baseline scenarios. However, all other landscape character types and sub types where significant effects are predicted in the existing baseline would no longer be significant in the future baseline scenario.

Visual Impact

4.4.69 In relation to visual effects, it is accepted that the proposed development would be visible from various nearby properties, settlements as well as the surrounding road network and footpath network, as are the other wind farms in the Hagshaw Cluster. However, it has been assessed that when considered against the existing baseline significant effects on visual amenity would be localised to within approximately 8.3 km of the proposed development, with effects no longer considered significant in the future baseline scenario in all but one location.

4.4.70 Chapter 6 of the EIA Report sets out that of the 18 representative viewpoints considered it has been assessed against the existing baseline scenario that there would be a significant visual effect experienced at four locations, namely: Viewpoint 1 – Coalburn, Muirburn Place; Viewpoint 3 – Lesmahagow, Hill Crest; Viewpoint 4 – Minor Road, Brackenridge and Viewpoint 15 – Cairn Table. However, of these only one viewpoint, Viewpoint 4 – Minor Road, Brackenridge would experience significant effects when the Proposed Development is assessed against the future baseline scenario.

Landscape Capacity Study

4.4.71 The criterion states that wind energy proposals will be assessed against the guidance for specific landscape character types as set out in Table 6.1 of the Landscape Capacity Study (February 2016) (LCS 2016) and as amended by the draft Tall Wind Turbines Landscape Capacity, Siting and Design Guidance 2017. Cross-references are made to the SPG Paragraphs 5.25 and 5.27.

Landscape Capacity Study 2016 & related Guidance

4.4.72 The LVIA address these two guidance documents. The LCS 2016 makes reference to landscape character types and areas defined through the South Lanarkshire Landscape Character Assessment (2010). As the title suggests, the LCS 2016 report attempts to determine the capacity of 15 landscape character types across South Lanarkshire in relation to onshore wind farm development. The landscape capacity judgements for each character area contained within the reports are noted and considered in the LVIA as part of the appraisal of landscape sensitivity.

Tall Wind Turbines Guidance 2019

4.4.73 The LVIA addresses the Tall Wind Turbines: Landscape Capacity, Siting and Design Guidance, June 2019 (TWT 2019) which forms an Addendum to Landscape Capacity for Windfarms (2016) and provides further information on landscape capacity for turbines taller than 120m to blade tip, which was the limit of the assessment in the 2016 document.

4.4.74 The TWT 2019 provides brief guidelines with regards to the location of tall turbines (defined as 120m to 250m) but does not provide guidance on landscape sensitivity. Notably in relation to the proposed development the guidance identifies a 'medium' capacity and states with regard to locating turbines 150 m – 250 m to blade tip within the Rolling Moorlands landscape type in which the site is located that:

"*Most of the areas in which the [tall] turbines could be most comfortably located either already host substantial wind energy development, or have similar developments consented. Turbines vary between 55m and 149.9m height. The addition of larger turbines could therefore often be, or at*

least perceived as, an extension to an operational or consented windfarm, or would be a repowering exercise, replacing existing turbines at the end of their commercial or consented life".

4.4.75 The LVIA concludes that from the review of the overarching characteristics of the landscape in the area around the application site, it is considered that the landscape in which the proposed wind farm would be located does have capacity to accommodate further wind energy development of the type proposed. This matter is considered in further detail through the assessment of landscape character set out within the LVIA.

Aviation Lighting

4.4.76 There are 21 turbines proposed which would be greater than 150m to tip in height and therefore a number of the turbines would have to be lit as required by the Civil Aviation Authority (CAA). The following lighting solution is proposed to accord with CAA requirements:

- 2000 candela steady state red aviation light on the top of the nacelle of 17 turbines (all turbines except T9, T11, T13 and T15) and;
- 32 candela steady red aviation lights (likely to be 3) at an intermediate level of half the nacelle height of the same turbines.

4.4.77 Appendix 6.5 to the LVIA contains a visual assessment of turbine lighting. It highlights that in considering the likelihood of significant effects within the 20km study area, the proposed development is located within a landscape context which already contains some sources of artificial light, particularly those located within the surrounding settlements, industrial complexes and along the highways passing through the near landscape. The proposed development is not located near to a recognised Dark Sky Area, and nor is such a Dark Sky Area present within the 20 km study area.

4.4.78 The assessment of landscape and visual effects of aviation lighting has identified that the visible lighting would be screened by landform and topography from parts of the surrounding 10km, in particular from Douglas, parts of Lesmahagow and large sections of A70, with those views which are available generally seen in areas where night time lighting is a familiar element of the landscape.

4.4.79 There would be the potential for significant effects on the character of the landscape in the immediate vicinity of the site during low-light levels, up to approximately 4km from the turbines. In terms of visual effects, significant effects have been identified for the minor road network to the north-east of the site and a small number of associated residential receptors with a view towards the site, again within up to approximately 4km.

4.4.80 For Coalburn, a significant effect has been identified when assessed against the existing baseline, but this would reduce to non-significant once the future baseline landscape, including the lit turbines at Dalquhandy, is considered. From elsewhere, including the settlements of Lesmahagow and Muirkirk, the effects of the proposed aviation lighting would not give rise to significant landscape and visual effects, and any effects would reduce further when considered against the future baseline.

4.4.81 Overall, it is acknowledged that there are a small number of additional significant landscape effects which would occur during low-light levels, over and above those which have been identified in relation to the daytime. However, in the future baseline scenario there would be no significant effects on any of the settlements within the 10km detailed study area, with significant effects being be limited to the generally rural area within 4km of the site, in which few receptors would be likely to experience the view during the low light conditions in which the lighting would be in operation.

(9) Cumulative Impacts

4.4.82 The reference to cumulative impacts in the criterion relates to both national heritage matters and landscape matters. The assessment in the EIA Report covering both ecology and ornithology has addressed cumulative impacts and no significant cumulative impacts on ecological or ornithological interests would arise.

4.4.83 In terms of the cumulative impact reference to landscape and visual considerations, the criterion sets out that "*applications require to address the criteria set out in Table 5.2 of the SPG regarding the areas for cumulative impact limits capacity for further development*". The SPG is specifically referenced at Paragraphs 5.47-5.55.

4.4.84 The application site adjoins the north-west of 'Cumulative Area 7' (the 'Hagshaw Cluster') described as "*an area of Rolling Moorland and Plateau Farmland between Douglas Water and the Nethan Valley with over 85 turbines in four wind farms: the operational Hagshaw Hill, Galawhistle and Nutberry wind farms together with the consented Cumberhead, Douglas West and Dalquhandy wind farms. These wind farms create an area of Wind Turbine Landscape*".

4.4.85 The key development guidance/criteria for Area 7 set out in Table 5.2 in the SPG refers to limiting further significant extension into the Douglas Water Valley to the south and east and avoiding coalescence with 'Cumulative Area 6' (the 'Kype Cluster'}.

4.4.86 The development guidance also states that careful consideration should be given to the position, scale and cumulative effects of development close to surrounding settlements including Coalburn and Douglas.

4.4.87 The proposed development has been designed as a coherent extension of the Hagshaw Cluster array that is contained with the Rolling Moorland Forestry landscape character sub-type which already hosts substantial wind development (both existing and consented). Whilst the proposed development does extend the Hagshaw Cluster westwards towards Cumulative Area 6, care has been taken to ensure there remains a sufficient stand-off between the two clusters and that turbines do not extend onto the Rolling Moorland separating the two areas.

4.4.88 The LVIA acknowledges that from certain viewpoints the Hagshaw and Kype Clusters can be seen in the same plane of view, however, the LVIA concludes that it remains clear to the observer that they are two separate wind farm arrays. This conclusion is supported by the visualisations within the LVIA. In a physical context, reference to Figure 6.44 (Viewpoint 8 – Black Hill) in the EIA Report demonstrates a 2-3 km offset between the two clusters would remain after the development of Cumberhead West. The LVIA concludes that the proposed development conforms with the overall intention of the SPG in terms of avoiding coalescence (either actual or perceptual) between Cumulative Areas 6 and 7.

4.4.89 In terms of community separation and the Douglas Valley landscape, it is noted that the proposed development will not extend the Hagshaw Cluster to the south or east towards the valley of the Douglas Water and it is located further from Douglas and Coalburn than the majority of the existing Hagshaw Cluster. The cumulative landscape and visual effects are considered acceptable.

(10) Impact on Communities and Individual Dwellings

4.4.90 This topic relates to the matters of residential visual amenity, noise and shadow flicker. The topic of the visual component of residential amenity has been addressed above in relation to criterion 3.

4.4.91 The EIA Report addresses noise (Chapter 9) and shadow flicker (Chapter 15) and summary positions on each are as follows:

Noise

4.4.92 The levels of noise and vibration likely to occur at local residential properties as a result of the operation of the proposed wind turbines have been assessed in respect of the proposed development in isolation, and cumulatively with other local wind farm developments. Potential noise and vibration effects from construction activities and any borrow pit workings have also been assessed.

4.4.93 The assessment using the noise data for the Siemens Gamesa 6.0-155 turbine which was determined to be the 'worst case', i.e. noisiest turbine, from a range of candidate turbines considered for the proposed development.

4.4.94 The noise and vibration assessment was conducted on the basis that the noise limits in the planning conditions for neighbouring and recently consented sites will be appropriate to the proposed development. The assessment in the EIA Report shows that the proposed development will meet all the conditions regarding noise and vibration contained within the recent consents for wind energy development on adjacent sites, and it is concluded that there will be no significant residual effects on nearby residential properties in terms of noise immission or ground-borne vibration.

Shadow Flicker

4.4.95 Within the study area for shadow flicker effects (within 130 degrees either side of north from each turbine and out to 10 rotor diameters) there are ten identified receptors with potential to experience flicker effects.

4.4.96 Calculations have shown that the realistic scenario modelling of shadow flicker at eight of these receptors is found to be within accepted guidelines and therefore not significant. The predicted duration of shadow flicker exceeded the standard thresholds at two receptor locations. These receptors are both financially involved with the proposed development and there are existing blocks of forestry between the receptors and the turbines which have not been accounted for in the assessment which will further reduce the shadow flicker experienced in reality. Mitigation in the form of a Shadow Flicker Protocol is also proposed to ensure any potential for nuisance from shadow flicker at these properties is minimised.

4.4.97 A cumulative assessment indicated that of the one receptor identified, the maximum occurrence of shadow flicker is anticipated to be within the accepted limits of 8 hours per year (realistic) and does therefore not experience significant effects.

(11) Impact on Carbon Rich Soils and Peat

4.4.98 This topic is covered above, earlier in the checklist. This criterion states that "*where proposals affect carbon rich soils and peat, developments must be designed to minimise soil disturbance when building and maintaining roads and tracks, turbine bases and other infrastructure, to ensure that the carbon balance savings of the scheme are maximised and appropriate mitigation measures must be set out*".

4.4.99 As explained above, a PMP is proposed and further details in this regard are contained in Chapter 11 of the EIA Report, which addressed hydrology, hydrogeology and geology.

(12) Impact on Public Access

4.4.100 The criterion states "*the impact from renewable energy developments on core paths, wider access network routes and recreational uses across South Lanarkshire should be fully assessed and if appropriate, mitigation measures required to be identified*".

4.4.101 Chapter 13 of the EIA Report (Socio-Economics, Tourism & Recreation) addresses recreational activity, including walking routes and core paths, as does the LVIA.

4.4.102 The core paths in the study area include:

- a path beginning in Douglas West Wind Farm leading to Existing Hagshaw Hill Wind Farm and several paths around it;
- a series of paths to the south-east of Coalburn passing Wallace's Cave (CL/5734, CL/5735);
- a series of paths to the west of the proposed development around Dungavel Hill;
- the Auchengilloch Monument core path to the north of the proposed development;
- a path (CL/5192, CL/5193) passing to the east of the proposed development through the adjacent part of the former Dalquhandy Opencast workings; and
- three paths in and around Coalburn.

4.4.103 There are no core paths listed across the application site. There is one path listed as part of the Wider Network of paths in the SLC Core Paths Plan (adopted November 2012): EK/5847/1 that traverses the northern extent of the site. The infrastructure associated with the proposed development will provide improved access across the site throughout the operational life of the wind farm.

4.4.104 In the interests of health and safety, the Wider Network paths (as noted above) that do exist within the application site may need to be temporarily diverted during construction. If required, a temporary diversion will be put in place for the construction period for affected path sections, with suitable alternatives clearly signposted. It is proposed that details of temporary path diversions can be secured by an appropriately worded condition.

4.4.105 Potential adverse effects on walking and cycling routes in the local area (both short-distance and longer distance) would depend on the extent to which the proposed development might change the existing character of the routes and tourists' enjoyment of them.

4.4.106 However, the fact that there are already operational wind farms in the study area, means that this type of development is already an established part of the local environment. This means that walkers and cyclists visiting the area should already have a reasonably high expectation of seeing a wind farm during their trip.

4.4.107 Chapter 13 sets out that the magnitude of the effect of any additional views of turbines that may be acquired as a result of the proposed development would be low and this implies that the overall significance of this effect would be negligible and therefore not significant.

4.4.108 Furthermore, the area immediately surrounding the application site has limited tourism activity at present and most of the nearby attractions are a substantial distance from the site. Furthermore, there are limited driving and cycling routes, although there are several local walking routes, including a section of the River Ayr Walkway (there is a section of the route between Glenbuck and Nether Wellwood where theoretical visibility is predicted, at a distance of 4.5 km to 10 km from the closest proposed turbine).

4.4.109 Chapter 13 if the EIA Report concluded that there would be limited effects on tourism assets in the local area, such as tourism accommodation and tourism routes. As the assessment did not identify any potentially significant adverse effects it was not necessary to consider mitigation.

(13) Impact on the Historic Environment

4.4.110 The criterion states "*the impact from renewable energy developments on the historic environment of South Lanarkshire should be fully assessed and if appropriate, mitigation measures required to be identified. Proposals must accord with the relevant historic environment policies in LDP2 Volume 2*".

4.4.111 Archaeology and cultural heritage is addressed in Chapter 10 of the EIA Report. The baseline assessment established that there are 14 cultural heritage assets that lie within the application site. These assets have all been avoided by the design of the wind farm layout and mitigation has been proposed that would address any potential direct effects upon previously unrecorded cultural heritage sites. Taking account of the current land-use and surrounding historic landscape character, the potential for further archaeological discoveries within the site is assessed as being low.

4.4.112 The assessment considered the effect of the proposed development on the settings of designated heritage assets in the wider landscape and such effects are assessed as being not significant in EIA terms. Furthermore, the cumulative effect resulting from the addition of the proposed development to the emerging baseline of operational, consented and in planning applications is assessed as being not significant.

(14) Impact on Tourism and Recreation

4.4.113 The criterion states "*the impact from renewable energy developments on tourism and recreation should be fully assessed and if appropriate, mitigation measures required to be identified*".

4.4.114 As noted, Chapter 13 of the EIA Report address tourism and recreation. It concludes that from a review of the latest research, that there is no evidence of wind farm developments adversely affecting the tourism economy of Scotland.

4.4.115 However, an assessment of the potential effect of the proposed development on local tourism assets, accommodation providers and tourism routes was undertaken and it was found that there were not expected to be any adverse effects. The assessment notes that there may be positive effects on the tourism economy should community income from the project be invested in developing the local area's adventure tourism offering. Overall, there were no significant adverse effects on tourism and recreation identified.

(15) Impact on Aviation and Defence

4.4.116 The criterion states that "*the impacts of proposals on radar performance, defence interests and other air safety and seismological recording considerations must be satisfactorily addressed and demonstrated to the satisfaction of the relevant technical authority*".

4.4.117 Chapter 14 of the EIA Report addresses aviation, radar and telecommunications. Consultations were conducted with NATS, Glasgow Airport, Glasgow Prestwick Airport, Atkins, the Joint Radio Company (JRC) and Arqiva; additionally, the Ofcom online database of fixed links was interrogated to identify any links near the application site.

4.4.118 Potential impacts to the NATS and Glasgow Airport primary radars that were identified can be mitigated through the 'blanking' of the affected radars and the provision of in-fill coverage from unaffected radar; commonly referred to as blanking and in-fill.

4.4.119 Two potential in-fill radars exist, both having been installed to mitigate wind farm impacts. These are the Terma radar at Glasgow Airport and the Sensis radar located at Kincardine. Dialogue continues with the stakeholders to determine the most appropriate in-fill radar. Mitigation Agreements with these organisations will be put in place, to allow their conditional approval of the proposed development.

4.4.120 It is anticipated that there will be no significant residual effects on aviation or telecommunication infrastructure as a result of the construction, operation and decommissioning of the proposed development.

(16) Impact on Transmitting or Receiving Systems

4.4.121 The criterion states "*it must be demonstrated no electromagnetic disturbance is likely to be caused by the proposal to any existing transmitting or receiving system, or where such disturbance may be caused, that measures will be taken to remedy or minimise any such disturbances*".

4.4.122 As noted above with reference to criterion 15, it is anticipated that there will be no significant residual effects telecommunication infrastructure as a result of the construction, operation and decommissioning of the proposed development.

(17) Impact on Road Traffic and Trunk Roads

4.4.123 The criterion states "*the impact from renewable energy developments on road traffic and trunk roads should be fully assessed and if appropriate, mitigation measures require to be identified and agreed with Transport Scotland and/or SLC Roads and Transportation*".

4.4.124 Chapter 12 of the EIA Report addresses traffic and transport matters. The Applicant expects all construction related vehicles to arrive at and depart from the site via Junction 11 of the M74, with the exception of timber-related traffic. The effects of the additional traffic estimated to be generated during the construction of the proposed development have been assessed and considered to be negligible. No mitigation is proposed, but 'good practice' measures will be implemented.

4.4.125 The proposed development will generate only the occasional maintenance or inspection vehicle during its operational period and the effects of this traffic are also considered to be negligible.

4.4.126 Potential cumulative effects could arise from the traffic generated by the proposed development and other consented developments. However, the traffic estimated to be generated by the proposal is relatively small compared to the total of that estimated to be generated by the consented developments. Furthermore, the traffic generated during the construction of the proposed development is expected to last for only around 18 months, after which the proposed development will be fully operational and traffic volumes will reduce. The cumulative effects arising from the proposed development and the other consented developments are considered to be negligible.

(18) Impact on Hydrology, Water Environment and Flood Risk

4.4.127 The criterion states "*the impact from renewable energy developments on hydrology, the water environment and flood risk should be fully assessed and if appropriate, mitigation measures required to be identified. Proposals must accord with LDP2 Policies on Water Environment and Flooding*".

4.4.128 The topics of hydrology, hydrogeology and geology are addressed in Chapter 11 of the EIA Report.

4.4.129 With the only flood risk being associated directly adjacent to the onsite watercourses, remote from any proposed infrastructure except water crossing points, the risk of flooding on the application site, and the sensitivity of the site to flooding, is considered to be low.

4.4.130 Mitigation measures to avoid or reduce potential impacts, include developing and implementing a Construction Environmental Management Plan (CEMP[23]) key-hole forestry felling and re-planting, felling works in accordance with good practice e.g. UK Forestry Standard, undertaking pre-construction site investigations to inform micro-siting and avoid sensitive receptors where possible, surface water quality monitoring, and implementing a PMP and a HMP to restore peatland habitat.

4.4.131 Outline drainage design provisions and water crossing designs have been developed to ensure appropriate control of run-off, and continuous greenfield flows. Detailed designs will be agreed with SEPA and SLC in advance of construction.

4.4.132 Following implementation of committed mitigation measures, the significance of residual effects on geology, surface water and groundwater is considered to be minor or negligible and therefore not significant. No cumulative effects are predicted.

(19) Decommissioning and Restoration

4.4.133 The criterion states "*renewable energy applications must acknowledge the need for decommissioning, restoration and aftercare at the end of permission or the life of the turbines, if earlier. Developers are required to satisfy the Council that the plan for decommissioning and restoration of the proposed development is robust*."

4.4.134 The EIA has addressed the decommissioning and restoration phase for the proposed development and that matter can be adequately addressed by way of planning conditions.

(20) Energy Storage

4.4.135 The criterion states that the Council will consider proposals for energy storage on a case by case basis. Up to 40 MW of energy storage output capacity is proposed as part of the proposed development.

(21) Site Decommissioning and Restoration Bond

4.4.136 The criterion states that the Council will require "*a financial bond or guarantee to be put in place to meet all the expected costs of the proposed decommissioning and restoration phase*". This is noted and would be put in place by the applicant.

(22) Forestry and Woodland Removal

[23] A draft CEMP is contained in Appendix 3.1 of the EIA Report.

4.4.137 The criterion states "*the effects of a proposed development will have on woodlands and the consequences that woodland removal will have on the ecology and landscape of the area and environs requires to be fully assessed, and appropriate mitigation measures identified. Proposals must accord with LDP2 Policy NHE13*".

4.4.138 Chapter 16 of the EIA Report addresses forestry. It sets out that the application site covers an extensive area of commercial forestry known as the Cumberhead Forestry Complex, which was originally planted between 1974 and 1989. Felling and replanting has been taking place under a Forestry Commission Scotland/Scottish Forestry (FCS/SF) approved Forest Plan since 2006, steadily restructuring the age and species profile of the forest.

4.4.139 The design approach for the proposed wind farm has sought to optimise the fit between the proposed development and the existing Baseline Forest Plan.

4.4.140 The proposed development will have an infrastructure and associated tree free area 'footprint' of 98.64 ha, requiring some 59.38 ha of woodland to be felled. Of this 98.64 ha area, 61.96 ha was due to be replanted predominantly with Sitka spruce under the Baseline Forest Plan. As the proposed development precludes this replanting, 61.96 ha (3.0 % of the total forest area) will be subject to compensatory planting, to be delivered through the Compensatory Planting Plan on third-party land via option agreement with the landowner.

4.4.141 The proposed development results in an additional 37.31 ha of harvesting in Phase 2 of the Forest Plan between (2021 to 2025), which represents an 7.7 % change from the Baseline Phase 2 felling area, but only 1.8 % change over the entire forest property. The relatively minor changes required to accommodate the proposed development are reflected in the timber production forecasts.

4.4.142 Timber harvesting to facilitate construction will occur ahead of the main construction phase, with all timber extracted via the existing forest road access to Station Road at Douglas West. As the proposed development has been designed to fit closely with the Baseline Forest Plan, there is little generation of forestry residues, however a Forest Residue Management Plan has been produced detailing how the small volumes generated will be utilised.

4.4.143 Overall, the proposed development is considered to have a good fit with the Baseline Forest Plan and a correspondingly modest effect on the social, economic and environmental benefits delivered by the Cumberhead Forest Complex, with the Wind Farm Forest Plan having an overall minor beneficial effect.

(23) Impact on Prime Agricultural Land

4.4.144 The proposed development does not relate to prime agricultural and this criterion is not relevant.

(24) Borrow Pits

4.4.145 The criterion states "*borrow pits associated with wind farm and other renewable energy development shall only be permitted if they comply with the requirements in Paragraph 2.43 of SPP 2014*".

4.4.146 Paragraph 2.43 of SPP states "*borrow pits should only be permitted if there are significant environmental or economic benefits compared to obtaining material from local quarries; they are time limited; tied to a particular project and appropriate reclamation measures are in place*".

4.4.147 As explained in Chapter 3 of the EIA Report (Proposed Development), to minimise the volume of imported material brought onto the site and any associated environmental impact, borrow pits located within the site will be used to source stone for construction of site infrastructure.

4.4.148 Three borrow pit search areas have been identified and it is proposed that the actual borrow pit(s) would be located within these search areas, however, would only require using a portion of the search area. It should be noted that existing borrow pits for forestry purposes already exist within each of the three borrow pit search areas identified.

4.4.149 Detailed site investigations prior to construction will be carried out to further confirm the rock type, rock characteristics and suitability, as well potential volumes to be extracted from the search areas. The final borrow pit(s) identified during the geotechnical evaluation will be defined within the CEMP.

4.4.150 Environmental considerations have influenced the location of the borrow pit search areas to minimise the effect on ecology, forestry, hydrology and landscape, and to allow successful reinstatement measures to be put in place as appropriate. Following construction, the borrow pit(s) would be restored and reinstated to agreed profiles. The approach to borrow pits is therefore consistent with the criterion and with SPP.

(25) Environmental Protection

4.4.151 The criterion states "*developers must obtain all required authorisations or licences under current environmental protection regimes prior to construction and ensure there is no impact on waste water and/or water assets which are above and/or underground in the area that may be affected by the proposed development*". This criterion is noted and the applicant would obtain all necessary authorisations and licenses before construction.

(26) Notifiable Installations and Exclusion Zones

4.4.152 There are such installations in proximity to the site and this criterion is not relevant.

(27) Mitigation

4.4.153 The criterion states "*where proposals are shown to have a significant adverse impact in respect of any of the above criteria, the developer will require to demonstrate that appropriate mitigating measures will be applied*". Where significant effects have been identified in the EIA process, mitigation has been proposed where relevant.

(28) Legal Agreement

4.4.154 The criterion states "*where appropriate, the Council will normally require an applicant to enter into a legal agreement to address community benefit payments, planning monitoring officer, roads and bridge structures and other matters*". This criterion is noted and these matters will be further addressed if necessary as part of the development management process for the application.

(29) Environmental Impact Assessment (EIA)

4.4.155 The criterion requires applications to be accompanied by an Environmental Statement where required. An EIA has been undertaken for the proposed development and an EIA Report submitted with the Section 36 application.

4.5 Conclusions

4.5.1 The proposed development is considered to be in accordance with the relevant policies of the adopted Development Plan and when the plan is read as a whole.

4.5.2 Furthermore, for the reasons set out it has been considered appropriate to focus the policy appraisal on the renewable energy policies within LDP2 which has now completed the Examination process and will soon be put to Scottish Ministers for adoption, subject to final modifications to be made by SLC in light of the Reporter's recommendations. LDP2 should therefore be afforded significant weight given the position it is at in the adoption process.

4.5.3 The conclusion from the appraisal undertaken is that the proposed development is consistent with the renewable energy policies in LDP2, other relevant policies in LDP2 and with the associated 'checklist' and related SPG.

5. The Benefits of the Proposed Development

5.1 The Benefits: Summary

5.1.1 The proposed development would result in a wide range of benefits as follows:

- With an indicative installed capacity of approximately 126 MW, the proposed development would make a valuable contribution to the attainment of the UK and Scottish Government policies of encouraging renewable energy developments; and in turn contribute to the achievement of UK and Scottish Government currently unmet targets for renewable energy and electricity generation. The Government has confirmed its long-term commitment to the decarbonisation of electricity generation and the proposal would help advance this policy objective.
- The UK legally binding target of net zero GHG emissions by 2050 and the Scottish Government target of a 75% reduction of such emissions by 2030 and net zero by the earlier date of 2045 are major challenges. The Government has made it clear that onshore wind plays a vital role in the attainment of future targets in relation to helping to combat the crisis of global heating.
- Use of the carbon calculator with best estimate values, based on available information, indicates that the proposed development would 'pay back' the carbon emissions associated with its construction, operation and decommissioning in a 1.4-year period. The proposed development would result in an estimated carbon saving of 173,842 tCO2 per annum[24].
- The average electricity consumption per household in the UK is 3,618 kWh (RenewableUK, 2019). Assuming generation of 325 GWh annually, the proposed development would generate enough power to supply approximately 89,829 average UK households.
- The project has the potential to deliver supply chain benefits. The proposed development would provide opportunities for the involvement of local, regional and Scottish suppliers in a range of activities, including research and development, design, project management, civil engineering, component fabrication / manufacture, installation and maintenance. There is expertise in all of these areas in the wider region.
- Chapter 13 of the EIA Report sets out socio-economic benefits and in summary, it is estimated that:
  - during the development and construction phase, the proposed development would invest approximately £152 million, that could generate up to:
    - £13.3 million GVA and 202 years of employment in South Lanarkshire; and
    - £42.6 million GVA and 657 years of employment in Scotland (including South Lanarkshire).
  - during each year of the operational phase, the proposed development would spend around £3.3 million on operations and maintenance. This could generate up to:
    - £0.7 million and 10 jobs in South Lanarkshire; and
    - £1.2 million GVA and 18 jobs in Scotland.
- Based on an installed capacity of 126 MW, the proposed development will generate an £18.9 million Community Benefit Contribution to local communities over the life of the project,

[24] Figures based on a fossil fuel mix of electricity generation as per the EIA Report. A grid mix of electricity generation would result in an estimated payback time of 2.5 years and emission savings of 97,962 tCO2/yr – as set out in the EIA Report, Appendix 3.2 'Carbon Calculator.

comprising financial contributions of £5,000/MW. The aim of this funding will be to support the delivery of strategic projects in the local area over the next 30 years.

- There would also be the possibility of wider benefits associated with the proposed development as a result of the offer to local communities to explore opportunities for shared ownership in the project, in addition to community benefit funding of up to £5,000 per MW per year.

  This would enable the local communities surrounding the proposed development, such as Coalburn, Lesmahagow, Douglas, Glespin, Rigside, and Douglas Water to invest in the local area, and meet the objectives set out in their community action plans. This could involve developing the area's adventure tourism offering, resulting in increased visitor numbers and tourism.

- There would also be benefits to the public sector from payment of non-domestic rates estimated to be worth £1.3 million each year.

5.1.2 The proposed development represents a significant investment in the region and the applicant has committed to taking a number of steps to ensure that benefits from the proposed development are maximised locally. The applicant is committed to a local supplier approach that will ensure that supplier contracts are sourced locally wherever possible, sustaining local businesses and providing employment opportunities for local people.

5.1.3 The importance of the economic benefits arising from the proposed development cannot be under estimated in today's circumstances. The Office of Budget Responsibility (OBR) has set out clear warnings in July 2020 that unemployment in the UK is likely to rise beyond levels seen in the 1980s as the nation struggles to regain its pre-COVID-19 virus footing. The OBR's position is that 2020 has seen the biggest collapse in economic activity since records began and there is now a significant likelihood of lasting economic 'scarring'.

5.1.4 Reference has been made in Chapter 2 to the recent advice to the Scottish Government from their Advisory Group on Economic Recovery and from the Government's Climate Emergency Response Group – the consistent strong recommendation is that there is an economic and environmental imperative to seek to deliver projects that can contribute to the economic recovery and indeed which can make a positive response to the Climate Emergency. The proposed development can make such a valuable contribution.

6. Conclusions

6.1 The Electricity Act 1989

6.1.1 The statutory context for a s.36 application is now well established. The proposed development requires to be considered under the terms of the 1989 Act, in particular the Schedule 9 duties.

6.1.2 Paragraph 3(2) 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. The information that is contained within the individual topic sections of the EIA documentation addresses these. It is considered that the detailed work undertaken for the EIA has confirmed and provides confidence that the proposed development is environmentally acceptable. On this basis the Applicant has fulfilled the obligations under Schedule 9 of the Electricity Act.

6.1.3 The Schedule 9 duties apply whatever the relevant local policy circumstances expressed through a Development Plan may be. Therefore, the approach required in this case is fundamentally different to the conventional approach for planning decisions under s.25 of the 1997 Act. As has been explained, there is no primacy of the Development Plan in an Electricity Act case. Development Plan policies are relevant to understanding in a local context, the generic duties under Schedule 9 to the Electricity Act.

6.1.4 It is also important to note that Schedule 9 does not contain any substantive development management tests. This was recently confirmed in the Scottish Minister's Decision in relation to the Fallago Rig Wind Farm Extension issued on 25 June 2020. In that Decision, the Reporter had taken a position that the Applicant had "failed to fulfil their duty under Schedule 9" as a result of taking a particular design approach to the development. At Page 8 of the Decision letter, the Ministers state that they disagreed with the views of the Reporter on this particular matter and they stated:

"*Scottish Ministers note that Schedule 9 of the Electricity Act contains no substantive development management tests. Ministers consider that the environmental information sufficiently accounts for the consideration of the design of the proposed development and its impacts on the environment. The company has demonstrated throughout their ES that they have had regard to the relevant environmental matters and, within the parameters of their chosen design, taking account of the environment as a whole, they have done what they reasonably could to mitigate any impact. Ministers are therefore satisfied that the relevant requirements have been complied with*".

6.2 Climate Emergency & the Renewable Energy Policy Framework

6.2.1 The Scottish Energy Strategy (SES) (2017) sets out that onshore wind is recognised as a key contributor to the delivery of renewable energy targets - specifically the new 2030 50% energy from renewable sources target – which could see renewable electricity rise to over 140% of Scottish electricity consumption. The Government has set out that this may require in the region of 17GW of installed renewables capacity by 2030 (SES, page 34). The SES did not take account of what may be required in terms additional renewable generation capacity to attain the new legally binding 'net zero' targets – this is expected to be addressed in a new Climate Change Plan to be published in December 2020.

6.2.2 Furthermore, the Government's 2020 renewable electricity target remains unmet and has been supplemented by new stretching emission reduction targets.

6.2.3 One of the key messages in the Onshore Wind Policy Statement (OWPS) is the recognition that onshore wind is to play a "vital role" in meeting Scotland's energy needs, a "material" role in growing the economy and it is specifically stated that the technology remains "crucial" in terms of Scotland's goals for an overall decarbonised energy system and to attain ambitious renewable targets for the milestone dates of 2020, 2030 and 2045.

6.2.4 This language on the role of onshore wind is demonstrably stronger than that in the current NPF and SPP. Even if a view is taken that the language is no different, the context within which the NPF / SPP policy statements were given is demonstrably different by way of more stretching targets and no guarantee of subsidy or certainty on route to market for onshore wind.

6.2.5 The OWPS also makes specific reference to the move *"towards larger and more powerful (i.e. higher capacity) turbines and that these by necessity – will mean taller towers and blade tip heights*". Notice is therefore given of market reality and evolving technological change and the benefits larger turbines can bring in terms of energy yield and consequent larger contribution to targets.

6.2.6 This Planning Statement has identified the more urgent need for onshore wind: an increase of this renewable energy technology is supported through a number of policy documents and by Scottish Government commitments. The technology 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 and, 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 recent amendments to the Climate Change Act 2008 and in Scotland with the provisions of the Climate Change (Emissions Reduction Targets) (Scotland) Act 2019.

6.2.7 Overall, the renewable energy policy framework is a very important consideration and one that should attract significant weight in the balance of factors in the determination of the application. It also needs to be acknowledged that the need case with regard to renewable generation and emissions reduction targets as set out in NPF3 and SPP are now dated. The documents are under review and have to a large extent been overtaken by new statutory provisions on renewable energy targets and GHG emissions reductions.

6.3 National Planning Policy & Guidance

6.3.1 NPF3 and SPP set out a strong position of support in relation to renewable energy and renewable energy targets and recognise the significant energy resource that can be provided by onshore wind. This is clearly not at any cost and environmental effects need to be judged to be acceptable.

6.3.2 Furthermore, each of the relevant sustainable development principles introduced through Paragraph 29 of SPP have been considered and it was shown through this appraisal that the proposed development would be consistent with each relevant principle and should benefit from the presumption in favour of development that contributes to sustainable development.

6.3.3 The proposed development is in an appropriate location and it is considered that the development is consistent with the relevant provisions of national planning policy and advice.

6.4 The Development Plan

6.4.1 The relevant policies of the adopted and the emerging Development Plan have been considered. The focus of the assessment was on those effects identified as significant through the EIA process following the application of mitigation measures proposed. This was in order for the assessment to be proportionate and, while it is recognised that the outcomes of the EIA are not in themselves a demonstration of planning policy accordance, the EIA assessment process is a key consideration in determining the significance of receptors and in turn informing the overall acceptability of the proposed development.

6.4.2 The significant effects identified largely relate to landscape and visual matters, however taking into account other policy considerations relating to suitable wind resource, renewable energy targets and positive local economic effects and the various benefits (as required by Policies 18 and RE1) the proposed development is considered to accord with Policies RE18 and RE1 with regard to landscape and visual effects and indeed with regard to the various other environmental topics set out in the policies.

6.4.3 The proposed development is also considered to be consistent with other relevant policies of the adopted LDP and LDP2 and with relevant aspects of the Onshore Wind Supplementary Guidance.

6.4.4 The conclusion reached is that the proposed development would be consistent with all relevant policies of the adopted Development Plan and with LDP2, and with these Plans when they are read as a whole, insofar as they are relevant considerations in an Electricity Act case.

6.5 Overall Conclusions

6.5.1 It has therefore not only been demonstrated that the proposed development accords with local and national planning policy, but that there is additionally a substantial need for this type of development in order that pressing future targets in relation to the global heating crisis and renewable energy generation and greenhouse gas emission reductions can be met in time.

6.5.2 It has also been shown that the project has a number of characteristics which reduce the effects of the scheme such as excellent access to the motorway network (thereby no requirement for traffic to pass through any communities), utilisation in large part of existing tracks, excellent grid connection proximity which can happen relatively quickly. The grid connection date is in Q4 of 2024 which would allow the contribution to targets from the project to flow from late 2024 onwards.

6.5.3 Moreover, the development is part of a cluster, which means that the significant effects would be very limited due to the existing characterising effects. The proposed development fits with the pattern of development. The scale of the landscape in this part of South Lanarkshire can accommodate the modern technology – which can successfully co-exist with the underlying forestry use. The evolution and growth of the established cluster can work to the long-term benefit of the regional and national supply chain. Indeed, the local involvement of the co-developer for this project (3R Energy) further improves and develops that local supply chain.

6.5.4 The benefits of the proposed development have been set out in the context of the current Climate Emergency and economic crisis – they would help address the issue of global heating and challenging ‘net zero’ targets and moreover, would deliver economic benefits at a time of severe economic recession. It is considered that the scale of the benefits that would arise would significantly outweigh the relatively limited adverse effects that would result.

6.5.5 The socio-economic benefits are now of particular importance given the unprecedented current economic crisis and recession in Scotland and the wider UK. The Letter from the Chief Planner dated 03 April 2020 entitled ‘Planning Procedures and COVID-19’ is clear in stating that “*planning has a crucial part to play within and beyond the immediate emergency*” and makes reference to the planning system’s critical role in our “*future economic and societal recovery*”. The importance of this matter has been further confirmed in the Programme for Government published in September 2020 – it has stated that a ‘green recovery’ is at the heart of the Government’s new programme.

6.5.6 The renewable energy policy framework remains an extremely important consideration. It is of course not an over-riding matter, but it is one that should attract significant weight in the balance of factors in the determination of the application. The current situation is more urgent and more grave than that which prevailed in 2014 when SPP and NPF3 where published and that must therefore go to the matter of weight to be attributed to the benefits of the proposed development and the need case.

6.5.7 The overall conclusion reached is that the proposed development satisfies the terms of Schedule 9 of the 1989 Act taking into account other policy considerations including the relevant Development Plan policies. On this basis, it is recommended that Section 36 consent and deemed planning permission should be granted for the proposed development.

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