



**Shepherds' Rig Wind Farm**

**INFINERGY**

harnessing the power of nature

# **Planning Statement**

November 2018



*Cover image for illustrative purpose only*



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## 1. Introduction

### 1.1. Background

- 1.1.1. This Planning Statement has been prepared by Savills UK Limited on behalf of SETT Wind Development Limited (the Applicant) and supports an application to the Scottish Government under Section 36 (s.36) of the Electricity Act 1989 ("the 1989 Act") for a wind farm comprising up to 19 wind turbines, 17 of which would have a tip height of 149.9 m and two a tip height of 125 m, together with associated infrastructure, including an integrated battery storage facility (the Proposed Development). As part of the s.36 process, the Applicant is also seeking that Scottish Ministers issue a Direction under s.57(2) of the Town and Country Planning (Scotland) Act 1997 ("the 1997 Act") that deemed planning permission be granted for the Proposed Development.
- 1.1.2. This Planning Statement provides an assessment of the Proposed Development against relevant energy policy, national planning policy, local planning policy and associated Supplementary Guidance (SG) and other material considerations. There is no 'primacy' of the Development Plan in an application made under the 1989 Act, as would be the case for an application under the 1997 Act. Rather, weight can be attributed by the decision-maker to all material considerations including the various levels of national and local energy and planning related policy and guidance as deemed appropriate.
- 1.1.3. A decision on the s.36 application under the 1989 Act is the principal decision to be made in this case. Schedule 9 to the 1989 Act requires the Applicant to "*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 archaeological interest*". In summary, the provisions set out environmental features to which regard must be had in preparing the s.36 application. There is also a requirement for the Applicant to "*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*" and that mitigation must also be considered. The Proposed Development has been designed and sited in order to take full account of the Schedule 9 duties.
- 1.1.4. This Planning Statement assesses the acceptability of the Proposed Development in land use and planning policy terms in light of the residual impacts identified in the Environmental Impact Assessment Report (EIA-R) and with consideration to energy and planning policy and other objectives. It concludes with considered comments about the overall acceptability of the Proposed Development in the context of international objectives to combat climate change, UK and Scottish energy and planning policy as well as land use and local planning policy.

### 1.2. The Applicant

- 1.2.1. The Applicant is a company formed by Infinergy Limited and Boralex LLP. Infinergy is a UK based renewable energy company with a strong focus on the development of onshore wind energy in Scotland. Boralex LLP is a Canadian based independent power provider

and has developed and now operates a large portfolio of wind farms and solar parks, primarily in Canada and France

### **1.3. Structure of the Statement**

1.3.1. This Planning Statement is set out in sections. Following this introductory section, subsequent sections are set out as follows;

- Section 2 sets out details about the Site and the Proposed Development;
- Section 3 sets out energy policy matters and considers the Proposed Development with reference to relevant policies and targets;
- Section 4 considers the Proposed Development in relation to relevant Scottish Government planning policy;
- Section 5 assesses the Proposed Development against the relevant policies of the Development Plan;
- Section 6 notes other documents which may be considered in the decision-making process; and
- Section 7 weighs up the planning case for the Proposed Development providing concluding remarks on the overall acceptability of the Proposed Development having regard to all material factors

## 2. The Site and Proposed Development

### 2.1. Site Description

- 2.1.1. The Shepherds' Rig Wind Farm site (hereafter referred to as the Site) is located approximately 5km east of Carsphairn and 10km north of St John's Town of Dalry in Dumfries and Galloway. The border with the adjoining East Ayrshire Council is approximately 5 km from the northern Site boundary. The Site is approximately 751 hectares in area and primarily comprises commercial coniferous forestry with associated forestry tracks. Neighbouring land uses comprise further commercial forestry plantations and open moorland. The Site rises in elevation from approximately 200metres above ordnance datum (AOD) along Dry Burn in the southern section of the Site to 400m AOD at Craigengillan Hill in the northern part of the Site.
- 2.1.2. There are several operational wind farms within the local area surrounding the Site, including Windy Standard I and II, located approximately 5km to the north. Afton Wind Farm is located slightly further afield than the Windy Standard Wind Farms, approximately 6km to the north of the Site. Table 2.1 of the EIAR provides further details on other wind farm schemes in the wider area around the Site.
- 2.1.3. The Site is not located within or near to any national landscape designations, the closest being the Fleet Valley National Scenic Area (NSA) located approximately 25km to the south. Part of the Site is located within the Galloway Hills Regional Scenic Area (RSA) as shown by EIAR Figure 8.4. As this Figure also shows, within East Ayrshire the Sensitive Landscape Area is located approximately 5km to the north of the Site.
- 2.1.4. In landscape character terms, the majority of the Site and 18 of the 19 turbines are located within the Southern Uplands with Forest landscape character type (19a), according to the Dumfries and Galloway landscape assessment. A small part of the Site and 1 turbine overlaps with the 'Narrow Wooded River Valley' landscape character type, 4.
- 2.1.5. The closest ecological designation to the Site is the Cleugh Site of Special Scientific Interest (SSSI), located approximately 3.5km south of the Site. There is only one statutory designated site for ornithological interests with 20km of the Site, the Loch Ken and River Dee Marshes Special Protection Area (SPA), which is located approximately 13km to the south. The SPA supports wintering populations of Greenland white-fronted goose and greylag goose.
- 2.1.6. There are no conservation areas or category A Listed Buildings within 5km of the Site and there are no inventoried Battlefields, Gardens and Designed Landscapes (GDL) or World Heritage Sites within 15km of the Site. There are five Category B Listed Buildings within 5km of the Site, the closest being Smittons Bridge which is located to the south-east of the Site. There is one Scheduled Monument within the Site boundary at Craigengillan Cairn, located approximately 150m from the nearest turbine while there are other Scheduled Monuments located outside the Site at Stroanfreggan Craig Fort

(approximately 1418m south east of the nearest turbine) and Stroanfreggan Bridge Cairn, approximately 2066m south east of the nearest turbine. Dundeugh Castle is located further afield, approximately 3.8km from the Site.

- 2.1.7. The nearest residential property to the Site is located approximately 770m away at Craigengillan Cottage with a number of other scattered individual properties within 2km of the nearest turbines, as set out in EIA-R Chapter 2.
- 2.1.8. The Southern Upland Way passes to the east of the Site, approximately 1km at its closest point. The Galloway Forest Park, a recreation based designation, is located approximately 12km to the west of the Site and the Dark Skies Park core area is also located a similar distance away, also to the west. The Merrick Wild Land Area (WLA) is located approximately 20km to the west, beyond the Rhinns of Kells.

## **2.2. The Proposed Development**

- 2.2.1. Chapter 4 of the EIA-R provides a detailed description of the Proposed Development. The Proposed Development will comprise the construction, 25-years operation and subsequent decommissioning of up to 19 turbines, 17 with a maximum height to blade tip of 149.9 m and two with a maximum height to blade tip of 125m. The Proposed Development would have an expected installed generating capacity of around 84.6 megawatts (MW), comprising 78.6MW associated with the wind turbines in addition to a 6MW battery storage facility. Each wind turbine would have a maximum output of 4.2MW, except turbines 1 and 3 which would have a maximum output of 3.6MW due to their shorter tip heights.
- 2.2.2. The battery storage facility would allow the Applicant to further maximise the electricity generated from the proposed wind turbines by providing a number of possible benefits including storage of energy generated by the wind turbines when the local grid is not capable of accommodating this and then releasing it back when there is capacity available. The battery storage facility has a capacity of 6 MWh, would be located within the substation compound layout as shown on EIA-R Figure 4.10.
- 2.2.3. Access to the Site would be via a newly created access junction on the B729 between Muirdrochwood and Smittons. Turbine components would arrive at the Port of Ayr and travel to the Site via local roads in Ayr before traveling south along the A77, then the A713 and onto the B729 before entering the Site via the new access. EIA-R Figure 15.1 shows the route to Site for construction traffic.
- 2.2.4. Approximately 11km of on-site access track will be required for the Proposed Development, comprising approximately 8.0km of new access tracks and approximately 3.0km of existing forest tracks to be upgraded. All tracks would be a minimum of 5.0m in width, with some localised bend widening as required. Temporary passing places and turning heads are proposed. Where required, mitigation proposals for areas of peat will utilise floating track. Details of track construction methods are set out in EIA-R Figure 4.5.
- 2.2.5. The main components of the Proposed Development are:

- 19 three bladed, horizontal axis wind turbines, each up to a maximum blade tip height of 149.9 m (except turbines 1 and 3, which have a maximum tip height of 125m) with associated turbine foundations, external transformers and hardstandings;
- Candidate turbine for the purposes of the EIA is the Vestas V117 (4.2MW) and the Vestas V105 (3.6MW) for turbines 1 and 3;
- a permanent anemometer mast;
- a battery storage facility 6 MWh;
- Substation and control buildings, which will provide site welfare facilities for operational staff;
- A network of buried electrical, telecommunications and control cables linking the substation/control building and turbines. Approximately 9.5km of cable trenches would be required to connect the turbines to the on-site control building;
- One temporary construction compound;
- Drainage works and five watercourse crossings;
- Two borrow pit working areas for the extraction of stone;
- Network of access tracks and turning areas;
- New junction linking the B729 to the Site; and
- Forestry felling and replanting.

2.2.6. The layout of the Proposed Development is shown in Figure 4.1 of EIA-R Chapter 4 and Table 4.1 provides a grid reference for each turbine location. The total land take from the Proposed Development will be 24.5 hectares (ha) with a further temporary requirement of 0.5ha for the construction compound.

2.2.7. The turbine dimensions will vary depending on the turbine selected, within the parameters of the maximum blade tip height of 149.9 m. The final choice of wind turbine will be subject to a commercial tendering process should s.36 consent and deemed planning permission be granted but would be required to at least match the performance of the candidate turbine with regards to key issues such as noise levels.

2.2.8. It is anticipated that the Proposed Development would be connected to the national electricity transmission system in the vicinity of Holm Hill, approximately 7km to the north west of the Site, probably via an overhead line. The grid connection does not, however, form part of the s.36 application and consent for the grid connection will be sought by the relevant owner/operator of the local distribution network, Scottish Power Energy Networks.

2.2.9. The construction period for the wind farm would be approximately 21 months depending upon seasonal working and weather conditions and EIA-R Figure 4.19 provides an indicative timetable for each phase of the construction works.

2.2.10. As part of the Proposed Development, the Applicant is offering the community the option of acquiring up to 10% of shared ownership in the Proposed Development. This opportunity has been the subject of pre-application consultation.

### 3. Energy Policy Considerations

#### 3.1. Introduction

3.1.1. There are a number of international and national energy policies, targets and statements of relevance to the Proposed Development the most relevant and recent of which are discussed in this Section of the Planning Statement.

#### 3.2. Intergovernmental Panel on Climate Change (IPCC) – Special Report on Global Warming of 1.5°C

3.2.1. The above report was published on 8 October 2018<sup>1</sup> and looks at a number of climate change impacts that could be avoided by limiting global warming to 1.5°C compared to 2°C or more. A previous IPCC report<sup>2</sup> considered a range of actions required to limit warming to 2°C above pre-industrial levels including phasing out fossil fuel power generation '*almost entirely*' by the end of the century. However, the latest IPCC report now considers that limiting global warming to 1.5°C rather than 2°C would avoid some of the most significant consequence of global warming.

3.2.2. The Report identifies various actions required to limit global warming to a 1.5°C rise only, which are noted as requiring '*rapid, far-reaching and unprecedented changes in all aspects of society*'. On energy generation, the Report notes that to limit warming to 1.5°C the proportion of primary energy derived from renewables will need to increase while coal usage decreases. Table 2.5 states that in order to achieve the '*rapid and profound near-term decarbonisation of energy supply*' a '*strong upscaling of renewables*' is required in order to help achieve a '*rapid decline in the carbon intensity of electricity*'.

3.2.3. These very recent statements on the future challenges posed by climate change and the need to take urgent action are of particular relevance to the Proposed Development. The Report represents the most recent expression, on an international stage, of the need for urgent action across society to limit global warming. Part of the response to this is to significantly change the way we generate energy and to move towards a more renewables dominant generation system. The Report reflects many of the sentiments expressed in the various Scottish Government energy policy statements discussed in this Section of the Planning Statement, but brings into focus the urgent need for action and for decision makers to take account of the risks of not taking action now.

3.2.4. In this context, the Proposed Development can make a significant contribution to local efforts to decarbonise the UK energy system and help with wider global efforts to limit warming to 1.5°C. It is therefore a significant material consideration in support of this

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<sup>1</sup> IPCC (2018) 'Global Warming of 1.5°C, an IPCC special report on the impacts of global warming of 1.5°C above pre-industrial levels and related global greenhouse gas emission pathways, in the context of strengthening the global response to the threat of climate change, sustainable development and efforts to eradicate poverty'

<sup>2</sup> IPCC (2014) IPCC Fifth Assessment Synthesis Report: CLIMATE CHANGE 2014 SYNTHESIS REPORT Longer Report.

s.36 application.

### **3.3. The Climate Change (Scotland) Act 2009**

3.3.1. The Climate Change (Scotland) Act 2009<sup>3</sup> creates the statutory framework for greenhouse gas (GHG) emission reductions in Scotland by setting a target for net Scottish emissions for the year 2050 to be at least 80% lower than the 1990 baseline level. An interim target of a 42% reduction by 2020 is also set out.

3.3.2. The Scottish Government's flagship renewables objective sets a target for the equivalent of 100% of Scotland's electricity demand to be supplied from renewable sources by 2020, with an interim target of 50% by 2015 having already been met. The Proposed Development will not be operational by 2020, but it could make a valuable contribution to the fulfilment of the Scottish Government's more recently published post 2020 renewable energy targets for 2030 and 2050, discussed below.

3.3.3. The Act also established the Public Bodies Climate Change Duties which came into force on 1 January 2011. It requires that Public Bodies, which includes the Scottish Ministers as decision-makers, exercise their functions:

- in a way best calculated to contribute to deliver the Act's emissions reduction targets;
- in a way best calculated to deliver any statutory adaptation programme; and
- in a way that it considers most sustainable.

3.3.4. The Proposed Development can help achieve these statutory targets by facilitating the production of renewable energy and displacing GHG emissions associated with fossil fuel electricity generation.

### **3.4. The Scottish Government, Electricity Generation Policy Statement, 2013**

3.4.1. The Electricity Generation Policy Statement (EGPS)<sup>4</sup> 2013 examines the way in which Scotland generates electricity, and considers the changes which will be necessary to meet the targets which the Scottish Government has established.

3.4.2. Paragraph 4 of the Executive Summary states that the Scottish Government's policy on electricity generation in Scotland is that the generation mix should deliver:

- 'A secure source of electricity supply;
- At an affordable cost to consumers;
- Which can be largely decarbonised by 2030; and
- Which achieves the greatest possible economic benefit and competitive advantage for Scotland including opportunities for community ownership and community benefits'.

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<sup>3</sup>The Scottish Government (2009) Climate Change (Scotland) Act 2009.

<sup>4</sup>The Scottish Government (2013) Electricity Generation Policy Statement.

3.4.3. Paragraph 13 sets the context for the rest of the EGPS by stating:

'The Scottish Government's policy is clear – alongside actions to reduce demand for energy, we want to see both a rapid expansion of renewable electricity across Scotland and new or upgraded and efficient thermal capacity, with commitment to recover waste heat and progressively fitted with Carbon Capture and Storage'.

3.4.4. Paragraph 37 considers that wind power can contribute significantly to greater security of energy supplies because of its decentralised nature. While much of the commentary in the EGPS relates to achievement of the 2020 targets, many of the steps required to achieve these targets are just as applicable to delivery of the more recent 2030 and 2050 targets set by the Scottish Government (and discussed further below) and will continue to rely upon the continued investment in and development of renewable energy projects, including new onshore wind projects.

3.4.5. In paragraph 138 of the Conclusions and Summary Section, the EGPS states that the Scottish Government considers that a 'rapid expansion of renewable generation capacity.....will ensure that all of Scotland's long term electricity needs can be met without the need for new nuclear power stations'.

**3.5. Climate Change Plan: The Third Report on Proposals and Policies 2018 – 2032**

3.5.1. The Climate Change Plan was laid in Parliament on 28 February 2018 and sets out how Scotland can deliver its target of a 66% emissions reduction, relative to the 1990 baseline for the period 2018-2032. The Climate Change Plan comprises three parts: Part One sets out the context for the Scottish Government's climate change proposals and policies. The Scottish Government's statutory duties are covered in Part Two and Part Three of the Plan provides detailed information on the emissions envelopes and emissions reduction trajectories for each sector. Part Three identifies the progress, ambition and policies for the electricity, building, transport, industry, water, land use and forestry and agricultural sectors.

3.5.2. Paragraph 2.3.1 notes that climate change is already affecting Scotland. In Scotland the average temperature in the 2000s was 0.90°C warmer than the 1961-1990 average and warmer than any other decade since records began in 1910, and annual rainfall has increased by around 11% over the past century.

3.5.3. Paragraph 2.2.4 notes that electricity will be increasingly important as a power source for heat and transport, as such the total volume of electricity supplies within Scotland will increase to 2032. Importantly, the Plan notes that by 2030 Scotland's electricity system will be wholly decarbonised and supply a growing share of Scotland's energy needs (Paragraph 7.2.1). These statements have been reflected very recently on an international stage by the October 2018 IPCC report, as discussed previously.

3.5.4. The Plan sets out two policy outcomes for the electricity sector.

3.5.5. Policy Outcome 1 of the Plan notes that Scotland's electricity grid intensity will be below 50g CO<sub>2</sub> per kilowatt hour powered by a high penetration of renewables, including

onshore wind. In order to achieve this outcome, the Plan identifies two policies, four policy development milestones and one proposal. Of particular relevance to the Proposed Development is Policy 1 which states support for the future development of a wide range of renewable technologies through addressing current and future challenges, including market and wider policy barriers.

- 3.5.6. Policy Outcome 2 seeks to ensure that Scotland's energy supply is secure and flexible, with a system robust against fluctuations and interruptions to supply. In order to achieve this outcome, the Plan identifies one policy, six policy development milestones and five proposals from the Scottish Energy Strategy (discussed below).
- 3.5.7. Part 3 of the Climate Change Plan deals with sectoral pathways with Chapter 1 'Electricity' of particular relevance to the Proposed Development. In this Chapter the Climate Change Plan summarises progress made towards achievement of renewable energy targets noting a 48% fall in electricity generation emissions between 1990 and 2015. Looking to the future, the Climate Change Plan states that in 2032 Scotland's electricity system will be powered by a '*high penetration of renewables*' and that '*electricity will meet a growing share of Scotland's energy needs*' (page 69).
- 3.5.8. The Climate Change Plan notes that the electrification of heat and transport will place additional demands on the electricity sector and, as a result, the total volume of electricity supplied within Scotland is expected to increase, compared to 2015 levels. To meet this increased demand for electricity the Climate Change Plan envisages a '*renewables-dominant power system*' (page 68) supported by cleaner, more efficient and flexible gas generation.
- 3.5.9. To support achievement of the 2032 targets the Climate Change Plan identifies a number of policies that will help achieve the required reduction in GHG emissions including supporting the development of a wide range of renewable technologies by addressing market and policy barriers, supporting the development of a range of technologies that aid system security, flexibility and resilience. This is an important statement in support of the Proposed Development which incorporates battery storage as a means of further maximising the electricity generated from the proposed wind turbines.

### **3.6. The Scottish Energy Strategy (SES) 2017**

- 3.6.1. The SES was published in December 2017 and sets out the Scottish Government's strategy through to 2050, marking a '*major transition*' over the next 3 decades in terms of energy management, demand reduction and generation.
- 3.6.2. The Strategy sets a new 2030 'all energy' target for the equivalent of 50% of Scotland's heat, transport and electricity consumption to be supplied from renewable sources. The Strategy also targets an increase by 30% in the productivity of energy use across the Scottish economy.
- 3.6.3. The Figure on Page 8 sets out the six energy priorities for Scotland's energy system in 2050, one of which relates to the continued need for renewable and low carbon solutions as a means of meeting ambitious emissions reduction targets.

- 3.6.4. On page 23, the SES notes that in order to achieve climate change goals, Scotland needs to build on the progress made in decarbonising electricity production, noting that Scotland is determined to play its part in the global effort to tackle harmful climate change.
- 3.6.5. Page 57 acknowledges that the possible electrification of heat and transport on a large scale could place much greater demand on the renewable electricity sector. Accordingly, page 33 notes that achieving the equivalent of 50% of Scotland's heat, transport and electricity consumption to be supplied from renewable sources by 2030 will be challenging but the target *'demonstrates the Scottish Government's commitment to a low carbon energy system and to the continued growth of the renewable energy sector in Scotland'*.
- 3.6.6. Page 41 notes that renewable and low carbon energy will provide the foundation of our future energy system, offering Scotland a huge opportunity for economic and industrial growth. While the SES acknowledges that all renewable energy technologies will have a role to play in the future energy system, the nature of the energy and climate change goals means 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'* (page 43). Importantly, the SES considers that this can be achieved in a way that is compatible with Scotland's magnificent landscapes.
- 3.6.7. The Scottish Government has confirmed that it has already exceeded its 2020 target of 500MW of community and locally-owned renewable energy, which has been independently estimated to be worth up to £2.2billion over the operational lifetime of these projects<sup>5</sup>. In the commentary on page 43, the SES notes that the Scottish Government's ambition now is to ensure that by 2020 at least half of renewable energy projects have an element of community ownership, with a target of 1Gigawatt (GW) of community and locally owned ownership by 2020 and 2GW by 2030. The Proposed Development can help deliver an increase in the proportion of community ownership of renewables and make a positive contribution towards achievement of the 2030 target, should the Applicant's offer of a 10% ownership stake in the Proposed Development be taken forward.
- 3.6.8. The Proposed Development can help deliver greater security over energy supplies by reducing reliance upon imported fossil fuels, an objective set out in the EGPS and reinforced in the Climate Change Plan and SES which notes that energy system security and flexibility are one of the six key priorities around which the 2050 Vision is built.

### **3.7. Onshore Wind Policy Statement (OWPS) 2017**

- 3.7.1. The OWPS was published in December 2017 and is divided into seven sections dealing with a number of issues under headings such as Route to Market, Repowering, Barriers to Deployment, Protection for Residents and the Environment, Community Benefits and Shared Ownership. The Ministerial Foreword notes the *'dominant and hugely valuable role'* that the onshore wind sector will play in helping achieve Scotland's renewable

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<sup>5</sup> <https://www.gov.scot/publications/scottish-energy-strategy-future-energy-scotland/pages/7/>

energy targets. The Ministerial Foreword also notes the positive contribution the onshore wind sector makes to Scotland's economy stating that it supports an estimated 7,500 jobs and generated more than £3 billion in turnover in 2015.

3.7.2. Looking to the future, the Ministerial Foreword notes that:

'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'.

3.7.3. The Ministerial Foreword continues that:

'onshore wind is a vital component of the huge industrial opportunity that renewables more generally creates for Scotland' (Pg.2).

3.7.4. Paragraph 3 clearly states that 'in order for onshore wind to play a vital role in meeting Scotland's energy needs, and a material role in growing our economy, its contribution must continue to grow'. Paragraph 4 adds to this comment and acknowledges 'this means that Scotland will continue to need more onshore wind development and capacity'. The OWPS does, however, make it clear that this additional requirement should be met in landscapes where turbines can be accommodated (emphasis added).

3.7.5. In addition to recognising the need for more onshore wind, the OWPS also acknowledges the advances in turbine technology and the shift towards larger turbines. While this may present challenges in identifying suitable landscapes to accommodate larger turbines, paragraph 25 is clear that the Scottish Government supports the delivery of large wind turbines in landscapes judged to be capable of accommodating them without significant adverse impacts. Equally, however, paragraph 24 notes that fewer but larger wind turbines may also present an opportunity for landscape improvement, as well as increasing the amount of electricity generated.

3.7.6. The OWPS emphasises the important role the low carbon sector plays in the Scottish economy. Paragraph 8 notes the '*industrial opportunity*' presented by the onshore wind sector and confirms that building on these benefits remains a '*top priority*' for Scottish Ministers.

3.7.7. Chapters 6 and 7 of the OWPS discuss 'Community Benefits' and 'Shared Ownership' respectively, both matters of relevance to this application given the Applicant's commitment to providing community benefits and the offer of shared ownership, as discussed further below in relation to paragraph 169 of Scottish Planning Policy (SPP).

3.7.8. Paragraph 79 of the OWPS notes that community benefits can make a real difference to communities and in many cases can be transformational. Chapter 7 confirms the Scottish Government's ambition to see a significant increase in shared ownership of renewable energy projects across Scotland with the ambition being to achieve 1GW of community and locally owned energy by 2020 and 2GW by 2030. The proposed development could assist in achieving the 2030 target should the offer of shared ownership be taken up by the community

- 3.7.9. Importantly in Chapter 7, the OWPS clarifies in paragraph 90 that the net economic benefits of a wind farm, including community socio-economic benefits such as employment, business and supply chain opportunities are relevant considerations in determining applications and that *'these are aspects that Ministers are keen to see strengthened in future projects'*.
- 3.7.10. While the OWPS makes clear the Scottish Government's continued support for the further development of onshore wind, this is not at any cost and a balance needs to be struck between the continued development of wind farms and the need to consider, and where appropriate, protect landscapes, natural heritage and residential amenity interests.
- 3.7.11. Overall, it is considered that the OWPS supports the case for the Proposed Development and complements the positive Development Plan appraisal later in this Statement. The OWPS clearly considers that onshore wind has a vital role to play in achieving the post 2020 renewable energy targets and provides very clear statements from the Scottish Government that new onshore wind farms and the continued growth of this technology across Scotland are vital if the ambitious 2030 and 2050 targets are to be met.

### **3.8. National Infrastructure Assessment (July 2018)**

- 3.8.1. The National Infrastructure Commission was set up to address the requirement for a long-term, UK-wide strategy for infrastructure development. This first National Infrastructure Assessment (NIA) (<https://www.nic.org.uk/publications/national-infrastructure-assessment-2018/>) published in July 2018 sets out the Commission's plan of action for the country's infrastructure over the next 10-30 years, to take decisive action along with a long-term vision and lasting plans (page 5).

- 3.8.2. Significantly, the Foreword to the NIA notes that:-

*'Over the last 50 years, the UK has seen an endless cycle of delays, prevarication and uncertainty. These have been driven in part by short term considerations, and the lack of a cross-sectoral support to infrastructure. This approach has limited growth, undermined job uncertainty and restricted innovation. And too often the UK has ended up playing catch up. This will not do for the challenges ahead'.* (emphasis added).

- 3.8.3. At page 9 the NIA states categorically that the UK *'can and should have low cost and low carbon electricity'*. It further notes that sustaining progress on reducing carbon emissions *'requires government to show ambition'*, with one of the first crucial steps being to *'enable an increasing deployment of renewables'*. The NIA links this aspiration to the legal obligation of the UK to reduce its GHG emissions by at least 70% from 1990 levels by 2050. Significantly, the NIA notes on page 9 that the modelling undertaken by the Commission has shown that a highly renewable generation mix is a *'low cost option'* for the energy system, comparable to building further nuclear power plants after Hinkley Point C (emphasis added)

- 3.8.4. The NIA goes on to state at page 34 that the successful delivery of a low cost, low carbon energy and waste system requires a flexible electricity generation system, primarily through renewables. *'Since a system with a high proportion of renewable generation*

*looks cost effective in the long term, and adding more nuclear to the system in this timeframe looks unlikely, it makes sense to continue to add more renewables to the system in the 2020s' (page 42).*

- 3.8.5. The NIA adds to the supportive case for the continued delivery of renewable energy projects in both the short and longer term not only as actions required to tackle climate change but also because renewable technologies are cost effective. The case for the continued development of renewables is therefore both environmental and economic and the Proposed Development can help fulfil these twin objectives.

### **Conclusions on energy policy considerations**

- 3.8.6. It is quite clear from a review of these energy policy documents that the onshore wind sector has an important role to play in helping to deliver Scotland's longer-term climate change targets while also helping to reduce the costs of electricity generation. The Proposed Development can help deliver these objectives by developing a renewable energy facility using a proven technology and one of the lowest cost forms of power generation, including non-renewables. The inclusion of a battery storage facility will help with the overall efficiency of the Proposed Development and the incorporation of this technology is supported by the SES.
- 3.8.7. Importantly, these national energy documents do not represent a 'business as usual' approach to renewable energy developments. If electricity is to meet an increased share of Scotland's energy needs in the future and if the onshore wind sector is to play an increasingly important role in Scotland's future energy mix, then it is quite clear that new onshore wind sites, ideally incorporating other technologies, will become an increasing necessity. Otherwise, it is difficult to see how the Scottish Government's 2030 and 2050 targets will be achieved. The very recent IPCC publication stresses the necessity of taking action now to limit global warming, and a key plank of the response is a '*strong upscaling of renewables*', an objective that the Proposed Development can help deliver

## 4. National Planning Policy & Guidance

### 4.1. Introduction

4.1.1. This section of the Planning Statement considers the relevance of Scottish Planning Policy and National Planning Framework 3 (NPF3) in particular to the determination of this s.36 application.

### 4.2. Scottish Planning Policy

4.2.1. SPP sets out national planning policies for the development and use of land and provides policy commentary under two key themes, Principal Policies and Subject Policies. There are two Principal Policies in SPP (Sustainability and Placemaking) which are underpinned by several policy principles, as discussed in the following paragraphs.

4.2.2. The first policy principle states that 'This SPP introduces a presumption in favour of development that contributes to sustainable development'. The application of the 'presumption in favour' does not 'change the statutory status of the development plan as the starting point for decision-making', confirmed in para. 32 of SPP, however in the context of a s.36 application the decision maker can consider the development plan as one of a range of considerations in balancing the various planning and environmental factors; the development plan does not have primacy in this context.

4.2.3. SPP does not offer advice on what constitutes development that contributes to sustainable development and it is therefore up to decision makers to consider this on a proposal by proposal basis, drawing conclusions about the weight to be accorded to the presumption in favour accordingly.

4.2.4. There is however some useful guidance on application of the presumption in favour to be found in the Reporter's report into the proposed Section 36 Caplich Wind Farm (Reference WIN-270-7, 29 November 2017). There are a number of important issues that stem from that Reporter's application of the presumption that are relevant to this case, and the following key points are worthy of note:-

1. Paragraph 2.128 – the Reporter considers that the introduction of the presumption into SPP '*was a very significant step*'. By being set out as a separate consideration in SPP in decision making and policy formulation, the Reporter considered that '*the presumption has greater significance*' and would not double count general support for renewables to be found more generally in SPP and development plan policies;
2. Paragraph 2.129 – advises that if the presumption is to have any bearing on the determination of an application, it will first need to be demonstrated that '*what is proposed could reasonably and accurately be described as development that would contribute to sustainable development*'. The Reporter continues in paragraph 2.130 and states that this necessitates an assessment of a proposal against the principles set out in paragraph 29 of SPP and the four outcomes of SPP;

3. Paragraph 2.131 – The Reporter confirms that ‘the SPP presumption applies to all forms of development that would contribute to sustainable development, regardless of the age or content of the development plan’;
  4. Paragraph 2.132 – states that in cases where the Development Plan is up to date, both its *‘relevant policies and the presumption need to be weighed in the planning balance’*; and
  5. Paragraphs 2.141 and 2.142 – consider that in cases where the Development Plan is less than 5 years old but contains policies that are out of date, then paragraph 33 of SPP states that this may trigger a *‘tilted balance’* in favour of an application. In cases where a Development Plan is more than 5 years old, the Reporter considers that a *‘tilted balance’* in favour of the application *‘conclusively will’* apply.
- 4.2.5. In this case, as noted in subsequent commentary on the Local Development Plan (LDP), the Interim Spatial Framework that forms part of the LDP, is not SPP compliant. The Council is in the process of preparing an new Spatial Framework as part of its new LDP, but this is not yet adopted. A key part of the LDP of relevance to this application is therefore out of date.
- 4.2.6. Taking these factors into account, it is considered that the presumption is a significant material consideration in this case and the *‘tilted balance’* in favour of the application can apply, even though the Development Plan is not more than 5 years old.
- 4.2.7. In seeking to apply the presumption in favour, SPP confirms in paragraph 29 that planning policies and decisions should be guided by several key principles, the most pertinent to this application being:-
- **Giving due weight to the net economic benefit of proposals** – during the construction phase, it is considered that the Proposed Development could contribute £19million and 204 job years in Dumfries and Galloway and £52.3 million and 582 job years more widely in Scotland (see EIA-R Chapter 17). During the operational phase, it is considered that the Proposed Development could contribute £2.6million and 48 job years to Dumfries and Galloway’s economy and £4.1 million and 78 job years more widely in Scotland. The Applicant is also offering the opportunity for the community to acquire a 10% share in the Proposed Development which could lead to further net economic benefits, as noted in key publications such as the OWPS;
  - **Responding to economic issues, challenges and opportunities as outlined in local economic strategies** – the Dumfries & Galloway Regional Economic Strategy 2016 – 2020, confirms that the energy sector, particularly renewables and its supply chain, is a sector with identified growth potential for highly paid and skilled employment. The document also notes that the region is well placed to contribute to Scotland’s energy ambitions through both carbon reduction and the potential for renewable energy generation and storage. The Proposed Development responds positively to these opportunities;<sup>6</sup>;

<sup>6</sup> [https://www.dumgal.gov.uk/media/18717/Regional-Economic-Strategy-2016-20/pdf/Regional\\_Economic\\_Strategy\\_2016\\_-\\_2020.pdf?m=636592257429570000](https://www.dumgal.gov.uk/media/18717/Regional-Economic-Strategy-2016-20/pdf/Regional_Economic_Strategy_2016_-_2020.pdf?m=636592257429570000)

- **Supporting delivery of infrastructure, for example transport, education, energy, digital and water** - The Proposed Development is expected to generate 84.6 MW of renewable electricity and will help meet the Scottish Government's renewable energy generation targets in the post 2020 period;
- **Supporting climate change mitigation and adaptation including taking account of flooding**- the Proposed Development is projected to save the equivalent of 1.94 million tonnes of carbon dioxide (tCO<sub>2</sub>e) over the 25 year operational lifetime that would otherwise be emitted should the equivalent amount of electricity be produced from a fossil fuel mix of power generation (taking account also of emissions during the construction phase). This will contribute positively to local efforts to tackle climate change;
- **Having regard to the principles for sustainable land use set out in the Land Use Strategy** – the current version of the Scottish Government's Land Use Strategy 2016 - 2021<sup>7</sup> sets out 9 principles for the sustainable use of land the most relevant of which are (c) where land is highly suitable for a primary use, this value should be recognised in decision making. This is particularly relevant in the context of the Spatial Framework for Wind Farms discussed later; (e) landscape change should be managed positively and sympathetically recognising that landscapes are important to our sense of identity and individual and social wellbeing; and (f) land use decisions should be informed by an understanding of the opportunities and threats brought about by climate change. This principle seeks to ensure that greenhouse gas emissions are reduced and land is used in a way that helps with climate change adaptation and mitigation objectives;
- **Protecting, enhancing and promoting access to cultural heritage, including the historic environment** – some significant effects upon the setting of cultural heritage assets are predicted in EIA-R Chapter 11 but no direct effects are predicted. The Proposed Development does not therefore comply fully with this criteria;
- Avoiding over-development, protecting the amenity of new and existing development and considering the implications of development for water, air and soil quality - significant impacts upon residential visual amenity at two properties are noted but these impacts would not result in the properties becoming unpleasant places to live, as discussed below in the commentary on Policy IN2. No significant environmental effects on water, air or soil quality are identified that cannot be addressed through further mitigation and the scale of development proposed does not constitute over-development.

4.2.8. Taking these factors into account, it is acknowledged that the Proposed Development does not comply with all relevant matters, due to significant effects upon the setting of some cultural heritage assets. Overall, however, there are more instances of compliance than conflict and it is considered that the Proposed Development can reasonably and accurately be described as development that would contribute to sustainable development given the significant renewable energy benefits, positive contributions to reducing greenhouse gases and the net economic benefits that could flow from

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<sup>7</sup> <https://www2.gov.scot/landusestrategy>

community benefits and potentially also any take-up of the shared ownership offer.

- 4.2.9. As such, and given the outdated nature of the Interim Spatial Framework in the adopted LDP, it is considered that not only does the presumption apply in this instance, but it is a significant material consideration in support of the application. The tilted balance in favour of the application also applies and it therefore follows that any adverse impacts must '*significantly and demonstrably outweigh the benefits*' of the Proposed Development, as required by paragraph 33 of SPP.
- 4.2.10. The second policy principle of SPP states 'planning should take every opportunity to create high quality places by taking a design-led approach'.
- 4.2.11. This policy principle is considered to be of limited relevance to the Proposed Development and is more relevant to consideration of housing, mixed-use, commercial and other non-energy land uses. As far as it is relevant, it is worthy to note that the design and layout of the Proposed Development has evolved since 2011 when initial feasibility work on the prospects of developing a wind farm at the Site commenced. EIA-R Chapter 3 'Alternatives and Scheme Evolution', provides further commentary on the design evolution explaining how the Applicant has arrived at its final layout for the Proposed Development, through the consideration of alternative layouts and design iterations. Figures 3.1 – 3.4 illustrate the various design iterations that the Applicant has gone through to arrive at the Proposed Development layout, with associated commentary in EIA-R Chapter 3.
- 4.2.12. As this commentary reveals, the key driver for each of the alternatives considered was to seek to avoid and then minimise environmental impacts where possible and then to consider technical constraints, including optimising energy generation from the Proposed Development. A design rationale has been adopted to avoid inconsistent turbine spacing, outliers or excessive overlapping turbines to minimise visual confusion and ensure a balanced / compact array from key views in the local landscape. The turbines have also been located away from the highest parts of both Marscalloch and Craigengillan Hills to ensure that the Proposed Development is perceived as being set down in the landscape as far as possible
- 4.2.13. The third policy principle of SPP states 'planning should direct the right development to the right place'.
- 4.2.14. In the context of onshore wind farms, this means having regard to the Spatial Framework set out in Table 1 of SPP and any local Spatial Framework for Dumfries and Galloway (see commentary below). For reasons discussed throughout this Planning Statement, it is considered that the Proposed Development complies with this policy principle, noting the location of the Site mainly within an 'area of greatest potential' for large typology turbines as shown by Local Development Plan (LDP) Map 9, supported also by the Group 3 location of the Site in the more recent Spatial Framework accompanying draft LDP2.

#### A Low Carbon Place

- 4.2.15. Within this section of SPP, paragraph 153 comments on the vital role that an 'efficient

supply' of low carbon electricity from renewable energy sources can play in reducing GHG emissions. The extent of GHG emissions that would be saved by the Proposed Development have been quantified in the Carbon Calculator as 81,998 tCO<sub>2</sub>e per annum (expected), which equates to 1.94 million tCO<sub>2</sub>e over the 25-year operational lifetime of the Proposed Development, once the emissions during the construction phase are taken into account. This equates to a 'carbon payback time' of 2.2 years when compared to a grid mix generation and 1.4 years when compared to a fossil fuel mix and is considered to be a significant and material benefit of the Proposed Development that should be accorded considerable weight in the planning balance.

4.2.16. In terms of renewable energy projects being able to deliver an '*efficient supply of low carbon and low cost heat and electricity*', they must be financially viable. Comments in Section 3 of this Statement in relation to the NIA clearly demonstrate the recognition of renewable energy deployment as a cost-effective means of electricity generation and a sector to be supported for continued growth in order to ensure a flexible and cost-effective energy generation mix. If onshore wind is to operate in a subsidy free regime, taller turbines will become more common place across Scotland as the onshore wind energy sector seeks to maximise energy generation at the lowest cost and reflects advances in turbine technology.

4.2.17. Therefore, in order to be able to remain financially viable and thus capable of delivering an '*efficient supply of low carbon and low cost electricity*', taller wind turbines such as those proposed here may increasingly become a financial necessity and they will be a vital component of continuing efforts to reduce GHG emissions from electricity generation, as advocated through SPP paragraph 153. The Applicant is taking further steps to help increase efficiency by building an integrated battery storage facility into the Proposed Development.

Table 1 – Spatial Frameworks

4.2.18. Table 1 of SPP sets out the specific criteria by which spatial frameworks for onshore wind energy proposals should be formed. The spatial framework is primarily a tool for the development planning function and paragraph 163 of SPP states that the spatial framework is to be '*complemented by a more detailed and exacting development management process where the individual merits of an individual proposal will be carefully considered against the full range of environmental, community and cumulative impacts*'.

4.2.19. The SPP Spatial Framework categorises constraints and opportunities into three groups:-

- 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.'
- Group 3: Areas with potential for wind farm development - 'Beyond groups 1 and 2,

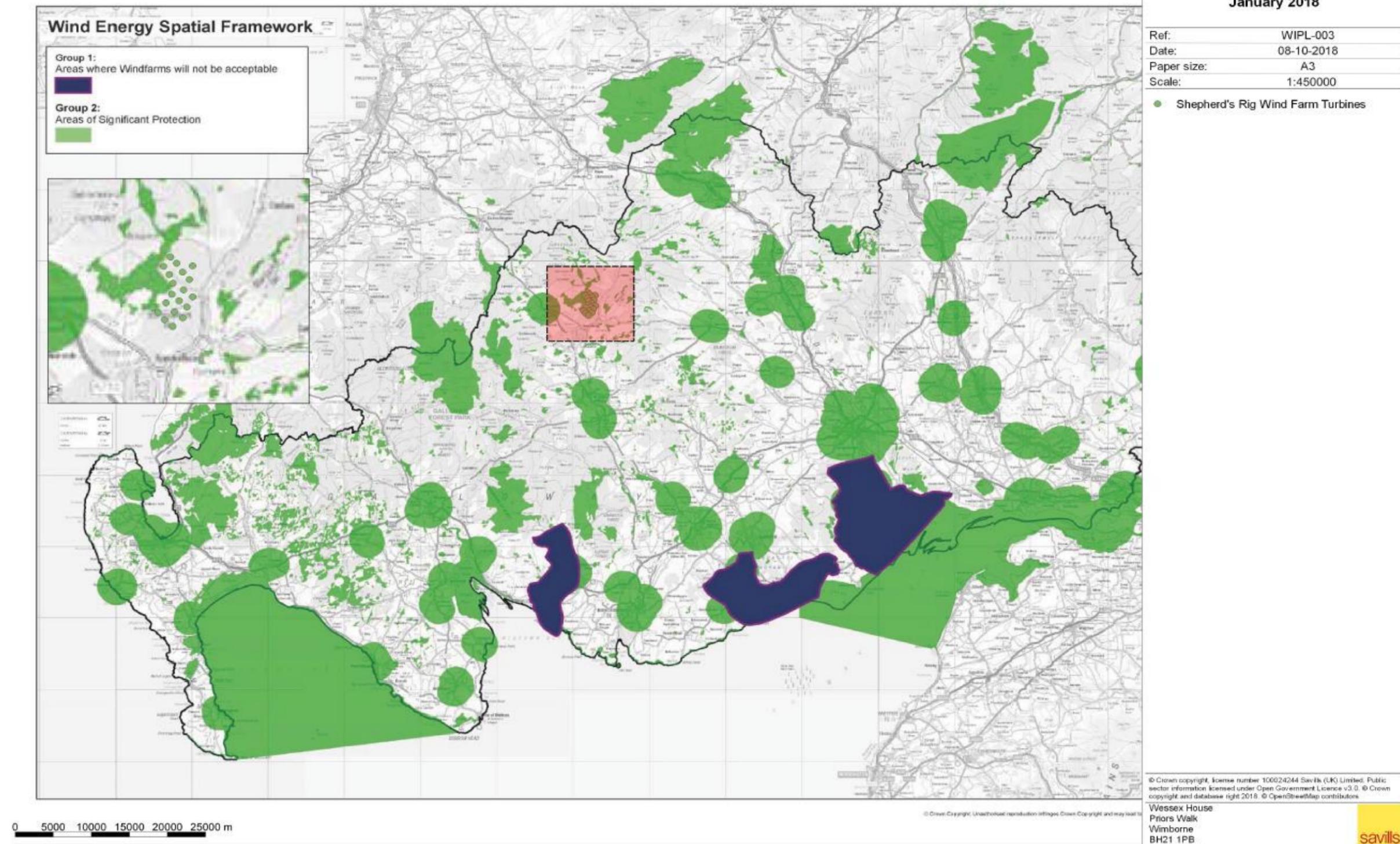
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wind farms are likely to be acceptable, subject to detailed consideration against identified policy criteria.'

- 4.2.20. As noted below, the Spatial Framework as it currently applies to the adopted LDP is not SPP compliant and is therefore referred to as 'Interim Spatial Framework'. Notwithstanding, the Site is located, for the most part, in an area 'of greatest potential' for large typology turbines in this Interim Spatial Framework, which is reproduced as Figure 2 in this Planning Statement under the later commentary on the LDP, Policy IN2.
- 4.2.21. Draft LDP2 does contain an updated Spatial Framework Map which shows that the turbines are located in a Group 3 area. Draft LDP2 is discussed later in this Planning Statement but the Spatial Framework Map is reproduced on the following page as Figure 1 to facilitate commentary on SPP.
- 4.2.22. As the draft LDP2 Spatial Framework shows, the wind turbines at Shepherds' Rig are located outside of Group 1 and Group 2 areas, and therefore located entirely within a Group 3 area. This is a significant point to bear in mind when considering the locational acceptability of the Site in the wider planning balance, noting that SPP acknowledges that in these areas '*wind farms are likely to be acceptable*', subject to individual assessments.

Figure 1

Map 8: Spatial Framework



4.2.23. SPP sets out in paragraph 169 a checklist for assessing renewable energy planning applications, as discussed in the following paragraphs. These matters duplicate some of the LDP assessment criteria and comments have been kept brief where appropriate with cross reference made to subsequent LDP assessments:-

- Net economic impact, including local and community socio-economic benefits such as employment, associated business and supply chain opportunities – during the construction phases, it is considered that the Proposed Development could contribute £19million and 204 job years (see EIA-R Chapter 17) in Dumfries and Galloway and £52.3 million and 582 job years more widely in Scotland. These impacts are considered to be both positive in EIA terms but of low and negligible significance respectively. During the operational phase, it is considered that the Proposed Development could contribute £2.6million and 48 job years to Dumfries and Galloway's economy and £4.1 million and 78 job years more widely in Scotland. These impacts are considered to be positive in EIA terms but both of negligible significance. If taken up, the offer of a 10% stake in the Proposed Development could also have material benefits for the local community. There will also be benefits arising from a community benefits fund that would equate to just under £10million of payments over the operational life of the Proposed Development, as discussed further under Policy IN2;
- **The scale of contribution to renewable energy generation targets** – the Proposed Development could generate up to 84.6 MW of renewable electrical energy, creating a total renewable energy output over the life of the Proposed Development of approximately 4.4million MWh of renewable electricity;
- **Effect on greenhouse gas emissions** – the Proposed Development could prevent the emission of approximately 1.94 million tCO<sub>2</sub>e by generating electricity from renewable sources compared to a fossil fuel mix electricity generation;
- **Cumulative impacts** – some significant cumulative landscape and visual and cultural heritage impacts are predicted upon some receptors, as noted in the discussion on LDP Policy IN2 and HE3 and HE4, but these are localised and affect a small number of receptors only;
- **Impacts on communities and individual dwellings, including visual impact, residential amenity, noise and shadow flicker** – significant impacts upon residential visual amenity at two properties are noted but these impacts would not result in the properties becoming unpleasant places to live, as discussed below in the commentary on Policy IN2. No significant residual impacts upon individual properties are identified as a result of noise or shadow flicker and no significant adverse visual effects upon settlements are predicted;
- **Landscape and visual impacts, including effects on wild land** – wild land is not an issue for this application. Individual landscape and visual impacts are acknowledged and dealt with in detail in the commentary on Policy IN2. The only landscape designation predicted to experience significant effects is the local level Galloway Hills RSA, as discussed in the following commentary on Policy IN2 and NE2. These impacts will not however affect the special qualities of the RSA nor the reason for its designation;
- **Effects on the natural heritage, including birds** – no significant environmental effects on any such receptors are identified;

- **Impacts on carbon rich soils, using the carbon calculator** – a Carbon Balance Assessment presented as EIA-R Appendix 21.1 confirms a carbon payback period of at best 0.7 years when compared to a coal mix generation and at worst 2.2 years when compared to a grid mix generation;
- **Public access, including impact on long distance walking and cycling routes and scenic routes identified in the NPF3** – There are no access routes that cross the Site, as shown on EIA-R Figure 8.22. As this Figure shows, there are a number of core paths, local rights of way and cycle paths that are located in the vicinity of the Site including the Southern Upland Way, located to the east of the Site. EIA-R Chapter 8 acknowledges that there will be significant visual effects upon sections of these routes which include Core Path 182/Path DS15, Path DS16, Path DS17, Core Path 23 and 199. In relation to the Southern Upland Way, EIA-R Chapter 8 acknowledges that the greatest visual effects will occur within 4-5km of the turbines, which are significant in EIA terms. Beyond this distance, views of the turbines from the Southern Upland Way are intermittent, are screened by forestry and also become more distant such that they are not significant;
- **Impacts on the historic environment, including scheduled monuments, listed buildings and their settings** – no significant residual in isolation effects are identified upon any Scheduled Monuments. Significant in isolation effects upon the setting of the non-designated Little Auchrae medieval settlement are predicted, as discussed further in relation to LDP Historic Environment policies. Significant cumulative effects with Longburn Wind Farm are also predicted upon the setting of three cultural heritage receptors namely Craigengillan Cairn, Stroanfreggan Fort and Little Auchrae medieval settlement (which forms part of the Stroanfreggan ASA). The addition of the proposed development to a scenario including Longburn and Cornharrow Wind Farms would lead to a significant cumulative additional effect upon the setting of Stroanfreggan Fort, a Scheduled Monument;
- **Impacts on tourism and recreation** – no significant adverse socio-economic or tourism effects were identified in the EIA-R as discussed in relation to Policy IN2;
- **Impacts on aviation and defence interests and seismological recording** – no significant adverse effects were identified on any such receptor as discussed in relation to Policy IN2
- **Impacts on telecommunications and broadcasting installations, particularly ensuring that transmission links are not compromised** – these matters are considered in EIA-R Chapter 19 which notes that there is one single telecommunications link within 3km of the Site, licensed to Vodafone UK. As this link is located over 100m away from the nearest turbine no effects are predicted upon this link and no communication or broadcasting links will be compromised by the Proposed Development;
- **Impacts on road traffic** – no significant effects were predicted upon the operation of the local road network but significant effects upon pedestrian amenity were identified near to some schools on the delivery route to Site. With mitigation in place, these effects are not considered to be significant, as discussed further in relation to Policies T1 and T2;

- **Impacts on adjacent trunk roads** - no significant effects on the trunk road network were identified;
- **Effects on hydrology, the water environment and flood risk** – no significant environmental effects on any such receptors are identified that cannot be addressed through the implementation of best practice construction measures that are set out in the Outline Construction Environment Management Plan (CEMP) and would be developed further in the future should permission be granted;
- The need for conditions relating to the decommissioning of developments, including ancillary infrastructure, and site restoration – these matters can be covered by planning conditions as deemed necessary and would be discussed post submission with officers from Dumfries and Galloway Council;
- **Opportunities for energy storage** – a 6 MWh battery storage facility forms and integral part of the Proposed Development. This facility will help increase the efficiency of the Proposed Development by enabling renewable electricity generated by the wind turbines to be stored on Site and released into the grid at times of need and also help with the operation of the electricity transmission system through frequency regulation; and
- **The need for a robust planning obligation to ensure that operators achieve site restoration** – this matter can be covered by planning conditions or a legal agreement consistent with other projects across the country.

#### 4.3. National Planning Framework 3 (2014)

4.3.1. National Planning Framework 3 (NPF3) sets out the long-term vision for development and investment across Scotland for the next 20 to 30 years. The Scottish Government's overall vision for Scotland as set out in paragraph 1.2 of NPF3 contains 4 key elements, identified and summarised in the following paragraphs. Of particular relevance to the Proposed Development is paragraph 1.2 which states that '*we have seized the opportunities arising from our ambition to be a world leader in low carbon energy generation, both onshore and offshore*'. This statement links with the stated ambition on page 30 to '*achieve at least an 80% reduction in greenhouse gas emissions by 2050*'.

4.3.2. The more recent expressions of Scottish Government energy policy discussed previously provide further detail on how the Scottish Government expects these targets to be met, with onshore wind acknowledged as playing a vital role in the future energy mix.

1 A successful, sustainable place

4.3.3. Paragraph 2.2 of NPF3 identifies energy as one of the key sectors of the Scottish economy while paragraph 2.7 seeks to '*ensure that development facilitates adaptation to climate change, reduces resource consumption and lowers greenhouse gas emissions*'. Paragraph 2.8 of NPF3 states that much can be gained by focusing on energy resources.

2 A low carbon place

4.3.4. There is an acknowledgement in paragraph 3.2 of NPF3 that at present the energy sector accounts for a significant share of our greenhouse gas emissions. Paragraph 3.1 states

that planning has a key role to play in delivering on the commitments set out in Low Carbon Scotland<sup>8</sup>, which includes full decarbonisation of electricity supply by 2030.

- 4.3.5. The Proposed Development can make a significant contribution to the achievement of these objectives, leading to an overall reduction of GHG emissions equivalent to just approximately 1.94 million tCO<sub>2e</sub> over its 25-year operational life. This would be the amount of carbon dioxide that would be emitted if the same amount of electricity was to be generated by a fossil fuel grid mix, taking account of the CO<sub>2</sub> emitted during construction of the Proposed Development.
- 4.3.6. Paragraph 3.9 confirms that the Scottish Government wants to continue to capitalise on Scotland's wind resource, a sentiment echoed in the earlier commentary on the SES and OWPS.
- 4.3.7. Paragraphs 3.15 and 3.24 discuss issues surrounding community and local ownership of renewables, an aspiration that the proposed development can help deliver. Paragraph 3.24 in particular notes the lasting benefits that community ownership can have for rural areas of Scotland, helping build community resilience and providing an alternative source of income. Crucially, this same paragraph acknowledges that collectively the potential benefits of community energy benefits are 'nationally significant'.
- 4.3.8. Paragraph 3.25 of NPF3 sets out the economic benefits of a growing renewable energy sector noting that there will be job opportunities for manufacturing and servicing to support the sector, as well as providing job opportunities in rural areas. The economic benefits of onshore wind energy developments must be accorded due weight in the overall planning balance as advocated by paragraph 29 of SPP.

### 3 A natural, resilient place

- 4.3.9. The third component of the NPF3 vision envisages a Scotland where natural and cultural assets are respected, improving in condition, and represent a sustainable economic, environmental and social resource for the nation. NPF3 acknowledges the important role that Scotland's landscapes play in contributing to overall quality of life, national identity and the visitor economy (paragraph 4.4).
- 4.3.10. These are all issues that need to be considered in assessing the overall benefits of the Proposed Development and have been addressed in detail in the EIA-R and in the LDP commentary in this Planning Statement, especially Policy IN2.
- 4.3.11. Paragraph 4.7 states that the pressing issue of climate change means that action on the environment must continue to evolve, strengthening longer-term resilience.

### 4 A more connected place

- 4.3.12. The final component of the NPF3 vision is not considered relevant to the Proposed Development. It envisages the entire country having access to high-speed fixed and

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<sup>8</sup>Low Carbon Scotland – Meeting the Emissions Reduction Targets 2010-2022, Scottish Government, 2011

mobile digital networks, while we make better use of our existing infrastructure and have improved internal and international transport links to facilitate our ambition for growth.

- 4.3.13. The continued support for the deployment of renewables, including onshore wind, across Scotland is not without qualification. NPF3 recognises the important role that Scotland's landscapes play in contributing to overall quality of life, national identity and the visitor economy. These are all issues that need to be considered in assessing the overall benefits of the Proposed Development and are set out in Section 7 of this Planning Statement in the 'Planning Balance' commentary.

### **SPP and NPF3 Conclusions**

- 4.3.14. The clear support for renewable energy in SPP and NPF3, including onshore wind, is balanced against the need for planning to ensure that the right development is directed to the right location. This means that environmental impacts need to be balanced against the broad locational acceptability of a site in terms of the SPP Spatial Framework and to balance these considerations against the wider environmental benefits of a proposal.
- 4.3.15. The Proposed Development has been subject to an iterative design evolution process to avoid and minimise the potential for significant environmental effects; however, it is acknowledged that some significant environmental effects remain, notably those on localised landscape and visual receptors. However, it is well established that commercial scale wind farms will inevitably lead to some significant environmental effects – the test is whether such effects are unacceptable in the wider planning balance.
- 4.3.16. In this case, the presumption in favour of development that contributes to sustainable development is a significant material consideration in support of the application and, having concluded that parts of the LDP are out of date, it is considered that the presumption as applied in this case, leads to a 'tilted balance' in favour of the application. This follows the approach adopted by the Reporter in the Caplich Wind farm referred to earlier.
- 4.3.17. This being the case, SPP paragraph 33 requires that any adverse effects must '*significantly and demonstrably outweigh the benefits*' of the Proposed Development. While some significant adverse effects will arise, as the paragraph 169 assessment recognises, these do not significantly and demonstrably outweigh the environmental, renewable energy and socio-economic benefits of the Proposed Development. SPP and NPF3 therefore supports the case for the Proposed Development and are considered significant material considerations in the determination of this s.36 application.

## **4.4. The Carbon and Peatland Map 2016**

- 4.4.1. The Carbon and Peatland Map 2016<sup>9</sup>, produced by SNH, provides the most up to date information available on the location of carbon rich soils, deep peat and priority peatland habitats in Scotland. SNH states that the Map should be used in conjunction with the

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<sup>9</sup>SNH Carbon and Peatland Map (2016)

Spatial Planning for Onshore Wind Turbines Guidance 2015<sup>10</sup>. SNH guidance on spatial planning emphasises:

'The location of a proposal in the mapped area does not, in itself, mean that the proposal is unacceptable, or that carbon rich soils, deep peat and priority peatland habitat will be adversely affected. The quality of peatland tends to be highly variable across an application site and a detailed assessment is required to identify the actual effects of the proposal' (Pg.18).

- 4.4.2. EIA-R Figure 12.4 shows that the Site is predominantly located in areas of Class 4 and 5 soils, which are indicative of areas of vegetation not associated with priority peatland. These classes of soils are unlikely to include carbon rich soils and in terms of the SPP Spatial Framework, there are no Group 2 interests as regards soils and peatland that require to be considered.
- 4.4.3. Appendix 12.2 of the EIA-R is an Outline Peat Management Plan (OPMP) and sets out proposed peat and soils management methodologies to be employed during construction of the Proposed Development. Table 4.1 confirms peat excavation volumes for various constructions activities, calculating that 97,300m<sup>3</sup> of peat will be extracted during the construction phase. The OPMP notes opportunities for peat re-use on site during restoration works, as summarised in OPMP Table 4.2. This Table concludes that restoration works would give rise to the requirement for 97,864m<sup>3</sup> of material, which exceeds surplus peat arising from construction activities by 564m<sup>3</sup> (see OPMP Table 4.3). Where required, other suitable site won materials can be utilised in reinstatement works to address this shortfall.
- 4.4.4. Accompanying EIA-R Chapter 12 concludes that taking account of the volume of peat to be extracted, the scope for on site re-use and the implementation of mitigation measures (see EIA-R Table 12.6), there will be no significant residual effects upon peat or peaty soils.

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<sup>10</sup> Spatial Planning for Onshore Wind Turbines – natural heritage considerations, SNH, June 2015

## 5. Development Plan Assessment

### 5.1. Introduction

- 5.1.1. Unlike planning applications considered under the terms of Section 25 of the Town and Country Planning (Scotland) Act 1997 (as amended), the Development Plan does not form the primary basis upon which the application will be determined. The Development Plan will be an important material consideration in the determination of the application, however there is no legislative requirement for the s.36 application to be determined in accordance with the provisions of the Development Plan.
- 5.1.2. The statutory Development Plan as it relates to this s.36 application comprises the Dumfries and Galloway Local Development Plan (LDP) (September 2014). Relevant policies of the LDP are identified in Chapter 5 of the EIA-R whereas this Planning Statement considers the Proposed Development against individual planning policies in order to draw conclusions about the extent to which the proposal is consistent with the Development Plan, as a whole.
- 5.1.3. In making a decision on the application, the Scottish Ministers will also consider UK and Scottish Government energy policy and guidance, NPF 3 and SPP as discussed previously in this Statement. Due weight will also be given to responses from statutory consultees.

### 5.2. Dumfries and Galloway Local Development Plan (LDP) (September 2014)

- 5.2.1. The majority of the assessment contained in this Statement will focus upon the contents of Policy IN2 'as this is a wind energy specific LPD Policy. However, other policies are discussed too where their objectives are not already covered by Policy IN2.

#### **Policy IN1 – Renewable Energy**

- 5.2.2. The preamble to Policy IN1 confirms that it provides a 'general framework' for the assessment of all forms of renewable energy with wind energy dealt with separately under Policy IN2, discussed below. Policy IN1 confirms that the Council '*will support*' proposals for renewable energy developments, provided they do not have an unacceptable significant adverse effect either individually or in combination, upon a range of receptors including landscape, cultural and natural heritage, recreational and tourist routes, the amenity of the area, air quality and water and fishing interests.
- 5.2.3. To avoid duplication between policy assessments, the Proposed Development is considered in detail against the terms of Policy IN2, which relates specifically to wind energy proposals.
- 5.2.4. In general, however, it is considered that the Proposed Development can draw support in principle from Policy IN1, provided that the detailed assessment of the Proposed Development against the criteria of Policy IN2 does not give rise to unacceptable significant adverse effects. In this regard, it is noted that Policy IN1 states that 'acceptability' will be considered on a case by case basis having regard to the details of

an individual application including benefits and the extent to which identified effects can be satisfactorily mitigated.

### **Policy IN2 – Wind Energy**

- 5.2.5. Policy IN2 is the principal LDP policy against which the Proposed Development requires to be assessed. The Policy sets out a number of sub-headings under which applications for wind energy developments need to be assessed. Matters to be considered range from technical issues such as aviation to landscape and visual impacts. Given the broad range of issues covered by Policy IN2, there is overlap with other topic specific policies in the LDP to the extent that these other policies sometimes duplicate matters contained within the wind energy specific Policy IN2. Where other LDP policies refer to matters already considered under the commentary on Policy IN2, cross reference is made to this policy assessment to avoid duplication of commentary.
- 5.2.6. Policy IN2 is separated into two parts, with Part 1 requiring proposals to be considered against established policy criteria requirements while Part 2 requires proposals to be considered in the context of the Council's Spatial Framework for wind energy, as shown on Map 9 of the LDP.
- 5.2.7. The Proposed Development is assessed against Part 1 of Policy IN2 criteria against the various sub-headings set out in the Policy.
- 5.2.8. Policy IN2 notes that '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'. It is therefore for a decision maker to consider a proposal in the round and to balance factors in favour of an against a proposal before arriving at a conclusion on whether a proposal complies with IN2.

### **Policy IN2 - Part 1 Appraisal**

#### (i) Landscape and Visual Impact

- 5.2.9. The landscape and visual impacts of the Proposed Development, including cumulative impacts, are set out in detail in EIA-R Chapter 8. The assessment considered landscape and visual impacts separately from one another, with the visual impact assessment being assisted by the selection of 22 viewpoints (VPs), which were chosen to represent specific areas/locations of importance such as designated landscapes, settlements, important routes and recognised viewpoints. Table 6.6 of the EIA-R identifies the various VPs, which are also shown on EIA-R Figures 6.2 and 6.3. In addition to individual VPs, the visual assessment also considered landscape and visual receptors such as recreational routes, settlements and rail and road routes, identified in EIA-R Tables 6.7 and 6.8.
- 5.2.10. A summary of the landscape and visual impact assessment is provided below under the following sub-headings, having regard to the Dumfries and Galloway Landscape Capacity Study (the Capacity Study) as required by Policy IN2.

- Design;

- Landscape Effects;
- Visual Effects; and
- Designated Landscape Effects.

### *Design*

- 5.2.11. EIA-R Chapter 3 provides detail on the design evolution process adopted by the Applicant in reaching the final wind turbine and infrastructure layout. The Site layout went through several design iterations as part of the EIA process to arrive at a design solution that avoided where possible significant environmental effects. Achieving a well designed turbine layout was a key driver at each stage, as was the need to maximise renewable energy generation.
- 5.2.12. The Site has been selected and designed in such as way to avoid inconsistent turbine spacing, outliers or excessive overlapping to minimise visual confusion and ensure a balanced turbine layout when viewed from key views. The turbines have been located away from the highest parts of the Marscalloch and Craigengillan Hills within the Site to ensure the Proposed Development is viewed, as far as possible, as being set down in the landscape. The design has also sought to reuse as much of the existing forest tracks within the Site as possible to minimise the need for new tracks and the position of these tracks and other infrastructure such as the substation, construction compound and borrow pit search areas are located within existing forest plantation to ensure they are screened from views as far as possible.
- 5.2.13. The Applicant is proposing to install turbines of differing heights to reflect local topography and to minimise landscape and visual effects. Seventeen of the turbines would be up to 149.9m in tip height and 2 would be up to 125m in tip height (turbines 1 and 3). The EIA-R recognises that significant landscape and visual effects will arise. However, these effects are not particularly unique to the Proposed Development and it is generally recognised that commercial scale wind farm developments will give rise to significant environmental effects, most notably landscape and visual, that cannot sometimes be mitigated. This does not mean that a proposal should be refused permission. Before considering the acceptability of identified landscape and visual effects in the wider planning balance it is necessary to consider the geographical extent of these effects, the sensitivity of receptors affected, the capacity of the landscape to accommodate the development, the environmental and socio-economic benefits of a proposal, the contents of the development plan and other material factors such as national energy and planning policy.
- 5.2.14. As discussed in the following paragraphs, the identified landscape and visual effects are considered to be generally localised, would not be widespread and, in terms of Policy IN2, would not compromise the main features of the site and the wider environment. In accordance with the requirements of Policy IN2, the Applicant has fully explored the potential for mitigation and while significant landscape and visual effects will arise, the EIA-R concludes that the landscape has the capacity to accommodate the Proposed Development, particularly when the consented but as yet unbuilt wind farms are considered in the baseline, as discussed further below under the cumulative scenarios.

*Landscape Effects (having regard to the Landscape Capacity Study)*

- 5.2.15. This element of Part 1 requires decision makers to consider the guidance contained in the Capacity Study and to also consider the extent to which the landscape is capable of accommodating a proposal without significant detriment on landscape character or visual amenity. It also requires decision makers to consider the scale and design of a proposal and the extent to which a proposal fully addresses the potential for mitigation.
- 5.2.16. Design considerations have been discussed in the preceding section and are addressed further in EIA-R Chapter 3 and associated figures, which note the extent to which embedded mitigation has been built into the design to minimise the extent of significant landscape effects, having regard to the contents of the Capacity Study.
- 5.2.17. Dealing specifically with the Capacity Study, this is dated June 2017 and forms Appendix C to the wider 'Wind Energy: Development Management Considerations' SG document. To ascertain the extent of compatibility with the Capacity Study, it is first necessary to be clear on where the Site and turbines are located relative to the various landscape character types identified in the Capacity Study. The Site straddles three Landscape Character Types (LCTs), namely:-
- Character Type 4 – Narrow Wooded River Valley. One of the wind turbines is located in this LCT;
  - Character Type 9 – Upper Valley (Dale). The Site access and construction compound are located within this LCT; and
  - Character Type 19a – Southern Uplands with Forest. The remaining 18 wind turbines and most of the associated infrastructure are located within this LCT within the 'Ken' landscape unit.
- 5.2.18. Given that the majority of turbines and infrastructure are located with Character Type 19a, discussion starts on that area. The Capacity Study considers this LCT in terms scale and openness, landform, landcover, landscape context, perceptual qualities and views and visibility. For each topic the Capacity Study concludes that for large turbines (80-150m) the sensitivity is either medium or medium-low. On no topic is this LCT considered to be high or medium-high sensitivity. The Capacity Study notes in section 25.3 that *'capacity for additional development is likely to be very limited within the Ken unit'*, although later commentary in the Table under the 'Views and Visibility' heading confirms that *'There is scope for this typology to be located within the interior of the more extensive landscape units of this character type (Ken, Carsphairn and Eskdalemuir) without widespread significant visual impact occurring due to the sparse population, absence of roads and limited visibility from more settled areas'*.
- 5.2.19. The impacts of the Proposed Development upon this LCT are considered in EIA-R Chapter 8 which concludes that there would be significant effects upon the landscape character of LCT19a, occurring up to 4.5 – 5km from the Site.
- 5.2.20. With regards to LCT 4, the Site is again located within the Ken landscape unit. The Capacity Study states in Section 7.3 that *'there is no scope for turbines over 50m to be accommodated within this character type without significant adverse impacts occurring*

*on key landscape and visual sensitivities'*. The commentary in the Table states that for most topics the sensitivity of the LCT is high-medium with the exception of perceptual qualities or landscape values, which are of a lower sensitivity.

- 5.2.21. While the majority of the turbines and infrastructure would be located outside of this LCT, the assessment presented in EIA-R Chapter 8 acknowledges that there would be significant effects upon the landscape character of LCT14, occurring up to 4.5 – 5km from the Site.
- 5.2.22. There are no turbines located within LCT 9 but EIA-R Chapter 8 acknowledges that indirect and significant effects would extent to this LCT up to approximately 4.5km from the Site. Similar indirect significant effects are predicted upon LCT 18a 'Foothills with Forest', which is located to the south of the host LCT 19a.
- 5.2.23. Overall, therefore, it is acknowledged that the Proposed Development will give rise to some significant impacts upon the landscape character of some of the LCTs identified in the Capacity Study. Not surprisingly, these effects are considered to be significant in relatively close proximity of the Site and beyond 5km effects are deemed to not be significant. The spread of significant effects is therefore relatively localised and is generally consistent with the findings of the vast majority of wind farm landscape assessments which acknowledged the commercial scale wind farm developments will generally give rise to some significant landscape effects. The identification of these significant effects upon local landscape character needs to be considered in the wider assessment of 'acceptability, when all other factors are considered.
- 5.2.24. Furthermore, the Capacity Study is only one of a number of considerations to balance in arriving at a conclusion on the Proposed Development overall. In particular, the contents of the Spatial Framework are relevant as this considers issues beyond just landscape capacity and this is discussed in the later commentary on Part 2 of Policy IN2 and draft LDP2.

#### *Visual Effects*

- 5.2.25. Chapter 8 of the EIA-R considers the visual effects of the Proposed Development from 22 viewpoints (VPs) which are considered to be representative of a range of views towards the Proposed Development. The VPs were selected following an analysis of zone of theoretical visibility mapping (ZTVs) and agreed in advance with Scottish Natural Heritage (SNH) and Dumfries and Galloway Council. The VPs represent a range of receptors including cyclists, walkers, heritage assets, motorists etc and are identified in EIA-R Table 8.4 and associated Figure 8.23. Some of the VPs are located inside the Galloway Hills RSA and are all located within 10km of the Site, with the exception of VPs 17 and 21 which are located slightly further afield at 10.43km and 12.38km respectively.
- 5.2.26. A detailed assessment of the Proposed Development from each VP is set out in EIA-R Appendix 8.3, which considers long term visual effects during the operational phase of the Proposed Development. The assessment considers the baseline view, sensitivity, number of turbines likely to be visible, scope for vegetation and buildings to affect views and finally a concluding comment on the overall significance of the view from each VP.

The findings of the assessment are summarised in EIA-R Table 8.12 which confirms that 15 of the 22 representative VPs are likely to experience significant visual effects of the Proposed Development during the operational phase, as follows:-

- VPs 1 – 7;
- VPs 10 – 12;
- VPs 14 – 16; and
- VPs 19 and 20.

5.2.27. The relatively high proportion of VPs where significant effects are identified is perhaps not surprising given that these are all located within 10km of the Site. It is generally accepted that locations within closer proximity to the turbines are more likely to experience significant visual effects, with the significance of effects generally decreasing as the distance between receptor and turbines increases. Nevertheless, the identification of significant visual effects at these VPs needs to be considered in the overall planning balance, weighing up the sensitivity of the receptors, the duration of the views, any intermittency or disruption of views of the turbines and then considering these issues alongside the socio-economic and environmental benefits of the Proposed Development.

5.2.28. Visual impacts upon core paths, cycle paths and the Southern Upland Way have been discussed previously in relation to paragraph 169 of SPP, which acknowledged that some localised significant effects will arise along certain stretches of these routes (see also EIA-R Figure 8.22 for the location of routes in the vicinity of the Site). EIA-R Chapter 8 also considers potential visual impacts upon users of the local road network which considers that significant visual effects will arise along localised stretches of the B7000, B729, A713 and Lorg Road. These effects are considered to be inevitable due to the proximity of parts of these routes to the Site.

#### *Designated Landscape Effects*

5.2.29. EIA-R Figure 8.4 shows the various landscape designations within 35km of the Site. The Fleet Valley National Scenic Area is located just under 30km from the Site; however, as there is virtually no ZTV coverage with the NSA (see EIA-R Figure 8.7), effects upon the NSA were not considered within the EIA.

5.2.30. Within East Ayrshire, there are two designated Sensitive Landscape Areas (SLA) which are located to the north and north west of the Site, see EIA-R Figure 8.4. The ZTV at Figure 8.7 illustrates that there is very limited ZTV coverage within these SLAs and therefore, no assessment of effects was considered necessary. No further assessment of the Proposed Development upon the East Ayrshire SLAs was undertaken as part of the EIA.

5.2.31. Within Dumfries and Galloway landscape designations are limited to local level RSAs at the Galloway Hills, Thornhill Uplands and Terregles RSAs. Only the Galloway Hills RSA was taken forward for detailed assessment in the EIA as there is virtually no ZTV coverage within the Terregles RSA and there is very limited ZTV coverage within the Thornhill Uplands RSA, restricted to the blade tips of a small number of turbines at distances of over 8 km. For these reasons, only the Galloway Hills RSA was taken forward

for detailed assessment.

- 5.2.32. As the Galloway Hills RSA is the only designated landscape that is considered in detail in the EIA, it is appropriate to also consider Policy NE2 'Regional Scenic Areas' in this part of the Planning Statement. This Policy does not seek to prevent development within RSAs, but requires that the siting and design should respect the special qualities of the area. Proposals within RSAs may be supported by the Council where it is satisfied that the reasons behind the RSA designation (landscape character and scenic interest) would not be significantly affected or there is a locational need for the development such that it could not be located in a less sensitive area.
- 5.2.33. It has already been established that the location of the Site, for the most part, is within a part of Dumfries and Galloway established to be of 'greatest potential' for large typology wind farms. This does not mean that significant landscape impacts will not arise, rather that any impacts that do arise will not directly affect areas noted as requiring 'significant protection', as noted in the LDP Interim Spatial Strategy Map. The location of the Site, partly within the RSA, can therefore be justified in the context of Policy NE2. As regards project specific impacts upon the RSA, the EIA-R acknowledges that some localised effects upon parts of the RSA will arise, generally within a confirmed area of Cairnsmore of Carsphairn and also when looking east to north-east towards the Site from within the RSA, at a distance of up to approximately 8km.
- 5.2.34. Overall, however, the EIA-R concludes that these effects while locally significant will not affect the special qualities of the RSA not the reasons behind its designation. These are the tests set by Policy NE2 in assessing the acceptability of a development within a RSA and it is therefore concluded that the Proposed Development can be positively considered under the terms of Policy NE2 and also the landscape considerations of Policy IN2.

(ii) Cumulative Impact

- 5.2.35. EIA-R Chapter 8 considered the Proposed Development under three cumulative scenarios to ascertain the extent of any landscape and visual impacts (non-landscape and visual impacts are considered where appropriate under subsequent LDP policies), as follows:-
- Scenario 1 – assumes that other consented (but as yet unbuilt) wind farms are operational;
  - Scenario 2 – extends Scenario 1 further to assume that all schemes in planning are also operational with the exception of Longburn (located to the east of the Site); and
  - Scenario 3 – assumes all schemes in planning are operational, including Longburn.
- 5.2.36. For each cumulative scenario, the EIA-R considered effects upon landscape character, visual effects, sequential effects and finally effects upon the Galloway Hills RSA. Each of these scenarios are discussed further in the following paragraphs but for clarity, it is important to confirm that the cumulative assessment did not consider in detail all wind farms within 35km of the Site. As explained in EIA-R Chapter 8, in order to ensure a proportionate and focused cumulative assessment, it was decided to focus the cumulative assessment on those schemes that realistically need to be considered in detail, i.e. those

that have the greatest potential to give rise to significant cumulative effects. This sieving process used the ZTV map presented in EIA-R Figure 8.7, which shows theoretical visibility of the Proposed Development to blade tip. Those other wind farm schemes that were then taken forward for consideration in the cumulative assessments are presented in EIA-R Table 8.13.

- 5.2.37. For Scenario 1, the assessment concludes that for landscape effects, the combined cumulative effects on landscape character would not be significant. The reasoning is that the Proposed Development would not introduce turbines into part of the landscape where they do not exist at present and while the Proposed Development would introduce more turbines into the landscape the overall landscape effects would not be significant. It is noted that the existing operational and consented wind farms at Windy Standard I and II, South Kyle and Benbrack are located in a part of the landscape away from the Proposed Development and the location of the Proposed Development away from this concentration of consented and operational wind farms will not lead to a significant increase in intervisibility of schemes, due to topography and the presence of forestry. It is acknowledged that the operational Whether Hill wind farm is located in relatively close proximity to the Site to the east. Combined visibility with this scheme is acknowledged but it is considered to be generally limited to highest hill summits and therefore the overall extent of cumulative impacts are not significant.
- 5.2.38. In terms of cumulative visual effects for Scenario 1, EIA-R Chapter 8 again concludes that identified impacts upon residential receptors, users of rights of way and the local road network would be no greater than those already considered for the Proposed Development in isolation. As previously discussed, the EIA-R does identify some significant visual effects upon such receptors, but there would be no significant cumulative visual effects for the Scenario 1 schemes, over and above those already identified for the Proposed Development in isolation.
- 5.2.39. Sequential effects of the Scenario 1 cumulative context were considered in relation to the Southern Upland Way, B729, B7000 and the A713. The Proposed Development would be visible from the Southern Upland Way but would be seen in the context of the existing Wether Hill and Windy Standard schemes and would reinforce wind energy as an existing characteristic of this part of the Southern Uplands. Additional cumulative effects upon these receptors would be no greater than for the Proposed Development in isolation, although it is acknowledged that for some receptors e.g. the Southern Upland Way these in isolation effects would be significant for some parts of the route.
- 5.2.40. For road users, cumulative Scenario 1 would not greatly alter the visual outlook of road users of identified routes due to their location further to the north within the Southern Uplands. In isolation significant effects upon road users are identified but the cumulative magnitude of change under Scenario 1 would be low and not significant.
- 5.2.41. For the Galloway Hills RSA, the cumulative Scenario 1 assessment considers that as wind energy developments are already a characteristics of the landscape beyond the RSA, any significant effects would arise solely because of the Proposed Development in its own right and not because of cumulative effects, which are judged to be not significant.

- 5.2.42. Overall, therefore, there are no significant cumulative landscape or visual effects identified for the Scenario 1 assessment.
- 5.2.43. For Scenario 2, the assessment concludes that for landscape effects, the combined cumulative effects on landscape character would not be significant. It is considered that cumulative effects of a medium (but not significant) magnitude would arise with the addition of 'in planning' schemes to the cumulative context; however, these effects would be localised to LCT 19 and the Ken unit of LCT 19a. The 'in-planning' schemes considered under this Scenario are noted to be located within the varied upland landscape where the presence of forestry will help to screen these additional turbines. It is also noted that wind energy development is a characteristic of the Southern Uplands and the introduction of the Proposed Development into the landscape would reinforce this established land use characteristic, rather than introduce a new element into the landscape where there is none at present.
- 5.2.44. For Scenario 2 visual effects, it is again concluded that there would be a medium magnitude of change upon LCT 19 and the Ken unit of LCT 19a. The Proposed Development would lead to some cumulative effects upon views from some properties located within 2km of the Site and it would be seen in combination or succession with other wind farms from Core Paths and other routes to the west and south west of the Site, such as Windy Rig and Windy Standard and its extensions. These cumulative visual effects would not however be significant.
- 5.2.45. The Scenario 2 cumulative sequential assessment considered the same receptors as Scenario 1. For the Southern Upland Way, the EIA-R assessment considers that users of this route would experience significant cumulative effects as the route passes over higher ground. However, these effects would arise without the addition of the Proposed Development to the cumulative scenario and in the context of the other schemes considered, namely Wether Hill Extension, Windy Standard III and Windy Rig, the addition of which would reinforce the visual presence of turbines in the landscape. The addition of the Proposed Development to this Scenario would not noticeably increase the significance of cumulative effects.
- 5.2.46. For users of the B729 and B700 limited intervisibility between various schemes means that the addition of the Proposed Development would not give rise to significant cumulative effects. For users of the A713, it is considered that views of the consented Knockman Hill, existing Blackcraig and proposed Margree turbines would be visible reinforcing the presence of turbines as a characteristic of the landscape and the addition of the Proposed Development at some distance from these schemes would not appear out of character of the area. No significant cumulative effects upon road users are predicted under this Scenario.
- 5.2.47. For the Galloway Hills RSA, the cumulative Scenario 2 assessment acknowledges that the Proposed Development would extend the array of turbines south from the existing cluster at Windy Standard and Afton. This would lead to some moderate effects upon the RSA but these are not considered significant as wind turbines are already seen from the RSA and are an existing characteristic to the north and north east. The EIA-R concludes that due to the schemes already considered under Scenario 1, the addition of

'in planning' schemes under Scenario 2 would not lead to any difference in Scenario 1 cumulative conclusions, which is that no significant cumulative effects upon the RSA are predicted.

- 5.2.48. Overall, therefore, there are no significant cumulative landscape or visual effects identified for the Scenario 2 assessment
- 5.2.49. For Scenario 3, with the addition of the 'in planning' Longburn scheme, EIA-R Chapter 8 concludes that the Proposed Development would reinforce the wind energy characteristics of the landscape and that in longer distance views, the Proposed Development would be seen as an extension to Longburn. The overall additional cumulative effect on landscape character in this Scenario is considered to be no greater than moderate and not therefore significant in EIA terms.
- 5.2.50. For Scenario 3 visual effects with the addition of Longburn, the EIA-R concludes that the Proposed Development would reinforce the presence of turbines in views, rather than introduce turbines into views where there are currently none. Some significant visual effects are however, predicted upon specific visual receptors including properties located within 2km of the Site to the east which will experience views of Longburn and the Proposed Development. Further significant effects are predicted upon properties within the Ken Valley off the B729 in close proximity to the Site. While the cumulative effects of these two schemes would be significant at identified properties, the EIA-R concludes that overall effects would not be so overbearing as to render the properties unattractive places to live.
- 5.2.51. The Scenario 3 cumulative sequential assessment considered the same receptors as Scenario 1. The EIA-R concludes that there would be localised significant sequential effects associated with the Proposed Development alongside Longburn and other consented and proposed schemes. These effects, while significant would be limited to a short section of the B729 only.
- 5.2.52. For the Galloway Hills RSA, the Scenario 3 cumulative assessment concludes that there would be no significant cumulative effects upon this designation. The Proposed Development would appear in close proximity to but separate from Longburn and any significant effects upon the RSA will arise in isolation, as noted earlier in the commentary on Policy NE2.

(iii) Impact on local communities

- 5.2.53. This part of Policy IN2 requires an assessment of proposals on communities and local amenity taking account of matters relating to noise, shadow flicker, visual dominance and the potential for associated mitigation. Each topic is dealt with under the following paragraphs.

*Noise*

- 5.2.54. EIA-R Chapter 14 assesses the noise effects from the Proposed Development upon a number of residential properties shown in Figure 14.6 and also on Figure 14.1. The

assessment did not consider construction noise due to the significant separation distance between the nearest noise sensitive property and the Proposed Development. Therefore the noise assessment concentrated on operational noise from the Proposed Development and also cumulative operational noise from other wind farms.

- 5.2.55. The operational noise assessment considered potential increases in noise against the standards set out in ETSU-R-97 'The Assessment and Rating of Noise from Wind Farms', with the results of background noise monitoring, predicted noise limits and apportioned noise limits (due to noise budget being taken by any other wind farm) all considered in calculating operational noise effects at identified noise sensitive properties. The location of any financially involved properties in the Proposed Development is also relevant in calculating any variation in permissible noise levels.
- 5.2.56. Taking all of these relevant factors into consideration, the assessment presented in EIA-R Chapter 14 concludes that in isolation the Proposed Development meets the noise limits set by ETSU-R-97 for all noise sensitive properties and for all wind speeds, during both day and night times (EIA-R Table 14.13). No specific additional mitigation for operational noise is therefore required and no significant operational noise effects are predicted at any noise sensitive property.
- 5.2.57. The EIA-R Chapter 14 arrives at similar conclusions when cumulative impacts are considered. Cumulative operational noise was considered alongside the Longburn and Windy Rig Wind Farms. Predicted noise levels are calculated to be below the apportioned limits and no significant cumulative noise effects are predicted.

#### *Shadow Flicker*

- 5.2.58. Shadow flicker is considered in EIA-R Chapter 18 which confirms that shadow flicker only occurs as a general rule where the separation distance between a turbine and a receptor is less than 10 times rotor diameter. For separation distances above this distance, shadow flicker should not be a problem. For the purposes of undertaking the shadow flicker assessment, rotors of 117m were adopted for all turbines except for turbines 1 and 3 where shorter turbines are proposed with rotor diameters of 105 metres, Therefore, the shadow flicker study area was 1,170 from all turbines except for turbines 1 and 3, where the separation distance adopted was 1,050m. EIA-R Figure 18.1 shows the shadow flicker study area.
- 5.2.59. As this Figure and EIA-R Chapter 18 confirm there are two properties within the shadow flicker study area at Craigengillan and Craigengillan Cottage. These properties are located 879m and 776m away from the nearest turbine, (turbine 3 in both cases) and were taken forward for a detailed shadow flicker assessment. The methodology adopted for this assessment is set out in EIA-R Chapter 18 but in summary it includes the use of a software computer model to calculate the theoretical maximum duration of shadow flicker at each property based upon turbine locations, hub height and rotor diameter, topography and typical sunshine hours for the this part of Scotland.
- 5.2.60. The computer model provides a worst case scenario as it assumes that there is constant sunshine and shadows are cast every day (in practice this is highly unlikely to happen),

that the turbines are always rotating, that there are no intervening structures to restrict visibility of a turbine and that there are windows on each side of each property that could in theory experience shadow flicker effects. In reality, a lot of these factors are unlikely to occur and the model therefore presents a worst case theoretical calculation of shadow flicker when in reality the actual potential occurrences are likely to be significantly less than the theoretical maximum.

- 5.2.61. The results of the assessment are presented in EIA-R Table 18.2 which reveals theoretical maximum shadow flicker effects for Craigengillan are possible for 46 hours per year and 72 hours per year at Craigengillan Cottage. When local weather conditions and sunshine hours are taken into consideration, the 'likely' hours of shadow flicker at each property is reduced to 14 and 22 hours respectively, although this is still considered to represent an over-estimate.
- 5.2.62. Recognising the potential for shadow flicker at these two properties, the EIA-R notes the requirement for mitigation which can include a variety of measures, but ultimately control at source i.e. shutdown of turbines at times when shadow flicker occurs, is likely to be the most effective. This type of mitigation is tried and tested and used successfully on a number of other wind farms across the UK. With the implementation of mitigation, which can be controlled via a suitably worded planning condition, shadow flicker effects will not be significant and will not adversely affect the amenity of nearby properties.
- 5.2.63. Due to the separation distance between the Proposed Development and Longburn wind farm, it is considered unlikely that cumulative shadow flicker effects would be experienced at either property and cumulative shadow flicker effects were not considered.

#### *Visual dominance*

- 5.2.64. The visual effects of the wind turbines upon residential properties are considered in detail in EIA-R Chapter 8 as part of a Residential Visual Amenity Study (RVAS), included as Appendix 8.4. This study considered the potential visual effects of the Proposed Development upon all properties located within 2km of the wind turbines, including the extent to which any property was visually dominated by the presence of the turbines.
- 5.2.65. There are 13 residential properties within 2km of the proposed turbines, the locations of which are shown on EIA-R Figure 8.24. For each property the RVAS considers a range of factors such as the extent of screening between the property and wind turbines, whether views are direct or oblique, the elevation of the turbines relative to the property, views from inside as well as outside the property (gardens and access roads) and the distances between the property and turbines. An assessment is then made of the potential effects upon visual amenity at each property including the extent to which the turbines would be 'overbearing' and if the property would ultimately become an unpleasant place to live.
- 5.2.66. The RVAS concludes that significant visual effects would arise at two of the properties, namely Craigengillan and Strahanna Farm. These properties are located to the east/north east of the turbines and are located approximately 873m and 1743m away

from the nearest turbine respectively. While the RVAS acknowledges significant effects upon visual amenity at these two properties and/or their curtilage, it is not considered that the identified effects would be overwhelming or overbearing to the extent that the properties would become unpleasant places to live. The distance between the properties and the turbines and the presence of forest screening was a factor in reaching these conclusions about overall visual dominance.

- 5.2.67. The EIA-R acknowledges that there are some scattered properties outside of the 2km RVAS study area where view of the turbines may be possible, mainly to the east, south-east and west. Some significant effects at these properties are identified but the views would not result in the properties becoming unpleasant places to live.
- 5.2.68. Carsphairn is the closest settlement to the Site, located approximately 5km away. Due to this separation distance, it is considered that there would be no concerns with regards to visual dominance on settlements, as defined the LDP Proposals Map.

*Socio-economic benefits*

- 5.2.69. Potential impacts upon communities affected by a wind farm development can be positive, and the Proposed Development is no different. EIA-R Chapter 17 considers the impacts upon the local economy as a result of the Proposed Development, mainly the construction phases, with potential additional job years created discussed under the commentary on SPP paragraph 169. In addition, the Proposed Development will give rise to local benefits through community benefit funding.
- 5.2.70. It is accepted that community benefits are not a material planning consideration but it is worth confirming that the Proposed Development could make an annual contribution to the local community benefit of up to £393,000 (based upon £5,000/MW/annum), which equates to approximately £9,825,000 over the proposed 25-year operational life of the Proposed Development. EIA-R Chapter 17 identifies a number of local projects that have benefited from community benefits funding from other wind farm projects across Dumfries and Galloway as an illustration of the types of projects and organisations that may benefit from the Proposed Development.
- 5.2.71. As EIA-R Table 17.21 demonstrates, some positive (albeit not significant) impacts could arise in terms of local economic impact due the construction and operational phase of the Proposed Development. These factors are material to determination of the s.36 application and have been discussed earlier in relation to SPP paragraph 169, where the economic benefits are quantified. These positive benefits need to be considered in considering the 'acceptability' of the Proposed Development in relation to Policy IN2 and more widely in the overall planning balance.
- 5.2.72. Overall, therefore, in terms of impacts upon local communities, it is considered that potentially significant adverse residual effects are restricted to the potential impacts upon residential visual amenity at two individual residential properties within the RVAS study area. This is a factor that requires to be considered in the wider planning balance, but it is important to note that significant effects are limited to two properties only, there are no significant noise or shadow flicker effects that need to be considered and also that the

nearest population concentration at Carsphairn is over 5km away where significant visual effects are not anticipated to arise. Furthermore, there are local positive economic benefits that will arise through direct and indirect job creation and local spend during the construction and operational phases and well as benefits arising through the community benefit fund.

(iv) Impact on Aviation and Defence Interests

5.2.73. EIA-R Chapter 16 considers aviation interests. The Site is located outside of the Eskdalemuir Statutory Safeguard Area and this matter was not considered further in the EIA. As EIA-R Chapter 16 confirms the Proposed Development was assessed against the full range of military and civil aviation interests including airports and associated navigation and surveillance systems. All modelling and pre-application responses to the Scoping exercise confirm that there will be no significant effects upon either civil or military aviation interests that requires mitigation.

5.2.74. The Site is located within Tactical Training Area 20 where the MOD conducts low flying operations. To ensure there are no effects upon the future low flying operations in this area it will be necessary to provide infra-red lighting on the turbines. This is a standard requirement for many wind farms and can be managed through an appropriately worded planning condition. Subject to compliance with such a condition, no significant effects on aviation or defence interests are likely to arise.

(v) Other Impacts and considerations

5.2.75. This final element of Policy IN2 requires consideration of other factors under the additional subject headings as noted below. With the exception of commentary on tourism and recreational interests, these matters have already been discussed or are discussed in the following commentary on topic specific LDP policies. For tourism and recreational considerations, the assessment is most appropriately undertaken against Policy IN2 and this is considered in the paragraph following the bullet points below.

- Natural and historic environment – impacts upon landscape character have already been discussed in relation to Policy IN2. Impacts upon ecology and ornithology are considered under the 'biodiversity' commentary below while commentary on the historic environment is set out as per the bullet point below;
- Cultural Heritage – see subsequent assessment under Policies HE1 – HE3 and HE6;
- Biodiversity – biodiversity interests are considered below as LDP Policies NE3 'Sites of International Importance for Biodiversity' and NE5 'Sites of National Importance for Biodiversity and Geodiversity' are not considered relevant as the Site is not located within or will not affect any of the designations or species protected by these policies. That does not mean impacts upon ecological features are not a material consideration, rather that impacts require to be considered under the remit of LDP Policy IN2. There is further brief commentary on NE4 'Species of International Importance', in respect of potential impacts on ornithology although this matter is discussed in detail in the paragraph below on 'ornithology'; and

- Forest and woodlands – see subsequent assessment under Policies NE6 – NE7.

5.2.76. The potential impacts of the Proposed Development upon tourism and recreational interests are set out in EIA-R Chapter 17. The predicted economic benefits of the Proposed Development are also assessed in Chapter 17. This assessment considered a range of factors including the socio-economic profile of the area, economic activity and unemployment rates, population projections, the tourism and recreation offering in Dumfries & Galloway including the location of key assets relative to the Site. The assessment also considered published evidence relating to the effects of wind farms on tourism.

5.2.77. With specific regards to tourism and recreational interests, the assessment specifically sought to address two key questions, as follows:-

- Will the proposed development impact on the behaviour of visitors/tourists that use assets? And
- If so, will this change in behaviour result in changes to the spending patterns of these visitors/tourists?

5.2.78. The assessment considered key local and regional attractions such as the Galloway Forest Park, Threave Gardens, Mabie Forest, local golf clubs, Carsphairn Heritage Centre and trails and walking routes in the areas including the Southern Upland Way and other local paths. For each receptor considered, the EIA-R concludes that the significance of the impacts are negligible and not significant in EIA terms, as summarised in Table 17.21.

5.2.79. Potential Impacts were also considered in relation to tourist accommodation. Within 15km of the Site, 24 different types of tourist accommodation were identified ranging from B&Bs, to self catering lodges and hotels. For 23 of these facilities, negligible impacts were identified. For the self-catering facility at River Ken Cottage, which is the closest to the Site, the EIA-R considers that impacts could be positive during the construction phase when demand for accommodation is high and also possibly negative in the longer term, depending upon how prospective tourists would look upon the Proposed Development, which is located approximately 2km away. Overall, the EIA-R concludes that impacts would be low and not therefore significant.

5.2.80. With specific regards to tourism and recreational facilities, therefore, there are no significant effects identified that would give rise to a conflict with this element of Policy IN2.

#### Biodiversity (ecology)

5.2.81. EIA-R Chapter 9 considers the potential impacts of the Proposed Development upon a range of ecological receptors and designations. As Figure 9.1 confirms, there is only one site of (non-avian) nature conservation value within 5km of the Site and no Special Areas of Conservation (SAC) within 10km of the Site. The Cleugh Site of Special Scientific Interest (SSSI) is located approximately 3.5km to the south of the Site and is noted as the '*best example of unimproved lowland neutral grassland in the region*'.

- 5.2.82. EIA-R Table 9.6 notes the range of protected and notable species within the ecological desk study area, which include various species of bats, badger, red squirrel, adder, common frog and common toad. These species were then given further consideration as to whether they should be scoped in or out of further assessment in the EIA, based upon the findings of site specific surveys and the ecological importance of each receptor.
- 5.2.83. A number of the species identified through the desk survey were subsequently scoped out of further assessment because they are considered to be of local or less than local importance or there is no potential for significant impacts from the Proposed Development. The results of this exercise are presented in EIA-R Table 9.9, which confirms that all species and designations were scope out of further assessment with the exception of bats and otters. These two species were taken forward for further assessment and potential impacts considered during the construction, operational and decommissioning phases.
- 5.2.84. Impacts of the Proposed Development upon bats and otters are considered in the following paragraphs:-
- **Bats** – construction phase impacts upon bats may arise as a result of the forest felling and habitat displacement and roost loss. EIA-R Chapter 9 confirms that bat activity across the Site was low, due to the lack of optimal foraging habitats. Furthermore, no bat roosts were recorded within the Site or surrounding area. The clearance of woodland for the Proposed Development may reduce the short term value of these habitats for bats, but the extent of effects is considered to be small in scale and limited to the Site population only. Effects would be temporary and of a low magnitude and not significant in EIA terms. While there were no bat roosts discovered during surveys, the scale of felling may result in the removal of a very small number of unrecorded isolated features with bat roost potential. Such impacts, whilst unlikely, would be permanent but of low magnitude and not significant in EIA terms.
  - During the operational phase, accidental bat mortality may occur through collision with moving turbine blades. The potential for this has been mitigated through the design of the Site by ensuring that there is a minimum 50m separation distance between the edge of high value bat habitats and turbines, e.g. riparian features and forest edges. Although the risk of turbine bat mortality cannot be ruled out entirely, effects are considered unlikely to occur and no significant effects upon bats are predicted.
  - Overall, no significant impacts upon bats through any stage of the Proposed Development are identified in the EIA-R.
  - Otters – otter were recorded within the Site on the Craigengillan and Black Burns. During construction, otters may be affected by construction works through noise and vibration and additional traffic generation, which may lead to disturbance of commuting or foraging otters. As there is suitable otter habitat within and adjacent to the Site, any impacts from disturbance are considered to be reversible

of low magnitude and not significant. There is a risk of traffic collision and otter fatality during construction works, especially at the watercourse crossings where otters commute and forage. EIA-R Chapter 9 considers that any impacts are of low magnitude and would not be significant due to the temporary nature of the works.

- During the operational phase, impacts upon otter are considered to be limited. The only potential conflict with otter activities would arise as a result of operational maintenance of turbines, and this is considered to be unlikely (and therefore not significant) given the infrequent nature of these activities.

5.2.85. In terms of ecology, protected species and general biodiversity the EIA-R is clear that the Site is not especially sensitive. A number of identified ecological interests were scoped out of detailed assessment in the EIA due to local interest only or no potential for significant effects. Only two species were taken forward for further assessment and the EIA-R concludes that no significant residual effects are identified upon either bats or otters. Therefore the Proposed Development is considered acceptable in terms of the biodiversity objectives of Policy IN2.

5.2.86. The same conclusions can also be drawn in respect of Policy NE4 'Species of International Importance'. This Policy states that proposals likely to have an adverse effects upon such species will not be permitted unless specified criteria can be addressed. As there will be no significant effects upon any species of international importance, the Proposed Development is consistent with Policy NE4 objectives.

*Biodiversity (ornithology)*

5.2.87. The Site is not adjacent to any statutory designated site for ornithological interest and there are no such sites within 10km of the Site. The closest site for ornithological interests is the Loch Ken and River Dee Marshes Special Protection Area (SPA) located approximately 13km south of the Site, which supports wintering populations of Greenland white-fronted goose and greylag goose. The potential effects of the Proposed Development on the SPA was scoped out of the EIA because of the lack of connectivity between the Site and the qualifying interests of the SPA.

5.2.88. Given these factors, it is not considered necessary to assess the Proposed Development against LDP Policies NE2 'Sites of International Importance for Biodiversity'. As there is no ornithology specific LDP policy, the potential impacts of the Proposed Development are considered under the 'biodiversity' section of LDP Policy IN2 and Policy NE4 'Species of International Importance'.

5.2.89. The ornithological impacts of the Proposed Development are set out in EIA-R Chapter 10. This Chapter confirms the various bird species that were recorded within the Site and wider Study Area (see Chapter 10 Figures for defined areas) and then explains the basis on which species were either scoped in or out of further assessment. Table 10.7 identifies those species of high nature conservation importance that could be potentially affected by the Proposed Development, which are:-

- Goshawk;
- Red Kite;
- Hen Harrier; and
- Osprey.

5.2.90. Each of these species was taken forward for further assessment considering potential impacts during the construction, operational and decommissioning phases. Construction impacts were considered in terms of disturbance to breeding birds, disturbance of foraging birds and finally the impacts of direct habitat loss. For all species, the EIA-R concludes that impacts arising from various construction activities would not be significant. The potential impacts of construction works on Goshawk hunting is unknown but based upon knowledge of the behaviour of this species, the EIA-R considers that at worst Goshawks may be temporarily displaced to hunt elsewhere during construction activities. These effects are not considered to be significant.

5.2.91. During the operational period, potential impacts may arise from displacement and/or collision risk. No signs of breeding activities near to turbines were recorded for Red Kite, Hen Harrier and Osprey. It is acknowledged that potential Goshawk nesting habitat will be lost as a result of tree felling activities; however, impacts are considered to be of negligible significance on Goshawk nest sites at the NHZ population levels and are not therefore significant in EIA terms.

5.2.92. As flight activity for all species was recorded within the 500m buffer from the Site, a collision risk assessment was carried out for each species, and is included as Appendix 10.2 of the EIA-R. The findings of the collision risk assessment for each species are summarised in EIA-R Chapter 10 which confirms that for each species effects are not significant

5.2.93. The EIA-R also concludes that there would be no significant effects associated with decommissioning activities or any cumulative effects that need to be considered. Overall, therefore, there are no significant effects upon ornithological features that would give rise to a potential conflict with the biodiversity aims of Policy IN2 or any species protected by Policy NE4.

#### Policy IN2 – Part 2 Spatial Framework Appraisal

5.2.94. Policy IN2 Part 2 states that the Part 1 considerations will be applied in the context of the Council's Interim Spatial Framework which sets out areas of greatest potential for wind energy development in Dumfries and Galloway as well as areas of significant protection, cumulative sensitivity zones and other areas where potential constraints may apply but there is the potential for mitigation.

5.2.95. The Interim Spatial Framework for wind turbine developments over 80m to blade tip is included as Map 9 in the LDP and is reproduced on the following page as Figure 2, with the proposed wind turbines shown for context. The pre-amble to Policy IN2 makes it clear that the Spatial Framework has the status of 'interim guidance' because during the LDP Examination it was concluded that some refinement to the Spatial Framework was required to ensure it properly reflects the requirements of the SPP Spatial Framework.

This work has been carried out and the Council's proposed replacement Spatial Framework is discussed later in the Planning Statement under the commentary on draft LDP2.

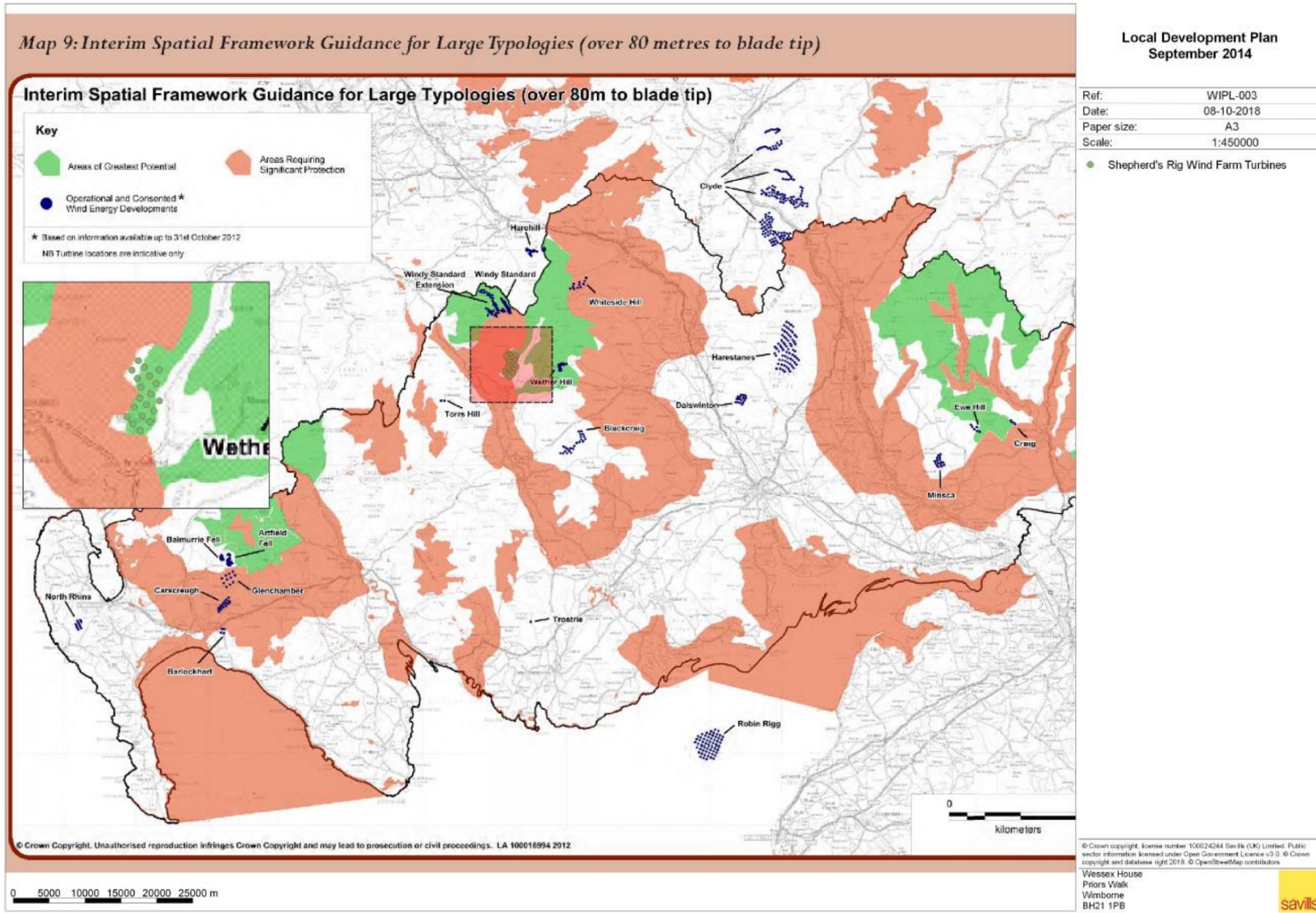
- 5.2.96. As noted, earlier in the SPP commentary on the presumption, the fact that the Spatial Framework is not SPP compliant means that the presumption in favour becomes a significant material consideration in this application and that the 'tilted balance' in favour of the application applies.
- 5.2.97. Notwithstanding these comments, as the Interim Spatial Framework extract shows, most of the turbines are located within a part of Dumfries and Galloway defined as an '*area of greatest potential*' for large wind turbines. Three of the turbines are located just outside this zoning but none are located within any areas defined as '*areas requiring significant protection*'. It is clear therefore that the Site is situated for the most part in an area of Dumfries and Galloway considered to offer the greatest potential for large typology turbines, according to the LDP Interim Spatial Framework. This is testament to the Applicant's considered approach to site selection and while it is recognised that a more detailed assessment of the individual merits of an application is required, the Applicant concurs with the commentary in Policy IN2 that these areas are '*free from significant constraint*' and it is noted that proposals for large turbine typologies in these locations '*will be supported subject to detailed assessment*'.
- 5.2.98. While three of the turbines are located outwith the '*area of greatest potential*', they are not located in a particularly sensitive area and Part 2 of Policy IN2 considers that while potential constraints apply to these locations, there is the potential for mitigation. Overall, therefore, the Proposed Development can draw support from the Interim Spatial Framework and the detailed findings of the EIA do not suggest that there are any unacceptable significant constraints at this Site that would otherwise suggest this location is not suitable for a large typology wind farm development.
- 5.2.99. Detailed commentary on other policy issues is set out in the following paragraphs including commentary on the RSA. Part 2 of Policy IN2 states that proposals affecting RSAs should be assessed against the objectives of the designation and demonstrate the extent to which these can be addressed. As EIA-R Chapter 8 confirms, 5 turbines are located within the boundary of the RSA designation and the potential effects of the Proposed Development upon this designation have been discussed earlier in relation to both Policies IN2 and NE2, the latter of which relates specifically to RSAs. While some significant effects are noted, overall it is concluded that the special qualities of and reason behind the RS designation would not be compromised.

#### *Conclusions on Policy IN2*

- 5.2.100. Policy IN2 is wide in scope and sets the various environmental and technical considerations that need to be addressed in considering wind energy applications. As the preceding policy assessment demonstrates, the Proposed Development gives rise to significant environmental effects upon some interests including landscape character, visual impacts and the visual amenity of a small number of residential properties.

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- 5.2.101. Of particular relevance to any conclusions on Policy IND2 is the location of the Site relative to the Interim Spatial Framework for Wind Farms. As Figure 2 demonstrates, the Site is located in an '*area of greatest potential*' for wind farms in Dumfries and Galloway and this is a significant material factor in support of the application. It is recognised that the Council has produced a draft updated Spatial Framework as part of its work on LDP2, and this is discussed later, but as that more recent Spatial Framework shows, the Site continues to be located in an area '*where wind farms are likely to be acceptable*'. In broad spatial terms, the Site continues to be situated in a location that the Council considers acceptable for large scale wind farms, a point on which the Applicant draws considerable support backed also by the '*tilted balance*' in favour of the application courtesy of the SPP presumption.
- 5.2.102. When all criteria are considered, it is concluded that the Proposed Development does comply with the terms of Policy IN2. Some significant environmental effects are acknowledged but these are considered acceptable in the wider planning balance and do not lead to a conflict with Policy IN2.

Figure 2



## Overarching Policies

5.2.103. Policy OP1 'Development Considerations' sets out a range of key considerations that the Council will take into account when assessing applications irrespective of land use. The Policy sets out a range of considerations under seven headings, many of which have already been discussed in depth as part of the appraisal against IN2 as the principal wind energy LDP policy. For completeness, Policy OP1 is considered in the following paragraphs, but in the interests of proportionality, policy commentary is restricted to directing the reader to where the subject matter has already been dealt with under Policy IN2 or later in topic specific planning policies.

5.2.104. Policy OP1 requires proposals to be assessed in relation to :-

- General Amenity – this covers issues relating to noise and vibration, odour and fumes, loss of privacy on properties, emissions from dust, smoke and environmental pollution to water soil or air and finally light pollution. Where relevant, these issues have been discussed in relation to Policy IN2, with the exception of commentary on environmental pollution which is discussed later in relation to Policies NE11 and NE12;
- Historic Environment – see later commentary on Policies HE1, HE3 and HE4;
- Landscape – see previously detailed commentary on landscape on Policy IN2 and NE2 on RSAs;
- Biodiversity and Geodiversity – see previous commentary on Policy IN2 under the 'biodiversity' heading;
- Transport and Travel – seeks to ensure that development avoids or mitigates any adverse impact on the transport networks or road safety; see later commentary on Policies T1 and T2;
- Sustainability – This policy criteria deals with matters relating to sustainable economic growth, impacts on water, making efficient use of land, integrating with existing infrastructure where possible etc. These issues have either already been addressed under the commentary on Policy IN2, SPP (paragraph 169) or in the following commentary on subject specific LDP policies. In summary, there are no significant adverse environmental effects upon any of the receptors identified in this part of Policy OP1 and the Proposed Development can draw support from the presumption in favour outlined in SPP; and
- Water Environment – seeks to ensure that development maintains or enhances water quality and seek to contribute positively to the general environmental quality of the area; see later commentary on Policies NE11 and NE12.

## Ornithology

As discussed under the 'biodiversity' commentary on Policy IN2, there are no significant effects upon bird species arising as a result of the Proposed Development and no policy conflicts are identified, as noted in the earlier commentary on Policy IN2 and NE4

## Cultural Heritage

5.2.105. EIA-R Chapter 11 'Cultural Heritage' presents an assessment of the potential effects of

the Proposed Development on the historic environment and cultural heritage. The assessment considered designated assets such as Scheduled Monuments, Listed Buildings and Conservation Areas as well as undesignated assets, some of which may be recorded in the Historic Environment Records (HERs) or Sites and Monuments Records (SMRs).

- 5.2.106. The assessment considered potential direct and indirect impacts (e.g. those that may affect setting) and considered the construction, operational and decommissioning phases. Potential impacts were considered within a Core Archaeological Area which corresponds to the extent of the Site plus a 1km boundary as well as a 10km study area for the consideration of impacts upon setting.
- 5.2.107. There are no Conservation Areas within the 10km study area and therefore potential impacts upon Conservation Areas were not considered in the EIA. As such, LDP Policy HE2 'Conservation Areas' is not considered relevant. Similarly, there are no Inventoried Gardens and Designed Landscapes within the Core Archaeological Area or the 10km study area and as such LDP Policy HE6 'Gardens and Designed Landscapes' is not considered relevant.
- 5.2.108. There are a number of Listed Buildings, Scheduled Monuments and identified Archaeologically Sensitive Areas (ASAs) within 10km of the Site and Policies HE1 'Listed Buildings', HE3 'Archaeology' and HE4 'Archaeologically Sensitive Areas' are of relevance.
- 5.2.109. Within the 10km Study Area, there are 37 Listed Buildings of which 11 are considered to be potentially affected by the Proposed Development, see EIA-R Table 11.6. There are no Listed Buildings within the Site and therefore the EIA was concerned with assessing potential impacts upon the setting of these receptors only. Policy HE1 states that in considering proposals that may affect the setting of a Listed Building, a number of criteria will require to be satisfied and that the use proposed is '*appropriate to the character and appearance of the listed building and its setting*'.
- 5.2.110. The subsequent assessment of the Proposed Development against the Listed Building receptors identified in Table 11.6 confirmed that while there would be visibility of some of the turbines from most of the receptors, no significant effects would arise upon their respective settings and the Proposed Development is therefore consistent with the objectives of Policy HE1.
- 5.2.111. Policy HE3 states when considering proposals that could affect archaeology, the Council will need to be satisfied that the development preserves or enhances the appearance, fabric or setting of the site/asset. Where there is uncertainty about the location of an asset, a scheme of assessment and evaluation is proposed and finally that due consideration has been given to the significance and value of the site or asset in considering the need for and location of the development proposed. This Policy therefore relates to cultural heritage assets that are not otherwise protected by other LDP policies, specifically Scheduled Monuments and non-designated features not otherwise located within the ASA, to which Policy HE4 applies.
- 5.2.112. EIA-R Chapter 11 confirms that there are three Scheduled Monuments (1043, 1095 and

2238) within the Core Archaeological Study Area, one of which is located within the Site, Craigengillan Cairn (2238) located approximately 125m from the nearest turbine (T7). EIA-R Figure 11.1 shows the location of other non-designated heritage assets, two of which are considered to be of national importance (MDG 3944 and MDG 3956). During the construction phase, the EIA-R concludes that no direct physical effects are predicted upon any designated or non-designated heritage asset within the Site. There is considered to be limited potential for further unknown archaeology within the Site, and any remains are considered to be of local importance only. To cater for circumstances where unknown archaeology is encountered during construction works, mitigation in the form of an archaeological written scheme of investigation is proposed that could be secured through planning condition. With this in place and given the absence of identified impacts during the construction works upon known archaeology, there is no conflict with Policy HE3.

5.2.113. During the operational phase of the Proposed Development, EIA-R Chapter 11 identifies the potential for a significant in isolation effect upon Craigengillan Cairn Scheduled Monument only. For all other Scheduled Monuments and non-designated assets within the 10km Study Area, the EIA-R concludes that no significant in isolation effects upon setting would arise, except for one asset within the Stronefreggan ASA which is discussed under Policy HE4 below.

5.2.114. Craigengillan Cairn is located within an overgrown clearing and surrounded on all sides by managed woodland; however, felling plans indicate that the coup within which the cairn is located is due to be felled between 2019 and 2023. In such an event, all of the turbines will be visible to the south, west and north. An indicative visualisation is presented as a wireframe at Figure 11.3.

5.2.115. The EIA-R acknowledges that views of turbines would result in a considerable change in setting of the Cairn, resulting in a significant impact. The EIA-R suggests that a programme of planting using native species could be undertaken around the Cairn to recreate the existing setting, as far as practicable. This planting will take time to mature and significant effects upon the setting of the Cairn would remain in the short to medium term. However, the assessment presented in EIA-R Chapter 11 concludes that once established the planting will provide effective screening for the majority of the development, with the exception of the tips of the closest turbines. However, the EIA-R considers that the final effect once the planting is established is minor and not significant in EIA terms.

5.2.116. Overall, therefore, it is established that in isolation the Proposed Development will not have any significant direct or indirect impacts upon cultural heritage interests protected under Policy HE3. Indirect impacts upon Stroanfreggan Fort and Little Auchrae medieval settlement, are discussed in the context of Policy HE4).

5.2.117. Consistent with the requirements of Policy HE3, the Applicant has given consideration to the significance and value of Craigengillan Cairn in the EIA and put forward mitigation which will, over time, reduce the significance of identified effects. Not all impacts upon the setting of the Cairn will be mitigated in the short to medium term and this needs to be considered in the wider planning balance in determining the acceptability of the

scheme in the round (see Section 7).

5.2.118. The cumulative assessment set out in EIA-R Chapter 11 concludes that significant cumulative effects with Longburn wind farm would arise on the setting of Craigengillan Cairn, Stroanfreggan Fort (SM1093) and Little Auchrae medieval settlement (MDG 11404). This is due to the degree to which these receptors would be enclosed by the Proposed Development to the west and Longburn Wind Farm to the east. In addition, should a cumulative scenario emerge which includes the Proposed Development, Longburn and Cornharrow, then a significant in addition cumulative effect upon the setting of Stroanfreggan Fort would arise. On this point, there is a minor conflict with an element of Policy HE3 that needs to be considered.

5.2.119. LDP Policy HE4 states that the Council will support development that safeguards the character, archaeological interest and setting of ASAs. As EIA-R Figure 11.2 shows, there are three ASAs within the 10km Study Area, as discussed below:-

- **Stroanfreggan ASA** – is located to the immediate west of the Site and is denoted as having several sites as being of national importance. These features include the remains of clearance cairns, a cairn, a burnt mound, a medieval farmstead and field system, all of which are assessed in detail in EIA-R Chapter 11. These assessments acknowledge that there will be visibility of the turbines and that the Proposed Development will introduce a strong industrial element into the landscape; however, for each receptor within the ASA, effects are considered as being not significant with the exception of Little Auchrae/Scalloch. This feature represents a medieval farmstead and field system which is located approximately 900m from turbine 11. The Proposed Development will change the character of the landscape in which this asset is situated leading to a moderate and therefore significant effect;
- **Garryhorn-Bardennoch ASA** – is located to the west of the Site approximately 4km from the nearest turbine. The Proposed Development will be visible from this ASA but it would not prevent an understanding of the assets within the ASA and no significant effects upon any ASA asset are identified in the EIA-R; and
- **Polharrow ASA** – this ASA is located approximately 6.5km to the south east of the nearest turbine and covers a number of non-designated heritage assets that represent the remains of former settlements and enclosures. While the proposed turbines will be visible from parts of the ASA, it is not considered to jeopardise these assets and no significant effects are predicted.

5.2.120. The Proposed Development will only have a limited and indirect effects upon one single interest within the three ASA considered in the EIA-R, the medieval farmstead and field system at Little Auchrae/Scalloch. This effect cannot be mitigated and consideration will need to be given to the overall significance of this effect but it would not be so significant as to compromise the wider ASA designation, as all other ASA interests would not be significantly affected by the Proposed Development.

## Forestry and Woodland

- 5.2.121. The Proposed Development requires the felling of some commercial forest plantation to make way for the wind turbines and associated infrastructure. Policies NE6 'Forestry and Woodland' and NE7 'Trees and Development' are relevant to the Proposed Development due to the forest felling proposed and also because of the need to ensure compensatory planting is provided to compensate for the net loss of the total wooded area, when compared to the baseline restocking plan.
- 5.2.122. EIA-R Chapter 7 provides details of the felling proposals and how these relate to the existing forest felling plan. Table 7.10 shows that as a result of the Proposed Development, there would be 61.1ha less area of woodland across the Site, when compared to the stocked area under the baseline restocking plan (see Figure 7.5 and 7.7 for a comparison between baseline stocking and wind farm restocking plans for comparison).
- 5.2.123. It is recognised that off-site compensatory planting will be required to ensure that this net on Site loss of woodland is replaced and the Applicant is committed to undertaking this compensatory planting and will liaise with the Council and Forestry Commission Scotland (FCS) to agree the most appropriate location for and composition of this planting to ensure it delivers not only the required area of tree planting but that the species mix is appropriate to the area, seeks to maximise ecological benefits and where appropriate seeks to deliver recreational benefits too.
- 5.2.124. Policy NE6 states that in determining its response to individual forest felling proposals, the Council will consult with the FCS and will consider a range of factors including the location of planting, the type of planting proposed, opportunities for ecological gain and recreational benefit. Policy NE7 adds to Policy NE6 and states that where replacement planting is proposed as part of a development, then it should be located within the region where possible and follow the guidance contained within the Council's Woodland and Forestry Strategy.
- 5.2.125. The requirement for compensatory planting can be controlled through the imposition of a planning condition on any permission that may be issued or, if necessary, a legal agreement. Such a condition could be negatively worded such that the Proposed Development may not commence unless and until a compensatory planting scheme has been agreed with the Council and FCS. Subject to further consideration of this issue, it is considered that the Proposed Development can deliver the appropriate scale and mix of compensatory planting required to ensure consistency with Policies NE6 and NE7 of the LDP.

## Transport

- 5.2.126. The effects of the traffic generation associated with the Proposed Development are set out in EIA-R Chapter 15. This Chapter provides information on the study area, the existing baseline traffic within the study area (see EIA-R Table 15.5) and considers the potential significance of additional traffic upon a variety of receptors including local residents, all users of the construction traffic routes (including pedestrians) and considered matters such as driver delay, pedestrian delay, pedestrian amenity, fear and intimidation and accidents and safety.
- 5.2.127. The Proposed Development is most likely to have an impact on the road network during the construction phase when turbine components and other materials are delivered to Site. The traffic visiting the Site will be a mixture of cars and vans for employees, HGVs for materials and Abnormal Indivisible Loads (AILs) for turbine components.
- 5.2.128. LDP Policy T1 'Transport Infrastructure' states that development which involves a direct new access onto the regional road network should not, individually or incrementally, materially reduce the level of service of a route. Furthermore, LDP Policy T2 'Location of Development/Accessibility' requires development proposals to consider accessibility issues early and to encourage, when possible, a modal shift from the private car. Given the nature of development under consideration, it is necessary to transport turbine components and construction materials to the Site by HGVs and AILs and the focus of Chapter 15 is therefore on assessing the impacts of this additional traffic upon various road users and other factors.
- 5.2.129. The EIA-R assumes that turbine components will be delivered at the Port of Ayr and travel to site from there via the route outlined in EIA-R Figure 15.1. A detailed assessment of the AIL route, including swept path analysis, is set out in Appendix 15.1.
- 5.2.130. The construction period for the proposal is anticipated to be 21 months and Figure 15.4 provides a breakdown of the average construction traffic profile for each month, with a daily average. This reveals that the highest traffic movements will occur in Month 12 when imported material for construction of the access tracks and concrete for the turbine foundations will be imported and well as wind turbine components themselves. Assuming a 26 day working month, these peak movements will result in an average of 173 daily movements (87 inbound and 86 outbound) when concrete delivery occurs. On days when no concrete deliveries occur, 61 daily vehicles movements are expected.
- 5.2.131. The impacts of this additional traffic generation were considered in detail having regard to existing traffic volumes, projected traffic growth, the sensitivity of the proposed route to Site and accident statistics along the route. All effects were considered to be not significant with the exception of impacts upon pedestrian amenity at schools in Carsphairn, Dalmellington and Patna. Due to the sensitive nature of these receptors, it is considered that effects of construction traffic on pedestrian amenity (principally students walking to and from school) would be significant due to the absence of footways along the affected roads (except where these pass through settlements).
- 5.2.132. In order to mitigate these potential effects, it is proposed that a detailed Traffic

Management Plan (TMP) would be developed (as is often the case with wind farm proposals) and this would include specific measures to mitigate the identified effects at these locations including but not limited to:-

- As far as reasonably possible, deliveries should be scheduled outside of school opening and closing times;
- Drivers of all delivery vehicles are to be made aware of the presence of schools during their induction and that formal pedestrian crossings are not available; and
- Drivers to be made aware of 20mph speed limits and their operation during school opening and closing times. Drivers will be made aware that strict adherence to these speed limits is expected.

5.2.133. Subject to the adoption of these mitigation measures via a TMP (secured via a condition), the EIA-R concludes that no significant residual effects are anticipated in respect of traffic and access issues and no significant cumulative effects are predicted either.

5.2.134. There are therefore no conflicts with the aims and objectives of Policies T1 or T2 of the LDP.

### **The Water Environment**

5.2.135. Various subsections of Policies IN2 and OP1 refer to the need to consider impacts upon the water environment. Policies NE11 and NE12 seek to specifically protect the water environment from the adverse effects of development proposals, including the avoidance of culverts if possible. The tests set by these Policies include the need to consider potential impacts upon Drinking Water Protection Areas and Policy NE11 makes it clear that where adverse effects cannot be avoided or mitigated, the development will not be permitted.

5.2.136. Policy IN7 'Flooding and Development' is also relevant to this topic and this Policy states that the avoidance principle is the most sustainable form of flood management. The Policy also confirms that where a proposal could lead to an unacceptable flood risk, then it will not be permitted.

5.2.137. Policy IN8 is also relevant and this states that sustainable drainage systems (SuDS) will be required for all proposals as a means of treating water and managing flow rates. Consistent with this Policy, the Proposed Development incorporates SuDS to attenuate run-off.

5.2.138. EIA-R Chapter 13 considers the potential impacts of the Proposed Development on hydrology and hydrogeology, including private water supplies (listed in EIA-R Table 13.6). The assessment considered potential impacts during the construction, operational and decommissioning phases arising from a range of activities and considered potential impacts arising from chemical pollution, erosion and sedimentation, changes in groundwater interflow patterns, acidification of watercourses, increased runoff and flood risk.

5.2.139. EIA-R Chapter 13 is supported by Appendix 13.1 which is an outline Construction

Environment Management Plan (CEMP) which identifies measures to be adopted by the Applicant and its contractors during construction works to ensure risks to the water environment are managed and mitigated as much as possible. The outline CEMP therefore forms part of the embedded mitigation proposed by the Applicant and is a commonly used document on wind farm projects which would be developed further should permission be granted to ensure that good practice measures are built into the terms of any deemed planning permission.

5.2.140. For each receptor and for all stages of the Proposed Development, the EIA-R concludes that all environmental effects would be negligible at most and not significant in EIA terms. Table 13.9 provides a summary of the effects on the water environment which also confirms that no further mitigation, beyond embedded mitigation incorporated into the Site layout and outline CEMP, is required as all effects are not significant. Given these findings, it is considered that the Proposed Development is consistent with the requirements of Policies NE11 and NE12.

5.2.141. In terms of flood risk and Policy IN7, the EIA-R confirms that no construction compounds, substations or met masts are located within areas with a 0.5% or greater annual risk of flooding. It is noted that turbines 3 and 5 are located in close proximity to areas described as having a 0.5% or greater annual flood risk from surface water. The Site design has incorporated a buffer zone of 50m between watercourses and turbine bases meaning that any overtopping of watercourses is unlikely to reach the turbines

5.2.142. It is acknowledged that small areas of the access tracks are located within areas described as having a 0.5% or greater annual flood risk from pluvial sources. However, given the small area affected which relates to existing access tracks only, it is considered unlikely that pluvial flood water would be displaced by the Proposed Development. Overall, the EIA-R concludes that the Proposed Development is not at risk of flooding and is unlikely to contribute to the displacement of pluvial flood water. As such, it is considered that the Proposed Development is consistent with the aims and objectives of Policy IN7.

### **Peat**

5.2.143. Policy ED16 'Protection and Restoration of Peat Deposits as Carbon Sinks' recognises the role that natural carbon sinks play in retaining carbon dioxide. The Policy seeks to safeguard and protect peat deposits not already subject to protection under nature conservation designations. The Policy does not seek to prevent development in areas of peat deposits, and it specifically notes that in relation to renewable energy developments these will be supported where it can be demonstrated (using the Scottish Government's carbon calculator) that the balance of advantage in terms of climate change lies in favour of the development proceeding.

5.2.144. Potential impacts upon peat resources are considered in EIA-R Chapter 12 'Geology and Peat'. This is supported by various appendices including a peat slide risk assessment (PSRA) (Appendix 12.1), outline peat management plan (Appendix 12.2) and a carbon balance calculation, using the Scottish Government's tool.

5.2.145. The Site design and PSRA were informed by peat probing and infrastructure has been placed where possible to avoid areas of peat within the Site. As EIA-R Figure 12.5 shows, the only areas affected by deep peat are as follows:-

- Turbines 4 and 8 are located in areas where peat depths in excess of 3.0m were recorded;
- Turbine 16 is in an area where peat depths reach 4.5m; and
- Turbines 6 and 10 are located in areas of peat depths greater than 1.0m.

5.2.146. The PSRA concludes that there are no significant risks associated with peat slide given the relatively low depths of peat and the shallow slopes for most of the infrastructure. The adoption of best practice measures during construction works as outlined in the CEMP will minimise risk of peat slides and no significant effects are predicted.

5.2.147. Significant effects are, however, predicted as a result of peat disturbance in some areas of localised deep peat pockets, as noted above. Data available from peat probing indicates that these turbines could be micro-sited to within 75m of the original location which would significantly reduce the impact on peat and peaty soils. Subject to the implementation of these mitigation measures, the EIA-R concludes that there would be no significant residual effects upon peat resources. This is considered to be consistent with Policy ED16.

5.2.148. As regards the carbon balance assessment, the Carbon Calculator notes that approximately 9,500 tCO<sub>2</sub>e would be released from organic soil matter during construction. When other emissions are calculated as a result of the manufacture of turbines, a carbon payback period of at best 0.7 years is predicted when compared to a coal mix generation and at worst 2.2 years when compared to a grid mix generation.

#### **Wind Energy Development: Development Management Considerations, Supplementary Guidance, June 2017**

5.2.149. The above SG is statutory SG which forms part of and has the same weight as the LDP. The purpose of the SG is to provide further detail on the criteria contained in Part 1 of LDP Policy IN2 'Wind Energy'. The SG provides detailed commentary on the range of development management considerations that will need to be assessed in the determination of wind energy proposals all of which have already been discussed in detail either in relation to Policy IN2 or topic specific LDP policies. There is therefore no need to revisit these considerations in detail again here and overall conclusions about the extent of compliance with the Development Plan are set out below.

5.2.150. The Capacity Study and its commentary on the scope for additional wind turbines development is discussed previously in relation to Policy IN2 and also in EIA-R Chapter 8. It is, however, worth briefly noting that in Table 4, the Capacity Study identified LCT19a (where most of the turbines are located), as being one of only 5 LCTs across Dumfries and Galloway which 'are likely to be suitable for larger turbines' and were then taken forward for detailed sensitivity assessments for the very large typology (over 150m to tip height). Clearly, the individual merits of an application need to be considered on a case by case basis, but this acknowledgment in the Capacity Study coupled with the

location of this site in preferred locations within the Interim Spatial Framework combine to illustrate that the Site is situated in a part of Dumfries and Galloway suitable, in principle, for a development of this nature and scale.

#### Development Plan Conclusions

- 5.2.151. Policy IN2 'Wind Energy' is the most relevant LDP policy to this s.36 application. As a consultee, rather than the determining body for this application, the contents of policy IN2 will no doubt heavily influence the Council's consultation response.
- 5.2.152. This Planning Statement has established that the Site is located mainly within an area described as '*of greatest potential*' for large typology wind farms in the Interim Spatial Framework that forms part of Policy IN2. While this zoning does not mean that all wind farm applications in these areas will be approved it is a significant factor to consider when balancing the benefits and environmental impacts in coming to conclusions about the overall 'acceptability' of the Proposed Development.
- 5.2.153. The assessment of the Proposed Development against the detailed policy criteria of Policy IN2 and other LDP policies confirms that some significant environmental effects will arise. These are generally localised and/or will affect a small number of receptors only, however, it is acknowledged that significant environmental effects will arise upon landscape character, the RSA, visual impacts including upon residential amenity and some stretches of paths and cycle routes and impacts upon the setting of some cultural heritage receptors. The acknowledgement of such significant environmental effects is not however unusual for a commercial wind farm proposal nor do they equate to a policy conflict to the extent that this Proposed Development is considered to be in conflict with the Development Plan.
- 5.2.154. On the other hand, there are no significant effects upon national or international landscape or natural heritage designations, no significant impacts upon species of international importance, no aviation or telecommunication impacts that cannot be addressed, no significant impacts upon the water environment and no direct impacts upon archaeology or cultural heritage resources. Furthermore, the EIA-R did not identify any significant effects relating to noise, shadow flicker, traffic or access matters that cannot be mitigated.
- 5.2.155. There are considered to be positive socio-economic impacts for the local and national economy especially during the construction period and there are no predicted significant effects upon tourism or recreation resources, except for potentially one receptor.
- 5.2.156. The key benefit of the Proposed Development relates to the significant and positive contribution it will make to Scottish Government GHG reduction and renewable energy targets which include the generation of up to 84.6MW of renewable electricity, the integration of a battery storage facility to improve operational efficiency of the wind turbines and the displacement of approximately 1.94 million tCO<sub>2e</sub> that would otherwise be emitted from a fossil fuel mix of electricity. These significant benefits must be considered in drawing conclusions about the overall 'acceptability' as required by policies IN1 and IN2.

5.2.157. When all material factors are considered, the balance of the assessment falls in favour of the Proposed Development because identified impacts are not considered to 'unacceptable' and it is concluded that the Proposed Development does comply with the Development Plan as a whole.

5.2.158. In the context of this s.36 application, the Development Plan is one material consideration to be balanced in the decision-making process along with national energy and planning policy and guidance. It is necessary also to consider what other considerations are material to an assessment of the Proposed Development and what weight can be given to each before an overall conclusion can be drawn about the wider acceptability of the Proposed Development. The national energy and planning context has been set out in the earlier Sections 3 and 4 of this Statement. The following Section 6 notes other considerations which may influence the decision-making process.

## 6. Other Considerations

### 6.1. Dumfries & Galloway Local Development Plan 2 (January 2018)

- 6.1.1. The Council is in the process of preparing LDP2. When adopted this will replace the current LDP, discussed earlier in Section 5 of this Planning Statement. The Proposed Plan was submitted to the Planning and Environmental Appeals Division (DPEA) on 3 September 2018 for consideration. While LDP2 is at draft stage only, it represents the Council's settled opinion on land use matters. It can still, however, be accorded limited weight only at present as it could possibly be subject to amendment following any formal DPEA Examination.
- 6.1.2. LDP2 contains a wide range of planning policies covering the same range of topics addressed in the adopted LDP. For these reasons, it is not considered necessary to consider each potentially relevant draft policy in this Planning Statement, rather the focus is upon the relevant renewable energy and onshore wind policies and to consider these in the context of the earlier commentary on LDP Policy IN2 in particular and SPP.
- 6.1.3. The draft renewable energy policies in LDP2 have the same name and policy number as the adopted LDP policies, i.e. IN1 and IN2. Policy IN1 relates to renewable energy in general and Policy IN2 relates to wind energy specifically. The draft wording of these two policies differs from the adopted LDP but they do not introduce any matters that have not already been considered in the earlier policy assessments against adopted Policies IN1, IN2 or SPP. The main difference for draft Policy IN2 compared to the adopted Policy is that it specifically states that the Council 'will support' proposals for wind energy proposals which are located, sited and designed appropriately.
- 6.1.4. Importantly, draft Policies IN1 and IN2 retain the comment that overall acceptability of a proposal will be determined through an assessment of the details of an application, including its benefits and the extent to which any environmental and cumulative impacts can be satisfactorily addressed.
- 6.1.5. The main change to draft Policy IN2 is reference to the updated Spatial Framework for onshore wind turbines, that now reflects the SPP Spatial Framework (Table 3 in LDP2). Sitting alongside draft Policy IN2 is the Council's Spatial Framework Map (Map 8) which sets out the Group 1, 2 and 3 areas for wind farm development in Dumfries and Galloway. This Map has been reproduced earlier under the commentary on SPP, with the turbines at the Site also shown for context. This reveals that the turbines are located within a Group 3 area, where Table 3 of the draft LDP2 clarifies that wind farms '*are likely to be acceptable, subject to detailed consideration against all relevant plan policies*'.
- 6.1.6. The previous assessment of the Proposed Development against LDP policies and in particular Policy IN2 acknowledged that some significant environment effects will arise, but overall the Proposed Development is considered compliant with policy objectives. Given that draft LDP2 Policy IN2 covers the same matters as adopted Policy IN2, it is reasonable to draw the same conclusions on the overall extent of Policy compliance. Therefore, as far as it is relevant to determination of this S.36 application, it is considered

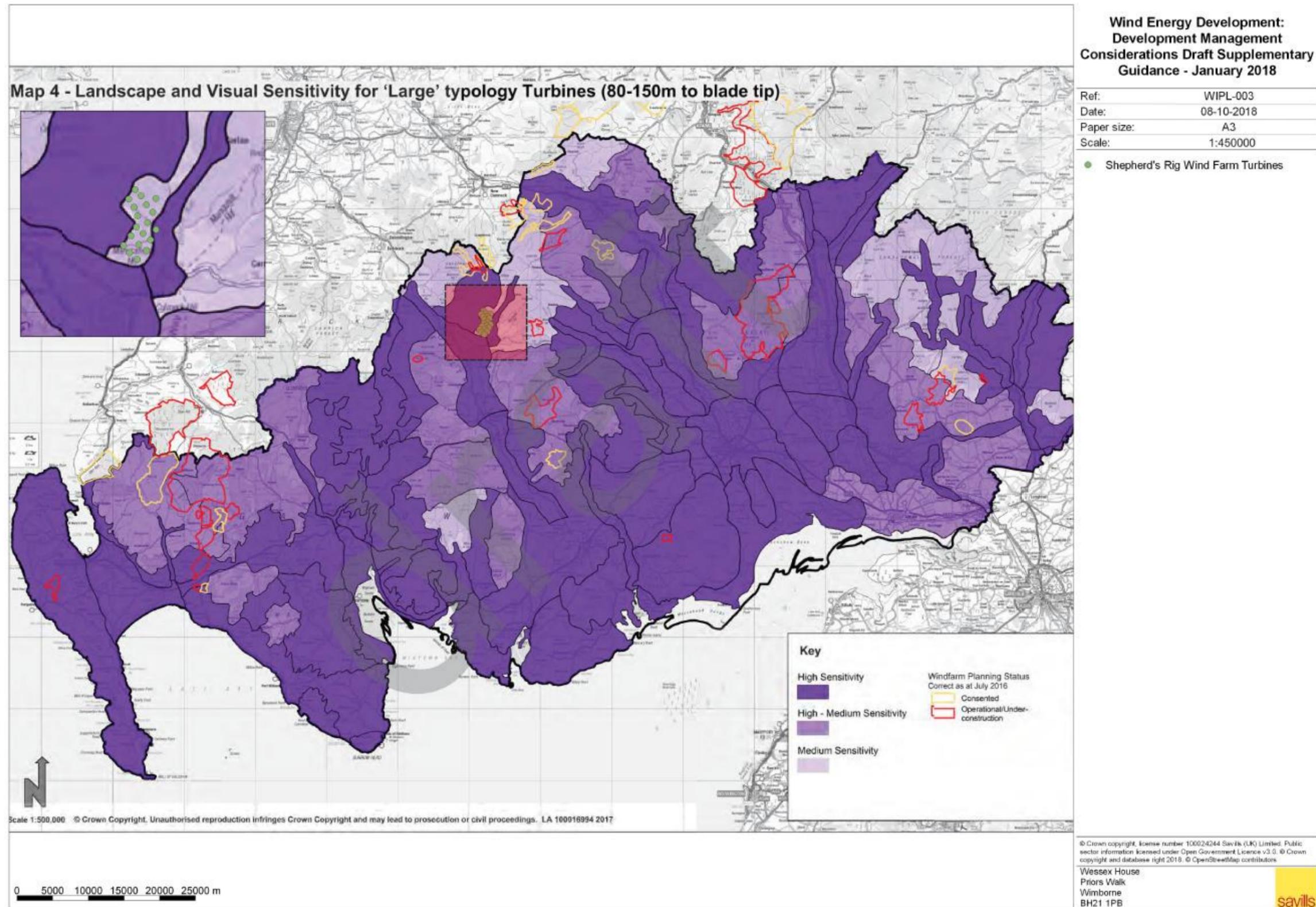
that draft LDP2, draft Policy IN2 and the Spatial Framework Map are supportive of the case for the Proposed Development.

- 6.1.7. Draft Policy IN2 states that the Spatial Framework provide strategic guidance and must be read in conjunction with the Supplementary Guidance and it's Appendix, the Dumfries & Galloway Landscape Capacity Study, both of which are discussed below.

## **6.2. Wind Energy Development – Development Management Considerations – Draft Supplementary Guidance, January 2018**

- 6.2.1. As part of LDP2, the Council has prepared an updated draft SG that is intended to provide further context to the two draft LDP2 policies on renewable energy and wind, draft Policies IN1 and IN2. The Draft SG notes in Section 2 that in some areas, the potential for further development is constrained due to cumulative effects. No part of the region is considered completely constraint free, and this includes Group 3 areas (which includes the Site). The draft SG notes that there may be ways to mitigate constraints such that development is acceptable. The SG also notes that each proposal will need to be considered on its own merits in light of the circumstances prevailing at the time of determination.
- 6.2.2. The SG deals with the same range of development management considerations as covered by LDP Policy IN2 and the current SG and there is no need to revisit these issues again here. Where the draft SG differs from the adopted SG is in relation to the inclusion of updated maps showing landscape and visual sensitivity across Dumfries & Galloway to varying scales of wind turbines. Map 4 relates to the large turbine typology (defined in the draft SG as turbines between 80-150m to blade tip) and it therefore relates to the same scale of turbines as the Proposed Development.
- 6.2.3. It is acknowledged that the sensitivity maps are in draft format only and are not in any way determinative of the acceptability of the Proposed Development but it is worth noting that the turbines are located in an area defined as being of 'medium sensitivity' to this scale of turbine, the least sensitive category across the whole Dumfries & Galloway area. An extract of Map 4 from the draft SG is set out in the Map overleaf as Figure 3, with the turbines included in the insert.

Figure 3



## 7. The Planning Balance and Conclusions

- 7.1.1. This Planning Statement supports an application to Scottish Ministers for s.36 consent and deemed planning permission to construct and operate the proposed Shepherds' Rig Wind Farm. This Planning Statement provides an assessment of the Proposed Development against relevant energy policy, national planning policy, local planning policy and associated SG and other material considerations. There is no 'primacy' of the Development Plan in an application made under the 1989 Act, as would be the case for an application under the 1997 Act. Rather, weight can be attributed by the decision-maker to a range of considerations including the various levels of national and local energy and planning related policy and guidance, as deemed appropriate.
- 7.1.2. There is acknowledgement across the various national and local level planning and energy policy documents that global warming needs to be tackled, that energy generation is a significant contributor to greenhouse gas emissions and that renewable energy developments can help provide a solution to the continued problem of global warming that faces society at large. The very recent IPCC publication (October 2018) brings the issues associated with global warming, which we all face, into sharp focus. The IPCC report seeks to limit global warming to 1.5°C and notes that this requires '*rapid, far-reaching and unprecedented changes in all aspects of society*'. A business as usual approach is simply no longer enough and drastic action, taken quickly, is required to avoid the worst effects of a warming climate.
- 7.1.3. According to the IPCC, generating a greater proportion of our energy from renewable sources is part of the action required, in fact the IPCC report states that a '*strong upscaling of renewables*' is required to help reduce a rapid decline in the carbon intensity of electricity needed to reduce greenhouse gas emissions. The Proposed Development can make a locally significant contribution to these global efforts and help ensure that Scotland continues to be a world leader in generating low carbon energy, delivering on its various greenhouse gas reduction and renewable energy targets. The Proposed Development therefore draws strong support from the most recent IPCC report and also from the July 2018 National Infrastructure Assessment and the Scottish Government's own energy documents, such as the very recent OWPS and SES.
- 7.1.4. There is no doubt therefore, that the Proposed Development is clearly strongly supported in principle by national energy and indeed national planning policy. For the reasons discussed in this Statement, the Proposed Development draws considerable support from the presumption in favour of development that contributes to sustainable development, as set out in SPP and also benefits from the 'tilted balance' in favour of granting permission. The question to be addressed therefore is whether the environmental effects identified through the EIA-R '*significantly and demonstrably outweigh the benefits*' of the Proposed Development, as required by SPP.
- 7.1.5. This Planning Statement acknowledges that the Proposed Development will give rise to some significant environmental effects upon local landscape character, the local level RSA designation, some visual effects upon a small number of residential properties, some recreational receptors and indirect effects upon the setting of a small number of cultural

heritage receptors. Through an iterative and considered approach to the layout of the turbines and associated infrastructure, these impacts have been avoided where possible and further mitigation is proposed in the EIA-R to avoid or minimise effects even further. Some residual effects will remain; however, very few forms of development are impact free and this is certainly the case with commercial scale wind energy developments which often give rise to significant effects. On this point, the Proposed Development is really no different from other wind energy proposals across Scotland.

- 7.1.6. Overall, therefore, while some adverse effects would arise as a result of the Proposed Development, these are not so geographically widespread or of a scale and magnitude that they significantly and demonstrably outweigh the benefits, as evidenced by the detailed policy assessments set out in Sections 4 and 5 of this Statement. Those assessments clearly demonstrate that the Proposed Development is supported by SPP, NPF3 and relevant LDP policies taking account of the range of environmental and socio-economic benefits associated with the Proposed Development.
- 7.1.7. What is significantly in favour of the Proposed Development is the location of the Site within a location identified as suitable, in principle, for a large typology wind farm in the LDP Interim Spatial Framework and the more recent draft Spatial Framework associated with LDP2. Identified environmental impacts need to be considered in the context of this supportive land use framework.
- 7.1.8. In addition, it is important to recognise that the Proposed Development would also give rise to positive economic benefits in the form of direct and indirect employment opportunities, both within Dumfries and Galloway and further afield in Scotland. The majority of these jobs would be focused on the construction phase but longer term jobs would be created too. In addition there would be an increase in local spend, including in relation to accommodation for construction workers. The opportunity for the community to acquire up to a 10% of shared ownership in the Proposed Development is also being offered which could bring tangible and long lasting benefits for the area, and this finds support in NPF3 and the OWPS. Importantly, SPP makes it clear that the net economic impact of a proposal is a relevant matter to consider in the application assessment process.
- 7.1.9. The main benefits of the Proposed Development are, however, considered to be environmental. Not only will the Proposed Development have the ability to generate up to around 84.6MW of clean, renewable energy but in doing so it will displace approximately 1.97million tCO<sub>2</sub>e over the proposed 25-year operational life of the Proposed Development. In short, this is exactly the type of development required to help deliver on the urgent action outlined in the IPCC report if we are to seriously tackle global warming. The Proposed Development can assist in wider efforts to de-carbonise the electricity generation sector by 2030, and make a wider contribution to the recent Scottish Government aspirations for a future '*renewables-dominant power system*', providing greater security over energy supplies and contributing to the expected increase in demand for electricity likely to arise in the future as a result of the electrification of heat and transport.

- 7.1.10. A decision on the application under the 1989 Act is the principal decision to be made in this case. Schedule 9 to the 1989 Act 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 also be considered. The Proposed Development has been designed and sited in order to take full account of Schedule 9 duties including doing what is reasonable in order to mitigate any environmental effects and having regard to the desirability of preserving environmental features.
- 7.1.11. The planning system has a key role to play in bringing forward renewable energy developments and various Scottish Government publications look to the planning system to create a supportive environment to help the continued deployment of renewable energy projects, while at the same time seeking to balance often competing interests. Accordingly, decision makers need to undertake a balancing exercise in assessing applications seeking to reconcile acknowledged environmental and socio-economic benefits on the one hand and identified environmental effects on the other.
- 7.1.12. As a s.36 application via the 1989 Act rather than a planning application, the Scottish Ministers have greater latitude to consider and balance the full range of energy, planning, environmental and socio-economic factors in reaching a decision. In this case the Proposed Development can draw support from all of these factors, notably the 'tilted balance' in favour of the application as applied by the SPP presumption. Further support from the LDP policy position clearly demonstrates that the Proposed Development is considered to be the '*right development in the right place*', and accords with the terms of SPP.