

Planning Statement

# Sandy Knowe Wind Farm Extension

ERG UK Holding Ltd



July 2022



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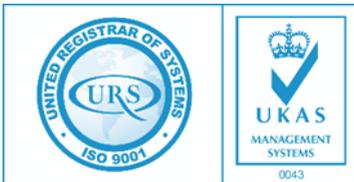
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# 1 Introduction

This Planning Statement has been prepared by Atmos Consulting Ltd ('Atmos') on behalf of ERG UK Holding Ltd ('the Applicant') to support an application under Section 36 of the Electricity Act 1989 (as amended) for the construction and operation of a generating station known as Sandy Knowe Wind Farm Extension (The Proposed Development).

Should a Section 36 consent be granted it is requested that deemed planning permission under Section 57 of the Town and Country Planning (Scotland) Act 1997 (the 1997 Act) also be granted.

The Proposed Development is located south-west of Kirkconnel in the Dumfries and Galloway Council (DGC) area and consists of up to six wind turbines (three turbines up to a maximum 125m tip height and three turbines up to a maximum of 149.9m tip height) and battery storage together with associated infrastructure including, hardstandings, cabling and access roads.

The Proposed Development is an extension to the consented and currently under construction Sandy Knowe Wind Farm and will have an indicative output of 21.6MW from the wind turbines and a battery storage element with an indicative capacity of 28.4MW. The combined capacity of the Proposed Development will not exceed 50MW.

The application is accompanied by an Environmental Impact Assessment Report (EIA Report) prepared in accordance with the Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017 (the EIA Regulations).

This EIA Report presents the findings of the EIA process by describing the Proposed Development, the current conditions at the Proposed Development Site and the likely environmental effects which may result from the construction and operation of Proposed Development.

Where appropriate, mitigation measures designed to avoid, reduce or offset potentially significant effects are proposed and conclusions are presented on residual effects (those effects that are expected to remain following implementation of mitigation measures).

This Planning Statement does not form part of the EIA Report but should be read in parallel with it as many of the references in the Planning Statement refer to material produced in in the EIA Report.

The purpose of this Planning Statement is to:

- Provide further details about the Applicant, the site and the Proposed Development;
- Confirm the application supporting documents (as listed on the Contents page and contained within the EIA Report);
- Set out the benefits of the Proposed Development in the context of national energy, climate change policies and socio economic benefits;
- Assess the Proposed Development against the statutory requirements of the Electricity Act 1989 (as amended), planning policy and other material considerations;

- Describe the site and its suitability for the Proposed Development taking into account site specific constraints;
- Summarise the key findings of the EIA which are relevant to the determination of the s.36 application; and
- Provide conclusions on the relevant policy framework and the overall benefits of the Proposed Development.

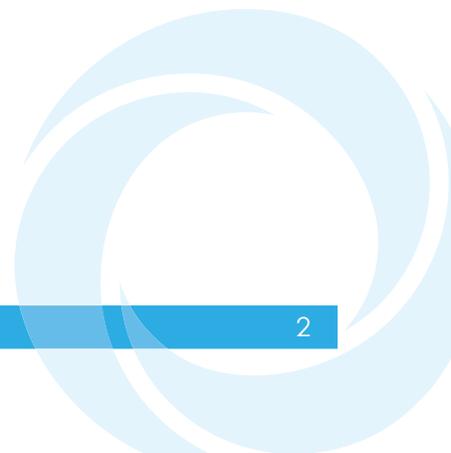
## 1.1 The Applicant

ERG UK Holding Ltd is a subsidiary of the ERG Group. The Proposed Development is an extension of the under-construction Sandy Knowe Wind Farm. Sandy Knowe Wind Farm is owned by Sandy Knowe Wind Farm Limited (SKWFL). SKWFL is 100% owned by ERG UK Holding Ltd.

ERG Group is a European renewable power producer, with an office in Edinburgh, which has been operating successfully in the energy sector for 80 years.

In recent years ERG has transformed itself from one of Italy's leading oil and refining companies to one focussed wholly on green power. ERG is active in eight countries — in the UK, France, Germany, Poland, Romania, Bulgaria, Sweden and Italy, where it is now the leading wind energy operator owning and operating wind farms with a total installed capacity of approximately 2GW.

ERG is constructing wind farms in Scotland and owns and operates wind farms in Northern Ireland. The Applicant is committed to investing in Dumfries and Galloway through renewable energy projects, with the community benefits and additional outcomes that renewable energy development can bring (including construction and post construction employment).



## 2 Site Description and Context

### 2.1 Site Description

The Proposed Development Site is located on low lying hills to the north of the Southern Uplands hill range, south of the A76 and approximately 2.5km south-west of the town of Kirkconnel and encompasses approximately 300 hectares.

The Proposed Development Site is centred on National Grid Reference (NGR) (approximate) NS 68631 10692 and is illustrated in **Figure 1-1, Site Location, EIA Report Volume 3**.

It lies to the south of the Nithsdale on the lower-lying northern slopes of hills which include High Cairn (553m Above Ordnance Datum (AOD)) and White Hill (418m AOD). The surrounding area is largely characterised by moorland landcover with blocks of coniferous forest.

The area within which the Proposed Development will be located is defined as the 'Proposed Development Footprint'.

This encompasses all the Proposed Development infrastructure including the turbine locations, battery storage, hardstanding, site access. It also includes areas of the consented Sandy Knowe wind farm and includes consented / constructed infrastructure including tracks, temporary construction compounds, a borrow pit, and substation.

The Proposed Development Footprint is centred on (NGR) (approximate) NS 69292 10825 and is illustrated in **Figure 1-2, Site Layout, EIA Report Volume 3**.

### 2.2 Surrounding Area

The surrounding area is characterised by open moorland, coniferous forestry plantation and grazing land. The overall site context, as described below, is illustrated in **Figure 1-3, Site Context, EIA Report Volume 3**.

There are a number of operational and consented wind farms in the vicinity with the consented Sandy Knowe Wind Farm itself within the Proposed Development Site. The operational Hare Hill, Hare Hill Extension and Sanaquar windfarms are all within 5km, as well as the consented Magheuchan Rig.

### 2.3 Landscape Designations

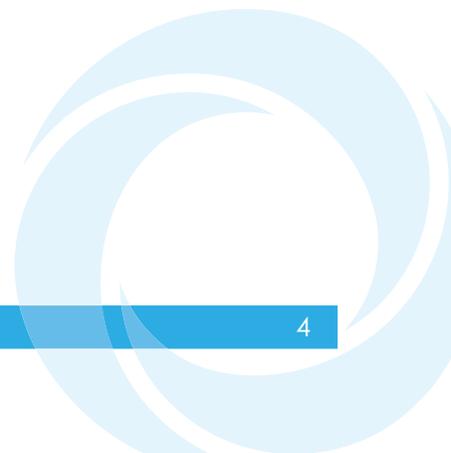
The Proposed Development Site does not lie within any landscape designations and no wild land areas would be affected. There are a number of designated landscapes in the wider area (defined in Chapter 5 of the EIA Report). The Southern Uplands Sensitive Landscape Area is located approximately 1km east of the Proposed Development Site boundary at its closet point.

### 2.4 Heritage Designations

There are no designated heritage assets within the Proposed Development Footprint. There are six Listed Buildings and six Non-Statutory Register (NSR) sites within 1km.

## 2.5 Ecology Designations

There are no statutory designated sites within the Proposed Development Site. There are two Sites of Special Scientific Interest (SSSI) within 10km: Muirkirk Uplands at 4.2km northeast; and Back Wood at 9.1km east, each of which also lie under the Muirkirk and North Lowther Uplands Special Protection Area (SPA). The Upper Nithsdale Special Area of Conservation (SAC) is located 9.1km east.



### 3 The Proposed Development

The Proposed Development consists of six three-bladed horizontal axis wind turbines (three turbines up to a maximum 125m tip height above ground level (AGL) and three turbines up to a maximum of 149.9m AGL), battery storage and other associated infrastructure.

The associated infrastructure includes:

- Use of existing; consented / under construction access tracks;
- New access tracks;
- Construction of turbine foundations and crane hardstandings;
- Underground cabling;
- Use of an existing borrow for the excavation of on-site aggregate to be used in the construction of the Proposed Development and for peat reinstatement. Any extraction of aggregate will be within the existing boundaries of the Borrow pit (EIA Volume 1 Chapter 3 Project Description);
- Reuse of two consented temporary storage compounds; and
- Three watercourse crossings.

The turbines will build on gravity base foundations made of steel reinforced concrete. To allow the turbines to be installed a crane hardstanding beside the turbine base will be built, approximately 62.5m x 25m in size.

It is anticipated that approximately 3km of new track is likely to be required to construct and access the new turbines. No upgrades are proposed on the consented / constructed Sandy Knowe Wind Farm access tracks.

All construction traffic (including abnormal loads) will access the site via the consented Sandy Knowe Wind Farm northwestern access point directly off the A76, while all other vehicles during operation will access the site from the consented/constructed north eastern access via the Heads of the Valley Road.

Once a turbine has been installed, the crane hardstand area around the turbine will remain in place as permanent infrastructure. The boom assembly areas, temporary track and hardstand working areas will be restored using the retained topsoil or turf.

The turbines will be connected to the existing on-site substation using underground cabling running along the routes of the access tracks.

The Proposed Development will have an operational lifespan of 40 years after which it will be decommissioned.

The layout of the Proposed Development is shown on **Figure 3-1a to 3-1c, Site Layout Overview, EIA Report Volume 3.**

#### 3.1 Benefits of the Proposed Development

Once operational, the Proposed Development will generate approximately 66,225MWh of electricity per year. This will displace an equivalent amount of fossil fuel generated electricity amounting to a reduction in the release of greenhouse gases equal to 29,801 tonnes per year or 1.2 million tonnes over the lifetime of the wind farm.

The Scottish Government's Online Carbon Calculator was used to calculate the carbon payback period for the Proposed Development. When taking into consideration the potential carbon loss of various construction and operational phases such as peat extraction for access tracks, the Proposed Development is expected to payback the carbon cost in **2.6 years** which represents 6.5% of the operational life of the Proposed Development.

The Scottish Government's Climate Change Plan (2018) states that by 2030 Scotland will have a largely decarbonised electricity system with a grid carbon intensity of 50g CO<sub>2</sub>/kWh of generation (p. 66).

The carbon intensity of the Proposed Development is 16.77g CO<sub>2</sub>/kWh, which is below the 2030 carbon intensity target. The Proposed Development is anticipated to have an overall beneficial effect on climate change mitigation.

The results of the Carbon Calculator are presented in EIA Volume 2 Appendix 3-1.

The Applicant will provide a voluntary community benefit package of £5,000 per MW installed capacity, equating to £4.3M over the lifetime of the windfarm.

The development of a wind farm is a substantial investment that results in the generation of employment. It is estimated that the Proposed Development will generate up to 239 jobs during its design and construction phase, with a further 10 to 11 jobs during its 40-year operational phase. It is likely that the Proposed Development will also have wider beneficial effects that are not possible to quantify at this stage. Nevertheless, these would be expected to have positive effects on the local and national economies including:

- Local supply chain opportunities – wider, 'knock-on' effects of expenditure of workers visiting the area, e.g., in the accommodation, food service and retail sectors;
- Income effects – the generation of additional wages and salaries from new employment, much of which will be spent regionally or nationally; and
- Exchequer effects – additional tax revenue, regionally and nationally from increased economic activity.

## 4 Application Documents

This application is supported by the documents indicated in the list below:

1. EIA Report:

The Environmental Impact Assessment Report (EIAR), presents the findings of the Environmental Impact Assessment (EIA) undertaken in accordance with the Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017, as amended (the “EIA Regulations”) and includes the following:

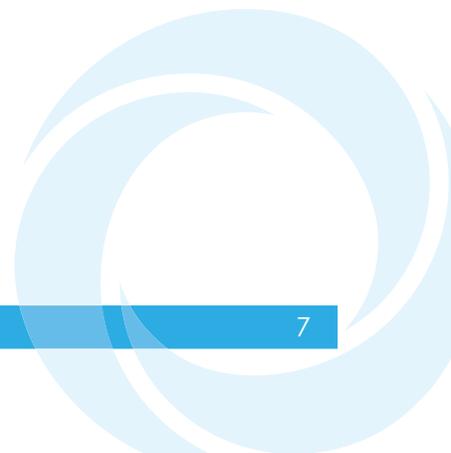
- Volume 1: Main Report;
- Volume 2: Technical Appendices;
- Volume 3: Figures;
- Volume 4: Visualisations;
- Volume 5: Confidential Appendices; and
- Volume 6: Non-Technical Summary.

2. Other accompanying application documents:

- Planning Statement (this document);
- Design and Access Statement; and
- Pre-Application Consultation Report.

3. Application Drawings:

- Figure 1: Site Location; and
- Figure 2: Site Layout.



## 5 Site Selection and Design Evolution

### 5.1 Site Selection

Careful site selection has been undertaken in order to ensure that an efficient, technically and economically viable wind farm can be developed without causing significant adverse environmental impacts.

The Proposed Development Site has been selected as suitable by the Applicant because it met the following criteria:

- The Proposed Development would utilise spare capacity available in the constructed underground cable connecting Sandy Knowe Wind Farm to the grid network;
- Strong wind speeds are present at the site;
- The Proposed Development location is in proximity to existing operational wind farms of similar scale and forms an extension to the in construction Sandy Knowe Wind Farm;
- The location is a reasonable distance away from the nearest residential properties and settlements;
- The Proposed Development Site has an established road access and access track network; and
- The Proposed Development Site itself does not carry international or national, environmental, landscape or cultural heritage designations; and
- Previous environmental investigations have not identified significant sensitivities.

The site is also considered particularly suitable for battery storage as the grid in south west Scotland is congested. Locating battery storage in this area can help smooth out supply and demand fluctuations allowing more stable grid operation and allowing renewable energy to make it onto the grid even if not actively generating.

There is strong policy support for the extension of already consented / existing wind farms. In particular, the Scottish Energy Strategy (Scottish Government, 2017) and the Draft National Planning Framework (NPF4, Policy 19a, 19b).

### 5.2 Design Principles

The design principles of the Proposed Development carry forward the principles applied to site selection through establishing a design that meets the objective of capturing the maximum wind energy whilst minimising the effects on the environment.

The locations of the turbines and proposed infrastructure have been designed to avoid identifiable onsite environmental constraints including gradient, watercourses and peat and remain an appropriate distance away from residential properties to minimise potential effects from noise and residential amenity.

The layout subject to this application, therefore, presents an informed and refined proposal that has evolved through an iterative design process as information has come to light through the various supporting assessments.

## 5.3 Design Evolution

The Proposed Development has gone through a number of design iterations to arrive at the current layout.

Some of the key revisions are shown in the EIA Report Volume 3, Figures 3-2a to 3-2c and are summarised in Table 1.

**Table 1: Design Evolution Summary**

Design Iteration 1 (Scoping Layout)	Design Iteration 2 (Design Chill)	Design Iteration 3 (Design Freeze)
Initial feasibility based on preliminary environmental and technical consideration with the intention of sharing infrastructure components with Sandy Knowe Wind Farm in order to minimise the potential impact on sensitive receptors.	Turbine locations, track and hardstands adjusted to avoid deep peat and Groundwater Dependent Terrestrial Ecosystems (GWDTE). Hardstands relocated to minimise cut and fill requirements. Tip heights of 3 turbines reduced to reduce residential amenity effects. Battery Storage System located on the existing eastern temporary construction compound.	Turbine, track and hardstand repositioning to shallower peat following further investigation. Inclusion of the consented Sandy Knowe borrow pit.

A more detailed description of the design evolution can be found in Volume 1, Chapter 3 of the EIA Report.



## 6 Climate Change and Energy Policy

### 6.1 Introduction

Climate change has been described as the greatest environmental challenge facing the world today, with the declaration of the global climate emergency in April 2019 and continued publicity around increasing devastating global climate events linked to climate change to date.

The burning of fossil fuels to produce electricity is a major contributor to climate change through the release of atmospheric carbon dioxide (CO<sub>2</sub>) and other harmful gases known collectively as greenhouse gases. As part of the response to climate change, the UK and Scottish Governments have entered into binding international agreements, committing to reducing greenhouse gas emissions.

There is a clear national focus, as a consequence of the COVID-19 crisis, to ensure a 'green recovery' for Scotland.

The generation of electricity from renewable energy sources, onshore wind in particular is recognised as vital to Scotland's future energy mix and the transition to net zero carbon emissions by 2030.

The following sets out key Scottish legislation and policies that are central to the requirement for the Proposed Development.

### 6.2 International Policy

The United Nations Conference of the Parties 26<sup>th</sup> annual summit (COP26) took place in Glasgow in October / November 2021, concluding with the completion of the Glasgow Climate Pact. The Glasgow Climate Pact finalises the Paris Agreement of COP21 in 2015 committing to limit the rise of global temperature to 1.5 degrees by 2030.

The Glasgow Climate Pact calls on countries to revisit and strengthen their 2030 targets by the end of 2022 to align them with the Paris Agreement's temperature goals. Countries also agreed to return in 2022 with a new UN climate programme on mitigation ambition and to finalise the Paris Rulebook.

It is important to note the Pact states that:

*"The Glasgow Climate Pact only keeps 1.5C in sight if countries take concerted and immediate action to deliver on their commitments. This means phasing down coal power, halting and reversing deforestation, speeding up the switch to electric vehicles and reducing methane emissions."*

### 6.3 United Kingdom Energy & Climate Change Policy

Energy Policy is a reserved matter for the UK Government with direction and targets set by Westminster for the UK as a whole.

#### Sixth Carbon Budget 2020

Following on from the Climate Change Committee's (CCC) Net Zero - The UK's Contribution to Stopping Global Warming 2019, the CCC (CCC, 2020) published its

recommendations for the UK's Sixth Carbon Budget which will run from 2033 to 2037 with the aim of achieving a fully decarbonised UK economy.

The Sixth Carbon Budget requires a reduction in UK greenhouse gas emissions of 78% by 2035 relative to 1990, or a 63% reduction from 2019 and was imposed by the Carbon Budget Order 2021.

### Net Zero Strategy: Build Back Greener

In October 2021, the UK Government's Net Zero Strategy was presented to the UK Parliament in accordance with Section 14 of the Climate Change Act 2008.

The strategy sets out clear policies and proposals for keeping the UK on track for forthcoming carbon budgets, ambitious Nationally Determined Contribution (NDC), and the UK Government's vision for a decarbonised economy in 2050.

The strategy has a number of commitments for reducing emissions across the economy in relation to power generation including a commitment to fully decarbonise the UK's electricity system by 2035.

This includes the key policy requirement of increasing onshore wind and other renewables capacity.

### UK Climate Change Risk Assessment 2022

The third UK Climate Change Risk Assessment (CCRA3) report was presented to Parliament on 17 January 2022 and outlines the UK government and devolved administrations' position on the key climate change risks and opportunities that the UK faces.

The Technical Report for the CCRA3 identified 61 UK-wide climate risks and opportunities across multiple sectors such as energy; agriculture; people; transport and biodiversity if there is a 2- and 4-degree global warming scenario.

Of the 61 climate risks and opportunities 34 risks are assessed as 'more action needed' at a UK-wide level. This means that new, stronger, or different government action is required in the next five years over and above those already planned.

Some of the risks include:

- Risk to soils from changing climatic conditions, including seasonal aridity and wetness;
- Risks and opportunities for natural carbon stores, carbon sequestration and GHG emissions from changing climatic conditions, including temperature change and water scarcity;
- Risks to and opportunities for agricultural productivity from extreme events and changing climatic conditions (including temperature change, water scarcity, wildfire, flooding, coastal erosion, wind and saline intrusion);
- Risks to infrastructure services from river, surface water and groundwater flooding;
- Risks to public water supplies from reduced water availability;
- Risks to health and wellbeing from high temperatures;
- Risks to people, communities and buildings from river and surface flooding; and
- Risks to UK food availability, safety, and quality from climate change overseas.

## Net Zero – The UK's contribution to stopping global warming and the Net Zero Technical Report 2019

These reports were produced by the Climate Change Committee as advice to the UK Governments on emissions target. The report recommended a net zero date for Scotland of 2045 (now incorporated into legislation). This is sooner than the target for the UK as a whole reflecting: *“Scotland's greater relative capacity to remove emissions...”*

The Net Zero Technical Report concluded that up to 35 GW additional onshore wind capacity could be needed over the period up to 2035. Further deployment is likely to be needed over the period to 2050. The UK's onshore wind, offshore wind and solar PV resource are likely to be more than adequate to deliver an expanded and decarbonised electricity system to 2050.

## 6.4 Scottish Energy & Climate Change Policy

### Climate Change (Emission Reduction Targets) (Scotland) Act 2019

The Climate Change (Emission Reduction Targets) (Scotland) Act 2019 amends the Climate Change (Scotland) Act 2009, strengthening Scotland's climate change targets for the reduction of emission levels from an 80% reduction by 2050 (as set out in the Climate Change (Scotland) Act 2009), to 100% by 2045.

### Scottish Government Climate Change Plan Update 2020

The Scottish Government published its updated Climate Change Plan in December 2020. This update to the 2018-2032 Climate Change Plan, along with the Scottish Government's Energy Strategy Position Statement in 2021 (see below), provides the strategic framework for the transition to a low carbon Scotland.

The Update sets new targets to end Scotland's contribution to climate change by 2045 and sets out the commitment to reduce emissions by 75% by 2030 (compared with 1990) and to net zero by 2045. It states that COVID-19 does not change Scotland's ambitions.

### Scottish Energy Strategy (2017)

The Scottish Energy Strategy (SES): The Future of Energy in Scotland was published in December 2017 and presents the Scottish Government's vision for the future energy system in Scotland. It articulates six energy priorities for a whole-system approach that considers both the use and the supply of energy for heat, power and transport.

Sitting alongside the Climate Change Plan, SES is intended to strengthen the development of local energy, protect and empower consumers, and support Scotland's climate change ambitions while tackling poor energy provision.

Built around a series of six energy priorities, the SES will guide the decisions that the Scottish Government, working with partner organisations, needs to make over the coming decades.

Specifically in relation to renewable energy generation, this includes the commitment to:

*"...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".*

In championing the potential of Scotland's huge renewable energy resource, the SES recognises that renewable and low carbon energy will provide the foundation of the envisaged future energy system and considers onshore wind to be amongst the lowest cost forms of renewable power generation.

The SES is clear that onshore wind should continue to play a vital role in decarbonising Scotland's energy systems and confirms the importance of supporting onshore wind development, including the extension and replacement of existing sites with larger turbines, in the right places.

Identifying and providing a route to market for onshore wind energy is recognised in the SES as key to achieving the objectives and vision of the strategy and refers to further detail provided in the Scottish Government Onshore Wind Policy Statement which was published alongside the SES.

### Scotland's Energy Position Statement (2021)

Published in March 2021 the Statement recognises that Scotland has a particularly challenging interim target for emissions reduction by 2030.

The Statement aim was to provide a clear overview of our policies in relation to energy ahead of COP26 in November 2021. It reinforces Scotland's commitment to *"supporting the increase of onshore wind in the right places to help meet the target of Net Zero."* whilst ensuring a green, fair and resilient recovery for the Scottish economy.

### Onshore Wind Policy Statement (2017)

The Onshore Wind Policy Statement (OWPS) published in December 2017 sets out the Scottish Government's policy position on Onshore Wind and re-affirms the SES in setting out an important role for onshore wind in achieving Scotland's renewable energy targets.

It also recognises the wider economic and industrial opportunity that growing the onshore wind sector represents. In doing so it also acknowledges the uncertain route to market that faces new development proposals and recognises the role that a *"supportive and well-resourced planning system"* will play in addressing that. Similarly, the need for continued innovation and cost reduction is clear.

The ongoing technological development in the sector and the availability of larger wind turbines with greater output is recognised in the OWPS which states Scottish Government support for development of larger (taller) wind turbines in appropriately sited locations where the landscape is judged to be capable of supporting them.

Larger scale developments, capable of exploiting better wind resource are more likely to achieve a cost-effective route to market and therefore make the continued contribution to targets.

The Onshore Wind - Policy Statement Refresh 2021: Consultative Draft was published on 28<sup>th</sup> October 2021. This seeks to review the current position of the onshore wind sector and establish an ambition for the additional onshore wind capacity needed to help Scotland achieve net zero.

It recognises the stronger role the emerging NPF4 will have in planning decisions and that a consistently higher rate of onshore wind year on year will be required to meet Scotland's ambitious targets.

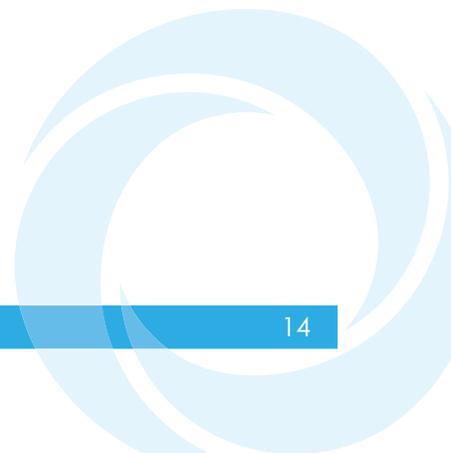
Specifically, a doubling of onshore wind capacity by 2032 is required. It states that "*a consistently higher rate of onshore wind, and other renewables capacity, will be required year on year.*" It therefore proposes the setting of a target of between 8-12GW of additional onshore wind generation by 2030 and a proposal for a Sector Deal around this target.

In addition, the Statement identifies the additional benefits associated with this sector such as economic benefits, improving biodiversity and environmental restoration.

## 6.5 Progress Towards Energy Targets

The Scottish Government's Energy Statistics for Scotland Q2 2021 published in September 2021 shows a decrease in renewable energy generation of 18.7% from the same period in 2020 and an increase in renewable electricity capacity of 2.2% from June 2020 to 12GW in June 2021.

Provisional figures show that the renewable electricity target of 100% gross electricity consumption by 2020 has been missed with only 95.9% actually achieved. With the total Scottish energy consumption from renewables sitting at 23.8% in 2019 against a target of 50% by 2030, it is clear that that Scotland is not on track to meet its renewable energy targets.



## 7 National Planning Policy

### National Planning Framework 3

The Third National Planning Framework (NPF3) is a long-term plan for Scotland that sets out where development and infrastructure is needed. Together with the Scottish Planning Policy, NPF3 provides a clear national vision of what is expected of the planning system and the outcomes that it must deliver for the people of Scotland.

Ahead of NPF4 being adopted (anticipated in late summer 2022), NPF3 (and Scottish Planning Policy), both adopted in 2014 remain in place. The NPF3 identifies national developments and other strategically important development opportunities in Scotland and is accompanied by an Action Programme.

The Scottish Government's central purpose is to create a more successful country, with opportunities for all of Scotland to flourish, through increasing sustainable economic growth.

To achieve this, The Scottish Government Economic Strategy aims to share the benefits of growth by encouraging economic activity and investment across all of Scotland's communities, whilst protecting natural and cultural assets.

The creation of a low carbon place is a key element of the vision for Scotland, part of which is the ambition to be a world leader in low carbon energy generation, both onshore and offshore. Alongside this sits the aim to create a natural, resilient place where natural and cultural assets are respected, improving in condition and representing a sustainable economic, environmental and social resource for the nation.

Whilst good progress is being made in diversifying Scotland's energy generation capacity and lowering the carbon emissions associated with it, NPF3 acknowledges that more action is needed. Maintaining security of supplies and addressing fuel poverty remain key objectives.

NPF3 is clear that the Scottish Government wants to continue to capitalise on Scotland's wind resource with a growing focus on marine energy. That said, policy is clear that onshore wind must continue to make a significant contribution to diversification of energy supplies.

### The Fourth National Planning Framework (NPF4) Draft

The Draft NPF4 was published in November 2021. It is intended as a long-term plan that will guide spatial development, set out national planning policies, designate national developments and highlight regional spatial priorities.

NPF4 will be different to NPF3 as, once approved, it will have increased status and will become part of the statutory Development Plan. This means that its policies will have a stronger role in day-to-day planning decision making.

As a draft development plan document, some weight can be given to the strategic policy aims although limited weight should be given to detailed policy drafting as these could be subject to substantial change as a result of consultation and parliamentary processes.

The draft NPF4 sets out increased emphasis on the 'net zero agenda' through four key themes; sustainable places, liveable places, productive places and distinctive places.

NPF4 will incorporate updated Scottish Planning Policy into one document and Part 3 of the draft NPF4 contains proposed new 'National Planning Policy'.

In relation to a policy for sustainable places NPF4 states:

*"To achieve a net zero, nature positive Scotland, we must rebalance our planning system so that climate change and nature recovery are the primary guiding principles for all our plans and all our decisions. That includes emissions reduction and the adaptations we need to make in order to be resilient to the risks created by a warmer climate."*

In terms of renewable energy generation, the framework acknowledges the need to; "diversify and expand renewable energy generation" and that:

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

*"...a large increase in electricity generation will be essential for Scotland to meet its net zero emissions targets".*

Policy 2 'Climate Emergency', states that:

*"...when considering all development proposals significant weight should be given to the Global Climate Emergency".*

This indicates that climate change should be a guiding principle for decision making and that substantial policy support is given to any proposed development which makes a contribution towards climate change targets.

The preamble to Policy 19: Green Energy states:

*"Scotland's energy sector has a significant role to play in reducing carbon emissions and contributing to a green, fair and resilient economic recovery. A wide range of renewable technologies are capable of delivering these benefits, although it is likely that the onshore wind sector will play the greatest role in the coming years. The planning system should support all forms of renewable energy development and energy storage, together with new and replacement transmission and distribution infrastructure."*

Paragraph e) of Policy 19 states that:

*"Development proposals to repower, extend and expand existing wind farms and for the extension of life to existing windfarms should be supported unless the impacts identified (including cumulative effects) are unacceptable."*

It is clear from the draft NPF4 that the generation of renewable energy (in particular from onshore wind; "in the coming years") is recognised as being of national importance and is a key part of the way in which the emissions reduction statutory 'outcome' and the attainment of the legally binding net zero will be fulfilled. This can be afforded significant weight.

## Scottish Planning Policy

Scottish Planning Policy (SPP) is Scottish Government policy on how nationally important land use planning matters should be addressed across the country. The latest SPP was published in June 2014.

The Policy reflects the Scottish Ministers' priorities for operation of the planning system and for land use and development. It aims to promote a sustainable place; support economic growth, regeneration and appropriately designed development.

Its principal policies include the consideration of sustainable economic development, rural development, historic environment, landscape and natural heritage, open space and physical activity and health, transport, renewable energy, flooding and drainage and waste management.

SPP articulates the four desired planning outcomes. Of particular relevance to the Proposed Development are:

- Outcome 1: A successful, sustainable place;
- Outcome 2: A low carbon place; and
- Outcome 3: A natural, resilient place.

The SPP Policy Principles states that the planning system should;

*"...support the transformational change to a low carbon economy, consistent with national objectives and targets..." and "support the development of a diverse range of electricity generation from renewable energy technologies – including the expansion of renewable energy generation capacity..."*

SPP states that proposals for energy infrastructure developments should always take account of spatial frameworks for wind farms where these are relevant and sets out key considerations for proposals.

These include net economic impact; the scale of contribution to renewable energy generation targets; effect on greenhouse gas emissions; cumulative effects; impacts on communities and individual dwellings and landscape and visual impacts.

Of particular relevance to the Proposed Development are SPP 154 and 174. SPP 154 states that the planning system should;

*"...support the development of a diverse range of electricity generation from renewable energy technologies – including the expansion of renewable energy generation capacity..."*

SPP 174: Existing Wind Farm Sites states:

*"Proposals to repower existing wind farms which are already in suitable sites where environmental and other impacts have been shown to be capable of mitigation can help to maintain or enhance installed capacity, underpinning renewable energy generation targets. The current use of the site as a wind farm will be a material consideration in any such proposals."*

## Planning Advice Notes

The Scottish Government has published a number of Planning Advice Notes (PANs) covering a variety of subjects. The following are considered of relevance to this application;

- Circular 1/2017: Environmental Impact Assessment Regulations;
- Circular 2/2011: Planning and Archaeology;
- Circular 3/2010: Community Engagement;
- PAN 51: Planning, Environmental Protection and Regulation;

- PAN 60: Natural Heritage;
- PAN 62: Radio Telecommunications;
- PAN 73: Rural Diversification; and
- PAN 75: Planning for Transport.

These PANs have been considered as part of the EIA process as a whole and as part of the conduct of the technical assessments presented in the EIA Report.

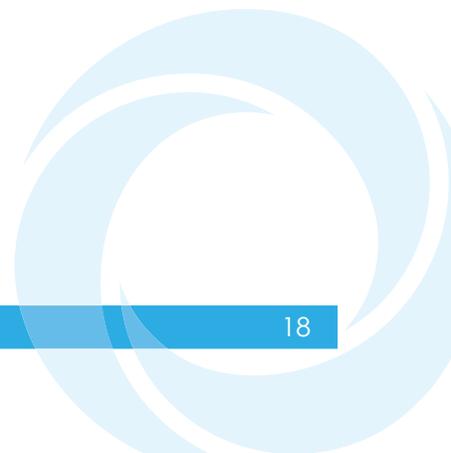
### Scotland's National Strategy for Economic Transformation 2022

This is the Scottish Government's statement of ambition for economic recovery following the COVID-19 pandemic.

It sets the ambition of the next ten years as a time of huge change and 'extraordinary opportunity' and promotes Scotland as a nation with competitive advantages in the new industries generated by technological change, scientific advance and our response to the climate and nature crises.

The strategy deliberately focuses on five policy programmes with the greatest potential benefit, including to "*strengthen Scotland's position in new markets and industries, generating new, well-paid jobs from a just transition to net zero*";

The transition to net zero is seen not just an environmental imperative but an economic opportunity - one where Scotland will become world leading. The identified opportunities for this competitive advantage include the construction and development of on- and off-shore energy generating technologies.



## 8 Local Planning Policy

The Local Development Plan for the Proposed Development comprises:

- Dumfries and Galloway Council Local Development Plan 2 (DGC LDP2) (October 2019);
- Supplementary guidance: Wind Energy Development: Development Management Considerations (February 2020a); and
- Supplementary guidance: Part 1 Wind Energy Development: Development Management Considerations Appendix 'C' Dumfries and Galloway Wind Farm Landscape Capacity Study (DGWFLCS, February 2020).

### Dumfries and Galloway Local Development Plan (LDP2) 2019

The DGC LDP2 was adopted in October 2019 and provides the planning framework and guides the future use and development of land in towns, villages and the rural area. It also indicates where development, including regeneration, should and should not happen.

The overarching principle of the LDP2 is that;

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

The LDP recognises that climate change is a pressing issue globally and outlines policies specific to renewable energy developments. The LDP provides a spatial framework for development of wind energy, in line with the requirements of SPP.

Policies directly relevant to the Proposed Development include Policies IN1: Renewable Energy and IN2: Wind Energy.

Policy IN1 states that:

*"The Council will support development proposals for all renewable energy generation and/or storage which are located, sited and designed appropriately. The acceptability of any proposed development will be assessed against the following considerations:*

- *landscape and visual impact;*
- *cumulative impact;*
- *Impact on local communities and individual dwellings, including visual impact, residential amenity, noise and shadow flicker;*
- *the impact on the natural and historic environment (including cultural heritage and biodiversity);*
- *Impact on tourism, recreational interests and public access*

*To enable this assessment sufficient detail should be submitted, to include the following as relevant to the scale and nature of the proposal:*

- *any associated infrastructure requirements including road and grid connections (where subject to planning consent);*
- *environmental and other impacts associated with the construction and operational phases of the development including details of any visual impact, noise and odour issues;*

- *relevant provisions for the restoration of the site;*
- *the scale of contribution to renewable energy generation targets;*
- *effect on greenhouse gas emissions; and*
- *net economic impact, including local and community socio-economic benefits such as employment, associated business and supply chain opportunities.*

*Acceptability will be determined through an assessment of the details of the proposal including its benefits and the extent to which its environmental and cumulative impacts can be satisfactorily addressed”.*

The detail required for the assessment has been provided with the planning application, particularly Chapter 3 of the EIA Report ‘Description of Development’ for description of the infrastructure, reinstatement proposals and effects on greenhouse gas emissions.

Environmental impacts are assessed in Chapters 5 to 13 of the EIA Report; contributions to renewable energy targets are discussed under Energy Policy (Section 8.1 of this report) and economic impacts are discussed in Chapter 12: Socio-economics, Tourism and Recreation of the EIA Report.

Policy IN2 is specific to wind energy development and states that:

*“The Council will support wind energy proposals that are located, sited and designed appropriately. The acceptability of any proposed wind energy development will be assessed against the following considerations:*

**Renewable energy benefits**

*The scale of contribution to renewable energy generation targets, effect on greenhouse gas emissions and opportunities for energy storage.*

**Socio-economic benefits**

*Net economic impact, including local and community socio-economic benefits such as employment, associated business and supply chain opportunities.*

**Landscape and visual impacts**

- *The extent to which the landscape is capable of accommodating the development without significant detrimental landscape or visual impacts, including effects on wild land; and*
- *That the design and scale of the proposal is appropriate to the scale and character of its setting, respecting the main features of the site and the wider environment and that it addresses fully the potential for mitigation.*

**Cumulative impact**

*The extent of any cumulative detrimental landscape or visual impact or impacts on existing patterns of development from two or more wind energy developments and the potential for mitigation.*

**Impact on local communities and residential interests**

*The extent of any detrimental impact on communities, individual dwellings, residents and local amenity, including assessment of the impacts of noise, shadow flicker, visual dominance and the potential for associated mitigation.*

**Impact on infrastructure**

The extent to which the proposal addresses any detrimental impact on road traffic, adjacent trunk roads and telecommunications, particularly ensuring transmission links are not compromised.

**Impact on aviation and defence interests**

The extent to which the proposal addresses any impacts arising from location within an area subject to potential aviation and defence constraints, including the Eskdalemuir Safeguard Area.

**Other impacts and considerations**

- a) the extent to which the proposal avoids or adequately resolves any other significant adverse impact on the natural environment, including biodiversity, forests and woodland, carbon-rich soils, hydrology, the water environment and flood risk, the historic environment, cultural heritage, tourism and recreational interests and public access;
- b) the extent to which the proposal addresses any physical site constraints and appropriate provision for decommissioning and restoration."

IN2 makes reference to a spatial framework developed by DGC in accordance with the requirements of the SPP (paragraph 161). The elements of the spatial framework are presented in Table 2.

**Table 2: DGC Spatial Framework**

Framework Group	Criteria
<b>Group 1:</b> Areas where wind farms will not be acceptable	National Scenic Areas (NSAs)
<b>Group 2:</b> 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: <ul style="list-style-type: none"> <li>• Ramsar &amp; Natura 2000</li> <li>• World Heritage Sites (not directly)</li> <li>• SPAs/SACS</li> <li>• SSSIs</li> <li>• NNRs</li> <li>• Inventory of Gardens and Designed Landscapes</li> <li>• Inventory of Historic Battlefields</li> <li>• Wild land areas</li> <li>• Carbon rich soils, deep peat and priority peatland (subject to recent SNH consultation)</li> <li>• 2km area around settlements in the Plan with identified settlement envelope or edge</li> </ul>
<b>Group 3:</b> Areas with potential for wind farm development	Areas beyond Groups 1 and 2, where wind farms are likely to be acceptable, subject to detailed consideration against all relevant plan policies.

All turbines of the Proposed Development are located within a **Group 3 area**.

The Polhote and Polneul Burns SSSI (an Area of Significant Protection) lies partially within the Proposed Development Footprint. This is a geological SSSI. The Proposed

Development has been designed to avoid impacts on this area with no additional water crossings, proposed tracks or upgraded tracks proposed within the SSSI.

LDP2 contains other policies relevant to the Proposed Development which have the overarching aim to encourage prosperous and sustainable communities and businesses, balanced with protecting and improving the quality of the environment. These are:

- Policy OP1: Development Considerations;
- Policy OP2: Design Quality and Placemaking;
- Policy ED11: Dark Skies;
- Policy HE1: Listed Buildings;
- Policy HE2: Conservation Areas;
- Policy HE3: Archaeology;
- Policy HE4: Archaeologically Sensitive Areas;
- Policy HE6: Gardens and Designed Landscapes;
- Policy NE2: Regional Scenic Areas;
- Policy NE3: Areas of Wild Land;
- Policy NE4: Sites of international importance for biodiversity;
- Policy NE5: Species of international importance;
- Policy NE6: Sites of national importance for biodiversity and geodiversity;
- Policy NE7: Forestry and Woodland;
- Policy NE11: Supporting the Water Environment;
- Policy NE12: Protection of Water Margins;
- Policy NE15: Protection and Restoration of Peat Deposits as Carbon Sinks; and
- Policy T1: Transport Infrastructure.

### [Supplementary guidance: Wind Energy Development: Development Management Considerations](#)

The 'Wind Energy Development: Development Management Considerations' Supplementary Guidance (February 2020) provides further detail in support of the development management considerations in Policy IN2 'Wind Energy'.

It sets out a statement on the main factors that are to be taken into account in reaching planning decisions and details the criteria contained in the policy.

### [Supplementary guidance: Part 1 Wind Energy Development: Development Management Considerations Appendix 'C' The Dumfries and Galloway Windfarm Landscape Capacity Study \(DGWLCS\)](#)

The Dumfries and Galloway Windfarm Landscape Capacity Study (DGWLCS) is used to inform decision making. The document seeks to set out the key characteristic and sensitivities to wind farm development within the Dumfries and Galloway administrative area.

## 9 Assessment and Conclusion

### 9.1 Energy Policy

The Proposed Development will make a valuable contribution to Scotland's renewable electricity and emissions reduction targets. Since the publication of the SES 2017, policy wording has become stronger and the challenge in meeting renewable energy targets has become more apparent.

Both UK and Scottish Governments acknowledge that a significant increase in onshore wind capacity is essential to meet Net Zero.

The energy policy and the urgent drive to meeting increasing challenging targets is not yet entirely reflected in planning policy, which at present lags behind with only a consultative draft on the National Policy Framework (NPF) 4 being published. This document will ultimately replace NPF3 and the Scottish Planning Policy, both of which do not reflect the need for urgent action to tackle climate change, which includes the requirement for further deployment of renewables.

There is, therefore, a need to apply significant weight to the need to address the climate emergency through the roll out of further renewable electricity generation and give due consideration to energy policy and targets in the planning balance.

This approach is illustrated in the Report of Inquiry into the Pauls' Hill II Section 36 windfarm application in Moray (case reference WIN-300-3, dated 10 July 2020) which states:

*"... although the CCC [Committee on Climate Change]'s 2019 reports are not, in themselves, expressions of either UK or Scottish Government policy, I agree with the applicant that they are material considerations."*

The relative weight attached by the Scottish Government to the climate emergency in determining planning applications for windfarms is illustrated in the determination of the Quanterness Windfarm in Orkney (case reference CIN-ORK-001) despite significant adverse impacts on the setting of the Scheduled Monuments of Wideford Hill and Cuween Hill chambered cairns.

In the decision to approve the Planning Application on 21 December 2021, the Scottish Government's chief planner stated that:

*"Ministers consider that the climate emergency, national energy and carbon reduction targets"... "represent sufficiently exceptional circumstances and overriding public need to justify these significant adverse setting impacts."*

### 9.2 National Planning Policy

Both NPF3 and SPP offer strong support to renewable energy and renewable energy targets, however, in both the needs case in relation to renewable generation are out of date.

The shift to a net zero, carbon balance approach in energy policy and the associated challenging targets are reflected in the draft NPF4 with its acknowledgement of the requirement for shift in emphasis to ensure that climate change and nature recovery are the guiding principles for decision making.

This is not at any cost and there is a balance to be met by developing in the appropriate location for renewable energy schemes with acceptable impacts.

By siting the Proposed Development in and around a consented wind farm, the Applicant has selected a location already judged to be appropriate to host a wind farm and has sought to minimise impact through the use of shared infrastructure.

By contributing to the reinstatement of the borrow pit required for the construction of the consented wind farm; the Proposed Development also contributes to the remediation of impacts resulting from another development.

The Proposed Development is also located in an area defined as Group 3, Areas with potential for wind farm development, according to the criteria identified in SPP and implemented through the DGC SPP.

Scotland' National Strategy for Economic Transformation highlights the fact that the Proposed Development will also contribute to Scotland's competitive advantage as part of the transition to Net Zero.

### 9.3 Local Planning Policy

Whilst local planning policy reflects the UK and Scotland policies in terms of support in principle for renewable energy developments; LDP2 and associated supplementary guidance offer clear criteria for the determination of the acceptability of onshore wind developments within DGC.

The following sections provide an assessment of the Proposed Development against the considerations of the relevant local planning policies.

#### Policy IN1: Renewable Energy

The Applicant seeks support from DGC under the terms of this policy as being appropriately location, sited and designed. The assessment criteria listed in this policy have been considered through the EIA process and reported in the relevant section of the EIA Report.

The Applicant is of the view that the benefits and extent to which the impacts of the Proposed Development have been addressed is demonstrated sufficiently in the EIA Report to allow compliance with this policy.

#### Policy IN2: Wind Energy

##### **Renewable Energy Benefits**

The Proposed Development will have a generating capacity of 21.6MW with a further 28.4MW battery storage. The generation of electricity from the wind turbines is estimated to displace 29,801 tonnes of CO<sub>2</sub> eq per annum (according to the Scottish Government's Online Carbon Calculator) or 1.9M tonnes CO<sub>2</sub> eq over the predicted 40-year lifespan of the Proposed Development.

See Volume1, Chapter 3: Proposed Development and Volume 2, Appendix 3-1: Carbon Calculator of the EIA Report for further information.

### Socio Economic Benefits

The Proposed Development would generate an estimated 32 jobs during the development phase; 207 jobs during construction and 11 jobs during operation phases with a total estimated aggregate spend over £33 million over its lifetime.

Within Dumfries and Galloway, at least 33 jobs are estimated to be generated as a result of the development, construction and operational phases of the Proposed Development. This equates to a GVA of over £1.9 million<sup>1</sup>.

There would be wider socio-economic benefits arising from supply chain such as spending habits of retail operations and accommodation providers. DECC/Renewable UK research (2012) which estimated that the expenditure of workers who visit the local area benefit the accommodation and food service sector to the value of around £7,500 per MW constructed.

The Applicant has in place a community benefit fund of up to £432,000 per annum through Sandy Knowe Wind Farm.

The Applicant will provide a voluntary community benefit package of £5,000 per MW installed capacity equal to £108,000 annually and £4.3M over the lifetime of the windfarm.

There would be combined and additional benefits in relation to community benefit fund during the operation phase.

Further information can be found in Volume 1, Chapter 12: Socio Economics, Tourism and Recreation of the EIA Report.

### Landscape and Visual Impacts

Landscape and visual effects formed a key consideration in the progression of the layout design of the Proposed Development. The interaction of the Proposed Development with Sandy Knowe Wind Farm was a key factor. Further detail on the design evolution of the Proposed Development is described in Volume 1, Chapter 3: Description of Development of the EIA Report.

Significant effects are predicted on the landscape resource of the Proposed Development Site during construction (Major). These effects will be temporary and largely contained within the geographical extent of the Proposed Development Site.

During operation significant effects on landscape character (Moderate) are predicted for the Upper Dale and Southern Uplands with Forest Landscape Character Types (LCTs). This will be in areas across the Proposed Development Site (the site is on the transition between the two) and on areas of the Upper Dale LCT to the north and west of Sandy Knowe Wind Farm, within approximately 3km.

No significant effects on other LCTs are predicted. Furthermore, the Proposed Development will not impact the integrity of any landscape designations by affecting the qualities for which they have been designated.

In general terms the Proposed Development reads as a small extension to Sandy Knowe Wind Farm. The proposed turbine size has been selected to reflect the height of the

<sup>1</sup> Total jobs generated in Dumfries and Galloway and GVA calculated from EIA Volume 1, Chapter 12 Socio-economics, Tourism and Recreation, Tables 12-12; 12-14; and 12-16.

turbines in Sandy Knowe, visual effects are no greater than moderate and contained within 6km of the Proposed Development. The greater offset of the three larger turbines from more sensitive lower lying receptors in Nithsdale, to the north, helps to mask the increased height of these turbines.

Significant (Moderate) effects on views are predicted at five of the 17 representative viewpoints. All of the viewpoints are within 6km to the north and north-east of the Proposed Development and represent either close proximity views or higher sensitivity views from the northern side of Nithsdale.

Moderate sequential effects on views from short sections of the A76, as it passes the Proposed Development Site, and from open sections of the Core Path Network to the north of Kirkconnel (within 5km) are also predicted.

Further information can be found in Volume 1, Chapter 5: Landscape and Visual Impact Assessment of the EIA Report.

### **Cumulative impact**

No significant cumulative landscape or visual effects are predicted with the Proposed Development typically reading as an extension to Sandy Knowe seen in the context within the southern wind farm group.

A detailed assessment can be found in Volume 1, Chapter 5: Landscape and Visual Impact Assessment of the EIA Report.

### **Impact on local communities and residential interests**

No significant effects on views from any settlements are predicted.

The noise impact assessment shows that the predicted turbine noise levels exceed the derived noise limits at some dwellings. A curtailment regime will therefore be devised to reduce the noise levels such that there is no exceedance of the noise limits and, as such, no significant impact is expected due to operational noise. Further information can be found in Volume 1, Chapter 11: Noise of the EIA Report.

Shadow flicker can arise from the passing of the moving shadow of a wind turbine rotor-blade over a narrow opening such as the window of a nearby residence. A similar effect can also occur when the gloss blades of a rotating turbine reflect the sun causing a flashing light.

The flickering may have the potential to cause disturbance and annoyance to residents. It is, however, not possible for turbines to cause photosensitive epilepsy.

A shadow flicker assessment has been undertaken for the Proposed Development, and the Proposed Development in combination with Sandy Knowe Wind Farm. Annual and daily shadow flicker predictions fall below the significance threshold levels for all residential receptors within the study area. Therefore, it can be concluded that these properties are not predicted to receive significant effects from the Proposed Development.

As such no significant effects are anticipated on receptors from shadow flicker as a result of the Proposed Development. Further information can be found in Volume 1, Chapter 13: Other Considerations of the EIA Report.

### Impact on infrastructure

An assessment of the effects on transport infrastructure has been undertaken as part of the EIA Report (Volume 1, Chapter 9: Transport and Access).

The assessment concludes that the total traffic levels associated with the Proposed Development for the wider road network will be negligible (< 30% increase) with a less than 10% increase for sensitive receptors (A76(T) East and West).

It has been assumed that King George V Docks in Glasgow will be the most suitable Port of Entry (PoE) for shipping of all wind turbine components and the same abnormal route which was assessed for the consented Sandy Knowe Wind Farm will be used for the Proposed Development.

A Construction Traffic Management Plan (CTMP) will be produced to reduce the number of construction vehicles (where possible) and reduce or avoid the impact of vehicles through construction programming, routing and identification of an individual with responsibilities for managing transport and access effects.

Two telecommunication links intersect the Proposed Development in a north east to south west direction. These two links are owned and operated by Vodafone and serve the operational Hare Hill Wind Farm located to the south west of the Proposed Development Site.

Vodafone requested that the wind turbines are designed around these two links and that a buffer of 50m from the first Fresnel Zone<sup>2</sup> must be incorporated into the design parameters of the Proposed Development to avoid potential effects.

With these changes incorporated, no significant effects on telecommunication links are anticipated. Further information can be found in Volume 1, Chapter 13: Other Considerations of the EIA Report.

### Impact on aviation and defence interests

The turbines Proposed Development will be visible (along with the consented turbines) to the Primary Surveillance Radar (PSR) of Glasgow Prestwick Airport (GPA) and NATS Lowther Hill. The Proposed Development also lies within a high priority military low flying zone.

However, the Applicant already has agreed mitigation with GPA, NATS and the MOD for the consented Sandy Knowe Wind Farm, so enhancing or adapting this mitigation would be sufficient to avoid any significant impacts of aviation and defence interests.

A review of all published Glasgow Airport and Glasgow Prestwick Airport Instrument Flight Procedures (IFPs) has been undertaken. The investigation determined that IFPs at both receptors are not expected to be affected by the Proposed Development because all proposed turbines are more than five nautical miles horizontally clear of aircraft flying the procedures.

The minimum vertical clearance between an aircraft on any of the procedures and the highest proposed turbine tip is approximately 2600 feet (792 metres). It is expected that the procedures could comfortably accommodate the Proposed Development.

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<sup>2</sup> Buffer = 50m + Blade length (57.5m) + 1st Fresnel Zone (7.5m) = 115m

Therefore, no significant effects are anticipated on Glasgow Airport and Glasgow Prestwick Airport IFPs as a result of the Proposed Development.

Further information can be found in Volume 1, Chapter 13: Other Considerations of the EIA Report.

### **Other impacts and considerations**

#### The Natural Environment, including Biodiversity, Forests and Woodland

Assessments of the potential impacts on Ecology and Ornithology have been conducted as part of the EIA and reported in Volume 1, Chapter 6: Ecology and Chapter 7: Ornithology of the EIA Report.

No sites designated for nature conservation interest are present on site (the nearest is the Afton Uplands Local Wildlife Site located 800m west and includes mire, heath and grassland habitat).

The ornithological receptors on and in the vicinity of the Proposed Development have been identified and described. Nature conservation evaluations were carried out and three receptors – Muirkirk and North Lowther Uplands, Hen harrier and Black grouse taking forward for impact assessment.

Effects considered were habitat loss as well as both construction disturbance/displacement and operational disturbance displacement and also additional mortality as a result of collision risk.

The assessments concluded that the Proposed Development would not have any significant impact on the faunal, floral or ornithological receptors.

The Proposed Development would not have any effect on forestry or woodland.

#### Carbon-rich Soils, Hydrology, the Water Environment and Flood Risk

The Proposed Development has been designed to avoid the siting of turbines in areas of deep peat. Peat excavated as part of construction would be used to reinstate the consented borrow pit.

No significant effects are predicted on hydrology or the water environment (see Volume 1, Chapter 8: Hydrology, Hydrogeology and Soils of the EIA Report). The Proposed Development Site is not in area identified as being at risk of flooding, neither would the Proposed Development result in an increased risk of flooding elsewhere.

#### The Historic Environment and Cultural Heritage

Likely significant effect upon the setting of designated heritage assets and NSR assets within the established study areas have been considered. No significant effects have been identified.

Further information can be found in Volume 1, Chapter 10: Cultural Heritage of the EIA Report.

#### Tourism, Recreational Interests and Public Access

Surveys of the public's attitudes to wind farms provide no clear evidence that the presence of wind farms in an area has a negative impact on local tourism. Tourists using the local core paths and local tourist attractions may have a particular sensitivity to visual effects; however, access to tourist facilities will be unaffected.

Hence, even where significant visual effects are predicted, negative effects of the operational phase of the Proposed Development are predicted not to have a significant effect on tourism receptors.

Very little or no effect on the behaviour of visitors/tourists that use trails and paths as the Proposed Development is not expected to alter their features or characteristics.

### **Conclusion**

Given the findings above, it is considered that the Proposed Development is in accordance with Policy IN2.

## **Other LDP Policies**

### **Policy OP1: Development Considerations**

Policy OP1 is an overarching policy that sets out general development considerations where relevant to the scale, nature and location of the proposal. These considerations are:

- General Amenity;
- Historic Environment;
- Landscape;
- Biodiversity and Geodiversity;
- Transport and Travel;
- Sustainability; and
- Water environment.

These have all been considered as part of the application and assessed as part of the EIA process where applicable. It is considered that no unacceptable effects would arise in relation to any of these matters. As such the Proposed Development is considered to be in accordance with this Policy

### **Policy OP2: Design Quality and Placemaking**

Policy OP2 is an overarching policy requiring development proposals to achieve high quality design in terms of their contribution to the existing natural and built environment. The Proposed Development is considered to be of an appropriate design and layout for the Site and meets the requirements of this policy where applicable.

### **Policy ED11: Dark Skies**

Policy ED11 seeks to secure levels of lighting appropriate to the nature of the development, and not to adversely affect the objectives of the Galloway Forest Dark Sky Park designation. The Proposed Development is located approximately 50km east of the core Dark Skies area within the Forest Park, and approximately 40km from the buffer area.

The MOD has noted in their EIA Scoping response that Proposed Development has the potential to introduce a physical obstruction to low flying aircraft operating in the area. The MOD will request that Proposed Development turbines will be fitted with 25 candela omni-directional red lighting or infrared lighting with an optimised flash pattern of 60 flashes per minute of 200ms to 500ms duration at the highest practicable point.

A lighting scheme is already in place for Sandy Knowe Wind Farm. Since receipt of the Scoping Opinion the Applicant has engaged further with the MOD with regards to a

potential lighting scheme for the Proposed Development in combination with Sandy Knowe Wind Farm.

Given the distance from the Dark Sky core area and buffer area, it is expected that there will be no detrimental effect impact on the Dark Sky Park.

Accordingly, the Proposed Development is considered to concord with this Policy.

**Policy HE1: Listed Buildings**

Policy HE1 sets out certain considerations that apply to development proposals that impact on the character or appearance of a listed building or its setting.

There would be no significant effects on the setting of any Listed Buildings as a result of the Proposed Development. See Volume 1, Chapter 10: Cultural Heritage of the EIA Report.

The Proposed Development is considered to be in accordance with this Policy.

**Policy HE2: Conservation Areas**

Policy HE2 sets out certain considerations that apply to development proposals that impact on the character or appearance of a listed building or its setting. There would be no significant effects on the setting of any Listed Buildings as a result of the Proposed Development. See Volume 1, Chapter 10: Cultural Heritage of the EIA Report.

The Proposed Development is considered to be in accordance with this Policy.

**Policy HE3: Archaeology;**

Policy HE 3 states that DGC will support development that protects significant archaeological and historic assets and the wider historic environment from adverse effects.

There would be no significant effects on historic assets and the historic environment. See Volume 1, Chapter 10: Cultural Heritage of the EIA Report.

The Proposed Development is considered to be in accordance with this Policy.

**Policy HE4: Archaeologically Sensitive Areas**

Policy HE4 states that DGC will support development that safeguards the character, archaeological interest and setting of Archaeologically Sensitive Areas (ASAs) as designated by DGC.

The Proposed Development does not lie within an ASA. The Proposed Development is considered to be in accordance with this Policy.

**Policy HE6: Gardens and Designed Landscapes**

Policy HE6 sets out the requirement for DGC to be satisfied that the development protects or enhances the significant elements of the garden or landscape in situ; and that due consideration has been given to the significance and value of the asset in relation to the long-term benefit and specific need for the development in the location.

No Gardens and Designed Landscapes would be adversely affected by the Proposed Development. See Volume 1, Chapter 10: Cultural Heritage of the EIA Report. The Proposed Development is considered to be in accordance with this Policy.

**Policy NE2: Regional Scenic Areas**

Policy NE2 sets out DGC’s position that development within, or which affects Regional Scenic Areas (RSAs), may be supported where the Council is satisfied that the factors taken into account in designating the area would not be significantly adversely affected.

No RSA would be adversely affected as a result of the Proposed Development. See Volume 1, Chapter 6: Landscape and Visual Impact Assessment of the EIA Report. The Proposed Development is considered to be in accordance with this Policy.

**Policy NE3: Areas of Wild Land**

Policy NE3 states that development which would affect the Merrick Wild Land Area in Galloway and the Talla Hart Fell Wild Land Area north of Moffat would not be supported unless the Council is satisfied that it is demonstrated that any significant effects on the qualities of these areas can be substantially overcome by siting, design or other mitigation.

No Areas of Wild Land would be adversely affected by the Proposed Development. See Volume 1, Chapter 6: Landscape and Visual Impact Assessment of the EIA Report. The Proposed Development is considered to be in accordance with this Policy.

**Policy NE4: Sites of International Importance for Biodiversity**

Policy NE4 states that development proposals likely to have a significant effect on an existing or proposed Special Protection Area (SPA), existing or candidate Special Area of Conservation (SAC) or Ramsar Site, including developments outwith the site, will require an appropriate assessment and will only be permitted where the development does not adversely affect the integrity of the site.

The Proposed Development will not have an adverse impact on any sites of international importance for biodiversity. See Volume 1, Chapter 6: Ecology and Chapter 7: Ornithology of the EIA Report.

The Proposed Development is considered to be in accordance with this Policy.

**Policy NE5: Species of international importance**

This Policy states that development proposals that would be likely to have an adverse effect on a European Protected Species (EPS) will not be permitted unless it can be shown that:

- There is no satisfactory alternative; and
- The development is required for preserving public health or public safety or for other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment; and
- The development would not be detrimental to the maintenance of the population of the species at a favourable conservation status in its natural range.

The Proposed Development will not have an adverse impact on any EPS. See Volume 1, Chapter 6: Ecology of the EIA Report.

The Proposed Development is considered to be in accordance with this Policy.

**Policy NE6: Sites of national importance for biodiversity and geodiversity**

Policy NE6 states development that affects SSSI, will only be permitted where it will not adversely affect the integrity of the area or the qualities for which it has been designated.

The Proposed Development will not have an adverse impact on any SSSI. See Volume 1, Chapter 6: Ecology of the EIA Report.

The Proposed Development is considered to be in accordance with this Policy.

**Policy NE7: Forestry and Woodland;**

Policy NE7 states that proposals should seek to ensure that ancient and semi-natural woodlands and other woodlands with high nature conservation value are protected and enhanced.

The Proposed Development will not have any effect on any woodland or forestry.

**Policy NE11: Supporting the Water Environment;**

Policy NE11 states that the Council will not permit development which would result in deterioration in the status of a waterbody, or which would likely impede the improvements in waterbody status including minor watercourses draining into that waterbody. In addition, development proposals should not normally include the culverting of any waterbody.

The Proposed Development does not include any proposals for culverting waterbodies nor will it have any adverse effects on the water environment. See Volume 1, Chapter 8: Hydrology, Hydrogeology and Geology of the EIA Report.

The Proposed Development is considered to be in accordance with this Policy.

**Policy NE12: Protection of Water Margins;**

Policy NE12 requires that where new development is proposed adjacent to or in the vicinity of waterbodies, the water margins will be protected unless there are compelling reasons to justify why this should not be done.

No infrastructure will be sited near watercourses, with a buffer of 50m applied except where approaching water crossings.

New water crossings will be designed sensitively to protect water margins. The Proposed Development is considered to be in accordance with this Policy.

**Policy NE15: Protection and Restoration of Peat Deposits as Carbon Sinks;**

Policy NE 15 states that developments proposed affecting peat deposits may be permitted where a renewable energy generating development is proposed and it can be demonstrated (in accordance with the Scottish Government's 'carbon calculator' or other equivalent independent evidence) that the balance of advantage in terms of climate change mitigation lies with the energy generation proposal.

An assessment of the carbon balance has been undertaken using the carbon calculator, demonstrating the Proposed Development has a clear benefit in terms of a net reduction in release of carbon dioxide. See Volume 2, Appendix 3-1: Carbon Calculator of the EIA Report.

The Proposed Development is considered to be in accordance with this Policy.

### Policy T1: Transport Infrastructure

Policy T1 states that development proposals that have the potential to affect the performance or safety of the strategic transport network need to be appraised to determine their effects. The national and strategic role of these routes should not be compromised by development which individually or incrementally materially reduces the level of service of a route.

The Proposed Development will not have any significant adverse effect on the transport network. See Volume 1, Chapter 9: Transport and Access of the EIA Report.

The Proposed Development is considered to be in accordance with this Policy.

### Supplementary guidance: Wind Energy Development: Development Management Considerations

In undertaking the design of the Proposed Development and compiling the EIA Report, the Applicant has considered all of the development management considerations presented in this guidance. This is demonstrated in the EIA Report.

### DGWLCS

The Proposed Development Site lies within the Nithsdale Area that encompasses the Upper Dale (9) - Upper Nithsdale area and the Southern Uplands (19) - Nithsdale and NW Lowthers landscape character types.

The DGWLCS concludes that; *“there is only very limited scope for additional development in part of this area. Repowering of some well-sited developments may be possible with turbines around 150m more likely to fit with the scale of the Southern Uplands (19) in this area”*.

Due consideration has been given to the DGWLCS, in particular the key cumulative effects. The Landscape and Visual Impact Assessment (Chapter 5 of the EIA Report) identifies no significant cumulative effects.

Accordingly, the Proposed Development is considered to be consistent with the Supplementary Guidance and DGWLCS.

### Conclusion

Given that the Proposed Development is viewed as an ‘extension’ to the Sandy Knowe Wind Farm, the Proposed Development requires a Consent under Section 36 of the Electricity Act 1989 (as amended). An application for the construction and operation of the Proposed Development has been prepared on that basis.

This application has been prepared in accordance with National and Local Policy and guidance and is considered to be in accordance with those policies.

The Proposed Development offers the potential for considerable renewable energy benefit and would not give rise to any effects that are considered unacceptable, individually or cumulatively, with other developments having specific regard to the criteria contained within Policy IN2.

Taking into account the findings of the EIA, it is also considered that the Proposed Development is also in accordance with the other relevant policies of LDP2, including the Supplementary Guidance.

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