



## Contents

1	Introduction.....	2
2	Electricity Act - Schedule 9.....	3
3	The Proposed Development Area and Proposed Development .....	4
4	Energy Legislation and Policy Considerations .....	12
5	National Planning Policy and Guidance .....	27
6	Development Plan Assessment .....	52
7	Other Material Considerations .....	70
8	Conclusions .....	73

# 1 Introduction

## 1.1 Background

- 1.1.1 This Planning & Energy Statement has been prepared by Savills UK Limited on behalf of Renewable Energy Systems Ltd (RES) (the Applicant). It supports an application to the Scottish Ministers under Section 36 (S36) of the Electricity Act 1989 (the Electricity Act) for a development comprising up to nine wind turbines, with variable tip heights of between 180 metres(m) and 200 m to blade tip above ground level (agl) with a combined generating capacity of up to 54 Megawatts (MW), and a potential battery energy storage system (BESS) compound, up to 45 MW capacity, together with ancillary infrastructure including a network of new and upgraded access tracks, borrow pit search areas, electrical cabling, watercourse crossings and a new vehicular access from the A713, collectively known as Scienteuch Wind Farm and hereafter referred to as the Proposed Development. Ancillary works comprise forest felling and replanting and the implementation of on site habitat management and biodiversity enhancement measures. Improved and new walking trails through the Proposed Development Area are also proposed.
- 1.1.2 The Proposed Development will have an installed capacity of more than 50 MW. A description of the Proposed Development is set out in Chapter 1 ‘Introduction’ of the Environmental Impact Assessment Report (EIAR) with individual components described in detail in EIAR Chapter 2 ‘Proposed Development’.
- 1.1.3 This Planning & Energy Statement accompanies the EIAR for the Proposed Development. It does not form part of the EIAR, but draws upon its findings to inform conclusions on planning and energy policy matters.
- 1.1.4 As part of the S36 process, the Applicant is also seeking that Scottish Ministers issue a Direction under Section 57(2) of the Town and Country Planning (Scotland) Act 1997 (the 1997 Planning Act), as amended, that deemed planning permission also be granted for the Proposed Development. Scienteuch Wind Farm is proposed to have an operational life of 50 years.
- 1.1.5 This Statement provides an assessment of the Proposed Development against relevant energy policy, national planning policy, local planning policy and associated Supplementary Guidance and other material considerations. There is no ‘primacy’ of the Development Plan in an application made under the Electricity Act, as would be the case for an application under the 1997 Planning 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.
- 1.1.6 This Statement assesses the acceptability of the Proposed Development in land use and planning policy terms in light of the residual impacts identified in the EIAR. It also gives consideration to energy policy and other objectives, concluding with considered comments about the overall acceptability of the Proposed Development in the context of the full range of material considerations.

## 2 Electricity Act - Schedule 9

- 2.1.1 A decision on this S36 application under the Electricity Act is the principal decision to be made in this case. Schedule 9 to the Electricity Act requires an electricity generation licence holder 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'*.
- 2.1.2 There is also a requirement for the licence holder 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'*. Furthermore, Schedule 9 also sets out environmental features to which regard must be had by Scottish Ministers in their determination of a S36 application.
- 2.1.3 The Applicant is not an electricity generation licence holder and holds no exemption, therefore the Schedule 9 duties do not apply to it. Notwithstanding, through the design evolution process (detailed in EIAR Chapter 3 'Design Evolution and Alternatives'), the Applicant has sought to avoid significant environmental impacts arising from the Proposed Development and to then mitigate those that have been identified. It has, in effect, complied with the Schedule 9 duties as if it were a licence holder.
- 2.1.4 There is no specific requirement in Schedule 9 for licence holders or Scottish Ministers to preserve environmental qualities, but to have regard to the desirability of doing so. These matters are not development management tests per se, as confirmed by the Reporter's report into the Glenshero Wind Farm<sup>1</sup> in paragraph 2.3 (June 2021) and also the Scottish Ministers' decision on the Fallago Rig Extension Wind Farm<sup>2</sup> in June 2020 (page 8 of Ministerial determination letter). As such, there is no requirement for a licence holder or Scottish Ministers to ensure that significant impacts upon the matters identified in Schedule 9 have been avoided entirely and there is no requirement for Scottish Ministers to approve only those schemes where no such effects are identified.

<sup>1</sup> <https://www.energyconsents.scot/ApplicationDetails.aspx?cr=ECU00000517&T=6>

<sup>2</sup> <https://www.energyconsents.scot/ApplicationDetails.aspx?cr=EC00003102&T=6>

## 3 The Proposed Development Area and Proposed Development

### 3.1 Proposed Development Area Description and Context

- 3.1.1 The Proposed Development Area straddles the administrative boundary between South Ayrshire Council and East Ayrshire Council. It extends to approximately 1,000 hectares (ha) in area. The Proposed Development Area location and boundary are shown on EIAR Figures 1.1 and 1.2.
- 3.1.2 The Proposed Development Area is located within an upland landscape context and comprises mostly rotationally felled conifer plantation. The habitat in the area around the proposed access track between the wind farm and the A713 road consists mostly of acid, neutral and marshy grassland with some small collections of broadleaved trees. There is a flat open area at the top of Keirs Hill, where the access track enters the forestry plantation, that holds small areas of wet heath and blanket bog.
- 3.1.3 There are several small watercourses within the Proposed Development Area: Lochhead Burn and Lamdoughty Burn, which are within the conifer plantation, and Keirs Burn, which is near to the access track. The River Doon runs through the valley below the Proposed Development Area and the proposed access track crosses this river. The reservoir Loch Spallander borders the Proposed Development Area to the north-west and Lochhead Burn flows into this reservoir.
- 3.1.4 Ground elevations within the Proposed Development Area range between approximately 160 m Above Ordnance Datum (AOD) in the east at the proposed site entrance from the A713 (Dalmellington Road) rising to a maximum of 306 m AOD at Green Hill, in the centre of the Proposed Development Area. The proposed turbines are located across Lamdoughty Hill (in the west), Green Hill, and Keirs Hill (in the centre) and are located at elevations of between 250 - 280 m AOD.
- 3.1.5 The River Doon valley lies to the north-east, with the settlements of Dalmellington, Waterside and Patna (including Burnfoot), within East Ayrshire. The settlements of Straiton and Kirkmichael lie to the south-west and north-west respectively, within South Ayrshire. The nearest non-financially involved occupied property to a wind turbine is 'High Keirs Cottage' located almost 1.2 km to the north-east of wind turbine T9. This property falls within East Ayrshire. The closest non-financially involved occupied property in South Ayrshire is 'Gass Farmhouse', which lies around 1.25 km south-east of wind turbine T1.
- 3.1.6 NatureScot's (previously referred to as Scottish Natural Heritage (SNH)) revised National Programme of Landscape Character Assessment (2019)<sup>3</sup> identifies the Proposed Development Area as being primarily within the 'Foothills with Forest west of Doon Valley' Landscape Character Type (LCT). The principal access point from the A713 lies within the adjoining 'Upland River Valley' LCT.
- 3.1.7 The eastern side of the Proposed Development Area lies within the Doon Valley Sensitive Landscape Area (SLA) as designated by East Ayrshire Council. Keirs Glen is listed on the Ancient Woodland Inventory (AWI) and is described as of semi-natural origin. It falls within the Proposed Development Area and within 60 m of the proposed access track. Provisional Wildlife Sites (PWS) are located at Wallace Moor/Keirs Hill and Loch Spallander/Cloncaird Moor.

<sup>3</sup> Scottish National Heritage, Landscape Character Assessment 2019

3.1.8 There are no other statutory landscape, natural heritage or cultural heritage designations within the boundary of the Proposed Development Area. However, a number of such designations are within the surrounding area, including inter alia:-

- Galloway Dark Sky Park (DSP), which has a core area (approximately 11 km from the proposed wind turbines) and a buffer zone (approximately 2 km away from the proposed wind turbines);
- Merrick Wild Land Area (WLA), approximately 12 km to the south;
- Further East Ayrshire SLAs located approximately 9 km to the north (River Ayr) and approximately 11 km to the east (Southern Uplands);
- Various Local Landscape Areas (LLA) across South Ayrshire, the closest (Water of Girvan Valley) bordering the Proposed Development Area to the south;
- Regional Scenic Areas (RSAs) in Dumfries and Galloway, with the Galloway Hills located approximately 11 km to the south-east;
- Garden and Designed Landscape (GDL) designations at Craigengillan and Blairquhan;
- Dalmellington Moss Site of Special Scientific Interest (SSSI) and Scottish Wildlife Trust (SWT) reserve, approximately 2.6 km to the south-east;
- Dunaskin Ironworks Wildlife Site, located 0.1 km from the Proposed Development Area boundary in the River Doon valley;
- Bogton Loch SSSI, designated for its breeding bird assemblage, lies within 3.2 km; and
- Within the defined Inner Study Area (the Proposed Development Area plus a 500 m buffer) there are several cultural heritage features including: one Conservation Area (Waterside); three Scheduled Monuments (SMs); and, various Listed buildings (including the Engine House at Waterside which is Category A).

3.1.9 Areas of peat and organic material are present across parts of the Proposed Development Area. An extract of SNH's (now NatureScot) Peatland Classification mapping is reproduced as EIAR Figure 9.2 and shows that Class 5 predominantly underlies the Proposed Development Area. Mapped areas of Classes 1 and 3 are also noted. Site investigations have been undertaken which indicate that, where recorded, the peat thickness varies from 0.5 m to 5.9 m. Of the probe locations that intersected peat, approximately 80 % recorded peat less than 1 m thick. Figures 9.2.3 and 9.2.4 in EIAR Technical Appendix 9.2 illustrate the peat depths across the Proposed Development Area.

## 3.2 The Proposed Development

- 3.2.1 The Proposed Development is described in detail in EIAR Chapter 2 ‘Proposed Development’. The site layout is shown on EIAR Figure 1.3 and has been informed by an iterative design process, taking into account the previous Keirs Hill Wind Farm proposal (Reference WIN-190-2), described in detail in EIAR Chapter 3 ‘Design Evolution and Alternatives’.
- 3.2.2 As outlined in EIAR Table 2.1, wind turbines T1, T2, T3, T4 and T8 are proposed to have a hub height of 125 m and a tip height of 200 m while wind turbines T5, T6, T7 and T9 (i.e. those closest to the settlements of Waterside and Patna in the Doon Valley) are proposed to have a hub height of 105 m and a tip height of 180 m<sup>4</sup>. The final choice of turbine model will be subject to a selection process (prior to construction) considering technical, environmental and commercial aspects. Based upon current wind turbine technology, it is expected that each wind turbine will have a typical generation capacity of 6 MW, giving a total installed capacity of 54 MW, based on nine turbines.
- 3.2.3 Given the height of the proposed wind turbines exceeds 149.9 m, visible aviation obstruction lighting is required. The Applicant proposes to install this on all turbine nacelles, apart from wind turbine T3. These medium intensity 2000 candela red lights would be dimmed to 10 % intensity in clear sky conditions (see EIAR Chapter 15 ‘Aviation, Safety and Other Issues’).
- 3.2.4 The grid references for the wind turbines are set out in EIAR Table 2.1. The turbine locations and ancillary infrastructure are subject to a proposed micro-siting allowance of up to 100 m. This tolerance allows for minor changes in turbine or infrastructure locations to respond to possible variations in ground conditions across the Proposed Development Area, which will be confirmed following detailed site investigation work carried out prior to construction. Micro-siting also provides scope for mitigation of localised potential environmental effects through further avoidance of sensitive features. EIAR Figure 3.1 includes a proposed micro-siting buffer, taking cognisance of known constraints.
- 3.2.5 The potential battery energy storage system (BESS) 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 location and indicative design of the BESS facility is shown on EIAR Figures 1.3, 2.11a and 2.11b.
- 3.2.6 Turbine components would be delivered by sea to the King George V Dock in Glasgow. The Abnormal Indivisible Loads (AILs) would leave the dock along Kings Inch Drive joining the M8 at Junction 26. They would continue east joining the M73 at Junction 8 and then the M74 at Junction 1. They would then join the M77 (A77) at Junction 22 southwards towards the Proposed Development joining the A713 at Bankfield Roundabout. Continuing along the A713 the AILs will adopt newly constructed overruns at Hollybush and Holehouse Bridge. These have been specifically constructed to facilitate AIL delivery to South Kyle Wind Farm and are suitable for the AILs associated with the Proposed Development. AILs would then continue to the new site entrance at Waterside. EIAR Figure 11.5 shows the route to the Proposed Development Area for abnormal loads.

---

<sup>4</sup> For the purpose of the EIAR, a maximum tip height of 200 m has been assumed for assessment purposes

- 3.2.7 Until the access track and site entrance from the A713 are constructed, initial construction access to the Proposed Development will be taken from the south-west via the B741 onto an existing track into High Keirs Forest. This will allow access to the borrow pit search areas where working of the borrow pits can commence. An indicative general arrangement drawing of the proposed access junction with the A713 is at EIAR Figure 2.5.
- 3.2.8 Approximately 10 km of access track will be constructed for the Proposed Development as shown in EIAR Figure 1.3. This comprises 6.45 km of new track construction and 3.56 km of upgraded track construction. The access track layout has been designed in order to maximise the use and upgrade of existing tracks as far as reasonably practicable.
- 3.2.9 It is expected that all access tracks would be excavated whereby overlying soil or peat material would be removed to a suitable formation strata from which the access track would be built in compacted stone. Where peat depths are greater than 1 m deep, it is generally more efficient to ‘float’ the access track over peat using geogrid. Typical access track construction details are presented in EIAR Figure 2.4.
- 3.2.10 The Proposed Development includes two borrow pit search areas, covering an area of approximately 10.2 ha, the indicative locations of which are shown on EIAR Figure 1.3. Not all of the borrow pit search areas would be extracted and the exact requirements would be determined post consent following further site investigations (see EIAR Technical Appendix 2.2). Material won from the borrow pit search areas would be used for construction activities and would reduce the need to transport material to the Proposed Development Area from local quarries, reducing the overall traffic impact associated with the Proposed Development.
- 3.2.11 While the site layout has been designed to minimise the number of watercourse crossings, it is anticipated that four watercourse crossings are needed to facilitate the Proposed Development (see EIAR Technical Appendix 9.4). This includes the construction of a new bridge over the River Doon near the site entrance. The watercourse crossings shall be designed to ensure that fish and mammal movement is not restricted.
- 3.2.12 EIAR Chapter 10 ‘Forestry’ quantifies the extent of permanent and temporary felling and compensatory planting requirements. A 2.9 ha (97 m radius) keyhole has been adopted around wind turbines T1, T2, T3, T4 and T8, with a 1.76 ha (75 m radius) keyhole around all other wind turbine locations. These keyholes are for construction, operation and environmental mitigation. There would be a net loss of 57.1 ha of woodland. Consistent with Scottish Government policy, the Applicant is committed to providing appropriate compensatory planting to replace this lost woodland. The extent, location and composition of the compensatory planting would be agreed with Scottish Forestry, taking into account any revision to the felling and restocking plans prior to the commencement of construction of the Proposed Development. The Ancient Woodland at Keirs Glen is unaffected by the Proposed Development.
- 3.2.13 Habitat management and enhancement forms an integral part of the Proposed Development. The main aim is to restore blanket bog habitat on site through inter alia ditch blocking, peat hag reprofiling and reseedling of bare peat. If consent is granted, a detailed Habitat Management Plan (HMP) would be prepared for approval prior to any development commencing.
- 3.2.14 It is proposed to construct a new footpath between the proposed access track and the existing High Keirs track to form a walking and cycling trail to provide recreational benefits to the local community. The footpath will also include new footbridges and pass through gates. EIAR Figure 2.16 illustrates the proposed ‘Keirs Glen Trail’.



- 3.2.15 The construction period for the Proposed Development would be approximately 14 months depending upon seasonal working and weather conditions. An Outline Construction Environmental Management Plan (CEMP) has been prepared (EIAR Technical Appendix 2.1) which provides initial detail on the likely sequencing of construction activities, which would be carried out concurrently where possible (including restoration activities) to minimise the overall duration of the construction period.
- 3.2.16 In general, hours of working during the construction period will be from 07.00 to 19.00 Monday to Saturday. No working is proposed on Sundays or public holidays.
- 3.2.17 No audible works, with the exception of turbine delivery, the completion of turbine erection or emergency work, will take place outside these hours, and any such out-of-hours works will be subject to prior agreement with both Councils. The requirement for out-of-hours work could arise, for example, from delivery and unloading of abnormal loads or health and safety requirements, or to ensure optimal use is made of fair weather windows for the erection of turbine blades and the erection and dismantling of cranes.
- 3.2.18 The Applicant is committed to the provision of community benefits and will provide £5,000 per MW per year during the operational life of the Proposed Development, reflective of current Scottish Government best practice guidelines<sup>5</sup>. Based upon a total installed capacity of 54 MW, this would equate to up to £270,000 annually. In addition to delivering a community benefit fund, the Applicant is actively engaging with local communities to establish the priority aims and projects in their respective areas to allow a tailored package of benefits to be developed. Further information in relation to the socio-economic benefits of the Proposed Development are set out in EIAR Chapter 13 'Socio-Economics'.

### 3.3 Consideration of Keirs Hill Wind Farm Refusal

- 3.3.1 As noted elsewhere within this Statement, the eastern side of the Proposed Development Area falls within the administrative boundary of East Ayrshire Council (EAC). This same land area was the subject of a previous S36 application for the erection of a wind farm comprising 17 wind turbines, each with a maximum blade tip height of 149 m agl. This scheme was also promoted by RES and was known as Keirs Hill Wind Farm.
- 3.3.2 While S36 consent was ultimately refused in November 2016, following a Public Local Inquiry (PLI) triggered by an objection from EAC, the appointed Reporter noted in paragraph 3.176 of the PLI Report (Ref. WIN-190-2)<sup>6</sup> that the site '*is a suitable one for wind energy development*' (underlining added). Importantly, all principal parties to the PLI agreed with this conclusion, as referenced in paragraphs 3.111 and 10.29 of the PLI Report. This was also agreed by Scottish Natural Heritage (now NatureScot) in its consultation response. Indeed, the Reporter himself found that, '*I have not been provided with any evidence to persuade me that the site is inappropriate for some type of windfarm development*' (paragraph 3.112) (underlining added).
- 3.3.3 Ultimately, it was the location and height of the wind turbines that lead to S36 consent being refused by Scottish Ministers, in line with the Reporter's recommendations and due to unacceptable impacts upon residential amenity, unacceptable landscape and visual impacts and unacceptable impacts on historic sites. In this respect, the Reporter found that:

<sup>5</sup> <https://www.gov.scot/publications/scottish-government-good-practice-principles-community-benefits-onshore-renewable-energy-developments/>

<sup>6</sup> <https://www.energyconsents.scot/ApplicationDetails.aspx?cr=EC00003110>

*‘...the scheme as proposed, using 149m high turbines to blade tip, would have an unacceptable adverse landscape and visual impact; an unacceptable adverse impact on the residential amenity of dwellings both individually and within local settlements; and unacceptable significant impacts on historic sites, notably the Waterside ironworks complex. I have also found there could be potential adverse impacts on the future development of tourism related businesses, although there is no clear evidence to confirm this.’ (paragraph 10.29)*

3.3.4 As detailed at page 10 of the PLI Summary, the Reporter’s overall conclusions were as follows:

*‘There would be relatively valuable benefits from the development in respect of energy generation and climate change mitigation. In some respects the proposal would result in no significant impacts. However, there would be significant landscape and, in particular, visual impacts. These are a consequence of the size of the proposed turbines, which would be out of scale with their landscape setting. Again because of their size there would be serious adverse impacts on the historic estate at Waterfoot, and on residences there and in Patna. There may also be adverse impacts on recreation and tourism but this is less easy to conclude with certainty. These impacts mean that the proposal is contrary to the development plan and to EALWCS. With reference to Schedule 9 of the Electricity Act, there would be significant adverse effects on natural beauty.’*

3.3.5 The Reporter found that noise, shadow flicker, ecology, traffic and aviation considerations could all be satisfactorily mitigated, where required, through appropriately worded conditions. He also found that Keirs Hill Wind Farm would be consistent with national energy policy and *‘have very clear energy generation and climate change benefits’* (page 8, PLI Summary). In relation to the Scottish Dark Sky Observatory, the Reporter concluded that there was no clear evidence that it would be harmed by the proposal.

3.3.6 The Proposed Development extends across additional land to the west of the previous Keirs Hill Wind Farm site. This part of the Proposed Development Area falls within the jurisdiction of South Ayrshire Council. In terms of the split between the administrative areas, four wind turbines are proposed within the South Ayrshire part of the Proposed Development Area and five are proposed within East Ayrshire. EIAR Figure 3.1 illustrates the evolution of the site layout and includes the previous Keirs Hill Wind Farm scheme for comparison purposes.

3.3.7 As detailed in EIAR Chapter 3 ‘Design Evolution and Alternatives’, and in seeking to address the previous reasons for refusal, this extended landtake to the west has allowed a greater separation distance between the settlements of Patna and Waterside and the closest wind turbines to be achieved. This has also resulted in an increased separation distance between the closest wind turbines and the designated assets of cultural heritage significance at Waterside, including the ironworks complex.

3.3.8 Additionally, while the maximum overall height of the wind turbines has increased from 149 m (as per Keirs Hill Wind Farm) to 180m and 200 m (arising from technical advances in wind turbine design and models commercially available now), the total number of wind turbines has reduced from 17 to nine, thereby reducing the overall development footprint and the extent of visual ‘clutter’.

3.3.9 As key design principle, particular consideration has been given to the effects of the Proposed Development on sensitive landscape and visual receptors within the adjacent Doon Valley to the east and Girvan Valley to the west. These receptors include the nearby communities of Patna, Waterside and Straiton respectively. Minimising any identified impacts on the setting of the historic ironworks complex at Waterside have also been significant considerations in the iterative design process.

- 3.3.10 More generally, the following design principles have also been adhered to when designing the on site infrastructure:
- minimisation of conflict with ecological, ornithological, geological, hydrological and archaeological constraints wherever possible, including use of appropriate buffers to on site features of interest;
  - reuse of existing access tracks where practicable and minimisation of new lengths of access tracks;
  - avoidance of deep peat and use of ‘floating’ access track construction to minimise peat disturbance where appropriate;
  - reusing areas of existing open ground and minimisation of forestry felling;
  - minimisation of ground works such as ‘cut and fill’; and
  - avoidance or minimisation of watercourse crossings.
- 3.3.11 Although the Proposed Development includes larger turbines than those proposed for Keirs Hill Wind Farm, careful consideration has been given to limiting the apparent scale of the wind turbines in views from the Doon Valley. Turbines have been located further west, away from the edge of the valley, and from the settlements of Patna and Waterside (and the ironworks complex), while at the same time having regard to views from Straiton and the Girvan Valley. While the Proposed Development will still be visible from the Doon Valley, the wind turbines will be fewer in number, be set lower on the skyline, and occupy a smaller angle of view, than that predicted within the Keirs Hill Wind Farm application. As part of the final design iteration, the tip heights of several turbines were reduced, in order to limit the visibility of turbines and reduce their apparent scale from the Doon Valley. Wirelines from Waterside and Patna comparing the Keirs Hill Wind Farm scheme with the Proposed Development are presented in EIAR Figures 3.4a and 3.4b.
- 3.3.12 Overall, it is concluded that the Proposed Development:
- reduces the scale and extent of the proposed wind turbines in views from communities in the Doon Valley, specifically Patna and Waterside, in comparison to Keirs Hill Wind Farm;
  - maintains the limited visibility of the proposed wind turbines from the Girvan Valley and Straiton, as per Keirs Hill Wind Farm;
  - retains the separation between the proposed wind turbines and the GDLs at Craigengillan and Blairquhan, as per Keirs Hill Wind Farm;
  - achieves an increased separation from the more ecological sensitive areas around Loch Spallander, in comparison to Keirs Hill Wind Farm;
  - incorporates replanting of the felled forestry across the Proposed Development Area thereby providing opportunities for habitat enhancement and some screening of the proposed wind turbines from closer viewpoints;
  - limits visibility of the proposed wind turbines from Craigengillan Estate to the south;
  - limits visibility of the proposed wind turbines from the Scottish Dark Skies Observatory and Galloway Dark Sky Park located to the south;

- maintains the residential visual amenity enjoyed by the individual dwellings assessed in the Residential Visual Amenity Assessment (EIAR Technical Appendix 5.4);
- increases the separation distance between the proposed wind turbines and the designated assets of cultural heritage significance at Waterside, thereby minimising the impacts on their settings, in comparison to Keirs Hill Wind Farm;
- reduces the post-construction landtake from infrastructure, in comparison to Keirs Hill Wind Farm, amounting to over 1.6 ha.

3.3.13 In relation to the key recommendations for refusal raised by the Reporter (see paragraph 3.3.3 above), it is concluded that the Proposed Development has actively sought to address these concerns through the embedded design mitigation and iterative design process summarised above.

3.3.14 Finally, it is important to note that since the Keirs Hill Wind Farm proposal was refused, international and European commitments to reducing CO<sub>2</sub> emissions and tackling climate change have been made. In response to these issues the UK has made significant, legally binding commitments in relation to CO<sub>2</sub> emissions reductions (as discussed in Section 4 of this Statement).

## 4 Energy Legislation and Policy Considerations

### 4.1 Introduction

- 4.1.1 This section considers various pieces of energy legislation and policy considered to be of relevance to the Proposed Development. This includes a discussion on international, UK and Scotland legislation and policy.
- 4.1.2 As this section of the Planning & Energy Statement will demonstrate, there is an increasingly consistent recognition across various tiers of Government and policy advisors that climate change is a ‘here and now’ issue. In 2019 in particular global warming and climate change came to the forefront of political action with the publication of seminal documents from authoritative bodies such as the Committee on Climate Change (CCC) and the modification of legislation across the UK to take on board some of the key recommendations from the CCC.
- 4.1.3 There has also been a notable change in the everyday language used when discussing climate change - increasingly the term ‘climate emergency’ is being used, including by Governments and local authorities; a reflection of the severity of the current situation worldwide.
- 4.1.4 Put simply, urgent action is required now to reduce our greenhouse gas (GHG) emissions if we are to avert the worst consequences of climate change. Sourcing an increasing proportion of our energy from renewable sources has a key role to play in achieving this objective and it is relevant to note that the UK and Scotland’s current climate change ambitions are amongst the highest in Europe. The Scottish Government declared a climate emergency in May 2019 and passed the Climate Change (Emissions Reduction Targets) (Scotland) Act 2019, which amends the Climate Change (Scotland) Act 2009 and sets a target for a 100 % reduction in CO<sub>2</sub> emissions by 2045. This is supported by the Scottish Energy Strategy’s target of 50 % of all energy (including transport, heat and electricity) being supplied from renewables by 2030.
- 4.1.5 In addition, more recent events with the war in Ukraine have shed a spotlight on the importance of having greater security over our future energy supplies. Security of supplies has been a consistent theme across many of the energy publications but there can be no doubt that this issue has taken on a much greater degree of importance since the start of the Ukraine war, which has seen significant increases in the price of oil and gas. There have also been statements from the UK Government about the importance of diversifying our domestic energy supplies, including publication of the Energy Security Strategy in April 2022, which is discussed below.
- 4.1.6 The legislation and policy documents discussed below are material considerations in support of the Proposed Development which can, and should, be given significant weight in the determination of this S36 application.

## 4.2 The Legislative Context

### Climate Change Act 2008

- 4.2.1 The Climate Change Act 2008<sup>7</sup> became law on 26 November 2008 and introduced a legally-binding target for the UK to reduce CO<sub>2</sub> emissions by at least 80% by 2050, relative to 1990 levels. Efforts to reduce emissions in Scotland would contribute to achievement of UK wide targets, as well as meeting Scotland specific targets as discussed below.

### The Climate Change Act 2008 (2050 Target Amendment) Order 2019

- 4.2.2 The UK Government amended the Climate Change Act 2008 in June 2019 to increase the GHG reduction targets for the UK, reflecting the recommendations set out in the CCC Report from May 2019 'Net Zero - The UK's contribution to stopping global warming'<sup>8</sup>. The Climate Change Act 2008 (2050 Target Amendment) Order 2019<sup>9</sup> amended the 2008 Act by passing into law the target for UK GHG emissions to be at least 100% lower than the 1990 baseline by 2050 (net zero by 2050), an increase on the previous target for an 80% reduction by the same date.

### The Climate Change (Scotland) Act 2009

- 4.2.3 The Climate Change (Scotland) Act 2009<sup>10</sup> created the statutory framework for 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 was also set out.
- 4.2.4 The 2009 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.
- 4.2.5 In 2019 the Scottish Government amended the 2009 Act, to set a target for net-zero GHG emissions in Scotland, as discussed below.

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

- 4.2.6 The Climate Change (Emissions Reduction Targets) (Scotland) Act 2019<sup>11</sup> amends the Climate Change (Scotland) Act 2009, by introducing even more ambitious GHG reduction targets than those contained in the 2009 Act. It commits Scotland to becoming a net-zero society by 2045 (five years earlier than the rest of the UK). By introducing the 2019 Act, Scotland became one of the first countries to legislate support for the aims of the Paris Agreement (discussed below).
- 4.2.7 In addition to setting a target date of 2045 for reaching net-zero emissions, the 2019 Act also introduced interim targets and states that the Scottish Ministers must ensure that the net Scottish emissions account for the year:

<sup>7</sup> <https://www.legislation.gov.uk/ukpga/2008/27/contents>

<sup>8</sup> <https://www.theccc.org.uk/publication/net-zero-the-uks-contribution-to-stopping-global-warming/>

<sup>9</sup> <https://www.legislation.gov.uk/ukdsi/2019/9780111187654>

<sup>10</sup> <https://www.legislation.gov.uk/asp/2009/12/contents>

<sup>11</sup> <https://www.legislation.gov.uk/asp/2019/15/enacted>

- 2020 is at least 56% lower than the baseline (1990 being baseline);
- 2030 is at least 75% lower than the baseline; and
- 2040 is at least 90% lower than the baseline.

4.2.8 To help ensure delivery of the long-term GHG reduction targets, Scotland’s climate change legislation also includes annual targets for every year to 2045. The levels of these targets (expressed as percentage reductions from the 1990 baseline) are set out in Table 1 below.

**Table 1: GHG Reduction Targets by Year**

Year	Greenhouse Gas Reduction Targets (as a percentage of 1990 baseline levels)	Year (continued)	Greenhouse Gas Reduction Targets (as a percentage of 1990 baseline levels)
2018	54%	2032	78%
2019	55%	2033	79.5%
<b>2020 (interim target)</b>	56%	2034	81%
2021	57.9%	2035	82.5%
2022	59.8%	2036	84%
2023	61.7%	2037	85.5%
2024	63.6%	2038	87%
2025	65.5%	2039	88.5%
2026	67.4%	<b>2040 (interim target)</b>	90%
2027	69.3%	2041	92%
2028	71.2%	2042	94%
2029	73.1%	2043	96%
<b>2030 (interim target)</b>	75%	2044	98%
2031	76.5%	<b>2045</b>	<b>100% (net zero emissions)</b>

4.2.9 Previous statistics published by the Scottish Government<sup>12</sup> confirm that the GHG reduction targets for 2018 and 2019 were missed, with emissions in 2018 reducing by 50% between the baseline period and 2018, against a target of a 54% reduction. Statistics for 2019 show that GHG emissions for that year reduced by 51.5% compared to 1990, against a target of a 55% reduction.

<sup>12</sup> <https://www.gov.scot/publications/scottish-greenhouse-gas-emissions-2018/pages/1/#:-:text=In%202018%2C%20Scottish%20source%20emissions,0.6%20MtCO2e%20increase> and <https://www.gov.scot/binaries/content/documents/govscot/publications/statistics/2021/06/scottish-greenhouse-gas-statistics-1990-2019/documents/scottish-greenhouse-gas-emissions-2019/scottish-greenhouse-gas-emissions-2019/govscot%3Adocument/scottish-greenhouse-gas-emissions-2019.pdf>

- 4.2.10 The Scottish Government statistics for 2020 GHG were published in June 2022<sup>13</sup>. These statistics show that GHG emissions in 2020 reduced by 58.7% against a target of 56%, confirming that the 2020 interim target has been met. While this is encouraging news, it is relevant to note that these reductions were recorded during the height of the Covid pandemic during which the country was in lockdown for long periods of time. These lockdown measures significantly curtailed normal day to day life, especially travel. The large reductions in emissions recorded in the transport sector between 2019 and 2020 (-26.6 % for cars and -61.5 % for domestic aviation and -57.7 % for international aviation and shipping) has been attributed in the 2022 Scottish Government Report to the restrictions imposed by Covid lockdown measures, see pages 18 and 19.
- 4.2.11 The June 2022 report looks at GHG emissions from across a range of sectors, not just energy supply. It remains to be seen whether GHG emissions from the transport sector in particular return to pre-pandemic levels when 2021 statistics are available; however, this positive news on the 2020 target should not be seen as a sign that efforts to decarbonise the electricity generation sector should be slackened, or given any less weight.

## 4.3 International

### The COP UN Paris Agreement

- 4.3.1 The 21st session of the Conference of Parties (COP21) was held in Paris in February 2015. The Paris Agreement, as it is commonly referred to, was negotiated by representatives of 196 countries. It sets out the ambition of holding the increase of global average temperature to 'well below 2°C' and pursuing efforts to limit temperature increases to 1.5°C. Under the Paris Agreement, each country must determine plans and regularly report on the contribution that it undertakes to mitigate global warming.
- 4.3.2 The UK ratified the UN Paris Agreement in November 2016 and therefore contributes to the framework to ensure that global warming is kept well below 2°C, pursuing efforts to limit the temperature increase to 1.5°C.

### COP26 - The Glasgow Climate Pact

- 4.3.3 COP26, the follow up to the Paris Agreement, concluded in Glasgow in November 2021. The text agreed by the Parties (known as the Glasgow Climate Pact<sup>14</sup>) reaffirms the Paris Agreement aim of holding the increase in the global average temperature to well below 2°C above pre-industrial levels and pursuing efforts to limit the temperature increase to 1.5°C above pre-industrial levels. It further states that the impacts of climate change will be much lower if temperature increases are limited to 1.5°C compared with a 2°C rise, and resolves to pursue efforts to limit the temperature increase to 1.5°C.
- 4.3.4 It also acknowledges that restricting global warming to 1.5°C requires rapid, deep and sustained reductions in global GHG emissions, including reducing global carbon dioxide emissions by 45 % by 2030, relative to the 2010 level, and to net zero around mid-century, as well as deep reductions in other GHG.

<sup>13</sup> <https://www.gov.scot/news/scottish-greenhouse-gas-statistics-2020/#:~:text=A%20measure%20of%20the%20actual,cent%20between%202019%20and%202020>

<sup>14</sup> <https://unfccc.int/process-and-meetings/the-paris-agreement/the-glasgow-climate-pact-key-outcomes-from-cop26>



- 4.3.5 While the ‘phasing out’ of the use of coal was removed from the final text, there was a pledge to ‘phase down’ the use of coal. While there is disagreement amongst observers about the extent to which the language on coal usage was watered down, the Glasgow Climate Pact is nevertheless the first international climate agreement to mention fossil fuel controls at all. The Glasgow Climate Pact also called upon Parties to ‘accelerate’ the transition to low-emission energy systems ‘including by rapidly scaling up the deployment of clean power generation’.

### **Intergovernmental Panel on Climate Change (IPCC) - Special Report on Global Warming of 1.5°C**

- 4.3.6 Following the Paris Agreement, the IPCC was invited to provide a Special Report in 2018 on the impacts of global warming of 1.5°C above pre-industrial levels and related GHG emission pathways<sup>15</sup>.
- 4.3.7 The IPCC Special Report 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. It 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, it 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’.

### **IPCC - AR6 Climate Change 2021: The Physical Science Basis**

- 4.3.8 In August 2021, the IPCC published a report from its Working Group 1<sup>16</sup> which provides an evaluation of the state of the climate, possible climate futures and steps to limit future climate change. The Headline Statements for Policymakers states that it is ‘unequivocal’ that human influence has warmed the atmosphere, ocean and land and that this human-induced change is ‘already affecting many weather and climate extremes across every region of the globe’. The report notes that ‘global warming of 1.5°C and 2°C will be exceeded during the 21st century, unless deep reductions in carbon dioxide and other greenhouse gas emissions occur in the coming decades’.
- 4.3.9 The report notes that every region of the globe is projected to be affected by a changing climate, and that these changes would be ‘more widespread at 2°C compared to 1.5°C global warming and even more widespread and/or pronounced for higher warming levels’. Limiting human-induced global warming to a specific level will require limiting cumulative carbon dioxide emissions, reaching ‘at least net zero CO<sub>2</sub> emissions, along with strong reductions in other greenhouse gas emissions’.
- 4.3.10 This IPCC report has been described as a ‘code red for humanity’ by the United Nations Secretary-General.

### **IPCC - AR6 Climate Change 2022: Mitigation of Climate Change**

- 4.3.11 The IPCC Working Group III report Climate Change 2022: Mitigation of Climate Change<sup>17</sup> was published on 4 April 2022. It is the third instalment of the IPCC’s Sixth Assessment Report (AR6), which will be completed this year.

<sup>15</sup> <https://www.ipcc.ch/sr15/chapter/spm/>

<sup>16</sup> <https://www.ipcc.ch/report/sixth-assessment-report-working-group-i/>

<sup>17</sup> <https://www.ipcc.ch/report/sixth-assessment-report-working-group-3/>

- 4.3.12 It focuses on climate change mitigation, assessing methods for reducing GHG emissions, and removing GHG from the atmosphere. It explains developments in emission reduction and mitigation efforts, assessing the impact of national climate pledges in relation to long-term emissions goals.
- 4.3.13 The Summary for Policymakers concludes that limiting global warming will require major transitions in the energy sector. Headline Statement C4 on page 36 notes that *‘reducing GHG emissions across the full energy sector requires major transitions, including a substantial reduction in overall fossil fuel use, the deployment of low-emission energy sources, switching to alternative energy carriers, and energy efficiency and conservation’*. (underlining added).
- 4.3.14 *‘It’s now or never, if we want to limit global warming to 1.5°C (2.7°F)’* said the IPCC Working Group III Co-Chair in an accompanying press release. *‘Without immediate and deep emissions reductions across all sectors, it will be impossible.’*

### **The United Nations Emissions Gap Report 2021 - The heat is on, a world of climate promises not yet delivered**

- 4.3.15 For more than a decade the United Nations (UN) Gap Reports have compared where GHG emissions are heading, against where they need to be, and highlights the ways to close the gap. The latest Gap Report, The Heat is On: A World of Climate Promises Not Yet Delivered, was published in October 2021<sup>18</sup>.
- 4.3.16 The Executive Summary to the report states that there is a fifty-fifty chance that global warming will exceed 1.5°C in the next two decades. Unless there are immediate, rapid and large-scale reductions in GHG emissions, limiting warming to 1.5°C or even 2°C by the end of the century will be beyond reach. The Report notes on page 23 that the emissions gap remains large, with pledges by various countries projected to reduce 2030 emissions by only 7.5 %, whereas 30 % is needed for 2°C and 55 % is needed for 1.5°C.
- 4.3.17 The Report also notes that following an unprecedented drop of 5.4 % in 2020, global CO<sub>2</sub> emissions are bouncing back to pre-COVID levels, and concentrations of GHGs in the atmosphere continue to rise. As such, it is noted that solving the climate problem requires rapid and sustained reductions in emissions. The Foreword notes that to get on track to limit global warming to 1.5° C significant reductions in global GHG emissions are required. The Foreword notes that we have eight years to make the plan, put in place the policies, implement them and ultimately make the cuts - it notes that *‘the clock is ticking loudly’*.
- 4.3.18 This latest Gap Report reinforces the severity of the problem posed by the climate emergency and reflects the messages that have been issued consistently over the last few years by the IPCC and CCC that we need to take action now, to avert the worst consequences of a changing climate.

---

<sup>18</sup> <https://www.unep.org/resources/emissions-gap-report-2021>

## 4.4 UK Energy Policy

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

- 4.4.1 In April 2022 the UK Government published the above Strategy<sup>19</sup>, primarily in response to rising global energy prices and following the Russian invasion of Ukraine. A key aim of the Strategy is to reduce our dependence on imported oil and gas and to help decarbonise the energy sector, achieving net zero by 2050.
- 4.4.2 The Introduction notes that *‘the transition away from oil and gas then depends critically on how quickly we can roll out new renewables’*. It continues and notes that *‘the growing proportion of our electricity coming from renewables reduces our exposure to volatile fuel markets’*.
- 4.4.3 The Strategy discusses a range of technologies including offshore and onshore wind, solar, hydrogen and nuclear. It recognises that *‘onshore wind is one of the cheapest forms of renewable power’* and that there is a *‘strong pipeline of future projects in Scotland’*. While there is a strong focus in the Strategy on new nuclear and the continued expansion of offshore wind, the report recognises that *‘...we need to be bolder in removing the red tape that holds back new clean energy developments and exploit the potential of all renewable technologies’* (underlining added).

### Energy Security Bill

- 4.4.4 The Energy Security Bill<sup>20</sup>, introduced to Parliament on 6 July 2022, seeks to deliver a cleaner, more affordable, and more secure energy system. Including 26 measures, the Bill is expected to bring £100 billion in private sector investment into diversifying the UK’s energy mix by 2030.
- 4.4.5 Growing renewable markets is a key focus, with an expectation that close to 480,000 new jobs will be created by the legislation.
- 4.4.6 In a push to reduce the UK’s dependence on volatile fossil fuel markets and gas prices, the Bill seeks to improve domestic energy production and make the country more self-sufficient when it comes to the energy it uses.
- 4.4.7 Announcing the Bill, Business Secretary Kwasi Kwarteng said, *‘this is the biggest reform of our energy system in a decade’* and, *‘the measures in the Energy Security Bill will allow us to stand on our own two feet again, reindustrialise our economy and protect the British people from eye-watering fossil fuel prices into the future’*.

### Energy White Paper - Powering our Net Zero Future

- 4.4.8 The UK Government published the above White Paper in December 2020<sup>21</sup>, which sets out the approach to tackling the inter-generational challenge of climate change. The Ministerial Foreword recognises that while the UK has set a world-leading net zero target, setting the target is not enough, *‘we need to achieve it’*. The Foreword considers that achieving this target and tackling climate change will require decisive global action and significant investment, which can open up huge opportunities for economic growth and job creation.

<sup>19</sup> <https://www.gov.uk/government/publications/british-energy-security-strategy/british-energy-security-strategy>

<sup>20</sup> <https://www.gov.uk/government/collections/energy-security-bill#:~:text=The%20Energy%20Security%20Bill%2C%20introduced,Energy%20Security%20Bill>

<sup>21</sup> <https://www.gov.uk/government/publications/energy-white-paper-powering-our-net-zero-future>

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

### **Committee on Climate Change - Progress in Reducing Emissions and Progress in Adapting to Climate Change - 2021 Progress Reports to Parliament**

- 4.4.10 The 2021 CCC Joint Progress Reports to Parliament were published in June 2021<sup>22</sup> and comprise three separate reports covering progress in reducing emissions, progress in adapting to climate change and joint recommendations.
- 4.4.11 The key message coming out of the reports, as noted on the CCC website, is:
- ‘The Government has made historic climate promises in the past year, for which it deserves credit. However, it has been too slow to follow these with delivery. This defining year for the UK’s climate credentials has been marred by uncertainty and delay to a host of new climate strategies. Those that have emerged have too often missed the mark. With every month of inaction, it is harder for the UK to get on track’.* (underlining added)
- 4.4.12 The Executive Summaries within the respective reports state that, ‘in assessing the UK’s progress in the last year, we acknowledge the increase in the scale of Government’s efforts. But progress is not yet in step with the urgency of the challenge’ and ‘climate change impacts are increasing, but the UK Government’s National Adaptation Programme has not delivered the necessary improved resilience to the changing climate as was intended under the UK Climate Change Act’.
- 4.4.13 The Executive Summary in the ‘Progress in Reducing Emissions’ report advises that sustained progress in reducing emissions will need underlying, structural changes. While UK emissions are nearly 50% below 1990 levels, it notes that ‘the journey to Net Zero is far from half done. Government must now match its bold statements of ambition with effective policies and implementation, and it must move at pace if it is to deliver against the UK’s stretching targets’.
- 4.4.14 The ‘Progress in Reducing Emissions’ report further states that ‘projections for renewable deployment are being revised upwards, but investment needs to scale up faster. More than 80% of new electricity capacity added in 2020 came from renewable sources. The International Energy Agency (IEA) recently increased their forecast for capacity installations for wind and solar electricity generation over the coming years by around 40% relative to a year ago’.
- 4.4.15 The CCC also produced a separate Progress Report for the Scottish Parliament in December 2021, which is discussed below.

<sup>22</sup> <https://www.theccc.org.uk/publication/2021-progress-report-to-parliament/>

## Committee on Climate Change - Net Zero, The UK's Contribution to Stopping Global Warming and The Sixth Carbon Budget

- 4.4.16 In December 2020 the CCC published 'The Sixth Carbon Budget'<sup>23</sup> which comprises three documents; 'The UK's Path to Net Zero', 'Methodology Report' and 'Policies for the Sixth Carbon Budget and Net Zero'. The 2020 CCC Report builds on a 2019 CCC Report and describes what the potential path options to net-zero look like and what steps must be taken to achieve this. A key recommendation of the 2020 CCC Report is that the UK Government requires a reduction in UK GHG emissions of 78% by 2035 relative to 1990, a 63% reduction from 2019 and that this should be coupled with a pledge by 2030 to reduce emissions by at least 68% from 1990 levels.
- 4.4.17 The Foreword by Lord Deben highlights the importance of taking decisive action in the 2020s, noting that if efforts are not scaled up in this '*decisive decade*' then the UK will not deliver net zero by 2050. The Foreword notes that that '*utmost focus is required from government over the next ten years*' and that policy now needs to be '*scaled up across every sector*' to deliver net-zero.
- 4.4.18 In discussing Scotland's contribution to net-zero in Chapter 4 of 'The UK's Path to Net Zero', the report describes the 75% reduction in Scottish GHG emissions by 2030 as '*extremely challenging to meet*'. Even allowing for the most '*stretching tailwind*' scenario, the 2020 CCC Report considers that a 69% reduction is more likely.
- 4.4.19 In the concluding section of Chapter 4 'Recommendations for Policy', the 2020 CCC Report discusses areas where devolved powers could be used to help emissions reductions take place. One area that is discussed is in relation to Planning. The report notes that:-
- 'Planning frameworks are a useful lever over infrastructure that needs to be well aligned to objectives for emissions reduction in devolved administrations (e.g. through encouraging walking, cycling and the use of public transport, ensuring readiness for installation of electric vehicles charging points in new developments and a favourable planning regime for low-cost onshore wind)'* (underlining added).
- 4.4.20 Focussing on electricity generation in Chapter 4 of 'The UK's Path to Net Zero' volume of the 2020 CCC Report, it is stated that reducing GHG emissions from electricity generation to near-zero will require significant expansion of low-carbon generation, particularly in renewables and in tandem with more flexible use of storage. Action to achieve this must recognise an increasing demand for electricity (due to an increasing electrification of the economy) with decreasing carbon intensity of generation. Page 34 of 'The UK's path to Net Zero' volume of the report states that in increasing variable renewable energy production to 80% by 2050, wind power is established as the backbone of this system, requiring the deployment of 3 GigaWatts (GW) per year of new wind capacity, plus repowering of existing sites.
- 4.4.21 It is clear that the 2020 CCC Report serves to underline once more the importance of the continuing rollout of renewable energy generation. Whilst offshore wind is expected to meet an increasingly large portion of this, page 118 of the 'Policies for the Sixth Carbon Budget and Net Zero' volume of the 2020 CCC Report states that to meet demand a portfolio of renewable technologies will be needed and onshore wind remains a key element in this mix.

<sup>23</sup> <https://www.theccc.org.uk/publication/sixth-carbon-budget/>

## 4.5 Scottish Government Energy Policy

4.5.1 The Scottish Government has published a number of climate change and energy policy documents which are discussed in the following pages.

4.5.2 The Scottish Government first declared the ‘climate emergency’ in April 2019 when, in her speech to the Scottish National Party conference, the First Minister of Scotland stated:

*‘So today, as first Minister of Scotland, I am declaring that there is a climate emergency. And Scotland will live up to our responsibility to tackle it’.*

4.5.3 This was reiterated by the then Climate Change Secretary, Roseanna Cunningham, in the opening section of her statement to the Scottish Parliament on 14 May 2019 where she noted:

*‘There is a global climate emergency. The evidence is irrefutable. This science is clear’.*

### **Committee on Climate Change - Reducing Emissions in Scotland - 2021 Progress Report to the Scottish Parliament**

4.5.4 This latest CCC report was published in December 2021<sup>24</sup>. In the Executive Summary, its authors state that *‘the 2020s is the critical decade in changing course for Net Zero’*.

4.5.5 This is the tenth annual Progress Report to the Scottish Parliament as required by the Climate Change (Scotland) Act 2009. There are a number of key messages from this report including a recognition that the annual targets set for the 2020s will be very difficult to meet, even with strong climate policy support. Climate policy in Scotland must focus on the transition required to net zero in order to make rapid progress by 2030 and the focus must also be on implementation and delivery of real-world progress.

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

### **Climate Change Plan Monitoring Report - May 2021**

4.5.7 This is the first set of monitoring reports<sup>25</sup> on the Climate Change Plan to be published since the Climate Change Act 2019 was commenced in March 2020. It provides an overview on a sector by sector basis of progress made against targets and the Outcomes set by the Climate Change Plan.

4.5.8 In terms of the electricity sector, the Monitoring Report notes that this sector is on track to meet the Outcomes set by the Climate Change Plan, including a reduced CO<sub>2</sub> electricity grid intensity, an increase in the installed capacity of renewable generation and an increase in the capacity of renewable energy projects at the planning stages.

4.5.9 Against these signs of progress, the Monitoring Report notes that:

<sup>24</sup> <https://www.theccc.org.uk/publication/progress-reducing-emissions-in-scotland-2021-report-to-parliament/>

<sup>25</sup> <https://www.gov.scot/publications/climate-change-plan-monitoring-reports-2021-compendium/>

*‘efforts to decarbonise the electricity sector will need to be stepped up in the face of Scotland’s new Net Zero commitment, with sharp rise in capacity expected to be necessary in order to reach the target and to help drive decarbonisation across other sectors’ (underlining added).*

- 4.5.10 The Monitoring Report notes that as of December 2020, total renewable energy capacity in the ‘pipeline’ was 14.0 GW, although this has since been updated to 15.2 GW as discussed later. Crucially, of this only 2GW was under construction, with a further 7.7GW awaiting construction and 4.3GW still in planning. The Monitoring Report notes that of this pipeline for onshore wind, only 5% is under construction, compared to 35% under construction for offshore wind.
- 4.5.11 This commentary reflects the fact that not all consented or in planning schemes will be built and, therefore, make a contribution to installed capacity and there remains a need for further development.

### **Scotland’s Energy Strategy Position Statement - March 2021**

- 4.5.12 Published in March 2021, the Energy Strategy Position Statement<sup>26</sup> provided stakeholders with a clear overview of the Scottish Government’s policies in relation to energy in the lead up to COP26, which took place in November 2021.
- 4.5.13 The Ministerial Foreword references the net-zero GHG targets set by legislation and notes that the 2030 interim target is *‘particularly challenging’*. The significant growth in renewable electricity generation is also noted in the Foreword, with recognition that the *‘potential remains for much more renewable capacity and development across Scotland’* from onshore and offshore wind, but also from tidal technologies and solar.
- 4.5.14 In the Section ‘Onshore and Offshore Renewables’ the Energy Strategy Position Statement notes that the continued growth of Scotland’s renewable energy industry is *‘fundamental’* to the ambition of creating sustainable jobs, in the transition to net zero. The Energy Strategy Position Statement notes that in 2019 onshore wind investment in Scotland generated over £2 billion in turnover and directly supported approximately 2,900 full-time equivalent jobs across the country. The same Section notes that:

*‘The Scottish Government is committed to supporting the increase of onshore wind in the right places to help meet the target of Net Zero’.*

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

- 4.5.15 In December 2020, the ‘Update to the Climate Change Plan 2018 - 2032: Securing a Green Recovery on a Path to Net Zero’<sup>27</sup> was published as an update to the Climate Change Plan 2018. This 2020 update focuses on the Scottish Government’s legislative commitment to reduce emissions by 75 % by 2030 (compared with 1990) and to net zero by 2045, but setting this now within the context of a post-COVID green recovery.
- 4.5.16 The focus of the 2020 Update is on developing an understanding of what the green recovery will mean for Scotland and ensuring that this involves both actions to deliver on statutory climate change targets but making sure that this is on a just basis.

<sup>26</sup> <https://www.gov.scot/publications/scotlands-energy-strategy-position-statement/>

<sup>27</sup>

- 4.5.17 Part 3: Chapter 1 of the 2020 Update focuses on electricity. This part of the report emphasises the rapid growth and success to date of Scotland’s renewable energy generation as well as the determination to continue and expand this further. Page 78 of the Update states that *‘planning has been, and will remain, a critical enabler of rapid renewables deployment in Scotland’*. Referring particularly to onshore wind generation, on page 84 it is stated that there is a motivation to reduce determination periods for applications so as to enable projects to be awarded consent to be developed more quickly.

### **The Scottish Energy Strategy (SES) 2017 and Scotland’s Energy Strategy: Position Statement 2021**

- 4.5.18 The SES was published in December 2017<sup>28</sup> and sets out the Scottish Government’s strategy through to 2050, marking a ‘major transition’ over the next three decades in terms of energy management, demand reduction and generation.
- 4.5.19 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.
- 4.5.20 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’* (underlining added).
- 4.5.21 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) (underlining added).
- 4.5.22 The SES was updated with a Position Statement<sup>29</sup> in March 2021. The Ministerial Foreword references the net-zero GHG targets set by legislation and notes that the 2030 interim target is *‘particularly challenging’*. The significant growth in renewable electricity generation is also noted in the Foreword, with recognition that the *‘potential remains for much more renewable capacity and development across Scotland’* from onshore and offshore wind, but also from tidal technologies and solar.

<sup>28</sup> <https://www.gov.scot/publications/scottish-energy-strategy-future-energy-scotland-9781788515276/>

<sup>29</sup> <https://www.gov.scot/publications/scotlands-energy-strategy-position-statement/>



## Onshore Wind Policy Statement (OWPS) 2017 and Statement Refresh 2021 - Consultative Draft

- 4.5.23 The OWPS was published in December 2017<sup>30</sup> and the Ministerial Foreword notes the ‘*dominant and hugely valuable role*’ that the onshore wind sector will play in helping achieve Scotland’s renewable energy targets. The OWPS notes in paragraph 3 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*’ (underlining added).
- 4.5.24 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.
- 4.5.25 The draft Onshore Wind Policy Statement Refresh<sup>31</sup>, released for consultation in October 2021, updates the 2017 OWPS to reflect the updated 2045 net zero emissions target. It also seeks views on the Scottish Government’s ambition to secure an additional 8 to 12 GW of installed onshore wind capacity by 2030, how to tackle the barriers to deployment, and how to secure maximum economic benefit from these developments.
- 4.5.26 While in draft format only at present, it is worth noting those parts of the Draft OWPS where it is considered that consistent messages are conveyed, that have either already been set out in the OWPS 2017 or elsewhere.
- 4.5.27 The following paragraphs identify areas in the Draft OWPS where there is considered to be a parallel with messages set out in existing energy policy documents.
- 4.5.28 The Ministerial Foreword to the Draft OWPS notes that:  
‘*Onshore Wind remains vital to Scotland’s future energy mix, and we will need much more...*’ (underlining added)
- 4.5.29 This statement aligns with the Ministerial Foreword in the OWPS 2017 which notes that ‘*onshore wind is a vital component of the huge industrial opportunities that renewables more generally create for Scotland*’. Paragraph 3 of the OPWS 2017 also noted that in order to help meet Scotland’s energy needs the contribution of onshore wind ‘*must continue to grow*’. On this key issue about the future of onshore wind as part of Scotland’s future energy mix, there is consistency between the Draft OPWS and the OWPS 2017.
- 4.5.30 Paragraph 1.2.2 of the Draft OWPS states that ‘*we must go further and faster than before*’ in order to meet the substantial increase in demand for electricity, a reflection of the changed legislative basis that sets the net zero target for 2045.

<sup>30</sup> <https://www.gov.scot/publications/onshore-wind-policy-statement-9781788515283/>

<sup>31</sup> <https://www.gov.scot/publications/onshore-wind-policy-statement-refresh-2021-consultative-draft/>

- 4.5.31 In Chapter 2, the Draft OWPS seeks to quantify the amount of new onshore wind capacity that needs to be installed in order to meet GHG reduction targets. In paragraph 2.1.6 the Draft OWPS suggests that an additional 8-12GW of onshore wind will need to be installed in Scotland by 2030 to help meet the legally binding net-zero commitment. For context, paragraph 2.1.3 notes that Scotland currently has 8.4GW of installed onshore wind capacity; therefore an approximately doubling of installed capacity is required within the next 8-9 years to meet GHG reduction targets. Paragraph 2.1.1 notes that *'a consistently higher rate of onshore wind and other renewables capacity will be required year on year'*.
- 4.5.32 In paragraph 3.4.13 the Draft OWPS notes that onshore wind can play a greater role in helping to provide greater security over energy supplies, a message set out in the SES from 2017, again showing a consistent message on the benefits of this technology, beyond just reducing GHG emissions. The importance of having greater security over our energy supplies has come into much sharper focus over the last few months following the war in Ukraine and this is a theme that is central to the British Energy Security Strategy, discussed earlier.
- 4.5.33 Like the OWPS 2017, the Draft OWPS notes that while there is clear support for the further development of onshore wind this must take place *'in the right places'* (paragraph 4.2.1), which links with paragraph 4 of the OWPS 2017. Importantly, however, Section 4.4 also notes that the decisive action required to address climate change means that the way Scotland looks will change as a result of the *'need to deploy significant volumes of onshore wind generation over the next decade'*. There is recognition in paragraph 4.4.2 that this will comprise modern, efficient and taller wind turbines, and this reflects the commentary in paragraphs 24 and 25 of the OWPS 2017.
- 4.5.34 Overall, the Draft OWPS provides further support for the Proposed Development. This commentary has demonstrated that many of the key themes discussed in the Draft OWPS already form key components of the OWPS 2017 and as such the Draft OWPS represents a continuation of the established policy support for the continued growth of the onshore wind set out in the OWPS 2017.
- 4.5.35 The Scottish Ministers recent decision on the Arecleoch Wind Farm Extension<sup>32</sup> in November 2021 confirms that the OWPS 2017 makes clear that renewable energy deployment is a *'priority'* for the Scottish Government, a matter that they gave *'significant weight'* to in approving that development.

## 4.6 Conclusions

- 4.6.1 There can be no doubt that over the last few years, the issue of global warming has escalated in importance towards the top of the political agenda. There has been a notable change in language used by the UK and Scottish Governments, that now recognise that there is a *'climate emergency'* that demands immediate action. The adoption of a net-zero target for Scotland by 2045 is only part of the response - action on the ground is required if this target is to be met.
- 4.6.2 The various documents considered in this section all present in stark terms the very real consequences of climate change for current and future generations and the need to take action now if we are to meet the net zero commitments. Taking action to deliver these targets will have ramifications for all aspects of society from reducing the demand for energy, to the electrification of heat and transport. What is clear, however, is that the move away from fossil fuel energy generation towards renewables must continue apace and the UK and Scottish Governments have signalled their clear intent on this front in various energy publications in the last 12-18 months.

<sup>32</sup> <https://www.energyconsents.scot/ApplicationDetails.aspx?cr=ECU00001864&T=6>

- 4.6.3 It is clear also that the onshore wind sector has an important, indeed ‘vital’, role to play in helping to deliver Scotland’s longer-term climate change targets while also helping to reduce the cost 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.
- 4.6.4 The weight attributable to energy policy considerations has been addressed in recent wind farm decisions including the aforementioned Arecleoch.
- 4.6.5 Given this recent decision and in light of the relevant recent publications such as the British Energy Security Strategy, which follows from the war in Ukraine, there can be no doubt that the need for ‘home grown’ supplies of renewable energy is an absolutely essential part of making strides towards net zero as well as providing the UK with a much more secure future energy supply. These matters must therefore be accorded significant weight in determining this application.

## 5 National Planning Policy and Guidance

### 5.1 Introduction

- 5.1.1 This section considers the Proposed Development against the relevant provisions of Scottish Planning Policy (SPP) and National Planning Framework 3 (NPF3). There is some brief commentary on Draft National Planning Framework 4 (NPF4) too. When approved, NPF4 will replace both NPF3 and SPP and will form part of the statutory Development Plan.
- 5.1.2 NPF3 and SPP were both approved by the Scottish Government in June 2014. With regards to energy targets, they were drafted within the context of the Scottish Government’s headline targets of generating the equivalent of 100 % of gross electricity consumption from renewable sources by 2020 and a reduction of GHG emissions of at least 80 % by 2050, with an interim target of a 42 % reduction by 2020.
- 5.1.3 Since June 2014 there have been significant developments in energy policy and the establishment of new targets, which are discussed in Section 4 of this Statement. Therefore, while NPF3 and SPP establish clear in principle support for the development of renewable energy projects, the need case has materially increased since their publication and this is an important material factor in support of the Proposed Development.

### 5.2 Scottish Planning Policy (2014)

- 5.2.1 SPP<sup>33</sup> 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.
- 5.2.2 SPP and NPF3 share a single vision for the planning system in Scotland, which is:
- ‘We live in a Scotland with a growing, low-carbon economy with progressively narrowing disparities in well-being and opportunity. It is growth that can be achieved whilst reducing emissions and which respects the quality of the environment, place and life which makes our country so special. It is growth which increases solidarity - reducing inequalities between our regions. We live in sustainable, well-designed places and homes which meet our needs. We enjoy excellent transport and digital connections, internally and with the rest of the world’ (underlining added).*
- 5.2.3 To achieve this vision, SPP is focused on four planning outcomes, as is NPF3, which is discussed later. The four outcomes are:
1. A successful, sustainable place;
  2. A low carbon place;
  3. A natural resilient place; and
  4. A more connected place.

<sup>33</sup> <https://www.gov.scot/publications/scottish-planning-policy/>

- 5.2.4 SPP sets out a range of criteria that require to be assessed when considering development proposals, of most relevance here are the paragraph 29 principles and the paragraph 169 renewable energy assessment criteria. It is important that decision makers consider any detailed point by point assessment in the context of these four outcomes, where relevant, and then reach conclusions on how an individual proposal can ‘*make a positive difference*’ towards achieving the single vision for the planning system in Scotland (paragraph 13).
- 5.2.5 Not all of the Outcomes will be relevant in each and every case; however, Outcomes 1 - 3 are considered to be of relevance to the Proposed Development and these are discussed under separate sub-headings under the commentary on NPF3.
- 5.2.6 The key policy principle in SPP which is considered to be of relevance to the Proposed Development states that, ‘*this SPP introduces a presumption in favour of development that contributes to sustainable development*’ (hereafter referred to as ‘the presumption’).
- 5.2.7 Decision makers need to consider whether a proposal benefits from the presumption on a case by case basis, and assessed according to the principles set out in paragraph 29 of SPP. The Proposed Development is considered against paragraph 29 principles in Table 2 below.

**Table 2: SPP Paragraph 29 Principles**

SPP Paragraph 29 Principles	Commentary
<p>Giving due weight to the net economic benefit of proposals</p>	<p>EIAR Chapter 13 ‘Socio-economics’ concludes that the Proposed Development will give rise to positive economic benefits during the construction and operational phases.</p> <p>Of the £81.4 million wind farm development and construction value, there is potential for £9.6 million to benefit the local economy and £30.4 million to benefit the Scottish economy.</p> <p>It is estimated that the development and construction of the Proposed Development could sustain up to 72 jobs and contribute £4.4 million in Gross Value Added (GVA) at the local level (i.e. East and South Ayrshire). Across Scotland, it could contribute £14.3 million GVA and 232 jobs.</p> <p>The operation and maintenance phase is also expected to generate positive economic impacts. In this respect, the local economy could benefit by £1.4 million per annum and the wider Scottish economy by £1.9 million.</p> <p>While these benefits are not considered significant in EIA terms, they are beneficial overall, particularly when set against the challenging socio-economic conditions in East and South Ayrshire noted in EIA Chapter 13 ‘Socio-economics’.</p>
<p>Responding to economic issues, challenges and opportunities as outlined in local economic strategies</p>	<p>The Ayrshire Growth Deal is a partnership between the Scottish Government, the UK Government and East, North and South Ayrshire Councils. It secures £251.5 million of funding to help realise Ayrshire’s potential as a world-class business region for the aerospace and space, energy, tourism, manufacturing and engineering industries.</p>

	<p>South Ayrshire Strategic Economic Plan Vision 2030<sup>34</sup> was published in January 2021. It makes no reference to energy or renewables as key growth sectors and it is therefore not relevant to the Proposed Development.</p> <p>The East Ayrshire Economic Development Strategy 2014/2025<sup>35</sup> establishes a number of overarching priorities. Under ‘Sustainability’, it states that in delivering economic development, all agencies shall seek to inter alia improve energy efficiency and promote renewable energy.</p> <p>The Proposed Development responds positively to and will help deliver the aims of East Ayrshire Council’s strategy.</p>
<p>Supporting good design and the six qualities of successful places</p>	<p>This is of limited relevance to a wind farm application as the six qualities, as noted in paragraphs 41 - 46 of SPP, relate principally to non-renewable land uses and the following matters: ‘distinctive’, ‘safe and pleasant’, ‘welcoming’, ‘adaptable’, ‘resource efficient’ and ‘easy to move around and beyond’.</p> <p>It is however relevant to note the design evolution process that has been followed to arrive at the proposed site layout.</p> <p>As key design principle, having regard to the previous refusal of the Keirs Hill Wind Farm, particular consideration has been given to the effects of the Proposed Development on sensitive landscape and visual receptors within the adjacent Doon Valley to the east and Girvan Valley to the west. These receptors include the nearby communities of Patna, Waterside and Straiton respectively. Minimising any impacts on the setting of the historic ironworks complex at Waterside have also been significant considerations in the iterative design process.</p> <p>The Proposed Development involves a reduction in turbine numbers from the previous Keirs Hill Wind Farm (17 across the eastern part of the Proposed Development Area), reduced to 14 at feasibility stage, and further reduced to nine following design optimisation and feedback from the EIA Project Team.</p> <p>Fewer turbines in the Proposed Development, when compared to Keirs Hill Wind Farm, results in more even and consistent spacing between turbines and reduces stacking of turbines. The Proposed Development now occupies a smaller overall footprint, and the turbines occupy a smaller angle of the view than was the case with Keirs Hill Wind Farm. To reduce effects on the Doon Valley, turbines have been set further west within the plateau, and further from the settlements, while at the same time having regard to views from the Girvan Valley.</p>

<sup>34</sup> [https://www.south-ayrshire.gov.uk/media/2965/South-Ayrshire-s-new-Strategic-Economic-Plan-Vision-2030/pdf/sac\\_strategic\\_economic\\_plan\\_-\\_pdf\\_for\\_publishing.pdf?m=637692976801770000#:~:text=This%20Strategic%20Economic%20Plan%20aims,with%20changes%20in%20our%20economy.](https://www.south-ayrshire.gov.uk/media/2965/South-Ayrshire-s-new-Strategic-Economic-Plan-Vision-2030/pdf/sac_strategic_economic_plan_-_pdf_for_publishing.pdf?m=637692976801770000#:~:text=This%20Strategic%20Economic%20Plan%20aims,with%20changes%20in%20our%20economy.)

<sup>35</sup> <https://www.east-ayrshire.gov.uk/Resources/PDF/E/EconomicDevelopmentStrategy2014-2025.pdf>

	<p>Extending the landtake to the west has also resulted in an increased separation distance between the closest wind turbines and the designated assets of cultural heritage significance at Waterside, including the ironworks complex.</p> <p>EIAR Chapter 3 ‘Design Evolution and Alternatives’ discusses the design principles in more detail and explains how the Proposed Development was designed to take account of landscape and visual receptors, cultural heritage receptors, local properties, topography and other technical and environmental constraints.</p>
<p>Making efficient use of existing capacities of land, buildings and infrastructure including supporting town centre and regeneration priorities</p>	<p>While of limited relevance to the Proposed Development, the site layout has sought to make best use of existing access tracks on site in order to minimise the overall post-construction landtake.</p>
<p>Supporting delivery of accessible housing, business, retailing and leisure development</p>	<p>Not relevant to the Proposed Development.</p>
<p>Supporting delivery of infrastructure, for example transport, education, energy, digital and water</p>	<p>The wind turbines will generate up to 54 MW of renewable electricity, potentially supported by a BESS, which will help meet the Scottish Government’s renewable energy generation targets in the post 2020 period and the net zero GHG emission target by 2045, as well as the key interim 2030 target of a 75% reduction compared to 1990 levels.</p>
<p>Supporting climate change mitigation and adaptation including taking account of flood risk</p>	<p>The Proposed Development responds positively to the enhanced need case for further renewable energy development that has emerged in recent years.</p> <p>The results of the carbon calculator (see EIAR Chapter 14 ‘Climate Change’) indicate that the Proposed Development would effectively pay back its expected debt from manufacture, construction, impact on habitat and decommissioning within 2.5 years if it replaced fossil fuel-mix electricity generation.</p> <p>The overall net impact of the Proposed Development is positive as over its proposed 50 year lifespan, it is expected to generate over 47 years’ worth of carbon-free energy. This could result in over 3.1 million tonnes of net CO<sub>2</sub> emissions savings when replacing fossil fuel-mix electricity generation.</p> <p>The Proposed Development is not at risk of flooding and, subject to adherence to best practice construction methods to be set out in a CEMP and a suitable site-wide drainage strategy, nor would it lead to flood risk elsewhere during the construction, operational or decommissioning periods.</p>
<p>Improving health and well-being by offering opportunities for social</p>	<p>As part of the Proposed Development, the Applicant intends to establish a new trail within the Proposed Development Area boundary.</p>

<p>interaction and physical activity, including support and recreation</p>	<p>The overarching purpose of the third Land Use Strategy 2021-2026<sup>36</sup> ‘Getting the best from our land’, is sustainable land use. However, its publication comes at a time when both the urgency and scale of change needed is unprecedented. As a result, this Strategy is different in scope and tone from its predecessors. In this respect, <i>‘it moves away from a sector by sector approach towards an overarching holistic picture of what sustainable land use in Scotland could look like. It looks beyond its formal five year duration to our 2032 and 2045 targets and efforts to tackle the twin crises of climate change and biodiversity loss. It also highlights the actions we are taking right now across Scotland’.</i></p> <p>The text on page 4 notes that <i>‘reducing emissions to net-zero is vital to tackling climate change’.</i> Page 12 notes that as Scotland moves to being a net-zero economy, significant land use change from current uses to forestry and peatland restoration will need to happen. However, this needs to occur alongside ensuring space for other essential activities such as food production and <u>onshore wind generation</u> (underling added).</p> <p>Page 27 states that <i>‘our energy will continue to be provided by a wide and diverse range of renewable technologies, including onshore wind. We will need to continue to develop wind farms, in the right places....’</i></p> <p>The Proposed Development responds positively to these principles.</p>
<p>Having regard to the principles for sustainable land use set out in the Land Use Strategy</p>	<p>Protecting, enhancing and promoting access to cultural heritage, including the historic environment</p> <p>EIAR Chapter 6 ‘Cultural Heritage’ divides potential types of impacts that could result from the Proposed Development into construction effects and operational effects.</p> <p>A single recorded asset (consisting of post-medieval drainage ditches and banks) potentially lies within a borrow pit search area. The asset is however imprecisely located, and it may be possible to avoid it completely after further investigation. If this is not possible, a focused programme of archaeological monitoring is proposed which can be managed through planning condition. This would reduce the impact to an effect of negligible significance. A second on site asset (a small enclosure of unknown date) lies close to the crane pad for wind turbine T9. It would not be directly impacted, and fencing is proposed to protect this asset during construction.</p> <p>None of the operational effects have been assessed to be significant in EIA terms (ranging from none to minor significance). No additional mitigation is proposed for operational effects beyond the embedded mitigation through the iterative design process to reduce intervisibility with heritage assets wherever possible.</p>

<sup>36</sup> <https://www.gov.scot/publications/scotlands-third-land-use-strategy-2021-2026-getting-best-land/documents/>



	<p>Only two heritage assets have the potential to be affected by cumulative operational effects: (i) the miners’ villages and the mineral railways north of Waterside and (ii) Auchencroy Hill cairn. Supported by wireline visualisations (EIAR Figures 6.10 and 6.11), it is concluded that there will be no cumulative impact on the assets at Waterside and a cumulative impact of very minor significance on the cairn at Auchencroy Hill.</p> <p>Overall, the Proposed Development will not conflict with this objective.</p>
<p>Protecting, enhancing and promoting access to natural heritage, including green infrastructure, landscape and the wider environment</p>	<p>A Core Path connecting Straiton (South Ayrshire) to Patna (East Ayrshire) runs through the western corner of the Proposed Development Area. The closest proposed infrastructure to this path is wind turbine T2 and its associated access track.</p> <p>In the interests of health and safety during the construction phase, it will be necessary to manage the use of this Core Path to ensure that no significant effects arise. A Path Management Plan is therefore proposed which can be secured by planning condition.</p> <p>The Applicant proposes to establish a walking and nature trail (Keirs Glen Trail) which would include the creation of a circular walking route, with car parking, biodiversity enhancements and information boards. This will help to create new routes for visitors, tourists and the local community to use for outdoor pursuits, exercise and wildlife interests. EIAR Chapter 13 ‘Socio-economics’ concludes that it has the potential to increase footfall within the local area and have a positive effect on the tourism economy.</p> <p>Effects on landscape designations and landscape character are discussed in Table 3. While some significant effects are identified, they are localised and will not affect the overall integrity of the Doon Valley SLA or the Water of Girvan Valley LLA.</p> <p>Visual impacts on recreational and tourist routes are also discussed in Table 3.</p>
<p>Reducing waste, facilitating its management and promoting resource recovery</p>	<p>Not relevant to the Proposed Development.</p>
<p>Avoiding over-development, protecting the amenity of new and existing development and considering the implications of development for water, air and soil quality</p>	<p>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. EIAR Chapter 3 ‘Design Evolution and Alternatives’ details the process whereby wind turbine numbers were reduced to accommodate the various technical and environmental constraints identified, to achieve an appropriate level of development.</p>

A Residential Visual Amenity Assessment (RVAA) (EIAR Technical Appendix 5.4) has been carried out on individual properties and at representative locations within Patna and Waterside. The assessment considers both individual and cumulative visual effects.

Although receptors at a number of locations assessed in the RVAA have the potential to experience a significant visual effect, none of these receptors would be affected to such a degree that their property would be widely regarded as an unattractive place in which to live i.e. the residential visual amenity threshold would not be breached.

With specific regard to High Keirs Cottage, the PLI Report into the previous Keirs Hill Wind Farm proposal concluded that there would be unacceptable effects. For this property, the RVAA concludes that, *‘at distance of 1.2 km and given the unaffected views north and east, the Proposed Development will not appear overwhelming or oppressive and will not breach the residential visual amenity threshold’*.

Properties in Waterside are between approximately 1.9 km and 2.3 km from the closest turbine. The proposed turbine array is considered to relate to the open, gently convex skyline of the Doon Valley. The turbines will be set behind the immediate skyline, occupying a relatively small part of the wider view. Overall, the RVAA concludes that the Proposed Development will not appear overwhelming or oppressive in views from properties in Waterside.

Views from Patna are generally oriented across the valley, or along the valley to the south-east. The turbines will appear on the skyline to the south, and will be visible from a number of outward-facing streets, and glimpsed from others. Properties in Patna are between approximately 1.5 km and 3 km from the closest turbine. Although the magnitude of change at some properties will be medium (from Burnfoot for example), the RVAA finds that the Proposed Development will not appear overwhelming or oppressive in views from properties in Patna.

EIAR Chapter 5 ‘Landscape and Visual’ predicts moderate and significant effects on views from the settlements of Patna and Waterside, within the Doon Valley. There may be moderate and significant effects on specific views from within other settlements, such as Viewpoint 11 within Dalmellington, but overall effects on views from this and other settlements are not predicted to be significant.

EIAR Chapter 12 ‘Noise’ has been prepared in accordance with ETSU-R-97 and the Institute of Acoustics (IOA) good practice guidance.

The operational impact is deemed to be acceptable as the Proposed Development meets noise limits specified by the relevant guidance both alone and in the cumulative scenario. EIAR Technical Appendix 12.8 details the proposed noise levels to be enforced through a

planning condition to provide an appropriate degree of protection to nearby residents in the form of limits relating to noise level and tonality. For construction impact, a range of mitigation measures are proposed as part of the CEMP which would be agreed as a condition of consent.

Subject to mitigation, vibration and air overpressure due to blasting within the on site borrow pit(s) are not expected to have a significant impact on nearby residents.

EIAR Chapter 15 'Aviation, Safety and Other Issues' assesses potential shadow flicker effects on identified properties within 10 rotor diameters of the proposed turbine locations. Of the 83 properties identified, one is unoccupied, eight are occupied and 74 are part of the Carskeoch Caravan Park Housing Development which benefits from planning permission but is not yet constructed. In the event of shadow flicker causing a nuisance, mitigation measures include planting tree belts between the residential property and the responsible wind turbine(s), installing blinds at the affected residential property, or shutting down individual turbine(s) during periods when shadow flicker could occur.

- 5.2.8 Taking these observations into account, it is considered that the Proposed Development sits comfortably with the guiding principles that underpin the 'presumption' in SPP. It is considered that the Proposed Development can reasonably be described as one that '*contributes to sustainable development*', supported by a materially enhanced need case for further low carbon energy developments that has emerged in recent years, and it therefore should benefit from the weight of the presumption in the planning balance.
- 5.2.9 The Proposed Development also requires to be considered against the renewable energy assessment criteria set out in paragraph 169 of SPP. Some of these criteria reflect the contents of SPP paragraph 29. The reason for this is that paragraph 29 of SPP applies to all forms of development but paragraph 169 applies specifically to renewable energy proposals. The Paragraph 169 assessment is set out in Table 3 below.
- 5.2.10 The second policy principle of SPP states '*planning should take every opportunity to create high quality places by taking a design-led approach*'.
- 5.2.11 This policy principle is considered to be of more relevance to the consideration of housing, mixed-use, commercial and other non-energy land uses. However, as already noted in Table 2, a number of technical and environmental constraints, including consideration of landscape and visual effects, influenced the design evolution process as explained in EIAR Chapter 3 'Design Evolution and Alternatives'.
- 5.2.12 This demonstrates that alongside environmental and technical issues, and consideration of the reasons for refusing the previous Keirs Hill Wind Farm scheme, the site layout was influenced by design factors including consideration of different turbine models with different tip heights, how the design and layout of the turbines would be viewed from certain locations in the landscape, and opportunities to limit intervisibility with designated cultural heritage assets in the surrounding area. It is clear therefore that design has influenced the final layout of the Proposed Development.

- 5.2.13 The third policy principle of SPP states ‘*planning should direct the right development to the right place*’.
- 5.2.14 In the context of onshore wind farms, this means principally having regard to the Spatial Framework set out in Table 1 of SPP and any local guidance relevant to the Proposed Development Area.
- 5.2.15 The first Group 2 interest relates to the proximity of the Proposed Development to the settlement boundaries of Patna (including Burnfoot) and Waterside as defined in the adopted East Ayrshire Local Development Plan (LDP) 2017. In this respect, the Proposed Development Area abuts the boundary for Waterside and lies approximately 0.4 km from the boundary for Patna at its closest point. The western portion of the Proposed Development lies beyond 2 km from settlement boundaries as defined in the adopted South Ayrshire LDP 2014.
- 5.2.16 SPP Table 1 and East Ayrshire Local Development Plan Supplementary Guidance: Planning for Wind Energy 2017 both define a maximum 2 km separation distance around settlements identified in Local Development Plans for visual impact purposes. The majority of the eastern portion of the Proposed Development Area (within East Ayrshire) falls within this 2 km zone. However, it is important to recognise that only three proposed wind turbines (T5, T6 and T9) fall within 2 km of the defined settlement boundaries for Patna and Waterside. The closest wind turbine is approximately 1.4 km from the Patna settlement boundary. The remaining six are sited 2 km or more from the closest settlements.
- 5.2.17 It is also necessary to note that this 2 km radius is a maximum and does not take into account the specifics of individual sites in terms of topography, screening etc. that defines the extent of visibility in reality. Furthermore, development proposals require to be assessed on their own merits (see the RVAA prepared for the Proposed Development at EIA Technical Appendix 5.4), having regard to the specifics of the site in question.
- 5.2.18 In this latter regard, as detailed in EIA Chapter 3 ‘Design Evolution and Alternatives’ and summarised in Section 3.3 of this Statement, it is considered that visual effects from settlements within the Doon Valley (specifically Patna and Waterside) have been substantially overcome by the Applicant through the iterative design process.
- 5.2.19 It is also important to note that, while ultimately refused consent, the PLI Report into the previous Keirs Hill Wind Farm proposal (which proposed 17 wind turbines on the eastern portion of the Proposed Development Area within East Ayrshire) states that the site ‘*is a suitable one for wind energy development*’ (underlining added). Furthermore, as detailed at page 6 of the PLI Summary, the Reporter notes that ‘*the Council agrees that most or all of the site (i.e. the eastern portion of the Proposed Development Area) should be considered to fall within a Group 3 area*’ as defined by SPP.

5.2.20 The second Group 2 interest on the Proposed Development Area is the mapped presence of carbon rich soils and deep peat based upon the Scottish Natural Heritage (now NatureScot) Carbon and Peatland Map 2016<sup>37</sup> (EIAR Figure 9.2). Mapped Class 1 peat is located predominantly across the eastern side of the site, within East Ayrshire. Supported by site investigations and analysis (see EIAR Technical Appendices 9.1 and 9.2), the Applicant has substantially overcome any significant effects on these interests through site design and mitigation. In this respect, areas of deep peat have been largely avoided (although sections of access track likely require to be ‘floated’ across deep peat) and areas of mapped carbon rich soils have been found after further assessment not to be carbon rich soils.

5.2.21 Further consideration of detailed site specific impacts are required against the renewable energy assessment criteria set out in paragraph 169 of SPP. This assessment is set out in Table 3 below.

### **A Low Carbon Place**

5.2.22 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. It notes in paragraph 152 that planning ‘must’ facilitate the transition to a low carbon economy, described in paragraph 154 as requiring a ‘transformational change’ to ensure that renewable energy targets are achieved. Paragraph 155 is clear that development plans ‘should seek to ensure that an area’s full potential for electricity and heat from renewable sources is achieved’.

5.2.23 It is of relevance to note that new renewable energy and GHG reduction targets have been introduced since SPP was published, and these are discussed in Section 4. In particular, the introduction into law of the 2045 net zero target and the associated 2030 key milestone target significantly increases the need case for further renewable energy and low carbon development. The Proposed Development can contribute positively to the creation of a Low Carbon Place, by offsetting 66,330 tonnes of GHG per year. This equates to over 3.1 million tonnes of GHG savings, taking account also of the expected carbon payback period, over the operational life of the project (see EIAR Chapter 14 ‘Climate Change’ for details).

### **Table 1 - Spatial Frameworks**

5.2.24 Table 1 of SPP sets out the specific criteria by which Spatial Frameworks for onshore wind energy proposals should be formed. 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’.

5.2.25 The SPP Spatial Framework categorises constraints and opportunities into three groups:

1. Group 1: Areas where wind farms will not be acceptable - ‘National Parks and National Scenic Areas’.
2. 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’ (underlining added).
3. Group 3: Areas with potential for wind farm development - ‘Beyond groups 1 and 2, wind

<sup>37</sup> <https://www.nature.scot/professional-advice/planning-and-development/planning-and-development-advice/soils/carbon-and-peatland-2016-map>

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

- 5.2.26 For the reasons outlined in paragraphs 5.2.13 - 5.2.20 above, it is concluded that the Applicant has 'substantially overcome significant effects' on the two identified Group 2 issues through careful siting and detailed design.
- 5.2.27 SPP sets out in paragraph 169 a checklist for assessing renewable energy planning applications, as discussed in Table 3 below. These matters duplicate some of the earlier comments on SPP paragraph 29. Where this is the case, comments have been kept brief.

**Table 3: SPP Paragraph 169 Assessment**

<p>Net economic impact, including local and community socio-economic benefits such as employment, associated business and supply chain opportunities</p>	<p>Positive effects during the construction and operational periods are identified in EIAR Chapter 13 'Socio-economics', see earlier commentary in Table 2.</p> <p>Additionally, the Applicant is committed to maximising local economic benefits by following Scottish Government guidance on community benefits and is offering £5,000 per MW per year to local communities during the operation of the Proposed Development. Based upon a total installed capacity of 54 MW, this would equate to up to £270,000 annually. In addition to delivering a community benefit fund, the Applicant is actively engaging with local communities to establish the priority aims and projects in their respective areas to allow a tailored package of benefits to be developed.</p>
<p>The scale of contribution to renewable energy generation targets</p>	<p>The Proposed Development will make a significant and positive contribution to achievement of renewable energy generation targets, see earlier commentary in Table 2.</p>
<p>Effect on greenhouse gas emissions</p>	<p>The Proposed Development will make a significant contribution towards efforts to reduce GHG emissions, especially the key 2030 interim target.</p> <p>See earlier commentary in Table 2.</p>
<p>Cumulative impacts</p>	<p>Each chapter of the EIAR considers the potential for and significance of cumulative impacts associated with the Proposed Development.</p> <p>Subject to mitigation and adherence to best practice measures, no residual adverse cumulative effects are identified in relation to ecology, ornithology, hydrology, hydrogeology, geology (including peat), cultural heritage, noise, traffic and transport, aviation and defence, telecommunications, socio-economics, forestry and climate.</p> <p>Significant cumulative landscape effects are predicted within LCT 10 'Upland River Valley (River Doon)' under Scenario 2 (the lower level of certainty assessed) as the Proposed Development will be seen in successive views with the proposed Knockkippen Wind Farm (assessed in the EIAR as being at scoping stage, although recently submitted) and taken together these wind farms will result in the LCT being</p>

	<p>overlooked by turbines in both the east and west, introducing a large scale change within the LCT. In addition, cumulative visual effects are most likely to arise within and around the Doon Valley due to visibility of the Proposed Development as well as nearby consented and proposed schemes.</p>
<p>Impacts on communities and individual dwellings, including visual impact, residential amenity, noise and shadow flicker</p>	<p>During operation, EIAR Chapter 5 ‘Landscape and Visual’ predicts significant visual effects for sensitive receptors up to 7 km from the Proposed Development.</p> <p>Moderate and significant effects are predicted on views from the settlements of Patna and Waterside, within the Doon Valley. There may be moderate and significant effects on specific views from within other settlements, such as Viewpoint 11 within Dalmellington, but overall effects on views from this and other settlements are not predicted to be significant.</p> <p>Although receptors at a number of locations assessed in the RVAA (EIAR Technical Appendix 5.4) have the potential to experience a significant visual effect, none of these receptors would be affected to such a degree that their property would be widely regarded as an unattractive place in which to live.</p> <p>The assessment of effects on views due to visible aviation lighting includes consideration of mitigation whereby the emitted light reduces with the angle of view. It also takes into account the dimming of lights to 10 % intensity during clear weather conditions. No significant effects are predicted as the Proposed Development will introduce lights in views where other light sources are often visible.</p> <p>EIAR Chapter 12 ‘Noise’ concludes that there would be no significant residual effects arising from noise (including cumulative) during the construction, operational or decommissioning phases. During the operational phase, wind turbine noise for dwellings in the vicinity of the Proposed Development would meet the noise criteria established in accordance with ETSU-R-97. No significant noise impacts would arise as a result of the operation of the potential BESS facility. During construction, a range of noise mitigation measures are proposed as part of the CEMP which would be agreed as a condition of consent.</p> <p>There are five occupied and 74 approved (but not yet constructed) properties within 10 rotor diameters of the wind turbine locations that could potentially experience shadow flicker from the Proposed Development. In the event that a shadow flicker nuisance is identified during operation of the Proposed Development, a range of mitigation measures are available (see EIAR Chapter 15 ‘Aviation, Safety and Other Issues’).</p>
<p>Landscape and visual impacts, including effects on wild land</p>	<p>The conclusions of the LVIA are summarised as follows:</p>

### **Landscape Character**

During construction, significant effects on the landscape will be localised to the Proposed Development Area and will be temporary, ceasing after the construction period.

During operation, significant effects on the landscape character are predicted to extend across the Proposed Development Area and the immediately surrounding landscape. This includes the forested Scleteuch Moor and Keirs Hill, as well as the Doon Valley between Patna and Waterside, and the eastern fringe of the Girvan Valley. Significant effects on landscape character are not anticipated beyond 2 km from the proposed turbines.

### **Landscape Designations**

Significant effects on landscape character will occur within locally designated landscapes: within a small part of the Doon Valley SLA (East Ayrshire); and, within a very small part of the Water of Girvan Valley Local LLA (South Ayrshire). However, it is concluded that the Proposed Development will not significantly affect the special qualities of these designated landscapes, and will not affect their overall integrity.

### **Visual Amenity**

Significant effects are predicted for some sensitive receptors up to 7 km from the Proposed Development. The greatest effects are predicted from the closest viewpoints and from surrounding elevated viewpoints where the whole of the Proposed Development will be visible. More screened views from within the Doon Valley will be affected to a lesser extent, although high sensitivity receptors in and around Waterside and Patna will experience moderate and significant effects. There may be moderate and significant effects on specific views from within other settlements, such as Dalmellington, but overall effects on views from this and other settlements are not predicted to be significant.

Moderate and significant effects are predicted for users of local minor roads, the B741, and local core paths within the Doon Valley and Girvan Valley, where these have clear views of the Proposed Development. Effects on views from the other viewpoints examined are not predicted to be significant. This is due either to the screening effect of topography (e.g. views from Straiton or the A713) or due to the distance to the Proposed Development (e.g. views from Cornish Hill and the Southern Uplands).

### **Aviation Lighting**



No significant effects on landscape character are anticipated as the Proposed Development will introduce lights in an area where other light sources are often visible. Effects on views are considered for a maximum brightness scenario, where lights are at their fullest intensity, and a reduced scenario, where lights are dimmed to 10% intensity during clear weather conditions. The latter scenario is considered to be seen most frequently by receptors. In addition, the assessment considers mitigation whereby the emitted light reduces with the angle of view. No significant effects were predicted for closer viewpoints in settled areas with established lighting. Significant effects were identified in the context of the darker outlook from Cornish Hill, but only in the less likely maximum brightness scenario. This means that significant effects on views from Cornish Hill and other locations within the Galloway Dark Sky Park and Merrick WLA are unlikely in practice, and would only be experienced by a small number of visual receptors visiting this location at dusk and by night. There will be no visibility of turbine lighting from the Scottish Dark Sky Observatory.

**Wild Land**

The effects of the Proposed Development on the key attributes and qualities of the Merrick WLA were assessed. The WLA is over 12 km from the Proposed Development Area. By day, the Proposed Development will be seen behind the operational Dersaloch Wind Farm and will sit within the existing horizontal extent occupied by Dersaloch. The WLA’s ‘strong perception of naturalness’ may be slightly altered at night due to the introduction of aviation lighting in views to the north. The visibility of existing human development during the day and existing artificial lighting at night results in the effects on the key attributes of the Merrick WLA to be judged as not significant.

Effects on the natural heritage, including birds

As detailed in EIAR Chapters 7 ‘Ecology’ and 8 ‘Ornithology’, following mitigation (such as the appointment of an Ecological Clerk of Works (ECoW), pre-construction protected species surveys, preparation of a comprehensive CEMP and adherence to a Water Quality and Fish Management Plan (WQFMP)) and careful site layout design, the Proposed Development is not predicted to have significant effects on any identified important ecological and ornithological receptors during its construction or operation.

**Ecology**

The layout of the Proposed Development has avoided impacts to sensitive habitats where possible (e.g. modified and blanket bog), and

areas of deepest peat and peat slide hazard zones, taking into account other constraints. Where avoidance has not been possible, the Proposed Development will be constructed in such a way as to maintain the integrity and connectivity of the hydrology of hydrologically sensitive habitats.

Felling will be undertaken to ensure that there is at least a 50 m buffer between wind turbine blade tips and the nearest woodland edge as set out in current NatureScot guidance in relation to bats and wind farms. Where possible, forest will be key-holed around wind turbines. In some areas however, larger sections of forest will need to be clear-felled and then restocked up to the buffer distance set out.

A buffer of at least 100 m has been left between the Proposed Development and confirmed badger setts to minimise disturbance to badgers with the Proposed Development Area.

A buffer of at least 30 m has been left between the Proposed Development footprint and areas with potential to be used by otters as a couch (over-grown resting place).

Watercourse protection measures will be adopted within the CEMP and include protection against siltation, sedimentation, and pollution incidents. Robust mitigation measures will be installed prior to works commencing to ensure the impacts on watercourses are minimised.

Where possible (and where other constraints allow), micro-siting of infrastructure will be undertaken to ensure construction does not impact on the most sensitive habitats and any other identified ecological constraints and will be completed in consultation with the ECoW. This is particularly important when working in close proximity to waterbodies and sensitive habitats. Where micro-siting cannot avoid areas of sensitive habitats or features, the ECoW will discuss and agree additional required mitigation to ensure impacts are minimised. As detailed in EIAR Table 7.16, only one feature (bats) has been identified as an Important Ecological Feature (IEF), requiring further assessment following the application of embedded mitigation described above. In this respect, moderate adverse residual effects are predicted on common, soprano and Nathusius's pipistrelle and *Nyctalus* sp. bats with minor adverse effects on myotis bats (i.e. not significant) during operation.

It is proposed that an HMP be developed as a condition of consent for the Proposed Development. The main aim will be to improve and restore areas of bog within the Proposed Development Area. Two areas have been identified on site in which blanket bog restoration could be undertaken.

## Ornithology

The ECoW will carry out pre-construction survey checks during the bird breeding season (March to August, inclusive), in advance of vegetation stripping, felling or excavation works, to check for the presence of any breeding birds. Any active nests found will be cordoned off to a suitable distance for the species concerned (in line with appropriate guidance) and construction operations delayed within the cordon until the young have fledged and/or the nest becomes vacant naturally. There will be a clear line of responsibility for establishing that these measures are adhered to. This will minimise the possibility of illegal damage, destruction or disturbance to occupied bird nests during the construction phase. Full details of the ECoW's role and responsibilities will be provided in the CEMP and secured through appropriate planning condition.

As detailed in EIAR Table 8.13, only one feature (goshawk) has been identified as an Important Ornithological Feature (IOF), requiring further assessment.

No nesting was confirmed within the Proposed Development Area, however given that large forestry stands are present within the wider environs to the west and south-east, goshawk are likely to be breeding in some proximity to the Proposed Development Area. The home range of goshawk is variable depending on prey and woodland habitat availability. In areas of coniferous woodland in Scotland, nests are found in stands of trees between 2.4-3.8 km apart. With extensive alternative breeding habitat present in the immediate area of the Proposed Development, any potential effects on goshawk as a result of the Proposed Development are considered negligible (habitat suitability for goshawk within commercial conifer plantations is subject to constant change due to the nature of rotational harvesting). Therefore, construction phase disturbance/displacement effect on this species is predicted to be of no more than short-term, negligible and not significant. No disturbance or displacement impacts are predicted for goshawk during the operation phase of the Proposed Development.

Impacts on carbon rich soils, using the carbon calculator

The extent and depth of peat at the Proposed Development Area has been subject to detailed investigation. Where recorded, the peat thickness varies from 0.5 m to 5.9 m. Of the probe locations that intersected peat, approximately 80 % recorded peat less than 1 m thick. Figures 9.2.3 and 9.2.4 in EIAR Technical Appendix 9.2 illustrate the peat depths across the Proposed Development Area.

A site-specific Peat Landslide Hazard and Risk Assessment (PLHRA) has been prepared to inform the Proposed Development design (see EIAR Technical Appendix 9.1). It concludes that, subject to the employment

of appropriate mitigation measures, the presence of peat and potential peat slide instability are not development constraints.

Where practically possible, areas of deep peat have been avoided through the iterative design process (infrastructure elements have largely been placed on areas where mean soil depths are noted to be less than 1 m), although approximately 650 m of ‘floated’ access track is under consideration.

A site-specific Peat Management Plan (PMP) has also been prepared (EIAR Technical Appendix 9.2) which shows that peat disturbed by the Proposed Development can be readily re-used for restoration purposes.

The Proposed Development will have expected net emissions of 164,088 t CO<sub>2</sub> eq. The results from the carbon calculator (see EIAR Chapter 14 ‘Climate Change’) determined that the Proposed Development would effectively pay back its expected debt from manufacture, construction, impact on habitat and decommissioning within 2.5 years if it replaced the fossil fuel mix electricity generation method.

Public access, including impact on long distance walking and cycling routes and scenic routes identified in the NPF3

A Core Path connecting Straiton (South Ayrshire) to Patna (East Ayrshire) runs through the western corner of the Proposed Development Area. The closest proposed infrastructure to this path is wind turbine T2 and its associated access track.

In the interests of health and safety during the construction phase, it will be necessary to manage potential impacts between construction traffic and path users. A Path Management Plan is therefore proposed which can be secured by planning condition.

The submitted LVIA predicts moderate and significant effects on local Core Paths within the Doon Valley and around Straiton, on short sections where there are clear views of the Proposed Development. However, EIAR Chapter 13 ‘Socio-economics’ does not consider that these effects are sufficiently adverse to deter a significant number of visitors away from these particular assets and as such, the Proposed Development is not likely to have any detrimental significant impacts on visitor numbers or the visitor economy. In addition, the Applicant proposes to create a new walking and nature trail called Keirs Glen Trail.

The submitted LVIA also considers impacts on i) the A713 Galloway Tourist Route, from which the Proposed Development would be accessed, and described as a Scenic Route and, ii) the National Cycle Network Route 7. No significant effects are predicted for users of the A713 Galloway Tourist Route, who will experience only passing views of the Proposed Development set well back from the valley edge. Only minor effects are predicted on the long distance cycle route.

	<p>Due to distance and limited theoretical visibility, impacts on views from the Ayrshire Coastal Path and the River Ayr Way were scoped out of the LVIA process.</p>
<p>Impacts on the historic environment, including scheduled monuments, listed buildings and their settings</p>	<p>No significant adverse effects on any aspect of the historic environment have been identified. See earlier commentary in Table 2.</p>
<p>Impacts on tourism and recreation</p>	<p>In relation to the previous Keirs Hill Wind Farm proposal, EAC raised concerns that the fragile local economy, still recovering from the loss of the coal industry, would be significantly affected if visitors were dissuaded from visiting or staying in the area as a result of the development of a wind farm at this location (PLI Summary, page 7). Research however does not support this view. In this respect, a literature review carried out as part of EIAR Chapter 13 ‘Socio-economics’ indicates that wind farms have only a minor impact on visitor activity.</p> <p>Research published in 2021 by Biggar Economics on the economic impact of wind farms on tourism<sup>38</sup> analysed trends at the local authority level and found no negative relationship between the growth in the number of wind turbines and the level of tourism employment. The analysis found that tourism-related employment in the vicinity of wind farms had outperformed the trend for Scotland as a whole and for the local authority area in which the wind farm was based.</p> <p>The assessment has considered the impact on baseline conditions of tourism and recreational assets arising from the Proposed Development. The findings from this assessment conclude that the likelihood for potential negative impacts by the Proposed Development on tourism and recreational assets is low.</p> <p>Impacts on Core Paths in the vicinity of the Proposed Development are discussed above.</p>
<p>Impacts on aviation and defence interests and seismological recording</p>	<p>A reduced lighting scheme limiting the number of wind turbines with visible aviation warning lights and the type of lighting to be used has been agreed with the Civil Aviation Authority (CAA) and Defence Infrastructure Organisation (DIO). In addition, infrared lighting will be agreed with the DIO to address the Ministry of Defence (MOD) low flying requirements (see EIAR Chapter 15 ‘Aviation, Safety and Other Issues’).</p> <p>The Proposed Development has the potential to affect the operation of the primary radar at Glasgow Prestwick Airport (GPA) and Lowther Hill (operated by NATS) and may impact the Instrument Flight Procedures (IFPS) and Very High Frequency (VHF) communications at GPA. Radar Mitigation Schemes will be agreed between the Applicant</p>

<sup>38</sup> <https://biggareconomics.co.uk/onshore-wind-and-tourism-in-scotland>

	<p>and GPA and NATS to address the effects of the Proposed Development on these radars. Further assessment of possible impacts on IFPS and VHF communications at Prestwick will be commissioned which will determine if any mitigation is required.</p> <p>The Proposed Development Area lies outwith the 50 km consultation zone specified by the MOD in relation to the Eskdalemuir seismic array.</p>
<p>Impacts on telecommunications and broadcasting installations, particularly ensuring that transmission links are not compromised</p>	<p>EIAR Chapter 15 ‘Aviation, Safety and Other Issues’ outlines the consultation undertaken to date with telecommunications and broadcasting network operators.</p> <p>Based on the information made available, the Proposed Development does not directly affect microwave fixed links and the potential effect on microwave fixed links is not significant. Pre-construction checks would nevertheless be undertaken to ensure this still remains the case nearer the time of construction.</p>
<p>Impacts on road traffic</p>	<p>EIAR Chapter 11 ‘Traffic and Transport’ concludes that with the incorporation of suitable mitigation measures secured through a Construction Traffic Management Plan (CTMP) prior to works commencing, there will be no significant traffic effects associated with the Proposed Development.</p> <p>The maximum traffic impact associated with construction is predicted to occur in Month 3 of the construction programme with the greatest impact occurring along the A713, to the north of the main site entrance. At peak construction, the Proposed Development will result in 88 Heavy Goods Vehicles (HGV) movements per day and 35 cars and Light Goods Vehicles (LGVs).</p> <p>The assessment focuses on the construction period and assumes, as a worst case scenario, that all stone would be imported onto site. In reality however, the proposed on site borrow pit(s) would significantly reduce the number of vehicle movements on the road network.</p> <p>A likely AIL delivery route from King George V Dock in Glasgow has been identified. This same route has been used successfully for other wind farm projects in the area in the recent past and so no insurmountable issues are predicted. As a condition of consent, it is proposed that an AIL Management Plan be developed which includes the Abnormal Load Transport Management Plan.</p> <p>As detailed above, a Path Management Plan is proposed to manage the use of the Core Path within the Proposed Development Area boundary during construction.</p>
<p>Impacts on adjacent trunk roads</p>	<p>No significant residual effects on the trunk road network are identified.</p>
<p>Effects on hydrology, the water environment and flood risk</p>	<p>EIAR Chapter 9 ‘Geology, Hydrology and Hydrogeology’ considers the potential impacts of the Proposed Development upon these receptors. It is accompanied by several associated TAs addressing peat slide</p>

hazard and risk (EIAR TA 9.1); peat management (EIAR TA 9.2); coal mining risk (EIAR TA 9.3); and, watercourse crossings (EIAR TA 9.4).

SEPA mapping has identified that the main floodplain extents within the surface water catchments are local, never extending far from the watercourses or waterbodies. High risk areas associated with flooding are located along the larger watercourse corridors including the River Doon, Muirsmill Burn (down-stream of Loch Spallander Reservoir), and Lambdoughty Burn. However, none of the flood extents are close to any element of the Proposed Development.

In accordance with wind farm construction best practice guidelines, a 50 m buffer has been applied to watercourses (shown on OS 1:50,000 mapping) and, with the exception of four watercourse crossings (two upgrades to existing crossings and two new crossings), where practical any proposed construction activities or infrastructure has been located outside of this buffer. The crossings would be designed to pass the 200-yr flood event. Controlled Activities Regulations (CAR) licences would be required from the Scottish Environment Protection Agency (SEPA) to construct these crossings.

Loch Spallander Reservoir adjoins the Proposed Development Area's north-western boundary. It is understood however that the reservoir is no longer used by Scottish Water as a drinking water supply source. EIAR Table 9.6 confirms that all identified private water supply sources are located more than 250 m from the Proposed Development, and all are located in different water catchments to the Proposed Development. Given the lack of pathways, it is concluded that none of the private water supply sources are at risk from the Proposed Development.

It is concluded that areas of potential GWDTE are not sustained by groundwater but by surface water, and therefore the 100 m and 250 m buffers specified in SEPA guidance to potential GWDTE habitats need not be applied. Safeguards, however, will need to be included in the Proposed Development detailed design to maintain existing surface water flow paths so that existing habitats are sustained.

A comprehensive suite of mitigation and best practice measures has been incorporated into the design of the Proposed Development. A site specific CEMP, including water quality monitoring during and immediately post construction, as well as detailed design of infrastructure and associated mitigation, would be implemented to protect water resources from pollution and minimise changes to the hydrological environment.

Subject to the successful implementation of the suite of mitigation measures identified, no significant effects during construction or

	operation are predicted on hydrology, the water environment and there is no increase in flood risk.
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 the Energy Consents Unit (ECU) and the respective Local Planning Authorities (LPAs).
Opportunities for energy storage	A potential BESS forms 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 potentially also help with the operation of the electricity transmission system through frequency regulation.
The need for a robust planning obligation to ensure that operators achieve site restoration	This matter can be covered by planning conditions consistent with other projects across the country.

## 5.3 National Planning Framework 3 (2014)

- 5.3.1 National Planning Framework 3<sup>39</sup> (NPF3) sets out the long-term vision for development and investment across Scotland for the next 20 to 30 years. It was published by the Scottish Government in June 2014 and the Ministerial Foreword notes that it has a ‘five year lifespan’. The current renewable energy context is significantly different now to that within which NPF3 was prepared. The document pre-dates the climate emergency, the net-zero target and the ‘all energy’ targets set by the SES. In addition, a replacement Draft NPF4 has been published for consultation and may be approved some time in 2022. Draft NPF4 is discussed below.
- 5.3.2 The relevant commentary in NPF3 is supportive of renewable energy developments, with the key reference points and targets being the generation of the equivalent of at least 100% of gross electricity consumption from renewables by 2020, with an 80% reduction in GHG emissions by 2050. These targets have now been superseded with more recent and ambitious targets as discussed in Section 4.
- 5.3.3 As noted in the earlier commentary on SPP, that document and NPF3 share the same vision and four shared Outcomes. Outcomes 1-3 are considered relevant to the Proposed Development with the following commentary under each sub-heading considered especially pertinent.

### **A successful, sustainable place**

- 5.3.4 This is the first shared Outcome. 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 to deliver the ‘growing low carbon economy’ referenced in paragraph 1.2.

<sup>39</sup> <https://www.gov.scot/publications/national-planning-framework-3/>



## A low carbon place

- 5.3.5 This is the second shared Outcome between SPP and NPF3. The stated ambition on page 30 seeks to ‘achieve at least an 80% reduction in greenhouse gas emissions by 2050’. This target has now been increased to a 100% reduction in GHG emissions by 2045 (net-zero). The more recent expressions of Scottish Government energy policy discussed in Section 4 of this Statement 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.
- 5.3.6 Paragraph 3.1 states that planning has a key role to play in delivering on the commitments set out in Low Carbon Scotland<sup>40</sup>, which includes full decarbonisation of electricity supply by 2030. The Proposed Development can make a significant contribution to the achievement of these objectives, leading to an overall reduction of 66,330 tonnes of carbon dioxide per year, when compared to a fossil fuel grid mix, as reported in EIAR Chapter 14 ‘Climate Change’.
- 5.3.7 Paragraph 3.9 confirms that the Scottish Government wants to continue to capitalise on Scotland’s wind resource, a sentiment reflected and indeed strengthened in the more recent OWPS (2017) and Consultation Draft Statement Refresh (2021).
- 5.3.8 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.

## A natural, resilient place

- 5.3.9 The third Outcome 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).
- 5.3.10 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.

## 5.4 Draft National Planning Framework 4 (2021)

- 5.4.1 In November 2021, the Scottish Government published its Draft Fourth National Planning Framework (Draft NPF4<sup>41</sup>). When adopted, NPF4 will replace both NPF3 and SPP and will form part of the statutory Development Plan.
- 5.4.2 Only limited weight can be given to the policies in the Draft NPF4 at this stage, given that it has only recently been consulted on and has not been formally adopted. However, statements in the document about the climate emergency, the net zero targets and the need for planning to play an important role in reducing carbon emissions are not new ideas. These are consistent messages already contained within key publications, including those referenced in Section 4 and, as such, reference to these important matters in Draft NPF4 represents a continuation of these important messages, rather than anything new that deviates from established policy.

<sup>40</sup> <https://www.gov.scot/publications/low-carbon-scotland-meeting-emissions-reduction-targets-2010-2022-report/>

<sup>41</sup> <https://www.gov.scot/publications/scotland-2045-fourth-national-planning-framework-draft/>

- 5.4.3 The opening paragraphs of Draft NPF4 (page 3) state, *'we have set a target of net zero emissions by 2045, and must make significant progress towards this by 2030. This will require new development and infrastructure across Scotland'* (underlining added).
- 5.4.4 Part 1 identifies 'action areas' as part of the overarching spatial strategy of NPF4, with priorities established for each area. Ayrshire falls within the 'Central Urban Transformation' area. Page 29 notes that across this area, *'we need to work together to decarbonise buildings and transport and tackle congestion, make more efficient use of existing land and buildings, connect to renewable electricity and heat networks and create more inclusive, greener and sustainable places that will stand the test of time'*.
- 5.4.5 Part 2 deals with National Developments. They are defined as significant developments of national importance that will help to deliver the spatial strategy. National Development 12 'Strategic Renewable Electricity Generation and Transmission Infrastructure' sets out a list of developments that would benefit from National Development status including, *'electricity generation, including electricity storage, from renewables of or exceeding 50 megawatts capacity'*. The Proposed Development falls into this proposed National Development bracket.
- 5.4.6 The need for this National Development is stated on page 59 as *'additional electricity generation from renewables and electricity transmission capacity of scale is fundamental to achieving a net zero economy and supports improved network resilience in rural and island areas'* (underlining added). National Development status means that 'the principle of the development does not need to be agreed later in the consenting process, providing more certainty for communities, business and investors'.
- 5.4.7 Part 3 sets out policies for the development and use of land, to be used by planning authorities in development plan production and in development management decisions. Some brief commentary on key draft policies is merited, as follows.
- 5.4.8 Policy 2 'Climate Emergency', states that when considering all development proposals *'significant weight should be given to the Global Climate Emergency'* (underlining added). Draft Policy 2(c) notes that *'in decision making, the scale of the contribution of development proposals to emissions in relation to **emissions reduction targets** should be taken into account'* (no emphasis added).
- 5.4.9 This requirement reflects the contents of SPP, paragraph 169, but it is relevant to note that the emissions reduction targets are now substantially increased to net zero by 2045, with at least a 75% reduction required by 2030 compared to 1990 levels. As noted in Section 4.2, Scotland's GHG emissions fell by 58.7 % between 1990 (the baseline period) and 2020 (the last year for which figures are available), against a target of 56 %. However, this is largely attributable to the effects of Covid-related lockdowns and significant reductions in travel during 2020. Efforts will need to be stepped up if the more challenging target of a 75 % reduction by 2030 is to be achieved.
- 5.4.10 Policy 19 'Green Energy' includes a number of supportive statements relating to how the planning system should support all forms of renewable energy. This draft policy notes that:  
*'We want our places to support continued expansion of low-carbon and net zero energy technologies as a key contributor to net zero emissions by 2045'*.
- 5.4.11 The accompanying narrative continues and notes that while a wide range of renewables will help achieve these objectives, *'onshore wind will play the greatest role in the coming years'*. This statement reflects comments elsewhere in relevant publications including the OWPS 2017 (and OWPS Refresh) and the SES.

5.4.12 Draft Policy 19 notes that:

*'Local development plans should seek to ensure that an area's full potential for electricity and heat from renewable sources is achieved'.*

5.4.13 This requirement reflects the statement contained in paragraph 155 of SPP.

5.4.14 Draft Policy 19 (b) states that proposals for all forms of renewable energy, including storage, should be supported in principle; while (d) notes that new wind farms outside of National Parks and National Scenic Areas *'should be supported unless the impacts identified are unacceptable'.*

5.4.15 Finally, it is worth noting Part 5 Annex A 'NPF4 Outcomes Statement' of Draft NPF4. The Outcomes set out in Draft NPF4 differ in status from those set by the existing NPF3 and accompanying SPP in that these are now enshrined in statute, having been inserted into Section 3 of the 1997 Planning Act by Section 2 of the Planning (Scotland) Act 2019. Therefore, as a matter of law, NPF4 is required to deliver the six Outcomes set out in Part 5, the most relevant to the Proposed Development being:

*(e) - 'meeting any targets relating to the reduction of emissions of greenhouse gases, within the meaning of the Climate Change (Scotland) Act 2009, contained in or set by virtue of that Act'.*

5.4.16 The commentary in Annex A of Draft NPF4 sets out how the Scottish Government considers that development will contribute to achievement of each Outcome. With regards to Outcome (e) above, the text notes that the Draft NPF4 policies address *'electricity generation from renewable sources'.*

5.4.17 While Draft NPF4 can be accorded limited weight at this time, this commentary shows that much of the content which is relevant to the Proposed Development represents a continuation of several themes that are already set out elsewhere in associated established policy, including the need to reduce GHG emissions and meet the net-zero target, the need for further renewable energy generation and, crucially, recognition of the significant role than onshore wind will play in achieving these targets.

5.4.18 In their decision to grant consent for the Arecleoch Wind Farm Extension in November 2021, in the commentary on Draft NPF4, Scottish Ministers noted that while they gave Draft NPF4 limited weight, they observed that *'it does not reduce the current policy support for the proposed development'.* That statement is also of relevance to the Proposed Development.

## 5.5 National Policy Conclusions

5.5.1 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.

5.5.2 Application of the SPP presumption must be given weight as a material consideration in this case for the reasons previously discussed. Not all wind farm proposals can claim to benefit from the presumption simply on account of generating renewable electricity; however, in this case the point by point assessment against paragraph 29 of SPP has demonstrated that the Proposed Development can reasonably be described as a form of development to which the presumption applies.

- 5.5.3 The assessment against paragraphs 29 and 169 of SPP has demonstrated that significant residual effects are limited to those affecting landscape and visual receptors. These types of effects are not uncommon for a commercial scale wind farm and the identification of these significant environmental effects in the EIAR, does not mean that the impacts are unacceptable and permission will be refused. It would be unreasonable and unrealistic to expect a commercial scale wind farm to give rise to no significant environmental effects, a point noted in several wind farm cases including the Corlic Hill<sup>42</sup> appeal case, where the Reporter noted in paragraph 200:
- ‘I have borne in mind that commercial-scale wind energy proposals will inevitably create significant effects within their immediate surroundings. If such effects were always considered to rule out a proposal, no commercial-scale wind energy projects would be approved. This would be contrary to Scottish Government policy’.*
- 5.5.4 The issue at stake here is not whether significant effects will arise, but the acceptability of these effects in the wider planning balance. An integral component of that assessment must also look to the Spatial Framework, which shows the Proposed Development Area is partially within a Group 2 area and partially within a Group 3 area.
- 5.5.5 In regard to the first Group 2 interest identified, it is considered that visual effects from settlements within 2 km of the Proposed Development Area boundary (specifically Patna and Waterside) have been substantially overcome by the Applicant through the iterative design process. It is also important to note that, while ultimately refused consent, the PLI Report into the previous Keirs Hill Wind Farm proposal (which proposed 17 wind turbines on the eastern portion of the Proposed Development Area within East Ayrshire) states that the site *‘is a suitable one for wind energy development’* (underlining added).
- 5.5.6 The second Group 2 interest is the mapped presence of carbon rich soils and deep peat. Supported by site investigations and analysis (see EIAR Technical Appendices 9.1 and 9.2), the Applicant has substantially overcome any significant effects on these interests through site design and mitigation. In this respect, areas of deep peat have been largely avoided (although sections of access track potentially require to be ‘floated’ across deep peat) and areas of mapped carbon rich soils have been found after further assessment not to be carbon rich soils.
- 5.5.7 The context within which SPP and NPF3 were prepared has materially altered in the intervening period, drastically so with regards to the climate emergency. The need for action to reduce GHG emissions is more urgent than ever following the climate emergency declared by the Scottish Government in 2019 and with recent events in Ukraine, the importance of security of energy supplies and reducing reliance upon imported fuels has taken on even more importance.
- 5.5.8 SPP and NPF3 provide a strong case for the Proposed Development, which has materially enhanced in more recent years and Draft NPF4 clearly shows the Scottish Government’s direction of travel is to continue to offer strong support for the development of further onshore wind energy. Overall, therefore, it is concluded that national planning policy provides support for the Proposed Development.

---

<sup>42</sup> <https://www.dpea.scotland.gov.uk/CaseDetails.aspx?ID=115647>

## 6 Development Plan Assessment

### 6.1 Introduction

6.1.1 Unlike planning applications considered under the terms of Section 25 of the 1997 Planning Act, the Development Plan does not form the primary basis upon which this S36 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 S36 application to be determined in accordance with the provisions of the Development Plan.

### 6.2 The Development Plan

6.2.1 This section of considers the Proposed Development against relevant local planning policy. As the Proposed Development Area straddles both the South Ayrshire and East Ayrshire administrative boundaries, the statutory Development Plan as it relates to this S36 application comprises documents from both Councils as follows:

#### South Ayrshire

- South Ayrshire Local Development Plan 2014 (SALDP)<sup>43</sup>; and
- South Ayrshire Supplementary Guidance: Wind Energy 2015<sup>44</sup> (SASG).

6.2.2 South Ayrshire Council has submitted to the Scottish Ministers the version of the Local Development Plan 2 (2022)<sup>45</sup> (Proposed SALDP2), as modified following Examination, that it intends to adopt.

#### East Ayrshire

- East Ayrshire Local Development Plan 2017 (EALDP)<sup>46</sup>; and
- East Ayrshire Local Development Plan Supplementary Guidance: Planning for Wind Energy 2017<sup>47</sup> (EASG).

6.2.3 East Ayrshire Council began preparation of its Local Development Plan 2 (EALDP2) in 2020. At the time of writing (July 2022), the Council has just concluded its consultation on the LDP2 Proposed Plan.

#### Summary

6.2.4 Policies ‘Renewable Energy’ and ‘Wind Energy’ of the SALDP and Policy RE3 ‘Wind energy proposals over 50 metres in height’ of the EALDP are the most relevant adopted local planning policies to the Proposed Development.

<sup>43</sup> [https://archive.south-ayrshire.gov.uk/documents/localdevplan\\_final.pdf](https://archive.south-ayrshire.gov.uk/documents/localdevplan_final.pdf)

<sup>44</sup> <https://ww20.south-ayrshire.gov.uk/ext/committee/CommitteePapers2015/Leadership%20Panel/3rd%20November%202015%20public/LP-03Nov-Wind%20Energy-Supplementary%20Guidance%20-%20Appendix%201.pdf>

<sup>45</sup> <https://archive.south-ayrshire.gov.uk/planning/local-development-plans/ldp2/>

<sup>46</sup> <https://www.east-ayrshire.gov.uk/PlanningAndTheEnvironment/Development-plans/LocalAndStatutoryDevelopmentPlans/East-Ayrshire-Local-Development-Plan-2017.aspx>

<sup>47</sup> <https://www.east-ayrshire.gov.uk/Resources/PDF/P/Planning-SG-Planning-for-Wind-Energy.pdf>

- 6.2.5 All three policies are discussed below, but the key assessment criteria are set out in SALDP Policy ‘Wind Energy’ and EALDP Policy RE3. It is fully acknowledged that the Proposed Development requires to be assessed ‘in the round’ against all policies in the respective LDPs, however these two present the key topic specific policy against which to assess the Proposed Development, noting also their assessment criteria are wide ranging. Notwithstanding, to ensure a comprehensive policy appraisal, other policies of the LDPs are also discussed.
- 6.2.6 The related SG provides further detail on a number of policy matters, as well as guidance on siting and design. They do not however introduce any new policy ‘tests’ as such. Regard has been had to the SG as appropriate in the following sub sections as part of the assessment of the Proposed Development against adopted local policy.

## 6.3 Landscape and Visual

Local Planning Authority	Relevant Development Plan Policies
South Ayrshire	<ul style="list-style-type: none"> <li>• SALDP Policy ‘Landscape Quality’</li> <li>• SALDP Policy ‘Protecting the Landscape’</li> </ul>
East Ayrshire	<ul style="list-style-type: none"> <li>• EALDP Policy ENV7 ‘Wild Land and Sensitive Landscape Areas’</li> <li>• EALDP Policy ENV8 ‘Protecting and Enhancing the Landscape’</li> </ul>

### South Ayrshire

- 6.3.1 SALDP Policy ‘Landscape Quality’ seeks to maintain and improve the quality of South Ayrshire’s landscape and local characteristics. Development proposals are required to conserve a number of features that contribute to local distinctiveness, including inter alia: community settings; historic landscapes; and, skylines and hill features, including prominent views.
- 6.3.2 As detailed in EIAR Chapters 3 ‘Design Evolution and Alternatives’ and 5 ‘Landscape and Visual’, and having regard to the previous refusal of Keirs Hill Wind Farm, the Proposed Development has been subject to a thorough iterative design process that has sought to maintain local character and distinctiveness.
- 6.3.3 Table 2 of the SASG outlines a landscape strategy informed by the Ayrshire Landscape Character Assessment and the findings of the Landscape Wind Capacity Study. Amongst other objectives, it seeks to protect the Doon and Girvan Valleys and their setting. It notes that *‘these river valleys have a diverse character. Larger scale turbines in these valleys would dominate the small scale of these valleys and significantly detract from their land cover pattern and built heritage. Proposals for turbines situated within adjacent upland landscapes will require to be set well back into the upland interior to minimise intrusion on containing skylines and avoid significant cumulative impacts with operational wind farm developments’* (underlining added). The Proposed Development has sought to meet these objectives through the iterative design process. In particular, the forested moorland plateau in the interior of the hills between the Doon Valley and the Girvan Valley forms the focus of the wind farm.

- 6.3.4 SALDP Policy ‘Protecting the Landscape’ establishes criteria for the assessment of proposals within or next to Scenic Areas (SA)<sup>48</sup> including considering the significance of impacts and cumulative impacts on landscape and visual effects; how far they would benefit the economy; and, whether they can be justified in a rural location.
- 6.3.5 LLAs are extensive across the southern part of South Ayrshire, to the south and south-west of the Proposed Development Area. The closest LLA is the Water of Girvan Valley. The ZTV indicates that theoretical visibility of the Proposed Development from within this LLA will be widespread within 15 km including from Straiton, Dailly, stretches of the B741 and along valley floors and from hill summits on the upper edges of this LLA (see EIAR TA 5.2). In reality however, the Proposed Development will only have significant effects on the character of a small peripheral part of the LLA landscape. Further, it will have limited effects on the qualities for which it has been designated. The LVIA therefore concludes that the Proposed Development will not compromise the overall integrity of the Water of Girvan Valley designation. The Proposed Development is not predicted to result in significant effects on any other LLAs within South Ayrshire.
- 6.3.6 In regard to the second and third criteria set out in SALDP Policy ‘Protecting the Landscape’, the Proposed Development is predicted to benefit the local economy during the construction and operational phases (see EIAR Chapter 13 ‘Socio-economics’) and, due to the nature of the proposal, a rural location is necessary.

#### **East Ayrshire**

- 6.3.7 EALDP Policy ENV7 ‘Wild Land and Sensitive Landscape Areas’ states that the Council will give priority and prime consideration to the protection and enhancement of the landscape in its consideration of development proposals within identified SLAs. It adds that any proposal deemed to have unacceptable impacts on wild land and SLAs will not be supported.
- 6.3.8 The eastern side of the Proposed Development Area falls within the Doon Valley SLA. EIAR TA 5.2 finds that direct effects on the SLA landscape will be limited to the Proposed Development Area, which is peripheral to the SLA and not recognised within its key sensitivities. The presence of the Proposed Development will have some effect on the setting of part of the Doon Valley, around Patna and Waterside, but will not have wider effects on the more scenic southern part of the SLA. The assessment finds that the Proposed Development will not affect the overall integrity of the SLA. In combination with Knockkippen Wind Farm to the east, there is potential for the setting of the northern part of the Doon Valley to be further affected, along with the setting of Patna and Waterside. However, the more scenic southern part of the SLA will remain unaffected. The Proposed Development is not predicted to result in significant effects on any other SLAs within East Ayrshire.
- 6.3.9 Potential impacts on the Merrick WLA are assessed in EIAR TA 5.6. The ZTV identifies that theoretical visibility, including of aviation lighting, is limited to some north-facing hillsides in the north, and limited areas of high ground around Merrick Summit.

---

<sup>48</sup> As explained in EIAR Chapter 5 ‘Landscape and Visual’, SAC intend to replace the SA designation with Local Landscape Areas (LLA). Based on advice from SAC, these LLA designations have been considered in the LVIA.

- 6.3.10 The assessment concludes that there will be no direct effects on the key attributes and qualities of the WLA. The *'strong perception of naturalness'* may be slightly altered at night for a small number of visual receptors that may be present in the WLA, due to the introduction of aviation lighting in views to the north. However, existing distant sources of artificial light are visible in this direction, as well as existing artificial light in surrounding settled areas that are visible in other directions from parts of the WLA. The visibility of existing human development during the day and existing artificial lighting at night results in the effects on the key attributes of the Merrick WLA to be judged as not significant.
- 6.3.11 EALDP Policy ENV8 'Protecting and Enhancing the Landscape' states that the protection and enhancement of East Ayrshire's landscape character as identified in the Ayrshire Landscape Character Assessment will be a key consideration in assessing the appropriateness of development proposals in rural areas. It states, *'development that would create unacceptable visual intrusion or irreparable damage to landscape character will not be supported'*.
- 6.3.12 EALDP Policy ENV8 requires that development proposals are sited and designed to respect the nature and landscape character of the area and to minimise visual impact. Where visual impacts are unavoidable, development proposals should include adequate mitigation measures to minimise such impacts on the landscape. Particular features that contribute to the value, quality and character of the landscape are required to be conserved and enhanced.
- 6.3.13 The LVIA concludes that during construction, significant effects on the landscape will be localised to the Proposed Development Area and will be temporary, ceasing after the construction period. During operation, significant effects on landscape character are predicted to extend across the Proposed Development Area and the immediately surrounding landscape. Significant effects on landscape character are not anticipated beyond 2 km from the proposed wind turbines.
- 6.3.14 Any commercial onshore wind farm is likely to create some significant effects on landscape character and it is relevant to note the careful siting and design of the Proposed Development as set out in EIAR Chapter 3 'Design Evolution and Alternatives'. The identification of some significant effects upon landscape character is not unusual for a development of this type, and should not be seen as a reason to refuse permission or object to the Proposed Development. This point has been addressed in several wind farm cases including the aforementioned Corlic Hill appeal case (see Section 5).
- 6.3.15 The OWPS Refresh 2021, discussed in Section 5, realises that achievement of net zero targets will require the deployment of *'significant volumes of onshore wind generation over the next decade'* and that these decisive actions *'will change how Scotland looks'*. Overall, there is considered to be no conflict with the aims and objectives of EALDP Policy ENV8 in terms of landscape character.



## 6.4 Cultural Heritage and Archaeology

Local Planning Authority	Relevant Development Plan Policies
South Ayrshire	<ul style="list-style-type: none"> <li>• SALDP Policy ‘Historic Environment’</li> <li>• SALDP Policy ‘Archaeology’</li> </ul>
East Ayrshire	<ul style="list-style-type: none"> <li>• EALDP Policy ENV1 ‘Listed Buildings’</li> <li>• EALDP Policy ENV2 ‘Scheduled Monuments and Archaeological Resources’</li> <li>• EALDP Policy ENV3 ‘Conservation Areas’</li> <li>• EALDP Policy ENV4 ‘Gardens and Designed Landscapes’</li> </ul>

### South Ayrshire

- 6.4.1 SALDP Policy ‘Historic Environment’ aims to protect listed buildings and their settings. It requires any development affecting the setting of a conservation area to improve or preserve the area’s character or appearance. It also goes on to state that development negatively affecting the setting of SMs or GDLs will not be accepted.
- 6.4.2 While there are no such designations within the boundary of the Proposed Development Area, EIAR Chapter 6 ‘Cultural Heritage’ has assessed the likely impact of the Proposed Development on the settings of various designations in the wider landscape. No likely significant effects on the setting of heritage assets arising from the operation of the Proposed Development are predicted. In this respect, it would not significantly adversely affect the setting of any listed buildings or conservation areas (including Colonel Hunter Blairs Monument and Straiton Conservation Area); the integrity of the setting of any SMs; or the setting of any GDLs (including Blairquhan).
- 6.4.3 SALDP Policy ‘Archaeology’ only permits development that will negatively affect a known archaeological resource if it can be demonstrated that the benefits of the proposal clearly outweigh the archaeological value of the site or feature.
- 6.4.4 No known archaeological assets within the South Ayrshire side of the Proposed Development Area would be directly impacted during the construction phase.

### East Ayrshire

- 6.4.5 EALDP Policy ENV1 ‘Listed Buildings’ states that the Council will support the retention and preservation of all listed buildings and buildings within conservation areas.
- 6.4.6 EALDP Policy ENV2 ‘Scheduled Monuments and Archaeological Resources’ states that development that would have an adverse effect on SMs or their settings shall not be supported unless there are exceptional overriding circumstances. Other archaeological resources should be preserved in situ wherever possible.
- 6.4.7 EALDP Policy ENV3 ‘Conservation Areas’ states that development affecting the setting of a conservation area shall preserve and enhance its character and be consistent with any appraisal or management plan.

- 6.4.8 EALDP Policy ENV4 ‘Gardens and Designed Landscapes’ requires that GDLs included in the National Inventory, and those of regional and local importance, are protected and their enhancement encouraged. Development will not be supported where it will have significant adverse impacts upon the character of a GDL; important views to, from and within it; and, important features that contribute to its value and that justify its designation, where applicable.
- 6.4.9 No likely significant effects on the setting of heritage assets arising from the operation of the Proposed Development are predicted. In this respect, it would not significantly adversely affect the setting of any listed buildings or conservation areas; the integrity of the setting of any SMs; or the setting of any GDLs, including Craigengillan.
- 6.4.10 There are a number of cultural heritage designations at Waterside. These assets relate to the former Dalmellington Iron Works and associated coal mining and the establishment of a ‘company village’ to house workers and their families. As noted in Section 3.3 above, in refusing the previous Keirs Hill Wind Farm, the Reporter cited inter alia adverse impacts on the historic features at Waterside.
- 6.4.11 EIAR Chapter 6 ‘Cultural Heritage’ advises that the setting of the south eastern portion of the village is relatively constrained, and the spatial and visual relationships between the former industrial areas and nearby housing is the aspect of the setting that makes the greatest contribution to the understanding and appreciation of these heritage assets. The proposed wind turbines would not directly interfere in these visual and spatial relationships. The spatial relationship between the former industrial sites and the bing (which is scheduled) is somewhat compromised by the removal of the bridge that previously linked them and the construction of the A714 road which further severs the spatial connection. Visibility between the industrial structures and the bing is also limited due to the scale of the surviving buildings and the presence of permanent woodland in and around the iron works. The wider landscape setting contribution to the value of the assets in the south eastern part of the village is assessed to be very low. While the proposed turbines would form a new, potentially distracting element, they are not located in any of the areas of the wider landscape that have functional links to the ironworks, and do not directly block or interfere with the line of sight to such areas. The magnitude of impact is therefore assessed as very low, leading to an effect of negligible significance.
- 6.4.12 The wider landscape setting contribution to the value of the assets in the north western part of the village is also assessed to be very low. The elements of the wider landscape that are linked to the historical function of the village, such as the mineral railway, mining villages and remains of mines are generally not intervisible with the north western part of the village, due to a combination of topography and the permanent woodland on the north eastern edge of the village. The proposed turbines would form a new, potentially distracting element, but are not located in any of the areas of the wider landscape that have a functional link to the history of the village as an industrial settlement, and do not directly block or interfere with the line of sight to such areas. The magnitude of impact is therefore assessed as very low, leading to an effect of negligible significance.
- 6.4.13 Only two heritage assets have the potential to be affected by cumulative operational effects: (i) the miners’ villages and the mineral railways north of Waterside and (ii) Auchencroy Hill cairn. Supported by wireline visualisations (EIAR Figures 6.10 and 6.11), it is concluded that there will be no cumulative impact on the assets at Waterside and a cumulative impact of very minor significance on the cairn at Auchencroy Hill.

- 6.4.14 As detailed in Table 2, there are two known archaeological features within the East Ayrshire side of the Proposed Development Area that could potentially be affected during the construction phase. Appropriate mitigation is proposed to safeguard these assets.

## 6.5 Ecology and Ornithology

Local Planning Authority	Relevant Development Plan Policies
South Ayrshire	<ul style="list-style-type: none"> <li>SALDP Policy ‘Natural Heritage’</li> </ul>
East Ayrshire	<ul style="list-style-type: none"> <li>EALDP Policy ENV6 ‘Nature Conservation’</li> </ul>

### South Ayrshire

- 6.5.1 SALDP Policy ‘Natural Heritage’ confirms, in respect of international designations, that development likely to have a significant effect on Special Protection Areas or Special Areas of Conservation will be subject to appropriate assessment. Development will only be supported if it is concluded that it will not adversely affect the integrity of the site or, there are no alternatives and there are overriding public interest reasons. For national and local designations, developers must demonstrate that the integrity of designated sites is not adversely affected. In addition, this policy states that development will not be supported if likely to have an adverse effect on protected species, unless this can be appropriately justified.
- 6.5.2 As detailed in EIAR Chapters 7 ‘Ecology’ and 8 ‘Ornithology’, following mitigation (such as the appointment of an Ecological Clerk of Works (ECoW), pre-construction protected species surveys, preparation of a comprehensive CEMP and adherence to a WQFMP) and careful site layout design, the Proposed Development is not predicted to have significant effects on any identified important ecological and ornithological receptors during its construction or operation.
- 6.5.3 No direct or indirect impacts on current or proposed natural heritage designations (international, national and local) have been identified.
- 6.5.4 Subject to consultation with the landowner, NatureScot, and both Councils, a HMP is proposed to improve and restore areas of bog within the Proposed Development Area. Two potential areas for this have been identified. The HMP will include a monitoring programme to assess the success of the management implemented. This will likely include water table monitoring and vegetation monitoring.

### East Ayrshire

- 6.5.5 EALDP Policy ENV6 ‘Nature Conservation’ states that the importance of nature conservation and biodiversity will be fully recognised in the assessment of development proposals. It outlines various assessment criteria for development proposals likely to have a significant effect on a Natura 2000 site, a SSSI or an area of local importance for nature conservation. If there is evidence that protected species may be affected by a development, steps must be taken to establish their presence and suitable mitigation presented.
- 6.5.6 The conclusions made in respect of SALDP Policy ‘Natural Heritage’ (see paragraphs 6.5.2-6.5.4 above) apply equally here.

## 6.6 Hydrology, Hydrogeology, Geology and Soils

Local Planning Authority	Relevant Development Plan Policies
South Ayrshire	<ul style="list-style-type: none"> <li>• SALDP Policy ‘Sustainable Development’</li> <li>• SALDP Policy ‘Water Environment’</li> <li>• SALDP Policy ‘Flooding and Development’</li> </ul>
East Ayrshire	<ul style="list-style-type: none"> <li>• EALDP Policy ENV10 ‘Carbon Rich Soils’</li> <li>• EALDP Policy ENV11 ‘Flood Prevention’</li> <li>• EALDP Policy ENV12 ‘Water, air and light and noise pollution’</li> </ul>

### South Ayrshire

- 6.6.1 SALDP Policy ‘Sustainable Development’ states that support will be given to development proposals that protect peat resources.
- 6.6.2 SALDP Policy ‘Water Environment’ supports the objectives of the Water Framework Directive (2000/60/EC), including that development should not harm the water environment or pose an unacceptable risk to the quality of controlled waters.
- 6.6.3 SALDP Policy ‘Flooding and Development’ requires that development should avoid areas likely to be affected by flooding or increase the likelihood of flooding elsewhere. This policy goes on to state, *‘areas of impermeable surfaces should be kept to a minimum in all new developments. Development proposals must include Sustainable Urban Drainage Systems (SUDS)...where possible, SUDS should be designed to maximise the opportunities for habitat restoration and biodiversity’*.
- 6.6.4 Areas of peat and organic material are present across parts of the Proposed Development Area. Site investigations have been undertaken which indicate that, where recorded, the peat thickness varies from 0.5 m to 5.9 m. Of the probe locations that intersected peat, approximately 80 % recorded peat less than 1 m thick. Through the iterative design process, areas of deep peat have been largely avoided although some sections of ‘floated’ track are anticipated to be required. A site-specific PMP has also been prepared (EIAR TA 9.2) which shows that peat disturbed by the Proposed Development can be readily re-used for on site restoration purposes.
- 6.6.5 As detailed in EIAR Chapter 9 ‘Geology, Hydrology and Hydrogeology’, a comprehensive suite of mitigation and best practice measures has been incorporated into the design of the Proposed Development. A site specific CEMP, including water quality monitoring during and immediately post construction, as well as detailed design of infrastructure and associated mitigation, would be implemented to protect water resources from pollution and minimise changes to the hydrological environment.
- 6.6.6 Subject to the successful implementation of the suite of mitigation measures identified, no significant effects during construction or operation are predicted on hydrology, the water environment and there is no increase in flood risk.

## East Ayrshire

- 6.6.7 EALDP Policy ENV10 ‘Carbon Rich Soils’ states that, *‘development may be permitted for renewable energy generating developments on carbon rich soils where it can be demonstrated (in accordance with the Scottish Government’s ‘carbon calculator’) that the balance of advantage in terms of climate change mitigation lies with the energy generation proposal, and that any significant effects on these areas can be substantially overcome by siting, design or other mitigation’.*
- 6.6.8 EALDP Policy ENV11 ‘Flood Prevention’ states that the Council will take a precautionary approach to flood risk from all sources and will promote flood avoidance in the first instance. It also states that the Council will encourage new flood management measures, including flood protection schemes, restoring natural features, enhancing flood storage capacity and avoiding the construction of new culverts and the opening of existing culverts.
- 6.6.9 In line with the Water Framework Directive, EALDP ENV12 ‘Water, air and light and noise pollution’ gives priority to maintaining and improving the quality of all water bodies and ground water. There will be a presumption against any development that will have an adverse impact on the water environment in terms of pollution levels and the ecological value of water habitats.
- 6.6.10 The conclusions made in respect of SALDP Policies ‘Sustainable Development’, ‘Water Environment’ and ‘Flooding and Development’ (see paragraphs 6.6.4-6.6.6 above) apply equally here.
- 6.6.11 In terms of EALDP Policy ENV10, the results from the carbon calculator (see EIAR Chapter 14 ‘Climate Change’) determined that the Proposed Development would effectively pay back its expected debt from manufacture, construction, impact on habitat and decommissioning within 2.5 years if it replaced the fossil fuel mix electricity generation method.

## 6.7 Access, Traffic and Transport

Local Planning Authority	Relevant Development Plan Policies
South Ayrshire	<ul style="list-style-type: none"> <li>• SALDP Policy ‘Land Use and Transport’</li> <li>• SALDP Policy ‘Strategic Road Development’</li> <li>• SALDP Policy ‘Outdoor Public Access and Core Paths’</li> </ul>
East Ayrshire	<ul style="list-style-type: none"> <li>• EALDP Policy T1 ‘Transportation requirements for new development’</li> <li>• EALDP Policy T4 ‘Development and Protection of Core Paths and Natural Routes’</li> </ul>

### South Ayrshire

- 6.7.1 SALDP Policy ‘Land Use and Transport’ requires that development proposals take measures to keep any negative effects on road traffic to a minimum, align with regional and local transport strategies and, where needed, provide interventions to the strategic transport network to maintain efficiency of operation.
- 6.7.2 SALDP Policy ‘Strategic Road Development’ states that development will be supported where it does not adversely affect the efficiency and safety of the relevant network and, where applicable, necessary improvements are carried out.

- 6.7.3 SALDP Policy ‘Outdoor Public Access and Core Paths’ advises that the Council will only support proposals that would have a negative effect on a core path if a suitable alternative route is provided.
- 6.7.4 EIAR Chapter 11 ‘Traffic and Transport’ concludes that with the incorporation of suitable mitigation measures secured through a CTMP prior to works commencing, there will be no significant traffic effects associated with the Proposed Development.
- 6.7.5 A likely ALL delivery route from King George V Dock in Glasgow has been identified. This same route has been used successfully for other wind farm projects in the area in the recent past and so no insurmountable issues are predicted. As a condition of consent, it is proposed that an ALL Management Plan be developed which includes the Abnormal Load Transport Management Plan.
- 6.7.6 Until the access track and site entrance from the A713 are constructed, it is proposed that initial construction access to the Proposed Development be taken from the south-west via the B741 onto an existing track into High Keirs Forest. This will allow access to the borrow pit search areas where working of the borrow pits can commence.
- 6.7.7 A Core Path connecting Straiton (South Ayrshire) to Patna (East Ayrshire) runs through the western corner of the Proposed Development Area. The closest proposed infrastructure to this path is wind turbine T2 and its associated access track. In the interests of health and safety during the construction phase, it will be necessary to manage the use of this Core Path to ensure that no significant effects arise. A Path Management Plan is therefore proposed which can be secured by planning condition.
- 6.7.8 In the interests of safety and amenity, SASG advises that the Council will request all wind turbines are set back a minimum 180m (or 1.5 x turbine height, whichever is the greater) from inter alia active travel routes. The Proposed Development complies with this requirement in terms of the distance between wind turbine T2 and the Straiton to Patna Core Path.

#### East Ayrshire

- 6.7.9 EALDP Policy T1 ‘Transportation requirements for new development’ states that *‘the Council will require developers to ensure that their proposals meet with all the requisite standards of the Ayrshire Roads Alliance and align with the Regional and Local Transport Strategies. Developments which do not meet these standards will not be considered acceptable and will not receive Council support’*.
- 6.7.10 EALDP Policy T4 ‘Development and Protection of Core Paths and Natural Routes’ states that the Council will not be supportive of development which disrupts or adversely impacts on any existing or potential core path, right of way, bridle path, or footpath used by the general public for recreational or other purposes. Where such disruption or adverse impact is demonstrated to be unavoidable, the Council will require developers to provide for the appropriate diversion of the route in question elsewhere within the development site or to put in place appropriate measures to mitigate and overcome the adverse impact expected.
- 6.7.11 The conclusions made in respect of SALDP Policies ‘Land Use and Transport’, ‘Strategic Road Development’ and ‘Outdoor Public Access and Core Paths’ (see paragraphs 6.7.4-6.7.8 above) apply equally here.

## 6.8 Noise, Air and Light

Local Planning Authority	Relevant Development Plan Policies
South Ayrshire	<ul style="list-style-type: none"> <li>• SALDP Policy ‘Air, Noise and Light Pollution’</li> </ul>
East Ayrshire	<ul style="list-style-type: none"> <li>• EALDP Policy ENV12 ‘Water, Air and Light and Noise Pollution’</li> </ul>

### South Ayrshire

- 6.8.1 SALDP Policy ‘Air, Noise and Light Pollution’ states that the Council, ‘*will not allow development which would expose significant numbers of people to unacceptable levels of air, noise or light pollution*’.
- 6.8.2 EIAR Chapter 12 ‘Noise’ has assessed the acoustic impact of the Proposed Development in accordance with ETSU-R-97 and IOA best practice guidance. The operational impact is deemed to be acceptable as the Proposed Development meets noise limits specified by the relevant guidance both alone and in the cumulative scenario. EIAR Technical Appendix 12.8 details the proposed noise levels to be enforced through a planning condition to provide an appropriate degree of protection to nearby residents in the form of limits relating to noise level and tonality. For construction impact, a range of mitigation measures are proposed as part of the CEMP which would be agreed as a condition of consent.
- 6.8.3 Subject to mitigation, vibration and air overpressure due to blasting within the on site borrow pit(s) are not expected to have a significant impact on nearby residents.
- 6.8.4 During construction of the Proposed Development, the increased traffic flow on local roads and construction plant would generate exhaust emissions. However, given the short-term nature of the construction period and limited area to be developed, effects on air quality are likely to be negligible. During dry spells, construction activities have the potential to generate dust, which may adversely affect local air quality. Given the scale and nature of construction activities and the distance between construction areas and the nearest residential properties, it is considered that dust from construction is unlikely to cause a nuisance or result in significant effects upon local air quality. An operational wind farm produces no notable atmospheric emissions. The operation of the Proposed Development would therefore have no discernible adverse effects on local or national air quality.
- 6.8.5 Given the height of the proposed wind turbines exceeds 149.9 m, visible aviation obstruction lighting is required. The Applicant proposes to install this on all turbine nacelles, apart from wind turbine T3. These medium intensity 2000 candela red lights would be dimmed to 10 % intensity in clear sky conditions (see EIAR Chapter 15 ‘Aviation, Safety and Other Issues’). The impact of this lighting has been assessed as part of the LVIA (see EIAR TA 5.5). Effects on views are considered for a maximum brightness scenario, where lights are at their fullest intensity, and a reduced scenario, where lights are dimmed to 10% intensity during clear weather conditions. The latter scenario is considered to be seen most frequently by receptors. In addition, the assessment considers mitigation whereby the emitted light reduces with the angle of view. In terms of residential amenity, no significant effects were predicted for closer viewpoints in settled areas with established lighting.

### East Ayrshire

- 6.8.6 EALDP Policy ENV12 ‘Water, Air and Light and Noise Pollution’ states that all development proposals must incorporate design measures which minimise or reduce light pollution. Within the Dark Sky Park and surrounding area, particular priority is given to minimising light pollution, to maintain the integrity of the designation.
- 6.8.7 EALDP Policy ENV12 also confirms that all developers will be required to ensure that their proposals have minimal adverse impact on air quality. They must also ensure that significant noise impacts on surrounding properties and uses are avoided.
- 6.8.8 The conclusions made in respect of SALDP Policy ‘Air, Noise and Light Pollution’ (see paragraphs 6.8.2-6.8.5 above) apply equally here. Comment on the Dark Sky Park designation is provided in Section 6.9 below.

## 6.9 Socio-Economics, Recreation and Tourism

Local Planning Authority	Relevant Development Plan Policies
South Ayrshire	<ul style="list-style-type: none"> <li>• SALDP Policy ‘Tourism’</li> <li>• SALDP Policy ‘Galloway and Southern Ayrshire Biosphere’</li> <li>• SALDP Policy ‘Dark Skies’</li> </ul>
East Ayrshire	<ul style="list-style-type: none"> <li>• EALDP Policy TOUR4 ‘The Dark Sky Park’</li> <li>• EALDP Policy TOUR5 ‘Galloway and Southern Ayrshire Biosphere’</li> </ul>

### South Ayrshire

- 6.9.1 SALDP Policy ‘Tourism’ confirms that the Council will ‘*look favourably on proposals which will provide or improve tourist and leisure facilities*’ and ‘*support keeping and improving existing significant leisure, recreation and tourist facilities*’. It states that the Ayrshire and Arran Tourism Strategy will be taken into account in assessing planning applications.
- 6.9.2 SALDP Policy ‘Galloway and Southern Ayrshire Biosphere’ states that the Council ‘*will support development that promotes the aims of the biosphere and shows an innovative approach to sustainable living and the economy, and supports improving, understanding and enjoying the area as a world-class environment*’. The ‘transition area’ for the Biosphere covers an extensive area, including the Proposed Development Area (it is over 8.5 km from the outer edge of the ‘core area’ and approximately 400 m from the outer edge of the ‘buffer zone’ at its closest point).
- 6.9.3 SALDP Policy ‘Dark Skies’ confirms that the Council supports the Galloway Forest Dark Sky Park and advises that it will ‘*presume against development proposals within the boundaries of the park that would produce levels of lighting that would adversely affect its ‘dark sky’ status*’. The Proposed Development Area lies outwith the northern boundary of the Dark Sky Park but within the ‘transition zone’.



- 6.9.4 South Ayrshire Supplementary Guidance: Dark Sky Lighting 2016<sup>49</sup> explains that the ‘transition zone’ is advisory and intended to protect the night-time environment within the Dark Sky Park itself from light pollution emanating from this zone. In this respect, it confirms that within the ‘transition zone’, ‘new external lighting should be ‘dark sky friendly’ where possible, in order to help safeguard and enhance the quality of the Dark Sky Park’ (underlining added). At Appendix 3 - Good Practice Guidance, the SG expresses a preference for infrared lighting to be used for wind farm proposals in the ‘transition area’.
- 6.9.5 If turbine lighting is required in the interests of safety, SASG requires applicants to demonstrate that the proposed lighting would have no detrimental impact on the status of the Dark Sky Park and that it would not impede reasonable astronomic observations within the Park and the Scottish Dark Sky Observatory (the latter being located at Craigengillan within East Ayrshire).
- 6.9.6 As noted in Section 3.2 above, visible aviation obstruction lighting is required as part of the Proposed Development as the height of the proposed wind turbines exceeds 149.9 m. A reduced lighting scheme has been agreed with the Civil Aviation Authority (CAA) and Defence Infrastructure Organisation (DIO) (see EIAR Chapter 15 ‘Aviation, Safety and Other Issues’).
- 6.9.7 The impact of this lighting has been assessed as part of the submitted LVIA (see EIAR TA 5.5). Effects on views are considered for a maximum brightness scenario, where lights are at their fullest intensity, and a reduced scenario, where lights are dimmed to 10% intensity during clear weather conditions. The latter scenario is considered to be seen most frequently by receptors. In addition, the assessment considers mitigation whereby the emitted light reduces with the angle of view. Significant effects were identified in the context of the darker outlook from Cornish Hill, but only in the less likely maximum brightness scenario. This means that significant effects on views from Cornish Hill and other locations within the Galloway Dark Sky Park are unlikely in practice.
- 6.9.8 Forestry and Land Scotland (FLS) has published a guide to viewing the night sky within the Dark Sky Park, which recommends ten locations for stargazing. Analysis of the aviation lighting ZTV (EIAR Figures A5.5.1a and A5.5.1b) has shown that the aviation warning lights would not be visible from any of these locations.
- 6.9.9 Given its location outwith the ‘core area’ of the Biosphere, it is concluded that the Proposed Development would not negatively impact on the purpose of the designation, which is to protect the natural and cultural diversity of the region while promoting sustainable economic development.
- 6.9.10 A literature review carried out as part of EIAR Chapter 13 ‘Socio-economics’ indicates that wind farms have only a minor impact on visitor activity. Research published in 2021 on the economic impact of wind farms on tourism analysed trends at the local authority level and found no negative relationship between the growth in the number of wind turbines and the level of tourism employment. The analysis found that tourism-related employment in the vicinity of wind farms had outperformed the trend for Scotland as a whole and for the local authority area in which the wind farm was based.
- 6.9.11 The assessment has also considered the impact on baseline conditions of tourism (which indicates that the area is a popular location for day-trips) and recreational assets arising from the Proposed Development. The findings from this assessment conclude that the likelihood for potential negative impacts by the Proposed Development on tourism and recreational assets is low.

<sup>49</sup> <https://archive.south-ayrshire.gov.uk/planning/documents/sg%20dark%20sky%20lighting.pdf>

- 6.9.12 The submitted LVIA predicts moderate and significant effects on local Core Paths around Straiton, on short sections where there are clear views of the Proposed Development. However, EIAR Chapter 13 ‘Socio-economics’ does not consider that these effects are sufficiently adverse to deter a significant number of visitors away from these particular assets and as such, the Proposed Development is not likely to have any detrimental significant impacts on visitor numbers or the visitor economy.

#### East Ayrshire

- 6.9.13 Whilst the majority of the Galloway Forest Dark Sky Park lies within Dumfries and Galloway, a small section falls within East Ayrshire at the foot of the Doon Valley. East Ayrshire also benefits from the Scottish Dark Sky Observatory at Craigengillan Estate (although it is currently closed following a serious fire).
- 6.9.14 As noted above, the Proposed Development Area falls within the ‘transition zone’ for the Dark Sky Park. Paragraph 5.2.7 of the EALDP explains that for the purposes of EALDP Policy TOUR4, the Dark Sky Park is taken to mean the ‘core’ and ‘buffer’ zones only. Within the ‘transition zone’, as detailed in the accompanying East Ayrshire Local Development Plan Supplementary Guidance: Dark Sky Park Lighting (2017)<sup>50</sup>, developers are encouraged to take account of the Dark Sky Park designation and promote ‘dark sky friendly’ lighting. The SG expresses a preference for infrared lighting to be used for wind farm proposals in the ‘transition area’.
- 6.9.15 The Proposed Development also lies within the ‘transition area’ for the Galloway and Southern Ayrshire Biosphere. Paragraph 5.2.8 of EALDP notes that this designation has the potential to promote new as well as existing tourism opportunities.
- 6.9.16 In this respect, EALDP Policy TOUR5 ‘Galloway and Southern Ayrshire Biosphere’ states that *‘the Council will encourage developments and proposals that support the aims of the Biosphere, particularly where they provide an innovative approach to sustainable living and the economy. Developments which support and improve the understanding and enjoyment of the area as a world class environment will also be supported’*.
- 6.9.17 The conclusions made in respect of SALDP Policies ‘Tourism’, ‘Galloway and Southern Ayrshire Biosphere’ and Dark Skies’ (see paragraphs 6.9.6-6.9.11 above) apply equally here.
- 6.9.18 At the request of EAC at EIA scoping stage, a wireline is provided at Figure 5.2.17 with a viewer height of 9 m above ground to reflect the height of the Scottish Dark Sky Observatory at Craigengillan Estate. The wireline shows no visibility of turbine hubs from this location and therefore no visibility of turbine lighting.
- 6.9.19 The LVIA predicts moderate and significant effects on local Core Paths within the Doon Valley, on short sections where there are clear views of the Proposed Development. However, EIAR Chapter 13 ‘Socio-economics’ does not consider that these effects are sufficiently adverse to deter a significant number of visitors away from these particular assets and as such, the Proposed Development is not likely to have any detrimental significant impacts on visitor numbers or the visitor economy. In addition, the Applicant proposes to create a new walking and nature trail called Keirs Glen Trail.

<sup>50</sup> <https://www.east-ayrshire.gov.uk/Resources/PDF/P/Planning-SG-Dark-Sky-Park-Lighting.pdf>

- 6.9.20 The submitted LVIA also considers impacts on inter alia the A713 Galloway Tourist Route, from which the Proposed Development would be accessed, and described as a Scenic Route. No significant effects are predicted for users of this route, who will experience only passing views of the Proposed Development set well back from the valley edge.

## 6.10 Forestry

Local Planning Authority	Relevant Development Plan Policies
South Ayrshire	<ul style="list-style-type: none"> <li>SALDP Policy ‘Preserving Trees’</li> <li>SALDP ‘Woodland and Forestry’</li> </ul>
East Ayrshire	<ul style="list-style-type: none"> <li>EALDP Policy ENV9 ‘Trees, Woodland and Forestry’</li> </ul>

### South Ayrshire

- 6.10.1 SALDP Policy ‘Preserving Trees’ states that proposals involving the loss of trees will require consideration to be given as to how this would affect the local area. Tree removal as a result of development proposals will require to be replaced via compensatory planting measures.
- 6.10.2 SALDP Policy ‘Woodland and Forestry’ supports proposals for new woodland and forestry. They should be consistent with the Ayrshire and Arran Woodland Strategy and sympathetic to local environmental, nature and wildlife interests. Recreational opportunities for the public are also supported, where appropriate.
- 6.10.3 EIAR Chapter 10 ‘Forestry’ quantifies the extent of permanent and temporary felling and compensatory planting requirements. A 2.9 ha (97 m radius) keyhole has been adopted around wind turbines T1, T2, T3 and T4 (i.e. those within South Ayrshire). These keyholes are for construction, operation and environmental mitigation. Consistent with Scottish Government policy, the Applicant is committed to providing appropriate compensatory planting to replace this lost woodland. The extent, location and composition of the compensatory planting would be agreed with Scottish Forestry, taking into account any revision to the felling and restocking plans prior to the commencement of construction of the Proposed Development.

### East Ayrshire

- 6.10.4 EALDP Policy ENV9 ‘Trees, Woodland and Forestry’ states that *‘the Council will support the retention of individual trees, hedgerows and woodlands within both settlements and rural areas, where such trees contribute to the amenity, nature conservation and landscape value of the area. There will be a presumption against the felling of ancient semi-natural woodlands and trees protected by Preservation Orders’*.
- 6.10.5 Consistent with the EASG, EIAR Chapter 10 ‘Forestry’ details the phased deforestation and forest waste management proposals and presents a scheme for compensatory planting. A 2.9 ha (97 m radius) keyhole has been adopted around wind turbine T8 with a 1.76 ha (75 m radius) keyhole around wind turbines T5, T6, T7 and T9 (i.e. those within East Ayrshire). These keyholes are for construction, operation and environmental mitigation. The extent, location and composition of the compensatory planting would be agreed with Scottish Forestry, taking into account any revision to the felling and restocking plans prior to the commencement of construction of the Proposed Development.
- 6.10.6 The AWI designation at Keirs Glen is unaffected by the Proposed Development.

## 6.11 Renewable Energy

Local Planning Authority	Relevant Development Plan Policies
South Ayrshire	<ul style="list-style-type: none"> <li>• SALDP Policy ‘Renewable Energy’</li> <li>• SALDP Policy ‘Wind Energy’</li> </ul>
East Ayrshire	<ul style="list-style-type: none"> <li>• EALDP Policy RE3 ‘Wind energy proposals over 50 metres in height’</li> </ul>

### South Ayrshire

6.11.1 SALDP Policy ‘Renewable Energy’ states that, *‘we will support proposals for generating and using renewable energy in standalone locations, and as part of new and existing developments, if they will not have a significant harmful effect on residential amenity, the appearance of the area and its landscape character, biodiversity and cultural heritage. Development proposals will not be permitted where they would adversely affect the integrity of a Natura 2000 site’.*

6.11.2 In full, SALDP Policy ‘Wind Energy’ states:-

*‘We will support proposals if:*

*a. they are capable of being accommodated in the landscape in a manner which respects its main features and character (as identified in the South Ayrshire Landscape Wind Capacity Study or in any subsequent updates to that study), and which keeps their effect on the landscape and the wider area to a minimum (through a careful choice of site, layout and overall design);*

*b. they do not have a significant detrimental visual impact, taking into account views experienced from surrounding residential properties and settlements, public roads and paths, significant public viewpoints, and important recreational assets and tourist attractions;*

*c. they do not have any other significant detrimental effect on the amenity of nearby residents, including from noise and shadow flicker;*

*d. they do not have a significant detrimental effect on natural heritage features, including protected habitats and species, and taking into account the criteria in LDP policy: natural heritage;*

*e. they do not have a significant detrimental effect on the historic environment, taking into account the criteria in LDP policy: historic environment and LDP policy: archaeology;*

*f. they do not adversely affect aviation, defence interests and broadcasting installations; and*

*g. their cumulative impact in combination with other existing and approved wind energy developments, and those for which applications for approval have already been submitted, is acceptable.*

*We will produce supplementary guidance on wind farms, which will identify preferred areas of search, areas with potential constraints and areas requiring significant protection; and will provide more detail on how the above-mentioned criteria will be applied in assessing all proposals for wind farms and turbines. We will use the South Ayrshire Landscape Wind Capacity Study (or any subsequent updates to that study) to help us decide the effect of proposals on the landscape.*

*Development proposals will not be permitted where, either individually or cumulatively, they would adversely affect the integrity of a Natura 2000 site’.*

- 6.11.3 Both SALDP policies articulate support for renewables and wind energy development, subject to detail. The criteria a-g listed above largely reflect those set out in paragraph 169 of SPP. In this respect, the Proposed Development's compliance with SPP paragraph 169 is discussed in Table 3 of this Statement and so is not repeated here. Regarding the additional policy test in relation to Natura 2000 designations, as confirmed in EIAR Chapters 7 'Ecology' and 8 'Ornithology', the Proposed Development would not impact on any Special Protection Area, Special Area of Conservation or Ramsar site designation.
- 6.11.4 The accompanying SASG is structured in two parts. The first part establishes the spatial framework as per SPP, whilst the second part provides further detail on how policy criteria will be applied in the assessment of proposals.
- 6.11.5 As discussed in Section 5.2 of this Statement, across the western side of the Proposed Development Area (within South Ayrshire), the sole Group 2 interest relates to mapped areas of carbon rich soils and deep peat. Supported by site investigations and analysis (see EIAR Technical Appendices 9.1 and 9.2), the Applicant has substantially overcome any significant effects on these interests through site design and mitigation.

#### East Ayrshire

- 6.11.6 In full, EALDP Policy RE3 states:-

*'All wind energy proposals over 50m in height, including extensions and proposals for repowering, will be assessed using the spatial framework for wind development shown on Map 12 and all relevant Renewable Energy and other LDP policies.*

*The Council will afford significant protection to Group 2 areas shown on Map 12. Development may be appropriate in some circumstances within these areas in cases where it can be demonstrated that any significant adverse effects on the environmental characteristics of these areas can be substantially overcome by siting, design or other mitigation and where the proposal is acceptable in terms of all applicable renewable energy criteria set out in Schedule 1.*

*Within those areas shown on the Spatial Framework (Map 12) as Group 3 - Areas with Potential for Wind Energy Development, proposals for wind energy over 50m in height will be supported where it can be demonstrated that they are acceptable in terms of all applicable Renewable Energy Assessment Criteria set out in Schedule 1.*

*Supplementary Guidance on Planning for Wind Energy will be prepared in order to provide more information on:*

- *the spatial framework; and*
- *the considerations that will apply to wind energy developments of more than 50 metres in height'.*

- 6.11.7 The renewable energy assessment criteria set out in EALDP Schedule 1, largely reflects those set out in paragraph 169 of SPP (see Table 3 in Section 5). Where there are minor differences, it is considered that the Proposed Development compares favourably in that i) proposals for the re-use of excavated peat are presented in EIAR TA 9.2; and, ii) EIAR Chapter 10 'Forestry' details the forest removal and forest waste management proposals and presents a scheme for compensatory planting.
- 6.11.8 The accompanying EASG sets out the spatial approach to wind energy development and provides further detail on the criteria against which all medium and large scale wind energy proposals will be assessed, underpinning EALDP Policy RE3.

6.11.9 As discussed in Section 5.2 of this Statement, the majority of the eastern side of the Proposed Development Area (within East Ayrshire) lies within 2 km of the LDP-defined settlement boundaries for Patna (including Burnfoot) and Waterside. There is also a mapped area of Class 1 peat at Keirs Hill. These two factors indicate that the Proposed Development should be considered a Group 2 proposal in terms of SPP. Notwithstanding, as discussed in more detail in paragraphs 5.2.13 - 5.2.20 above, it is concluded that the Applicant has '*substantially overcome*' the two identified Group 2 issues through careful siting and design. For example, only three of the proposed wind turbines fall within 2 km of the defined settlement boundaries for Patna (including Burnfoot) and Waterside.

## 7 Other Material Considerations

### 7.1 Letter from Chief Planner to Heads of Planning in Scotland - 11 November 2015

7.1.1 On 11 November 2015, the Scottish Government's Chief Planner sent a letter<sup>51</sup> to all Heads of Planning in Scotland following earlier announcements from the UK Government regarding the future of subsidy arrangements for the renewable energy sector.

7.1.2 While the letter is now over six years old, it is still relevant particularly given the more recent declaration of the climate emergency and the net zero target. Notable statements from the Chief Planner's letter include:

- The overall purpose of the letter was to *'re-emphasise that the Scottish Government's Scottish Planning Policy (2014) and Electricity Generation Policy Statement (2013) set out the Scottish Government's current position on on-shore wind farms and that this remains the case'*;
- Reaffirming the Scottish Government's target to generate at least the equivalent of 100% of gross electricity consumption from renewables by 2020 (now superseded by key 2030 and 2045 targets). Crucially, the letter reiterated the point that the target is not a cap and that once achieved, the support for renewable energy developments, including on-shore wind, would continue;
- The letter emphasised the important role the Scottish Government requires the planning system to play in supporting the transformational change to a low carbon economy, consistent with national objectives and targets; and
- That net economic impacts including the community socio-economic benefits such as employment, associated business and supply chain opportunities are relevant material considerations in the determination of planning applications for renewable energy applications, including on-shore wind. It is the Scottish Government's expectation that such considerations are addressed in the determination of applications for renewable energy technologies.

7.1.3 This letter remains a significant material consideration in support of this application, particularly so given the enhanced need case for a *'strong upscaling of renewables'* noted in the 2018 IPCC Report and other key energy publications from the UN, CCC, UK and Scottish Governments, as discussed in Section 4.

---

<sup>51</sup> <https://www.gov.scot/publications/energy-targets-and-scottish-planning-policy-chief-planner-letter/>

## 7.2 Landscape Capacity Studies

- 7.2.1 The South Ayrshire Landscape Wind Capacity Study (2018)<sup>52</sup> and the East Ayrshire Landscape Wind Energy Capacity Study (2018)<sup>53</sup> both aim to inform strategic planning for wind energy development in line with SPP.
- 7.2.2 They are similar in scope and content to one another in that they describe the landscape and visual sensitivity of the LCTs within South and East Ayrshire respectively and provide advice on the capacity of each to accommodate wind energy development of various heights. Potential cumulative issues associated with operational and consented wind farm developments are additionally considered. Advice on the constraints and opportunities for wind energy development within each landscape character type is also included.
- 7.2.3 EIAR Chapter 5 ‘Landscape and Visual’ states that the notion of landscapes having a fixed ‘capacity’ is increasingly questioned, as policy imperatives such as the declared climate emergency imply that greater levels of landscape change must be accepted. NatureScot states on its website that ‘*wind energy studies should not be referred to as ‘capacity studies’ as no local or regional targets are available on which to determine the ‘capacity’ for development*’.<sup>54</sup> However, the capacity studies do provide helpful guidance on the underlying sensitivity of the landscape, which does not change with policy.
- 7.2.4 The Proposed Development Area forms part of LCT 17b ‘Foothills with Forest west of Doon Valley’. This LCT is identified as being of high sensitivity to very large turbine typology (>130 m). This LCT straddles the boundary between South and East Ayrshire.
- 7.2.5 The capacity studies both state that ‘*although the scale and generally simple landform and land cover of these uplands could relate in principle to some larger turbine typologies, the limited extent of these uplands increases sensitivity as they lie relatively close to settled valleys and hills popular with walkers*’. They provide key challenges and opportunities for LCT 17b, which have informed the wind farm design and are discussed in depth in EIAR Technical Appendix 5.2.

## 7.3 Proposed South Ayrshire Local Development Plan 2 (2022)

- 7.3.1 At the time of writing, in July 2022, South Ayrshire Council has submitted to the Scottish Ministers the version of the LDP 2 (2022)<sup>55</sup> (Proposed SALDP2), as modified following Examination, that it intends to adopt. The Proposed SALDP2 therefore carries weight in the determination of the Proposed Development.
- 7.3.2 In relation to Proposed SALDP2 Policy ‘Wind Energy’, it is noted that there are two new assessment criteria:
- ‘c) *The extent to which they would have a positive net economic impact, including local and community socio-economic benefits such as employment, business and supply chain opportunities;*  
and

<sup>52</sup> <https://archive.south-ayrshire.gov.uk/planning/documents/south%20ayrshire%20landscape%20wind%20capacity%20study%20-%20final%20august%202018.pdf>

<sup>53</sup> <https://www.east-ayrshire.gov.uk/Resources/PDF/L/Landscape-wind-capacity-study.pdf>

<sup>54</sup> <https://www.nature.scot/professional-advice/landscape/landscape-tools-and-techniques/landscape-sensitivity-studies>

<sup>55</sup>



*d) The extent to which they would contribute to renewable energy generation targets and to the Scottish Government's net-zero target'.*

7.3.3 These additions bring the policy in line with the Chief Planner's letter discussed in Section 7.1. The Proposed Development's compliance with these two objectives is discussed in Tables 2 and 3. While there are some amendments to the wording, the fundamental aims and objectives of the other assessment criteria set out in Proposed SALDP2 Policy 'Wind Energy' are unchanged when compared to adopted policy.

7.3.4 It is concluded that there are no other substantive changes between the adopted and proposed LDP policies, as relevant to the Proposed Development, that merit detailed discussion.

## 7.4 Proposed East Ayrshire Local Development Plan 2

7.4.1 At the time of writing, the East Ayrshire LDP2 Proposed Plan has been published for comments. As it is a consultation document, it carries much less 'weight' than the adopted LDP. This Statement therefore focuses on the adopted policies of the East Ayrshire LDP 2017.

## 8 Conclusions

- 8.1.1 As an application for S36 consent and deemed planning permission the Development Plan does not have primacy in this case, as it would have in determining planning applications. Section 25 of the 1997 Planning Act is therefore not engaged. The Development Plan is an important material consideration but the principal issue to be considered in determining this application is for Scottish Ministers to have regard to Schedule 9 of the Electricity Act.
- 8.1.2 Schedule 9 refers to the need for Scottish Ministers to ‘have regard to the desirability’ of preserving natural beauty, of conserving flora, fauna etc. when determining the application. The Applicant is not an electricity generation licence holder and holds no exemption, therefore the Schedule 9 duties do not apply to it. Notwithstanding, through the design evolution process, the Applicant has approached site design and layout in a manner that is consistent with Schedule 9, including the identification of mitigation where required. As such, the Applicant has clearly done what it reasonably can to mitigate the effects which the Proposed Development would have on the natural beauty of the countryside or on any such flora, fauna, features, sites, buildings or objects.
- 8.1.3 While some significant landscape and visual effects have been identified in the EIAR, this does not give rise to a conflict with Schedule 9 as this does not place a duty on Scottish Ministers to ensure these environmental qualities are preserved, but to have regard to the desirability of doing so. In that regard, Schedule 9 does not set strict development management tests that must be complied with.
- 8.1.4 In arriving at conclusions on the Proposed Development overall, Scottish Ministers can give weight to a range of matters such as national planning policy, the socio-economic benefits of the Proposed Development and the contribution that the Proposed Development would make towards attainment of GHG reduction and renewable energy targets.
- 8.1.5 The eastern side of the Proposed Development Area was the subject of a previous S36 application for the erection of a wind farm comprising 17 wind turbines, each with a maximum blade tip height of 149 m agl. This scheme was also promoted by RES and was known as Keirs Hill Wind Farm.
- 8.1.6 While S36 consent was ultimately refused in November 2016, following a PLI triggered by an objection from EAC, the appointed Reporter noted in paragraph 3.176 of the PLI Report that the site *‘is a suitable one for wind energy development’* (underlining added). He also found that, *‘I have not been provided with any evidence to persuade me that the site is inappropriate for some type of windfarm development’* (paragraph 3.112) (underlining added).
- 8.1.7 In considering the Proposed Development, the Applicant has actively sought to address the reasons for refusal of Keirs Hill Wind Farm through a comprehensive, iterative design process. In this respect, while the Proposed Development includes larger turbines than those proposed for Keirs Hill Wind Farm, careful consideration has been given to limiting the apparent scale of the wind turbines in views from the Doon Valley. Turbines have been located further west, away from the edge of the valley, and from the settlements of Patna and Waterside (and the ironworks complex), while at the same time having regard to views from Straiton and the Girvan Valley.
- 8.1.8 While the Proposed Development will still be visible from the Doon Valley, the wind turbines will be fewer in number, be set lower on the skyline, and occupy a smaller angle of view, than that predicted within the Keirs Hill Wind Farm application. As part of the final design iteration, the tip heights of several turbines were reduced, in order to limit the visibility of turbines and reduce their

apparent scale from the Doon Valley.

- 8.1.9 It is important to note that since the Keirs Hill Wind Farm proposal was refused, international and European commitments to reducing CO<sub>2</sub> emissions and tackling climate change have been made. In response to these issues the UK has made significant, legally binding commitments in relation to CO<sub>2</sub> emissions reductions. Within this context, the Proposed Development would help meet the Scottish Government's net zero GHG emission target by 2045 as well as the key interim 2030 target of a 75% reduction compared to 1990 levels. Over the 47 years that it is expected to be generating carbon-free electricity, taking into account the carbon payback period, the Proposed Development could result in CO<sub>2</sub> emission savings of over 3.1 million tonnes when replacing fossil fuel-mix electricity generation.
- 8.1.10 Section 4 of this Statement clearly demonstrates the seriousness of the problems posed to society by the global climate emergency. The most recent IPCC report from April 2022 leaves no room for doubt about the importance of rapidly reducing GHG emissions - it notes that time is running out if we are to limit global warming to 1.5 °C and thus to avert the worst consequences of a warming planet. This 2022 IPCC report follows on from an equally alarming August 2021 IPCC report which was described as a 'code red for humanity' by the UN Secretary General.
- 8.1.11 The ongoing war in Ukraine has added an even greater sense of urgency to the need to expand the UK's 'home grown' sources of energy, to reduce reliance upon imported supplies. Security of energy supply has been a feature of various energy publications in recent years, but there is no doubt that ongoing events in Ukraine have brought this into much sharper focus. Allied with the cost of living crisis, in part due to the significant increase in oil and gas prices, there is no doubt that collectively we are currently experiencing a significant crisis, which demands an appropriate response. Adopting a business as usual approach is not an adequate response to the severity of the issues that society currently faces.
- 8.1.12 The continued and rapid roll out of renewables is a key element of the response required to meet the projected rise in electricity demand over the coming years, to reduce GHG emissions and reduce our exposure to volatile fuel markets. The recent April 2022 British Energy Security Strategy notes that '*we need to be bolder in removing the red tape that holds back new clean energy developments and exploit the potential of all renewable energy technologies*'. It is within this energy policy context that the Proposed Development must be considered.
- 8.1.13 The OWPS Refresh from 2021 recognises this noting the '*need to deploy significant volumes of onshore wind generation over the next decade*'. As a result, the OWPS Refresh recognises that actions required to tackle climate change will change the way Scotland looks. This is an important statement to be mindful of when considering the acceptability of the identified landscape and visual impacts of the Proposed Development.
- 8.1.14 With regards to national planning policy, it is considered that the Proposed Development can draw support from both SPP and NPF3. These documents are now over eight years old but they continue to provide a supportive national policy basis for the continued development of onshore wind farms, and recent Ministerial decisions on other wind farms confirms that renewable energy deployment remains a '*priority*' of the Scottish Government and a matter to which Scottish Ministers have attached '*significant weight*'.

- 8.1.15 It must also be recognised that energy policy and targets have moved on materially since publication of SPP and NPF3. There is now an even greater need case for more renewables than was the case when SPP and NPF3 were published over eight years ago.
- 8.1.16 For the reasons discussed in Section 5 of this Statement, it is considered that the SPP presumption applies to the Proposed Development. In relation to the Spatial Framework, it is acknowledged that the eastern portion of the Proposed Development Area (within East Ayrshire) falls predominantly within Group 2 ‘Areas of Significant Protection’ on account of its proximity to the LDP-defined settlement boundaries for Patna and Waterside. However only three of the proposed wind turbines are within 2 km of these settlement boundaries. The western portion of the Proposed Development Area (within South Ayrshire) is located mostly in an ‘Area with Potential for Wind Farm Development’ (Group 3) with pockets of land categorised as ‘Areas of Significant Protection’ (Group 2) owing to the mapped presence of carbon rich soils/deep peat. Notwithstanding, it is concluded that the Applicant has *‘substantially overcome significant effects’* on the two identified Group 2 issues through careful siting and detailed design.
- 8.1.17 A draft of NPF4 has been published and while only limited weight can be given to it at this stage, it does provide an indication of the potential direction of travel for new national planning policy. Importantly, Draft Policy 2 proposes that *‘significant weight should be given to the global climate emergency’* when considering development proposals. This does not mean that less weight is given to other matters but decision makers should give more weight to the global climate emergency than has hitherto been the case.
- 8.1.18 Turning to the Development Plan, the lead wind energy policies confirm that proposals that are located, sited and designed appropriately will be supported. The Proposed Development Area is not located within a national natural heritage or landscape designation, it will not give rise to significant effects upon ecology or ornithology, there are no significant effects upon hydrology or water interests, impacts upon road users, pedestrians and aviation interests can be mitigated and there will be positive local economic benefits.
- 8.1.19 The identified residual landscape and visual effects are considered to be localised in their extent and the Proposed Development is not deemed to be in conflict with the respective adopted LDPs when read as a whole. Taking all these factors into account, the identified significant environmental effects associated with the Proposed Development are considered to fall on the side of acceptability, when all material factors are considered and given appropriate weight. It is therefore respectfully requested that S36 consent and deemed planning permission is granted for the Proposed Development.