



ARCUS

TROSTON LOCH WIND FARM

EDF RENEWABLES

PLANNING STATEMENT

FEBRUARY 2019





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## **1 INTRODUCTION**

### **1.1 Background**

This Planning Statement ("The Statement") accompanies an application made by EDF Renewables Limited ("the Applicant") for consent under Section 36 of the Electricity Act 1989 (the "Electricity Act")<sup>1</sup> for the construction and operation of a wind farm comprising up to 14 three-bladed horizontal axis wind turbines of up to 149.9 m tip height, with capacity exceeding 50 megawatts (MW), and associated infrastructure including substation building, control elements and battery storage facility, at a site within Dumfries and Galloway for a period of up to 30 years ("the Development"). In addition, the Applicant is seeking deemed planning permission for the same Development under Section 57(2) of the Town and Country Planning (Scotland) Act 1997 (as amended by The Planning (Scotland) Act 2006) ("the Planning Act")<sup>2</sup>. As in this case, applications for consent under Section 36 can include an application for deemed planning permission under section 57(2) of the Planning Act. The Development is wholly located within the administrative boundaries of Dumfries and Galloway Council ("the Council").

Given that the Development is expected to exceed 50 MW and is classed as a Section 36 application, an Environmental Impact Assessment (EIA) has been undertaken in accordance with the Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017<sup>3</sup> referred to as the EIA Regulations. The findings of the EIA are presented in the Environmental Impact Assessment Report (EIA Report) and have informed the assessment of the Development against the relevant national and local energy and planning policy.

Whilst Chapter 5 Energy and Planning Policy of the EIA Report presents the existing and emerging local and national planning policy applicable to the Development, it does not provide an assessment of the compliance of the Development with the relevant policy. Therefore, the purpose of this Statement is to provide a detailed assessment of the acceptability of the Development in energy and planning policy terms.

### **1.2 The Applicant**

The Applicant is EDF Renewables Limited. EDF Renewables Limited is the trading name of EDF Energy Renewables Limited, a renewable energy company jointly owned by EDF Energy plc (EDF Energy) and EDF Energies Nouvelles (EDF EN).

EDF Renewables Limited is the main vehicle for developing, constructing and operating wind farm projects within the UK on behalf of EDF EN and EDF Energy, and has a combined UK renewable energy portfolio of 957 MW of installed capacity (as of the end of 2018) plus a large portfolio of projects in development. EDF Energy is one of the largest energy companies in the UK, supplying around 6 million residential and business accounts with electricity and/or gas and producing around one-fifth (20%) of the nation's electricity.

### **1.3 Purpose and Structure of the Statement**

This Statement considers the land use implications of the Development, compliance with Schedule 9 of the Electricity Act, compliance with national policy, compliance with

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<sup>1</sup> HM Government, (1989), "Electricity Act 1989" [Online] Available at: <http://www.legislation.gov.uk/ukpga/1989/29/contents> [Accessed 06/02/2019]

<sup>2</sup> The Scottish Government, (1997), "The Town and Country Planning (Scotland) Act 1997" [Online]. Available at: <http://www.legislation.gov.uk/ukpga/1997/8/contents> [Accessed 06/02/2019]

<sup>3</sup> The Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017 <http://www.legislation.gov.uk/ssi/2017/101/contents/made> [Accessed 02/02/2019]

the Development Plan, and identifies other material considerations that should be taken into account in the decision making process.

Whilst Chapter 5 Energy and Planning Policy of the EIA Report sets out the existing and emerging local and national planning and energy policy applicable to the Development, it does not provide an assessment of the compliance of the Development with the relevant policy. Therefore, the purpose of this Statement is to provide a detailed assessment of the acceptability of the Development in energy and planning policy terms.

The Statement is set out as follows:

- **Section 1: Introduction** sets out the context of the Development and the relationship with Chapter 6 of the EIA Report, summarises the consenting process and provides information about the Applicant;
- **Section 2: The Development** provides a summary of the main Development components, Site and Surroundings, as well as design evolution following consultation with the public and statutory consultees;
- **Section 3: Legislative Context** sets out the consenting process for the Development;
- **Section 4: Compliance with Schedule 9 of the Electricity Act** demonstrates how the Development complies with the provisions of Schedule 9;
- **Section 5: Energy Policy** sets out the international, Scottish and local energy and planning policy relevant to renewable energy development and climate change;
- **Section 6: Planning Policy** sets out the relevant national and local planning policy, together with assessment of the Development;
- **Section 7: Material Considerations** sets out material considerations that are considered relevant to the Development in the determination process;
- **Section 8: Socio-economic Benefits of the Development** presents a summary of the wider socio-economic benefits of the Development; and
- **Section 9: Planning Balance and Conclusions.**

## 2 THE DEVELOPMENT

### 2.1 The Site and its Surroundings

The land within the red line boundary (the Site) which contains the turbines and the associated infrastructure covers an area of 437 hectares (ha), centred on National Grid Reference (NGR) 268500, 589500, approximately 7 kilometres (km) west of Moniaive, Dumfries and Galloway.

The Site predominantly comprises of commercial coniferous plantation at varying degrees of maturity. Much of the Site has recently been felled, and either comprises of clear fell or young plantation.

There are no statutory designated sites within or immediately surrounding the Site. The following designations are located within the surrounding area (all distances are approximate and directions are given in relation to the Site boundary):

- 5 Scheduled Monuments within 5 km;
- 6 Listed Buildings within 5 km;
- Cleugh Site of Special Scientific Interest (SSSI) 5.7 km west;
- Water of Ken Wood SSSI 8.7 km southwest;
- Stenhouse Wood SSSI 9 km east;
- Upper Nithsdale Wood Special Area of Conservation (SAC) 9 km east;
- Hannaston Wood SSSI 9.2 km south;
- Thornhill Uplands Regional Scenic Area (RSA) 1.5 km east;
- Galloway Hills RSA 5 km west; and

- Fleet Valley National Scenic Area (NSA) 26 km south.

The above designations are assessed as necessary within the relevant technical chapters of the EIA Report.

The Site has been selected as a suitable site for wind farm development because it meets the following criteria:

- A sufficiently high annual mean wind speed across the Site;
- Viable grid connection in close proximity to the Site;
- Suitable road access, subject to a degree of road upgrade;
- A limited wind turbine zone of theoretical visibility, especially to the populated areas and transport routes;
- The Site is located in a sufficient distance from the nearest residential properties to ensure compliance with ETSU-R-97 noise limits, as well as to minimise shadow flicker effects, and effects on residential visual amenity; and
- The Site itself does not support any international or national ecological, landscape or cultural heritage designations.

Whilst this section summarises the Site and Surroundings, further details are set out in Chapter 3 of the EIA Report.

## 2.2 Development Description

The Development would comprise up to 14 three-bladed horizontal axis turbines up to 149.9 m tip height. The Development also incorporates associated infrastructure including a control building with associated substation and battery storage, crane hardstanding, underground cabling, external transformer enclosures located adjacent to each turbine, temporary construction compound, up to two borrow pits, a permanent wind monitoring mast and laydown area as well as new and upgraded access tracks.

The battery storage facility would have a capacity of approximately 20 megawatt hours (MWh) and would be able to import power from the national grid or wind turbines and export to the national grid as required providing a 'security buffer' to cope with supply and demand events. The battery storage facility would be located within a single storey building, which will also contain the substation and wind farm control building.

The Development will have an operational lifespan of up to 30 years from full commissioning of the proposed turbines. Following this, an application may be submitted to retain or replace the turbines, or alternatively they will be decommissioned.

Throughout its lifespan, the Development is considered to provide the following socio-economic benefits:

- Generation of clean and reliable electricity;
- Capital Expenditure within Dumfries and Galloway, and nationwide;
- Creation of employment opportunities;
- Community Benefit Fund;
- Shared Ownership Proposal.

More details of these considerations are set out in Section 8 of this Statement.

The grid connection does not form part of the Section 36 consent application for the Development. The consent for the grid connection will be sought by the relevant owner/operator of the local distribution network, Scottish Power Energy Networks (SPEN). The Network Operator will be responsible for the consenting, construction and operation and maintenance of the grid connection.

A full description of the Development, including Development components, construction, operation, and decommissioning is available in Chapter 4 of the EIA Report.

### **2.3 Development Design**

The design of a wind energy development is driven by the key objective of positioning turbines to ensure the Development generates electricity in the most efficient manner possible whilst minimising environmental effects.

Embedded mitigation has been used to minimise any predicted environmental effects, and where this is applicable to a specific technical assessment, it is detailed in the relevant chapter within the EIA Report. This is particularly relevant to the avoidance of direct effects e.g. on known protected species. By employing an iterative design process, undertaken in conjunction with the EIA process, a number of potential effects have been avoided completely.

Throughout the design process, design iterations have explored the various technical and environmental issues identified through baseline surveys. Through the baseline surveys, localised site sensitivities in relation to landscape and visual effects, ecology, hydrology and peat have been identified and the layout has been modified to take account of these. Further consideration of the design evolution, technical constraints and embedded mitigation is available in Chapter 3 of the EIA Report.

The final design as assessed in the EIA Report is considered to meet the balance of increasing the renewable energy generation capacity of the Site whilst minimising the introduction of new environmental effects. This Statement goes on to assess how the Development is considered acceptable in policy terms.

### **2.4 Public Consultation**

First stage public exhibitions were held on 18<sup>th</sup> April 2018 at the Glencairn Memorial Institute and the 19<sup>th</sup> April 2018 at Dalry Town Hall. Second stage exhibitions were held on 17<sup>th</sup> October 2018 at Dalry Town Hall and the 18<sup>th</sup> October 2018 at Glencairn Memorial Institute, to present the design evolution following the comments received at the first round of the exhibitions. These events provided local residents with the opportunity to speak with representatives of the Applicant and their specialist consultants, learn about the Development and preliminary findings of the EIA, and provide comment on the proposal.

In addition to the public exhibitions described above, the Applicant has written to, and informally met with members of community councils and interested local residents since November 2017 to advise of and discuss the Development. The aims of all meetings, discussions and public exhibitions were to provide information regarding the Development and invite comments to ensure that local considerations were taken into account.

The key issues raised at the consultation events related to turbine layout and visual impacts. Following consultation the Applicant elected to reduce the number of turbines from 15 to 14 to reduce visual effects. Associated with this reduction in turbine numbers, changes to the location of the turbines have also been incorporated to take into account specific topography and landscape features of the site. Further information regarding landscape and visual impacts is available in Chapter 6 of the EIA Report.

Additional issues raised during the consultation process included the impact of noise, construction access routes, the community benefit fund, community ownership, and impacts on ecology and environment. Assessment of these issues are available in the relevant chapters of the EIA Report.

The Applicant has, through its public engagement process, sought to take account of the concerns of members of the public through the evolution of the project design and considers that the Development represents the most appropriate response to the issues raised within the wider parameters of the project.

Further information on public exhibitions is provided in the Pre-Application Consultation (PAC) Report.

### **3 LEGISLATIVE CONTEXT**

#### **3.1 The Electricity Act 1989**

This Application is made under Section 36 of the Electricity Act. As such, it is governed by the relevant provisions of this Act.

Section 38 Preservation of Amenity and Fisheries: Scotland, Schedule 9 sub-paragraph 3 (1) of the Electricity Act states that:

*“3 (1) In formulating any relevant proposals, a licence holder or a person authorised by an exemption to generate, distribute, supply and participate in the transmission of electricity –*

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

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

Under sub-paragraph 3 (2), in considering proposals, the Scottish Ministers are to have regard to:

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

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

Sub-paragraph 3(3) indicates that without prejudice to the above provisions, a licence holder and the Scottish Ministers shall avoid, so far as possible, causing injury to fisheries or to the stock of fish in any waters.

The provisions of Schedule 9 of the Electricity Act apply to the assessment of the Development. They set out a number of features to which regard must be had. While they do not require the features to be retained intact, the effects of the Development on them require to be assessed.

#### **3.2 Town and Country Planning (Scotland) Act 1997**

Section 57(2) of the Planning Act provides:

*“On granting a consent under section 36 or 37 of the Electricity Act 1989 in respect of any operation or change of use that constitutes development, the Scottish Ministers may direct that planning permission for that development and any ancillary development shall be deemed to be granted, subject to any conditions (if any) as may be specified in the direction”.*

Section 25 of the Planning Act states that:

*“Where, in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material considerations indicate otherwise”.*

Section 57(2) of the Planning Act makes no reference to the provisions of section 25 which require regard to be had to the provisions of the Development Plan and the courts have confirmed that section 57(3) does not operate so as to apply section 25 to a decision to make a direction to grant deemed planning permission pursuant to section 57(2).

The Scottish Ministers will determine the application having regard to the statutory duties in Schedule 9 of the Electricity Act, so far as relevant, and any other material considerations, one of which will be relevant aspects of the statutory Development Plan.

#### **4 COMPLIANCE WITH SCHEDULE 9 OF THE ELECTRICITY ACT**

This section demonstrates how the Development complies with the requirements of the Electricity Act. Schedule 9 requires regard to be had to the desirability of:

- *“Preserving natural beauty;*
- *Conserving flora, fauna and geological or physiographical features of special interest; and*
- *Protecting sites, buildings and objects of architectural, historic or archaeological interest.”*

In addition Schedule 9 requires the applicant to:

- *“Do what he reasonably can to mitigate any effect which the proposals would have on the natural beauty of the countryside or on any such flora, fauna, features, sites, buildings or objects.”*

Sub-paragraph 3(3) indicates that without prejudice to the above provisions, a licence holder and the Scottish Ministers shall avoid, so far as possible, causing injury to fisheries or to the stock of fish in any waters.

The Development is considered to comply with Schedule 9 of the Electricity Act as detailed below:

##### **4.1 Landscape and Visual Considerations**

The landscape and visual impact of the Development has been a key consideration from an early stage in the feasibility studies and design process. Landscape architects have worked closely with the project team to achieve a scale and a design that minimises the potential landscape and visual effects while maintaining economic viability. Several design workshops were undertaken which sought to eliminate any unacceptable landscape and visual effects. To inform the Landscape and Visual Assessment, the Applicant has undertaken extensive consultation with the relevant statutory consultees such as Dumfries and Galloway Council, SNH, and Carsphairn Community Council. The comments raised by the consultees have been addressed accordingly, as set out in Table 6.1 Consultation of Chapter 6 of the EIA Report.

The landscape and visual effects of the Development are thoroughly examined in Chapter 6 of the EIA Report, and the relevant Technical Appendices – Appendix A6.1: LVIA Methodology, and Appendix A6.2: Residential and Visual Amenity Survey (RVAS).

In terms of location, the Development is sited in an area outside of any designations, classed as Group 3 according to Scottish Planning Policy. Such areas are considered suitable for wind farm development upon considerations of other policy criteria. Further, according to the Dumfries and Galloway Wind Farm Landscape Capacity Study,

Appendix C (2017) (DGWLCS)<sup>4</sup>, the Development is located within the Foothills with Forest (18a), Stroan unit Landscape Capacity Area, which is considered to have capacity to accommodate additional wind farm development, provided that its effects are acceptable.

The LVIA has assessed the potential for significant landscape and visual effects arising from the Development. Nonetheless, the Statement of Significance of Chapter 6 states that the landscape character effects will be localised and contained within a maximum of 5-6 km from the nearest turbine of the Development, whilst the visual effects will be limited to 7 km.

The LVIA concludes that in landscape and visual terms, it is considered that there is scope for wind farm development within the large scale upland landscape of the Foothills and Forest (18a). Whilst the wider landscape context is also upland in nature, the Development is located within an upland area which is not often viewed from the surrounding landscape and which is defined by the hills and ridges that contain it. The Development appears set back from the edges of this upland area and significant landscape effects are contained within it. For these reasons it is considered that the Development meets the landscape and visual considerations set out in part 1 of the Dumfries and Galloway Wind Energy Development supplementary guidance. It is considered therefore that the landscape is capable of accommodating the Development, and that significant effects on the existing landscape character or visual amenity are relatively contained.

Following the provisions of Schedule 9, to minimise the effects on the surrounding landscape and visual resource, the Applicant has proposed the following embedded mitigation measures:

- The turbine layout design presents a simple, well balanced image of the Development in the majority of views;
- Ground disturbance on-site would be restricted as far as practicable and any soil materials excavated would be retained on the site for re-use on areas to be re-vegetated following the construction phase; and
- The proposed borrow pits, substation, construction compound and tracks are positioned to minimise visual impact. The landform surrounding the Site limits the level of visibility of these infrastructure elements to elevated locations and where visible the design of these has been considered further to ensure they relate to the Site landform as far as possible taking advantage of on-site screening from localised landform and minimising the visual effect of those elements.

With reference to the provisions of Schedule 9, it is considered that the landscape and visual effects are acceptable, as they are localised and appropriately mitigated. The Applicant has clearly demonstrated that regard has been had to the preservation of the natural resources and protection of important sites. As such, the Development is considered to comply with the provisions of Schedule 9 in Landscape and Visual terms.

## 4.2 Protected Species

### 4.2.1 Ecology

The potential effects of the Development on the ecological resources of the local environment have been thoroughly assessed in Chapter 7 of the EIA Report. Both desk-based surveys and site visits were undertaken as part of the ecology baseline studies which were key to informing the final design of the site. The purpose of the surveys was to identify sensitive habitats and species within the site that should be avoided and subsequently ensure the Development could be designed sensitively to the ecological

receptors located within and nearby the Site. Following the surveys, the layout of the Development has been designed in a way to avoid the most sensitive habitats, including areas of deep peat and highly sensitive Groundwater Dependent Terrestrial Ecosystems.

Analysis and assessment of baseline ecological data have enabled the identification of appropriate mitigation and compensation measures to prevent, reduce, or offset potential adverse ecological effects, as well as enhancement measures to provide beneficial effects, where possible. Such measures include:

- Mitigation by design – avoidance of habitats with high conservation value and groundwater dependency;
- Pre-construction Construction and Environmental Management Plan (CEMP);
- Pre-construction surveys for protected species;
- Bats and Otters surveys prior to and during construction to avoid the potential for legal offence;
- Pre and post construction Ecological Clerk of Works (ECoW); and
- Maintaining 50 m buffer between turbines and high value bat habitats during operation.

The Ecological Impact assessment has concluded that **no significant ecological effects** have been identified for the construction and operation of the Development, either alone or in combination with other developments, and therefore these are not significant in relation to the EIA Regulations. Mitigation has been proposed to further reduce the low magnitude effects during the construction phase and to reduce the likelihood of legal offences and comply with good practice.

#### 4.2.2 *Ornithology*

The likely effects of the Development on Ornithological resources have been assessed in Chapter 8 of the EIA Report. A comprehensive range of bird surveys have been undertaken since 2011 to inform the assessment, Chapter 8 Ornithology of the EIA Report sets out the assessment of potential effects of the Development on birds, mitigation and residual effects, as well as a statement of significance.

The Statement of Significance has concluded that **there are not likely to be any significant impacts on ornithology** as a result of the Development provided that the mitigation measures as set out in Section 8.7 of Chapter 8 are adopted. In summary, these measures include:

- Pre-construction CEMP;
- Breeding Peregrine and Black Grouse surveys during construction;
- Construction phasing to minimise potential disturbance of birds;
- Pre-construction and Construction Breeding Bird Protection Plan; and
- Embedded Design avoiding locating wind turbines within 800 m of any known active peregrine nest, and within 500 m of any active black grouse lek.

The Development would not affect the favourable conservation status of any bird species of conservation importance within the Natural Heritage Zone (NHZ), either alone or in combination with other schemes. It would also not contribute to any in-combination effects on the Loch Ken and River Dee Marshes SPA/Ramsar/SSSI. No effects would result in any breach of the Habitats Regulations.

#### 4.2.3 *Fisheries and Stock of Fish*

The effects of the Development on Fish populations in any catchments that are connected to the Site have been assessed in Section 7.9.1.4 Fish of Chapter 7 of the EIA Report, and Technical Appendix 7.4.

The effects to the conservation status of all fish species recorded are assessed as **not significant** in terms of the EIA Regulations during the construction of the Development. Nonetheless, to ensure compliance with relevant environmental legislation and implementation of good working practices, additional applied mitigation such as Fish Fauna and Aquatic Invertebrate Monitoring Plan covering pre-construction, construction and post construction has been proposed. The mitigation measures are set out in Section 7.11.3 of Chapter 7.

The effects of the Development during operational phase are assessed to be not significant in terms of the EIA Regulations following mitigation such as sensitive design (e.g. culverts and drainage) and construction best practice (e.g. pollution prevention), both embedded in the Development to provide lasting safeguards during operation. Therefore, the Development is considered to comply with the provisions of Schedule 9, sub-paragraph 3(3).

Overall, regard has been given to the protection of the flora and fauna of special interest, including fisheries and stock of fish. Further, as part of the Development, suitable mitigation measures are proposed which are intended to protect the biodiversity. As such, the Development is considered to comply with the provisions of Schedule 9 in regard to ecological features of interest.

#### 4.3 Protected Sites – Cultural Heritage and Archaeology

The effects of the Development on protected sites, and assets of architectural, historic or archaeological interest have been assessed in Chapter 10 Heritage and Archaeology of the EIA Report.

In summary, there are considered to be **no significant direct effects likely upon known archaeological features within the Site** with a low potential to encounter unknown remains due to forestry operations across the Site. Mitigation is proposed to limit unintended encroachment into areas where archaeological features are recorded in proximity to infrastructure or to ensure preservation by record so that the residual effect is negligible to minor or not significant.

There are considered **to be no significant indirect (settings) effects** likely upon Cultural Heritage receptors in the surrounding historic environment, except at one receptor, Category A Listed Craigdarroch House. The house is located approximately 3.9 km north east of closest turbine (T14), within a valley near Craigdarroch Water, surrounded by woodland and the estate gardens. According to section 10.5.2. of Chapter 10, the setting of the listed building is largely unaffected by the Development, and there is no effect on key designed views and viewsheds towards or from the house. The exception to this is in the sightline of the house from the drive, which is not a key designed view, with turbines intruding above the hills creating a medium magnitude of change to this sightline.

It is considered that the change to its setting is largely negligible except in the first view of the house when approaching via the drive, which creates a medium level of magnitude. As this would be the first view of the house for many, the effect is considered moderate rather than minor, which is **significant** in terms of the EIA Regulations. Nonetheless, it is considered that the effect is very localised and limited. The siting and design of the Development have had regard to this asset, and have minimised the effect as much as possible, whilst maintaining the viability of the Development. Due to the majority of views of the Listed Building and setting remaining unaffected, and the design process reducing the visibility and impact of the turbines, and that the Development's scale and layout have been designed sensitively to Craigdarroch, on balance, this effect should be considered acceptable. As such, the Development is considered to accord with Schedule 9.

Furthermore, the key designed view to and from the house is over/from the front garden looking across the front lawn as framed by the avenue of trees on either side. This view allows for the appreciation of the symmetry of the house as framed by the trees and incorporates the hills in the background to the west. The view from the house looking east across the front lawn would not be affected as the Development lies to the west outwith this viewshed. In the key designed view towards the house as viewed from the front garden and loch (Figure 10.67b in the EIA Report), the turbines remain hidden behind existing landform and vegetation so that there is a negligible effect on this key view. The indirect effects are considered temporary and reversible upon decommissioning.

No significant cumulative indirect (setting effects) from the Development and other wind farm developments is likely. All cumulative effects are considered to be **not significant**.

To minimise the effects of the Development on protected assets of historic and archaeological importance, the proposed layout has taken into account the consultation responses received from Historic Environment Scotland and the Council Archaeologist, and has sought to reduce the impact of any potential setting effects on cultural heritage receptors.

Furthermore, the Applicant has proposed the Archaeological Fencing and Preservation by Record during construction. Known archaeological features have been avoided, where feasible. Following the pre-construction felling, the sites will be fenced off to prevent any accidental disturbance. It is also acknowledged that the sites are within the micrositing allowance and could be directly affected. Should impacts be unavoidable due to ground conditions that necessitate micrositing towards the sites, consultation with the Council Archaeologist should occur prior to fence removal to ensure that an appropriate record has been created for the sites prior to any potential damage. The requirement for, and scope and extent of, any mitigation would be agreed with the Council Archaeologist. The implementation of any agreed mitigation can be secured through an appropriately worded planning condition.

In summary, regard has been had to the protection of sites, buildings and objects of architectural, historic or archaeological interest through careful siting, design and mitigation measures. The Development is assessed as unlikely to raise any significant direct and indirect effects, except at one receptor - Category A Listed Craighdarroch House. It is considered that the significant effect is very localised and limited. Whilst Schedule 9 does not require that the features be retained intact, it states that the effects are assessed and where possible reasonably mitigated. As such, the Development is considered to comply with Schedule 9 in terms of Cultural Heritage and Archaeology.

#### 4.4 Additional Mitigation Measures

Mitigation measures for the following aspects have been proposed as part of the Development, details of which are available in Chapter 17 Summary of Mitigation.

- Geology, Hydrology and Hydrogeology;
- Noise;
- Traffic and Transportation;
- Forestry;
- Climate Change;
- Aviation; and
- Telecommunications.

It is considered that the Development complies with Schedule 9, sub-paragraph 3(1) (b).

#### 4.5 Summary of Compliance

Following the provisions of Schedule 9, the Development has had regard to all the environmental aspects as demonstrated above and throughout the EIA Report. Embedded, pre-construction, construction and operational mitigation has been proposed as part of the Development as set out in Chapter 17 Summary of Mitigation. The effects of the Development have been minimised as much as practically possible through the design and other measures throughout the Development lifecycle and are assessed to be acceptable. As such, the Development is considered to comply with Schedule 9 of the Electricity Act.

### 5 ENERGY POLICY

This section of the Statement sets out the international, European, UK and Scottish energy policy. It provides the framework of international agreement and binding targets upon which national energy policy is based. The international and national policy described and summarised below demonstrates the need case for renewable energy from which the Development can draw a high level of support.

All of these sections demonstrate the clear and consistent policy support at all levels, from international to local, for the deployment of renewable energy generally and onshore wind particularly to combat climate change, diversify the mix of energy sources and achieve greater security of supply, and to achieve legally binding renewable energy targets. The Development would make a significant contribution to help Scotland meet its renewable energy production targets, while supporting CO<sub>2</sub> reduction to combat climate change and increasing the security of supply of electricity.

#### 5.1 International and European Policy Context

On 12 December 2015, 196 Parties to the UN Framework Convention on Climate Change (UNFCCC) adopted the Paris Agreement, a legally-binding framework for an internationally coordinated effort to tackle climate change. The UK is legally bound through commitment to the Paris Agreement.

The Renewable Energy Directive<sup>5</sup> 2009/28/EC establishes an overall policy for the production and promotion of energy from renewable sources in the EU. It requires the EU to fulfil at least 20% of its total energy needs with renewables by 2020 – to be achieved through the attainment of individual national targets. All EU countries must also ensure that at least 10% of their transport fuels come from renewable sources by 2020.

On 30 November 2016, the Commission published a proposal for a revised Renewable Energy Directive to make the EU a global leader in renewable energy and ensure that the target of at least 27% renewables in the final energy consumption in the EU by 2030 is met.

On 14 June 2018 the European Commission, the European Parliament and the European Council reached a political agreement which includes a binding renewable energy target for the EU for 2030 of 32%, with a clause for upwards revision by 2023<sup>6</sup>. This political agreement must now be translated into all EU languages and formally adopted by the European Parliament and the Council, and then published in the Official Journal of the EU. This agreement sets the course for a growing demand for renewable energy projects across Europe.

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<sup>5</sup> European Commission (2018) Renewable Energy Directive [online] Available at: <https://ec.europa.eu/energy/en/topics/renewable-energy/renewable-energy-directive> [Accessed 13/02/2019]

<sup>6</sup> European Commission (2018) Renewable Energy: Moving towards a low carbon economy [Online] Available at: <https://ec.europa.eu/energy/en/topics/renewable-energy> [Accessed 01/02/2019]

The 2017 Renewable Energy Progress Report<sup>7</sup> summarises the progress countries within the EU are making towards 2020 targets. Based on the 2017 publication, the UK is currently projected to miss its 2020 targets, indicating a need for further renewable energy developments.

On 29 March 2017, the UK formally notified of its intention to leave the EU under Article 50 of the Treaty of the EU<sup>8</sup>. It is anticipated that the European Union (Withdrawal) Bill 2017-19 will convert all EU laws, rules and targets into domestic UK governance. It is considered that the existing EU renewable energy targets for the UK, such as the requirements of the Renewable Energy Directive, will remain applicable despite the UK's intention to formally leave the EU.

With an overview of the relevant international policy on climate change and renewable energy, it is clear that projects such as the Development would be encouraged due to their environmental, social and economic benefits. If consented, the Development would contribute to meeting the CO<sub>2</sub> emissions reduction targets, as well as the renewable energy targets.

## 5.2 Scottish Climate Change and Energy Policy

The following documents set out the Scottish Government's commitment to cut carbon emissions through the deployment of renewable energy, and sets out the national energy strategy alongside with energy planning statistics.

### 5.2.1 *Climate Change (Scotland) Act 2009*

The Climate Change (Scotland) Act 2009<sup>9</sup> ("the Climate Change Act") creates a long-term framework for the current and successive administrations in Scotland to ensure a reduction in Scottish greenhouse gas emissions by 80% by 2050 with an interim milestone of 42% by 2020.

Climate Change Bill – Consultation Paper<sup>10</sup> issued in June 2017 states that the Scottish Government proposes to increase the ambition of the 2050 target to 90% greenhouse gas emission reduction from the baseline, focused on the social, environmental and economic benefits this will deliver.

The Government has set ambitious targets for reduction of carbon emissions. Projects, such as the Development play a key role in decarbonising the energy sector, whilst providing environmental and economic benefits such as clean and reliable energy.

### 5.2.2 *Scottish Government Climate Change Adaptation Programme: Fourth Annual Progress Report*<sup>11</sup>

In May 2018, the Scottish Government published its fourth annual progress report on Scotland's Climate Change Adaptation Programme. The Report sets out the context for climate adaptation in Scotland, highlighting that we are already experiencing climate change, that there are a range of future risk and opportunities, and that we have a

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<sup>7</sup> EUR-Lex (2017) Report from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions: Renewable Energy Progress Report [Online] Available at: <http://eurlex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52017DC0057&qid=1488449105433&from=EN> [Accessed 14/01/2019]

<sup>8</sup> UK Government (2017) Prime Ministers letter to European Council President Donald Tusk [Online] Available at: [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/604079/Prime\\_Ministers\\_letter\\_to\\_European\\_Council\\_President\\_Donald\\_Tusk.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/604079/Prime_Ministers_letter_to_European_Council_President_Donald_Tusk.pdf) [Accessed 14/01/2019]

<sup>9</sup> Scottish Government (2009) The Climate Change (Scotland) Act 2009 [Online] Available at: <http://www.legislation.gov.uk/asp/2009/12/contents> [Accessed 14/01/2019]

<sup>10</sup> Scottish Government (2017) Climate Change Bill – Consultation Paper [Online] Available at: <http://www.gov.scot/Publications/2017/06/8208/downloads#res521930> [Accessed 14/01/2019]

<sup>11</sup> Scottish Government (2018) Climate Change Adaptation Programme: Fourth Annual Progress Report 2018 [Online] Available at: <https://www.gov.scot/publications/climate-ready-scotland-scottish-climate-change-adaptation-programme-fourth-annual/> [Accessed 17/01/2019]

developing evidence base that is informing action. It sets out the statutory requirements for adaptation in terms of an Adaptation Programme, its update and yearly progress reports.

It provides a summary of the core content of the Programme, the highlights to date, and the findings of the first Independent Assessment of the Programme in 2016. Finally, the Report refers to the development of Scotland's second five-year Adaptation Programme which is to be published in 2019.

The Development has a great potential to contribute to climate change mitigation through the generation of clean, low carbon and reliable electricity.

### **5.2.3 *Low Carbon Scotland: Climate Change Plan – Third Report on Proposals and Policies 2018-2032*<sup>12</sup>**

This document was published in September 2018 and provides an overview of the Scottish Government's climate change plan 2018-2032. The document contains the most up-to-date renewable electricity generation data available from UK BEIS.

*"In 2015, Scotland had reduced its emission by 41% from the 1990 baseline, and in 2017 Scotland generated 68.1% of its electricity requirements from renewables. Scotland's success in decarbonising electricity paves the way for transformational change across all sectors of the economy and society, particularly as electricity will be increasingly important as a power source for heat and transport."*

The plan envisages that by 2032 Scotland will have reduced its emissions by 66% relative to the baseline, while growing the economy, increasing the wellbeing of the people of Scotland and protecting and enhancing the natural environment. Further, the plan proposes that by 2032 Scotland's electricity system will be largely decarbonised and increasingly important as a power source for heat and transport.

The Development is in keeping with the climate change plan, as it will contribute to CO<sub>2</sub> emissions reduction, have positive effect on the local and national economy, whilst leaving a minimal footprint on the environment.

### **5.2.4 *Delivering for Today, Investing for Tomorrow – The Scottish Government's Programme 2018-19*<sup>13</sup>**

In September 2018, the Scottish Government published the Government's Programme 2018-19 which sets out the actions the Government will take in the forthcoming year. The Programme reiterates the continuous support for Renewable Energy development, as a way of achieving greater CO<sub>2</sub> emission reduction and adaptation to climate change. The Programme states that the Government will continue to work with industry to encourage investment in key industrial areas where energy efficiency, renewables, bio-technology and carbon capture utilisation and storage could offer significant opportunities for decarbonisation and economic growth.

If consented, the Development will make a direct contribution to the Government's objectives for reduction of CO<sub>2</sub> emissions and encouragement of investment in renewable energy, to achieve sustainable economic growth.

### **5.2.5 *Electricity Generation Policy Statement***

The Scottish Government has published an Electricity Generation Policy Statement (2013) ("the EGPS")<sup>14</sup> which examines the way in which Scotland generates electricity,

<sup>12</sup> Scottish Government (2018) Low Carbon Scotland: Climate Change Plan 2018 – 2032 (Online) Available at: <http://www.low-carbonscotland.scot/wp-content/uploads/2018/11/Climate-Change-Plan-Scotland.pdf> [Accessed 17/01/2019]

<sup>13</sup> Scottish Government (2018) Government's Programme 2018-19 [Online] Available at: <https://www.gov.scot/programme-for-government/> [Accessed 17/01/2019]

and considers the changes which will be necessary to meet the targets which the Scottish Government has established.

The EGPS recognises that Scotland's renewables potential is such that, should the relevant technologies be developed successfully, it could deliver up to £46 bn of investment and more than enough electricity to meet domestic demand for electricity. The remainder could be exported to the rest of the UK and continental Europe to assist other countries in meeting their binding renewable electricity targets.

The EGPS sets out that to achieve the 100% target, Scotland's installed generation capacity will need to almost double over the 10 year period to 2020, with wind (both onshore and offshore) expected to account for around 13 GW of capacity by 2020.

The Development would help achieve this target and, in doing so, provide investment to help realise these ambitions for economic growth.

### **5.2.6 *Routemap for Renewable Energy in Scotland***

Securing low carbon energy supplies is a key element in achieving the target of reducing emissions by 80% by 2050 with an interim milestone of 42% by 2020. In recognition of this the Scottish Government has set further targets which include producing 100% of the country's demand for electricity from renewable sources by 2020. This is detailed within the 2020 Routemap for Renewable Energy in Scotland<sup>15</sup>. The Development therefore draws significant support as a contributor to these targets.

### **5.2.7 *Scottish Energy Strategy***

The Scottish Energy Strategy 2017<sup>16</sup>: The Future of Energy in Scotland sets out the Scottish Government's vision for the future energy system in Scotland, to 2050. It articulates the priorities for an integrated system-wide approach that considers both the use and supply of energy for heat, power and transport. The Energy Strategy is designed to strengthen the development of local energy, protect and empower consumers, and support Scotland's climate change ambitions while tackling poor energy provision.

### **5.2.8 *Scottish Onshore Wind Policy Statement***

The Onshore Wind Policy Statement<sup>17</sup> was published alongside the Energy Strategy in December 2017. The Statement reaffirms the Scottish Government's existing onshore wind policy set out in previous publications, whilst protecting the environment (landscape and visual, ecological and other environmental impacts); protecting residential amenity; and maximising local benefits, including through promoting shared ownership and community benefits. In 2014, onshore wind activity (direct and indirect) accounted for 30% of total Scottish low carbon and renewable turnover.

The Scottish Government is determined to influence, enable and deliver a clean and integrated and reliable energy system at an affordable cost. Onshore Wind is recognised as a mature technology amongst the lowest forms of electricity generation. Onshore Wind is expected to remain at the centre of a clean, reliable and low carbon energy future in Scotland. In order for onshore wind to play its vital role in meeting Scotland's energy needs, and a material role in growing Scotland's economy, its

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<sup>14</sup> The Scottish Government, (2013), "Electricity Generation Policy Statement – 2013" [Online]. Available at: <http://www.scotland.gov.uk/Topics/Business-Industry/Energy/EGPSMain> [Accessed 06/10/2014]

<sup>15</sup> Scottish Government (2015) 2020 Routemap for Renewable Energy in Scotland – Update [Online] Available at: <http://www.gov.scot/Resource/0048/00485407.pdf> [Accessed 14/01/2019]

<sup>16</sup> Scottish Government (2017) Scottish Energy Strategy [Online] Available at: <https://www.gov.scot/energystrategy> [Accessed 14/01/2019]

<sup>17</sup> Scottish Government (2017) Onshore Wind Policy Statement December 2017 (Online) Available at: <http://www.gov.scot/Resource/0051/00513263.pdf> [Accessed 16/01/2019]

contribution must continue to grow. Therefore, Scotland will continue to need more onshore wind development and capacity, in locations where it can be appropriately accommodated within the landscapes.

Overall, the Development draws significant support from the national policy on energy and climate change. The Development has potential to contribute to decarbonising of the energy sector, whilst providing clean and secure energy supply. The Development is equipped with an energy storage facility which can assist with the re-distribution of power managing the supply and demand for electricity, thus improving energy efficiency. It has been designed in a way to minimise environmental effects whilst maintaining economic viability. Furthermore, the Development would maximise the benefits for the local communities through the community benefit fund and the proposal for Shared Ownership. The Shared Ownership will provide the opportunity for local community organisations to invest in the Development as a meaningful financial partner. As such, the Development accords with the national policy objectives for clean energy and climate change.

## 6 PLANNING POLICY

This section sets out the relevant planning policy on national and local level. Assessment of the local planning policy is set out in section 6.4.

### 6.1 National Planning Framework 3 (NPF3)

On the 23<sup>rd</sup> of June 2014, the National Planning Framework 3 (NPF3)<sup>18</sup> was laid in the Scottish Parliament as required by statute alongside associated documentation. It is the Scottish Government's third NPF and spatial expression of the Government's Economic Strategy.

NPF3 sets the context for development planning in Scotland and a framework for the spatial development of Scotland as a whole. It outlines the Scottish Government's development priorities over the next 20-30 years and focuses on supporting sustainable economic growth and the transition to a low carbon economy. NPF3 reiterates the ambition to achieve at least an 80% reduction in greenhouse gas emissions by 2050, where planning plays a key role in delivery of this target.

The Scottish Government *"aims to ensure that all parts of Scotland make best use of their assets to build a sustainable future"*, as stated in paragraph 2.6, while paragraph 2.7 supports *"emerging technologies for renewable energy"*. NPF3 establishes Scotland as a leader for renewable energy development and advises that onshore wind will continue to make a significant contribution to the diversification of the energy mix.

The Development is considered to directly contribute to achieving the CO<sub>2</sub> emissions reduction targets, whilst diversifying the energy mix and adding to the renewable energy share. It is sited and designed to make the best use of the wind resource, whilst minimising the effects on the environment.

Page 34 identifies that rural communities will benefit from well-planned renewable energy development, where it is sited in appropriate locations in accordance with the spatial framework, and takes into account important features such as wild land, National Scenic Areas and National Parks.

The Development is located outside of any designated areas to limit the effects on the environment and amenity, and protect important species and sites. It is considered that the Development will bring a direct benefit to the community by providing a Community Benefit Fund and an opportunity for a Shared Ownership.

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<sup>18</sup> Scottish Government (2014) National Planning Framework 3 (Online) Available at: <https://www.gov.scot/publications/national-planning-framework-3/> [Accessed 16/01/2019]

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

## 6.2 Scottish Planning Policy (SPP)

SPP<sup>19</sup> sets out national planning policies which reflect Scottish Ministers' priorities for operation of the planning system and for the development and use of land. The SPP contains the policies which are applied to the authorisation of on-shore renewable electricity generation schemes under Section 36 of the Electricity Act 1989. The SPP is a material consideration in the determination process for planning applications and Section 36 applications.

SPP is a non-statutory document which sets out the Scottish Government's policy on land use planning and therefore should be afforded significant weight in the determination process for planning applications; however paragraph (iii) of SPP acknowledges that *"it is for the decision-maker to determine the appropriate weight in each case"*.

Paragraphs 24 to 35 reaffirm the Scottish Government's commitment to "Sustainability". This is reflected in the Policy Principle which details *"a presumption in favour of development that contributes to sustainable development"*. Policies and planning applications should be guided by supporting climate change mitigation and adaptation.

The Development is clearly in line with the presumption of sustainable development. It accords with this principle, having regard to environmental, social and economic considerations – the Development will provide low carbon, clean and reliable electricity, while having very limited effects on the environment. It will also have a positive effect on carbon savings and a significant positive effect when considered cumulatively with UK-wide renewable energy deployment. The Development will provide social benefits such as Community Benefit Fund, and an opportunity for Shared Ownership. Furthermore, the Development is expected to create a number of employment opportunities within the construction sector and within the renewable energy industry supply chain. In economic terms, it will increase the economic activity both in Dumfries and Galloway, and nationwide. Therefore, it will contribute to sustainable economic growth. As such, it is considered that significant weight should be given to the SPP in consideration of this Application.

One of the key SPP outcomes is Outcome 2: *"A low carbon place – reducing our carbon emissions and adapting to climate change."* Paragraphs 152 to 192, under the heading *"A Low Carbon Place"*, detail how the Scottish planning system will contribute towards delivering a low carbon economy, specifically through the development of electricity generation technologies which will help contribute to reducing greenhouse gas emissions.

Paragraph 154 states that the planning system should:

- "Support the transformational change to a low carbon economy, consistent with national objectives and targets including delivering 30% of overall energy demand from renewable sources by 2020, 11% of heat demand from renewable sources by

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<sup>19</sup> Scottish Government (2014) Scottish Planning Policy [Online] Available at: <http://www.gov.scot/Resource/0045/00453827.pdf> [Accessed 16/01/2019]

2020, and the equivalent of 100% of electricity demand from renewable sources by 2020.”

- Support the development of a diverse range renewable energy generating technologies, including the expansion of renewable energy capacity;
- Help reduce emissions and energy use by enabling development at appropriate locations that contributes to efficient energy supply and storage.

The Development is in line with the principles set out in Paragraph 154, as it will make a direct contribution to the renewable energy generation targets, it will expand the renewable energy capacity and will diversify the energy mix. The Development is equipped with an energy storage facility, therefore it will improve the energy efficiency, and will improve the security of supply. As such it draws significant support from SPP.

Paragraphs 161 to 166 deal solely with onshore wind development. Within this section, SPP sets out the expectation for local authorities to include a minimum scale of onshore wind development that their spatial frameworks should apply to. Development plans are expected to set out criteria for considering wind farms of different scales.

Paragraph 169 proposes that onshore wind developments should have regard to the Spatial Frameworks for Wind Farms (Table 1 of SPP). The Spatial Framework for wind farm development defines a hierarchy of protection. Group 1 areas are based on National Parks and National Scenic Areas and are defined as ‘Areas where wind farms will not be acceptable’.

Group 2 areas are defined as ‘Areas of Significant Protection’, which are based on the following criteria: a range of national designations, other nationally important environmental interests (such as wild land or carbon rich soils, deep peat and priority peatland habitat), and community separation (2 km from cities, towns and villages identified on the Local Development Plan). The Site is not subject to any of the group 2 criteria and it is therefore considered that the Development lies within a Group 3 area.

Group 3 areas are defined as ‘Areas with potential for wind farm development’ and described as follows: *“Beyond groups 1 and 2, wind farms are likely to be acceptable, subject to detailed consideration against identified policy criteria”*. Therefore, the Development is located in an area where it is likely to be acceptable, subject to assessment against other criteria set out by relevant national and local planning policy.

Paragraph 166 advises that *“proposals for onshore wind turbine developments should continue to be determined while spatial frameworks and local policies are being prepared and updated. Moratoria on onshore wind development are not appropriate.”*

Paragraph 169 goes on to provide key considerations in the decision making for energy infrastructure projects. The EIA Report considers all relevant environmental and amenity aspects cited in SPP and it is clear that the effects of the Development should be considered acceptable in the planning balance, taking into account the need and benefits of the Development.

Paragraph 170 proposes that areas identified for wind farms should be suitable for use in perpetuity. Consents may be time-limited but wind farms should nevertheless be sited and designed to ensure impacts are minimised and to protect an acceptable level of amenity for adjacent communities.

Overall, SPP offers a high level of support to wind farm developments which are designed to make the best use of land and wind resources, whilst taking into account environmental and amenity matters, such as the proposed Development. Furthermore, the Development has been assessed against the relevant local and national policy, and legislation, and has been found acceptable in policy terms. As such, the Development is considered to fully comply with the principles of the SPP.

### 6.3 Planning Advice and Guidance

The following Scottish Government Advice and Guidance have been used in the preparation of this Application.

Of particular relevance is the Online Renewables Planning Advice – Onshore Wind Turbines 2014<sup>20</sup>. The most applicable aspects of this guidance are the typical planning considerations in determining planning applications for onshore wind development. The Renewables Planning Advice provides guidance on assessment of the effects of the development, and advises on approaches to designing appropriate mitigation. The key considerations include:

- Landscape and visual effects;
- Impacts on wildlife and Habitats;
- Buffer Zones;
- Impacts on Communities;
- Separation Distances;
- Military Aviation and Other Defence Matters;
- Historic Environment Impacts;
- Road Traffic Impacts; and
- Cumulative Impacts.

The guidance also includes good practice during construction and decommissioning as relevant planning considerations. The EIA Report has taken account of each of the considerations outlined in the guidance and has adopted best practice measures.

Other relevant planning guidance includes:

- Energy Storage: Planning Advice (2013)<sup>21</sup>
- PAN 3/2010: Community Engagement (2010)<sup>22</sup>;
- PAN 51: Planning, Environmental Protection and Regulation<sup>23</sup>;
- PAN 1/2013: Environmental Impact Assessment (EIA)<sup>24</sup>;
- PAN 2/2011 Planning and Archaeology (2011)<sup>25</sup>;
- PAN 60: Planning for Natural Heritage<sup>26</sup>;
- PAN 61: Planning and Sustainable Urban Drainage Systems<sup>27</sup>
- PAN 1/2011 Planning and Noise (2011)<sup>28</sup>;
- PAN 73: Rural Diversification<sup>29</sup>;
- PAN 75: Planning for Transport<sup>30</sup>;

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<sup>20</sup> The Scottish Government, (2014), Onshore Wind Turbines: Planning Advice [Online] Available at: <https://www.gov.scot/publications/onshore-wind-turbines-planning-advice/> [Accessed 07/01/2019]

<sup>21</sup> The Scottish Government, (2013) Energy Storage: Planning Advice [online] Available at: <https://www.gov.scot/publications/energy-storage-planning-advice/> [Accessed 07/01/2019]

<sup>22</sup> The Scottish Government, (2010), "Planning Advice Note 3/2010 Community Engagement" [Online]. Available at: <https://www.gov.scot/publications/planning-advice-note-3-2010-community-engagement/> [Accessed 07/01/2019]

<sup>23</sup> Scottish Government, (2006), "PAN 51: Planning, Environmental Protection and Regulation" [Online]. Available at: <https://www.gov.scot/publications/planning-advice-note-pan-51-revised-2006-planning-environmental-protection/pages/4/> [Accessed 07/01/2019]

<sup>24</sup> The Scottish Government, (2013), "Planning Advice Note 1/2013, Environmental Impact Assessment" [Online]. Available at: <https://www.gov.scot/publications/planning-advice-note-1-2013-environmental-impact-assessment/> [Accessed 07/01/2019]

<sup>25</sup> Scottish Government, (2011), "PAN 2/2011: Planning and Archaeology" [Online]. Available at: <https://www.gov.scot/publications/pan-2-2011-planning-archaeology/> [Accessed 07/01/2019]

<sup>26</sup> Scottish Government, (2000), "PAN 60: Planning for Natural Heritage" [Online]. Available at: <https://www2.gov.scot/Publications/2000/08/pan60-root/part-a> [Accessed 07/01/2019]

<sup>27</sup> The Scottish Government, (2001), "PAN 61: Planning and Sustainable Urban Drainage Systems" [Online]. Available at: <https://www2.gov.scot/Publications/2001/07/pan61> [Accessed 07/01/2019]

<sup>28</sup> Scottish Government, (2011), "PAN 1/2011: Planning and Noise" [Online]. Available at: <https://www.gov.scot/publications/planning-advice-note-1-2011-planning-noise/> [Accessed 07/01/2019]

<sup>29</sup> Scottish Government, (2005), "PAN 73: Rural Diversification" [Online]. Available at: <https://www.gov.scot/publications/rural-diversification-planning-advice/> [Accessed 07/01/2019]

- Transport Assessment and Implementation: A Guide (2005)<sup>31</sup>;
- Planning Circular 3/2013: Development Management Procedures (2013)<sup>32</sup>;

## 6.4 Local Planning Policy

The statutory Development Plan relevant to the Development comprises of the Dumfries and Galloway Local Development Plan<sup>33</sup> (2014) (“DGLDP”) and Statutory Supplementary Guidance (SG). The Development Plan forms a basis for the Council’s consultation response to the Development.

The DGLDP was adopted by the Council on September 2014 and sets out a vision statement and spatial strategy for how land can be used by developers for the next 20 years. By 2030, the Council intends to have created sustainable communities, balancing population growth, economic development and safeguarding of the environment.

Consideration has been given to the relevant policies contained within the DGLDP during the design of the Development. Individual policies are not quoted in full. For full policy wording please refer to the Development Plan. Assessment of the Development against the relevant local planning policies is set out in Section 6.4 of this Statement. The following general policies are considered relevant to the Development:

**Table 1 Dumfries and Galloway LDP Policies**

Policy	Addressed in the Statement
Policy IN1: Renewable Energy	Section 6.4.1 – 6.4.12
Policy IN2: Wind Energy and Statutory Supplementary Guidance for Wind Energy Development	Section 6.4.1 – 6.4.12
Policy OP1: Development Considerations	Section 6.4.1 – 6.4.12
Policy OP2: Design Quality of New Development	Section 6.4.1; 6.4.2; 6.4.6; 6.4.8;
Policy HE1: Listed Buildings	Section 6.4.6
Policy HE2: Conservation Areas	Section 6.4.6
Policy HE3: Archaeology	Section 6.4.6
Policy HE4: Archaeology Designated Sites	Section 6.4.6
Policy HE 6: Gardens and Designated Landscapes	Section 6.4.6
Policy NE1: National Scenic Areas	Section 6.4.2
Policy NE2: Regional Scenic Areas	Section 6.4.2
Policy NE3: Sites of International Importance for Biodiversity	Section 6.4.3; 6.4.4
Policy NE4: Species of International Importance	Section 6.4.3; 6.4.4
Policy NE5: Sites of National Importance for Biodiversity and Geodiversity	Section 6.4.3; 6.4.4
Policy CF2: Green Networks	Section 6.4.2
Policy CF4: Access Routes	Section 6.4.8

<sup>30</sup> The Scottish Government, (2005), “Planning Advice Note 75: Planning for Transport” [online]. Available at: <https://www.gov.scot/publications/planning-advice-note-pan-75-planning-transport/> [Accessed 07/01/2019]

<sup>31</sup> The Scottish Government (2005), “Transport Assessment and Implementation: A Guide” [online]. Available at: <https://www2.gov.scot/Publications/2005/08/1792325/23264> [Accessed 07/01/2019]

<sup>32</sup> The Scottish Government, (2013), “Planning Series Circular 3/2013: Development Management Procedures” [online]. Available at: <https://www.gov.scot/publications/planning-series-circular-3-2013-development-management-procedures/> [Accessed 07/01/2019]

<sup>33</sup> The Dumfries and Galloway Council (2014) The Dumfries and Galloway Local Development Plan [Online] Available at: [http://www.dumgal.gov.uk/media/17412/Local-Development-Plan-Section-1/pdf/Section1\\_LDP\\_\(policy\).pdf](http://www.dumgal.gov.uk/media/17412/Local-Development-Plan-Section-1/pdf/Section1_LDP_(policy).pdf) [Accessed 16/01/2019]

Policy IN7: Flooding and Development	Section 6.4.5
Policy IN8: Surface Water Drainage and Sustainable Drainage Systems (SuDS)	Section 6.4.5
Policy T2: Location of Development/Accessibility	Section 6.4.8

#### 6.4.1 *Renewable Energy and Infrastructure*

The following policies and supplementary guidance have been identified as most relevant to the Development.

##### **Policy IN1: Renewable Energy**

Policy IN1 states that the Council will support renewable energy developments provided that they do not individually or in combination have an unacceptably significant adverse impact on the surrounding area. In order to establish whether this is the case, full details of the site, including noise and visual impacts and the restoration scheme.

##### **Policy IN2: Wind Energy**

Policy IN2 states that when considering wind farm developments the Council will assess the acceptability of proposed developments in the context of their landscape and visual impact, cumulative impact, impact on local communities, impact on aviation and defence interests, and other impacts set out in Part 1 of the Policy. Windfarm proposals should thus seek to fully demonstrate the likely impacts of the development.

Part 2: Spatial Framework advises that the considerations in Part 1 above will be applied in the context of the following Spatial Framework:

##### **Statutory Supplementary Guidance: Part 1 Wind Energy Development: Development Management Considerations**

The purpose of the SG is to provide further detail on the criteria contained in Part 1 of Policy IN2. The criteria of relevance include:

- Landscape and Visual Amenity;
- Cumulative impacts on Landscape and Visual Amenity;
- Design of proposals;
- Effects on local amenity and communities;
- Aviation and Defence;
- Historic Environment and Cultural Heritage;
- Biodiversity;
- Forests and Woodlands;
- Tourism and Recreation;
- Broadcasting Installations;
- Ancillary Developments;
- Physical Site Constraints;
- Decommissioning and Restoration;
- Legal Agreements; and
- Supporting Information.

These criteria are appropriately assessed throughout the EIA and the findings are contained in the relevant EIA Report chapters.

##### **Statutory Supplementary Guidance – Part 1, Appendix C Landscape Capacity Study**

The Dumfries and Galloway Wind Farm Landscape Capacity Study (DGWLCS) assesses the sensitivity of landscape character types and more locally defined character areas to different types of wind turbine. Overall findings, conclusions and recommendations can be used to inform planning and design for wind energy developments.

The study identifies the greatest scope for additional development in landscape areas with the following landscape character types: Southern Uplands with Forests, and some more remaining opportunities likely in the Plateau Moorlands with Forest, and Foothills with Forest.

The Development is located within the Stroan unit of the Foothills with Forest LCT (18a). The DGWLCS has assessed a High – Medium sensitivity to large typology development. Further consideration of this supplementary guidance and assessment of the Development against its requirements are available in Chapter 6 LVIA of the EIA Report.

It is acknowledged that the majority of large scale wind energy developments are likely to incur significant adverse landscape and visual effects; therefore the aim of this study is to propose a strategy to protect the most sensitive landscapes. Landscape and visual sensitivity is one of the key issues that should be considered in the assessment of the acceptability of a specific development. Other key issues are set out in the Development Plan.

#### 6.4.2 *Overarching Policies*

##### **Policy OP 1: Development Considerations**

Policy OP 1 states that the Development will be assessed against the following considerations where relevant to the scale, nature and location of the proposal:

**a) General Amenity:** Development proposals should be compatible with the character and amenity of the area and should not conflict with nearby land uses. The following will be a material consideration in the assessment of proposals:

- Noise and vibration;
- Odour and fumes;
- Potential loss of privacy, sunlight and daylight on nearby properties;
- Emissions including dust, smoke, soot, ash, dirt or grit or any other environmental pollution to water, air, or soil; and
- Light pollution.

**b) Historic Environment:** Development proposals should protect and/or enhance the character, appearance and setting of the region's rich historic environment principally by ensuring they are sympathetic to the surrounding area.

**c) Landscape Development:** proposals should respect, protect and/or enhance the region's rich landscape character, scenic qualities and features and sites designated for any landscape quality and should also reflect the scale and local distinctiveness of the landscape.

**d) Biodiversity and Geodiversity:** Development proposals should respect, protect and/or enhance the region's rich and distinct biodiversity, geodiversity and sites designated for their contribution to the natural environment at any level including ancient and semi-natural woodland. The guidance contained within the Local Biodiversity Action Plan, and any subsequent revised or amended document, will be a material consideration in the assessment of proposals.

**e) Transport and Travel:** Development proposals should minimise the need for travel by car and encourage active and other more sustainable forms of travel whilst avoiding or mitigating any adverse impact on the transport network or road safety.

**f) Sustainability:** Development proposals should limit the impacts of climate change and promote sustainable development by:

- Assisting the development of the local economy through sustainable economic growth;

- Minimising adverse impacts on water, air and soil quality;
- Reusing and/or regenerating previously used land and property, including derelict and contaminated land;
- Making the most efficient use of land;
- Integrating with existing infrastructure where possible;
- Supporting the council's waste resource management objectives;
- Avoiding areas of significant flood risk;
- Using sustainable drainage systems ("SUDS");
- Incorporating sustainable principles by demonstrating that in all new buildings at least 10% of the carbon emissions reduction standard set by Scottish building standards has been met through the installation and operation of zero carbon generating technologies.

**g) Water Environment:** Development proposals should maintain or enhance water quality, and take account of the need to manage water quantity, including flooding.

Assessment of the criteria a) to g) is carried out throughout the EIA and other technical assessments, and presented in the relevant chapters of the EIA Report.

### **Policy OP 2: Design Quality of New Development**

Development proposals should achieve high quality design in terms of their contribution to the existing built and natural environment contributing positively to a sense of place and local distinctiveness. Where relevant proposals should:

- Relate well to the scale, density, massing, character, appearance and use of materials of the surrounding area and in so doing be sympathetic to the local built forms as well as respecting the important physical, historic and landscape features of the site and its vicinity;
- Be designed with people, not vehicle movement, as the primary focus, incorporating the principles set out in 'Designing Streets' and where possible increase connectivity to nearby places, paths, streets and open spaces;
- Ensure that any open space required is of high quality, appropriate and integrated to the development and where possible provides linkages to the wider green network;
- Incorporate a hard landscaping and planting scheme which includes the proposed treatment of existing trees and other landscape features;
- Be designed to create safe, accessible and inclusive places for all people which are well integrated into existing settlements and respect the established historic layout and patterns of development, that are also adaptable to future changes;
- Integrate sustainable energy measures.

### **6.4.3 Historic Environment**

#### **Policy HE 1: Listed Buildings**

Part a) of HE 1 is considered applicable to the Development and it states that in considering development that impacts on the character or appearance of a listed building or its setting, the Council will have to be satisfied that the layout, design and materials, scale and massing are appropriate to the character of the listed building.

#### **Policy HE 2: Conservation Areas**

Development within or adjacent to conservation area will be supported where it preserves or enhances the character and appearance of the area and is consistent with any relevant conservation area appraisal. Preservation and enhancement can be achieved through appropriate design, use of materials, massing and scale of new development.

#### **Policy HE 3: Archaeology**

- a) The Council will support development that protects significant archaeological and historic assets, and the wider historic environment from adverse effects.
- b) In exceptional circumstances where development is to proceed and the preservation of historic assets in-situ is not possible, a scheme of mitigation should be agreed with the Council.

**Policy HE 4: Archaeology Sensitive Areas**

The Council will support development that safeguards the character, archaeological interest and setting of Archaeological Sensitive Areas (ASAs) as designated by the council and in accordance with Map 7: Archaeologically Sensitive Areas of the LDP.

**Policy HE 6: Gardens and Designated Landscapes**

- a) The Council will support development that protects or enhances the significant elements, qualities, character, integrity and settings, including key views to and from gardens and designated landscapes included in the Inventory of Gardens and Designated Landscapes or the Non-Inventory List.
- b) Developers will be required to submit the results of the assessment of the impact of their proposals on the sites and their settings plus details of and potential mitigation measures.
- c) Proposals that would have a detrimental effect on a garden and designated landscape will not be approved unless it is demonstrated that the proposal has benefits of overriding public interest.

Further consideration of the Historic Environment aspects in relation to the Development will be given in Chapter 10 Archaeology of the EIA Report.

**6.4.4 Natural Environment**

**Policy NE1: National Scenic Areas**

Policy NE1 states that any development within or that would have an effect on a National Scenic Area ("NSA") should only be permitted where it will not adversely affect the integrity of the area or the qualities or be clearly outweighed by social, environmental or economic benefits of national importance.

**Policy NE2: Regional Scenic Areas**

The siting and design of development within a Regional Scenic Area ("RSA"), should respect the special qualities of the area. Development in RSAs may be supported where the local Council is satisfied that the landscape character and scenic interest would not be significantly adversely affected or where there is a specific need for the development at that location which could not be located in a less sensitive area.

**Policy NE3: Sites of International Importance for Biodiversity**

Policy NE3 states that any Development proposal likely to have a significant effect on an existing or potential Special Protection Area ("SPA"), existing or candidate Special Area of Conservation ("SAC") or Ramsar Site, including developments outwith the site, will require an appropriate assessment and will only be permitted whereby the development does not adversely affect the integrity of the site or whereby there are no alternative solutions and there are imperative reasons of overriding public interest including those of a socio-economic nature.

**Policy NE4: Species of International Importance**

Policy NE4 states that development proposals that would be likely to have an adverse effect on a European Protected Species will not be permitted unless it can be shown that there is no satisfactory alternative and that the development is required for

preserving public health or public safety or for other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment. Furthermore, developments will also not be permitted unless it can be demonstrated that the development would not be detrimental to the maintenance of the population of the species at a favourable conservation status in its natural range

#### **Policy NE5: Sites of National Importance for Biodiversity and Geodiversity**

Policy NE5 states that any development that affects Sites of Special Scientific Interest ("SSSI"), not designated as International Sites, and other national nature conservation designations will only be permitted where:

- It will not adversely affect the integrity of the area or the qualities for which it has been designated; or
- Any such adverse effects are clearly outweighed by social, environmental or economic benefits of national importance.

#### **Policy NE6: Forestry and Woodland**

Policy NE6 states that the Council supports the creation and protection of forests and woodlands. Felling and planting proposals must take into account the environmental, recreational and logistical impacts they may have, and should be completed in accordance with the Forestry and Woodland Strategy. Planting especially should endeavour to be in keeping with the local area and should seek to produce or maintain a balance between afforested and deforested areas, and all forestry proposals should take care to respect the natural and historic environment they are positioned within.

#### **Policy NE7: Trees and Development**

Policy NE7 states that the Council is eager to see additional tree planting included in proposals, and will be supportive of schemes which maintain or incorporate the existing woodland resource (trees and hedgerows). It also requires that existing trees be appropriately protected during the construction period of any development. Any scheme which cannot incorporate the existing woodland resource must be accompanied by a replacement planting scheme.

#### **Policy NE8: Tree Preservation Orders**

Policy NE8 states that the Council will make Tree Preservation Orders where appropriate to protect individual trees, groups of trees or woodlands where it is expedient in the interests of amenity or they are of cultural or historical significance. A development proposal that would result in the removal or damage, or would threaten the future survival of one or more trees covered by an Order will not be permitted unless either:

- The removal of one or more tree would be in the interests of good arboricultural practice; or
- The developer has demonstrated that the benefits of the development including any replacement planting will outweigh the harm caused by the removal of the tree or trees.

### **6.4.5 Community Facilities**

#### **Policy CF2: Green Networks**

Policy CF2 states that Green Networks should be protected and enhanced. Proposals for development in areas which form part of this network should seek to avoid fragmentation of a network and/or improve connectivity, where appropriate. Proposals that add to and/or enhance green networks or connections to them will be supported.

#### **Policy CF4: Access Routes**

Policy CF4 states that development proposals should not have an adverse impact on access routes and Core Paths. Where a development is likely to have such an impact, an alternative route or mitigating measure should be demonstrated via an Access Route Plan. Such a plan is required for all residential developments over 5 units and all other major developments. Developers should seek to link access routes to green networks where possible.

#### **6.4.6 Hydrology and Flood Risk**

##### **Policy IN7: Flooding and Development**

Policy IN7 states that the Council may require a Flood Risk Assessment if there is a possibility of the likelihood of either on site or off site flooding being increased. All sites should also consider a Drainage Impact Assessment to ensure that surface water flow is properly taken into account. Parties should provide independent verification of their professional competence when completing FRAs and DIAs.

##### **Policy IN8: Surface Water Drainage and Sustainable Drainage Systems (SuDS)**

Policy IN8 states that the Council will require Sustainable Drainage Systems (SuDS) to be a part of the proposal and must be included in the submitted plan. This must include details for maintenance, biodiversity impacts, show coordination between nearby developments, and should also show how the construction phase will deal with surface water drainage. DIA will also be required should it be relevant to the proposal.

#### **6.4.7 Transport**

##### **Policy T2: Location of Development / Accessibility**

Policy T2 states that developments must take into account accessibility requirements and that they should be readily accessible by foot, bike and public transport. Developments should also incorporate appropriate parking provision, and certain types of development should submit a travel and transport plan to demonstrate how increased travel will be accommodated by the Development. Supplementary guidance provides more information on this issue.

### **6.5 Assessment of the Development**

#### **6.5.1 Principle of the Development**

The principle of the Development on national policy level has been assessed as acceptable. On a local level, the Council seeks to achieve sustainable communities and economic growth whilst safeguarding the environment.

Of particular relevance to the Development, **Policy IN 1** seeks to support renewable energy development, provided that they do not individually or in combination have an unacceptably significant adverse impact on the environment. **Policy IN 2** states that when considering wind farm developments the Council will assess the acceptability of proposed developments in the context of their landscape and visual impact, cumulative impact, impact on local communities, impact on aviation and defence interests, and other impacts. Windfarm proposals should thus seek to fully demonstrate the likely impacts of the development.

**Policy OP 1** sets out principles which developments should comply with. The Development will be assessed against these principles in the sections below.

The nature of the Development ensures that it will make a valid contribution to the policy objectives of the DGLDP for sustainable economic growth. In line with the

requirements of Policies IN 1, IN 2 and OP 1, an EIA has been carried out to assess all the likely effects of the Development on the environment, and the assessment is set out in the EIA Report. The Development has been sited and designed so that it minimises any potential effects as much as practically possible. As a result, there are no significant effects as a result of the Development except for significant effects on landscape and visual amenity, and an indirect (setting) effect on one archaeological asset. Nonetheless, it is considered that these effects are acceptable, as they are highly localised, as identified in Section 4.1, and 4.3 of this Statement and in the sections below.

The Development will deliver sustained electricity generation from a low carbon renewable technology, whilst minimising the effects on the environment, and delivering significant wider benefits such as contribution to positive economic effect of renewable energy, and associated skills base within Scotland and the UK. As identified in Chapter 15 Climate Change of the EIA Report, the Development will also have a positive effect on carbon savings and a significant positive effect when considered cumulatively with UK-wide renewable energy deployment.

Therefore, the Development is considered to accord with the vision of the LDP and policies **IN 1, IN 2 and OP 1**.

### **6.5.2 Landscape and Visual Impact**

The following policies have been identified as relevant to Landscape and Visual considerations: Policy OP 1, Policy OP 2, Policy NE 1, Policy NE 2, Policy NE 6, Policy NE 7, Policy NE 8, Policy IN 1 and Policy IN 2. Statutory Supplementary Guidance for Wind Development and Wind Farm Landscape Capacity Study, Appendix C (2017) (DGWLCS)<sup>34</sup>.

Overall, the policies seek to protect the landscape and visual amenity. The effects of development proposals should be appropriately assessed, and developments will be supported where they do not individually or in combination have an unacceptably significant adverse impact on the environment.

In line with the relevant policy requirements, a Landscape and Visual Impact Assessment was undertaken by Optimised Environments Limited (OPEN), and evaluates the effects of the Development on the landscape and visual resource – both direct effects and effects on how the landscape is perceived – and the effect on visual amenity (views) within the study area. Cumulative effects arising from the addition of the Development to other wind farms is also considered. Detailed assessment of Landscape and Visual considerations is set out in Chapter 6 of the EIA Report.

As already set out in Section 6.2 of this Statement, the Development is located in 'Group 3: Areas with potential for wind farm development' as set out by SPP. According to the extant Policy IN 2, Part 2 Spatial Framework, the Development is located outside of any designated areas, where some constraints apply but with potential for mitigation. It should be noted that the proposed LDP and supplementary guidance provide a Spatial Framework, consistent with SPP.

The layout design of the Development is a vital part of the EIA and planning process and is the stage where the biggest contribution can be made to mitigate potential landscape and visual effects, creating a wind farm which is appropriate for the existing landscape character and visual features of an area. The design of the Development has evolved as part of an iterative process which has aimed to provide an optimal design in

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<sup>34</sup> Dumfries and Galloway Council (2017) Part 1 Wind Energy Development: Development Management Considerations, Appendix C Dumfries and Galloway Wind Farm Landscape Capacity Study [online] Available at: [https://www.dumgal.gov.uk/media/18596/Dumfries-and-Galloway-Wind-Farm-Land-Capacity-Study-Appendix-C/pdf/Wind\\_Energy\\_Appendix\\_C\\_Landscape\\_June\\_2017.pdf](https://www.dumgal.gov.uk/media/18596/Dumfries-and-Galloway-Wind-Farm-Land-Capacity-Study-Appendix-C/pdf/Wind_Energy_Appendix_C_Landscape_June_2017.pdf) [Accessed 11/02/2019]

environmental, as well as technical and economic terms. Landscape and visual mitigation measures have been a central consideration in the design process that has evolved throughout the design process. The detailed mitigation measures are set out in Chapter 6, Section 6.4.1, and Chapter 17 of the EIA Report.

According to the DGWLCS, the Development is located within the Foothills with Forest (18a), Stroan unit Landscape Capacity Area. According to the DGWLCS "*the greatest scope for additional development in parts of the Southern Uplands with Forest, with some more limited remaining opportunities likely in the Plateau Moorlands, Plateau Moorlands with Forest and Foothills with Forest landscape character types*" with cumulative effects likely to be a key constraint in undeveloped parts of these landscapes". With an overview of the DGWLCS, it is considered that the Development is located in a landscape area which has capacity to accommodate additional wind farm development, provided that its effects are acceptable.

The assessment identified that the significant landscape and visual effects of the Development would be contained within a relatively limited area. Following multiple design iterations, Development has been designed and sited in a way to respect and protect the landscape and visual amenity as much as practically possible. Significant landscape character effects are assessed to occur within a maximum of 5-6 km from the nearest turbine of the Development. Significant visual effects have been identified as occurring out to 7 km. As with any wind turbine development of this scale, the extent of the visual effects reduces the further away from the site. Although the visual effects are acknowledged up to 7 km distance, the actual impact varies depending on a number of factors such as weather conditions, static or mobile viewpoints, and location of existing landforms. The impact is therefore considered to be localised, and within acceptable parameters.

In landscape and visual terms, it is considered that there is scope for wind farm development within the large scale upland landscape of the Foothills and Forest (18a), Stroan unit which lies in central Dumfries and Galloway. Whilst the wider landscape context is also upland in nature, the Development is located within an upland area which is not often viewed from the surrounding landscape and which is defined by the hills and ridges that contain it. The Development appears set back from the edges of this upland area and significant landscape effects are contained within it. For these reasons it is considered that the Development meets the landscape and visual considerations set out in part 1 of the Dumfries and Galloway Wind Energy Development ('DGWED') supplementary guidance.

It is considered therefore that the landscape is capable of accommodating the Development and that significant effects on the existing landscape character or visual amenity are relatively contained and acceptable, therefore not contrary to policy. On balance, it is considered that the benefits of the development, such as contribution to clean renewable energy, and limited environmental effects outweigh any concerns about the extent of the landscape and visual effects.

The Development is therefore considered to be compliant with **Policy OP 1, Policy OP 2, Policy NE 1, Policy NE 2, Policy NE 6, Policy NE 7, Policy NE 8, Policy IN 1 and Policy IN 2.**

### 6.5.3 Ecology

Analysis and assessment of baseline ecological data have enabled the identification of appropriate mitigation and compensation measures to prevent, reduce, or offset potential adverse ecological effects, as well as enhancement measures to provide beneficial effects, where possible.

No significant ecological effects have been identified for the construction and operation of the Development, either alone or in combination with other developments, and therefore these are not significant in relation to the EIA Regulations.

Mitigation has been proposed to further reduce the low magnitude effects during the construction phase and reduce the likelihood of legal offences and comply with good practice. Further information on ecology surveys and their conclusions are available in Chapter 7 of the EIA Report.

The Development is therefore considered to be in line with **Policy NE3**, **Policy NE4**, **Policy NE5**, and **Policy OP1** in relation to biodiversity and geodiversity.

#### **6.5.4 Ornithology**

As part of the EIA process an Ornithology survey was undertaken at the Site. The key issues for the assessment of potential ornithological effects relating to the Development were identified as the following:

- Direct loss of bird habitat through construction of wind farm infrastructure;
- Disturbance of birds during construction and operation (including displacement of flight activity through barrier effects);
- Mortality of birds through collision with turbine blades or towers during operation; and
- Cumulative effects of wind farm operational disturbance and collision mortality, on the national and NHZ populations of key target species.

It was found to be unlikely that any significant impacts on ornithology would take place as a result of the Development, assuming that the mitigation measures referred to in Chapter 8 of the EIA are adopted. The Development would not affect the favourable conservation status of any bird species of conservation importance within the Natural Heritage Zone (NHZ), either alone or in-combination with other schemes. It would also not contribute to any in-combination effect on the Loch Ken and River Dee Marshes SPA/Ramsar/SSSI. No effects would result in any breach of the Habitats Regulations.

The Development is therefore considered to be in compliance with **Policy NE3**, **Policy NE4** and **Policy NE5**.

#### **6.5.5 Geology, Hydrology and Hydrogeology**

An assessment of the effects of the Development on the geology, hydrology and hydrogeology resource of the Site was undertaken. The Development has been assessed as having the potential to result in effects of negligible significance. Given that only effects of moderate significance or greater are considered relevant in terms of the EIA Regulations, the potential effects on hydrology are considered to be **not significant**.

The Development is therefore considered compliant with **Policy IN7** and **Policy IN8**.

#### **6.5.6 Archaeology and Cultural Heritage**

The following Archaeology and Cultural Heritage Policies are identified as relevant to the Development: Policy HE1, Policy HE2, Policy HE3, Policy HE4 and Policy HE6, as well as the Historic Environment aspect of Policy OP1. The policies seek to protect archaeological and cultural heritage assets.

The effects of the Development on Archaeological and Cultural Heritage Assets have been assessed in Chapter 10 of the EIA Report. Following an assessment of the impact of the Development on the cultural heritage and archaeological resource of the Site, it was concluded that there are no significant direct effects likely upon known archaeological features within the Site, with a low potential to encounter unknown

remains due to forestry operations across the Site. Mitigation is proposed to ensure preservation by record and to limit inadvertent encroachment into areas where archaeological features are recorded in proximity to infrastructure so that the residual effect is negligible to minor and not significant.

There are considered to be **no significant direct effects** upon known archaeological features with a low potential to encounter unknown remains due to forestry operations within the Development footprint. Mitigation is proposed to ensure preservation by record and to limit inadvertent encroachment into areas where archaeological features are recorded in proximity to infrastructure so that the residual effect is negligible to minor and not significant.

There are considered to be **no significant indirect (settings)** effects likely upon Cultural Heritage receptors in the surrounding historic environment except at one receptor, Category A Listed Craigdarroch House. This house receives a moderate effect due to two turbine tips being visible above the house in a sightline from the approach from east to west though there is no change to other key views towards the house. It is considered that the change to its setting is largely negligible except in the first view of the house when approaching via the drive. Therefore, the effect of the Development is limited to only one view of the house.

With reference to Policy HE 1, which proposes that that in considering development that impacts on the character or appearance of a listed building or its setting, the Council will have to be satisfied that the layout, design and materials, scale and massing are appropriate to the character of the listed building, it should be noted that the Development has been designed so that archaeological features have been avoided, as much as reasonably possible. Further, the Development is oriented away from the Listed Building. Due to the majority of views of the Listed Building and setting remaining unaffected, and the design process reducing the visibility and impact of the turbines, and that the Development's scale and layout have been designed sensitively to Craigdarroch, on balance, this effect should be considered acceptable.

**No significant cumulative indirect (setting effects)** from the Development and other wind farm developments is likely. All cumulative effects are considered to be not significant.

The Development is therefore considered to be compliant with **Policy HE1, Policy HE2, Policy HE3, Policy HE4 and Policy HE6**, as well as the Historic Environment aspect of **Policy OP1**.

#### **6.5.7 Noise**

A noise assessment was undertaken to evaluate the effects of noise from the Development on nearby noise-sensitive receptors during construction, operation and decommissioning. The aim of the assessment was to predict the levels of noise potentially produced by the Development at the nearest noise sensitive receptors and assess these against relevant standards and guidelines.

The report concluded that construction noise will be limited in duration and confined to working hours as specified by the Council and therefore can be adequately controlled through the application of good practice measures and secured by planning condition. This will ensure that any noise from the Site during construction will be adequately controlled.

Operational noise has been assessed in accordance with ETSU-R-97 and in line with current best practice. It has been shown that the Development would comply with the requirements of ETSU-R-97 at all receptor locations.

The cumulative effects of the Development in conjunction with nearby wind energy developments either operational, consented or the subject of a current planning application were taken into consideration in the assessment, in accordance with ETSU-R-97 and the Good Practice Guidance.

Noise during decommissioning will be of a similar nature to that of construction and will be managed through best practice or other guidance or legislation relevant at the time.

The Development is therefore considered to be compliant with **Policy OP1** and **Policy IN1** in regards to noise.

#### **6.5.8 Access, Transport and Traffic**

Chapter 12 of the EIA Report evaluates the effects of vehicle movements associated with the construction, operation and decommissioning phases of the Development. Vehicle movements to and from the Site will likely consist of abnormal load vehicles (for the delivery of turbine component to the Site only), heavy goods vehicles, light goods vehicles and cars. The assessment identified one location where there is a potential for significant effects to occur, however mitigation methods are detailed within Chapter 12 of the EIA Report. As a result, all residual effects of the Proposed Development on traffic and transport resource are considered at maximum low, and not significant, in terms of the EIA regulations.

The Development is therefore considered to be compliant with **Policy OP1**, **Policy CF4** and **Policy T2** in regards to transport, travel and access.

#### **6.5.9 Forestry**

Chapter 13 of the EIA Report evaluates the effects of the Development on the woodland resource.

The total study area extends to 438.5 ha and is comprised of privately owned and managed woodlands. Felling would be advanced on 72 ha compared with the baseline plan. The species composition of the forest would change as a result of the Development forestry proposals. In particular, the area of productive conifer woodland would decrease by 59.4 ha whilst the area of broadleaf woodland would decrease by 0.4 ha. As a result, there would be a net loss of woodland area of 59.8 ha.

In order to comply with the Scottish Government's Control of Woodland Removal Policy, offsite compensation planting would be required by the legal agreement attached to any consent. The Applicant is committed to providing appropriate compensation planting.

The Development is therefore considered to be compliant with **Policy NE6** and **Policy NE 7**.

#### **6.5.10 Tourism and Recreation**

Policy IN2 and Supplementary Guidance for Wind Energy Development Part 1 state that the acceptability of proposed wind energy developments will be assessed in the context of their effects on tourism and recreation.

In line with Policy IN2, the effects of the Development on Tourism and Recreation have been assessed in Chapter 14 Socioeconomics of the EIA Report. Chapter 14 concludes that no significant effects in terms of the EIA Regulations are predicted on tourism and recreation during the construction, operation or decommissioning phases of the Development.

There are a limited number of recreational opportunities within the immediate area, with more opportunities within the wider area. There will be no significant direct or indirect effects on tourism or recreation as a result of the Development both in isolation

or cumulatively, although land within the Site will be inaccessible to the public during the construction and decommissioning phases for health and safety reasons. These effects are considered to be not significant in terms of the EIA Regulations.

#### **6.5.11 Socio-Economics**

Policy IN 2 advises that when considering wind farm developments the Council will assess the acceptability of proposed developments in the context of the impacts on local communities and socio-economic considerations. The effects of the Development on socio-economics have been assessed in Chapter 14 Socio-economics of the EIA Report.

Chapter 14 concludes that the renewables industry is an important economic asset to the UK and Scotland, and supports a substantial and growing number of employment opportunities. Although not significant in terms of the EIA Regulations, the Development will further contribute to the positive economic effect of renewable energy, and associated skills base within the UK and Scotland. The contributions of the Development to the local community fund will be a valuable contribution to the community of the local area however, not significant in terms of EIA Regulations.

#### **6.5.12 Other Issues**

Policy IN2 proposes that when considering wind farm developments the Council will assess the acceptability of proposed developments in the context of their Shadow Flicker effects, and effects on Telecommunications, and Aviation and Defence. These topics have been assessed in Chapter 16 of the EIA Report.

##### **6.5.12.1 Shadow Flicker**

The effect of shadow flicker has been assessed using appropriate guidance in respect of the operational period, and effects are considered to be not significant in terms of the EIA Regulations.

In practice, if residential amenity at any property is found to be affected by shadow flicker as a result of the Development, mitigation measures will be implemented to reduce the effects or remove flicker effects entirely.

##### **6.5.12.2 Telecommunications and Utilities**

Consultation undertaken with the telecommunications consultees has confirmed no fixed communication links operating across the Site and that therefore the Development will not interfere with telecommunications and electromagnetic signals. Effects on television reception are unlikely, and technical solutions are readily available as suitable mitigation measures should adverse effects be present. Adverse effects on infrastructure such as utilities would be avoided through safe systems of work. Therefore, there are no significant effects predicted upon telecommunications and utilities as a result of the Development.

##### **6.5.12.3 Aviation and Defence**

The potential effects of the Development on aviation activity has been assessed technically and operationally. Consultation has been undertaken with the relevant stakeholders including the MoD and NATS. Significant effects are not predicted for any MoD infrastructure, a lighting scheme is required, for which the requirements have been agreed via consultation with the MoD. Significant impacts, in the absence of mitigation, are predicted for the NATS radar at Lowther Hill and Great Dun Fell. A mitigation strategy based on radar blanking and infill coverage has been identified as the optimal solution and is to be progressed in collaboration with NATS.

Overall, the Development is in line with **Policy IN2** and the Wind Energy Development SG in terms of Shadow Flicker, Telecommunications, Aviation and Defence considerations.

### 6.5.13 Summary of Compliance

In summary, the Development is considered to comply with the relevant national and local planning policies and Supplementary Guidance. The Principle of the Development fully accords with the objectives of the DGLDP for sustainable economic growth. The Development has adopted a design which minimises the effects on the environment and amenity, through various mitigation measures, whilst maintaining its economic viability. The Development will make a valid contribution to the Government's renewable energy targets and climate change objectives.

## 7 OTHER MATERIAL CONSIDERATIONS

### 7.1 Proposed Dumfries and Galloway Local Development Plan 2<sup>35</sup>

The Proposed Dumfries and Galloway Local Development Plan 2 ("the Proposed LDP") is an emerging Development Plan for Dumfries and Galloway. At the time of writing, all of the representations received to the Proposed LDP have taken into account and, in accordance with the guidelines, responses have been drafted. At the Full Council meeting on Monday 3 September 2018, those responses were agreed by Councillors for submission to the Scottish Government Planning and Environmental Appeals Division (DPEA) for public examination. The representations have been submitted to the DPEA on Wednesday 5 September 2018 and are to be considered by an appointed Reporter.

Specific to renewable energy development, the Proposed LDP states that the Council will continue to be supportive of renewable energy schemes, provided that they are balanced against the impacts that such developments can have on the environment and communities. Factors such as the scale of the proposal and its potential impact on the surrounding areas will be taken into account. In all cases particular attention will be paid to the need for sensitive siting and design, including the consideration of alternatives.

The following policies have been considered of particular relevance:

**Proposed Policy IN 1 Renewable Energy** states that the Council will support development proposals for all renewable energy generation or storage which are located, sited and designed appropriately. The acceptability\* of any proposed development, either individually or in combination, will be assessed against the following considerations:

- Landscape and visual impact;
- Cumulative impact;
- Impact on local communities;
- The impact on natural and historic environment (including cultural heritage and biodiversity);
- The impact on forestry and woodlands;
- The impact on tourism and recreational interests.

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

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<sup>35</sup>Dumfries and Galloway Council (2018) Local Development Plan 2 [online] Available at: <https://www.dumgal.gov.uk/ldp2>  
[Accessed 13/02/2019]

Policy IN 1 is considered to be in support of developments such as the proposed one, as long as they are assessed to be acceptable regarding the environmental and amenity considerations set out above. The Development has been assessed against these criteria throughout the EIA and it has been found acceptable in terms of these requirements.

The Council has developed a Spatial Framework to identify those areas that are likely to be most appropriate for onshore wind farms with turbines in excess of 20 m.

**Group 1: Areas where wind farms will not be acceptable:**

- NSAs;

**Group 2: Areas of Significant Protection:**

- Ramsar & Natura 2000;
- World Heritage Sites (not directly);
- SPA/SAC;
- SSSI;
- NNR;
- Inventory of Gardens and Designated Landscapes;
- Inventory of Historic Battlefields;
- Wild Land Areas;
- Carbon rich soils, deep peat and priority peatland (subject to SNH consultation); and
- 2 km area around settlements in the Development Plan.

**Group 3: Areas with potential for wind farm development:**

Areas beyond Group 1 and 2, subject to detailed consideration against all relevant planning policies.

The supplementary planning guidance for wind energy development sets out the key considerations that should be taken into account for all specific proposals, assessed through the development management procedure.

As already identified in Chapter 6 LVIA of the EIA, the Development is located in Group 3: Areas with potential for wind farm development, and has been assessed against all other relevant planning policies. Therefore, the Development draws support from this policy, as it is located in an area appropriate for wind farms. The development is therefore considered to accord with Policy IN 1 of the Proposed LDP.

**Proposed Policy IN 2 Wind Energy** advises that the Council will support wind energy proposals which are located, sited and designed appropriately. The acceptability of any proposed wind energy development will be assessed against the following considerations:

- Socio-economic benefits;
- Landscape and visual impacts;
- Cumulative impact;
- Impact on local communities and residential interests;
- Impact on aviation and defence interests;
- Other considerations such as: historic environment, biodiversity, forest and woodlands, tourism and recreational interests; decommissioning and restoration.

The Development has been assessed against the criteria set out in Policy IN 2 of the Proposed LDP throughout the EIA, and has been found acceptable. As such, the Development is considered to fully accord with the proposed Policy IN 2.

## 7.2 Draft Supplementary Guidance

### Wind Energy Development: Development Management Considerations (January 2018)<sup>36</sup>

Both the proposed LDP and SG are in the examination stage. It is expected that the proposed SG will also be adopted by September 2019 together with the proposed LDP.

The aim of this emerging supplementary guidance is to provide further detail in support of the development management considerations in the Proposed Policy IN 2, and set out the main factors to be assessed in reaching planning decisions. As indicated above, the Development is assessed to accord with the Proposed Policy IN 2.

### Part 1 Wind Energy Development: Draft Appendix C Dumfries & Galloway Wind Farm Landscape Capacity Study (DGWLCS) (January 2018)

The draft Landscape Capacity study contains revisions to the guidance adopted on 22 June 2017. Similarly to the adopted Landscape Capacity Study, the draft DGWLCS assesses the sensitivity of landscape character types and more locally defined character areas, to different sizes of wind turbine development. This draft SG includes the same table of landscape character sensitivities as extracted from the 2017 DGWLCS, therefore the Development is located within the same Landscape Character which is considered to have capacity for wind farms.

## 8 SOCIO-ECONOMIC BENEFITS OF THE DEVELOPMENT

This section summarises the key socio-economic benefits that the Development will provide, whilst Chapter 14 Socio-economics of the EIA Report evaluates the effects of the Development on the socio-economic, recreation and land-use resources.

### 8.1.1 Electricity Generation

The Development will generate at least 50 MW in the region of 67.2 MW reliable, low carbon electricity every year. It is not committed to an upper limit. The battery storage element will enable the storage and management of excess energy, thus improving energy efficiency of the grid and security of electricity supply.

### 8.1.2 Capital Expenditure

Based on the BiGGAR Economics Report by Renewable UK<sup>37</sup> the anticipated Capital Expenditure (CAPEX) is £1.32 m per MW. On the basis that the Development has an expected installed capacity of 67.2 MW, a total CAPEX of the order of £88.7 m, would be expected.

The BiGGAR Report estimates that, of these construction costs, local expenditure would be 12% (in this case Dumfries and Galloway); regional/national expenditure would be 36% (Scotland); and UK expenditure would be 47%. 53% of construction costs will be spent outwith the UK. On this basis, it is estimated that, during the construction phase, the Development will be worth approximately £41.7 m to the UK economy. Of that £41.7 m, £32.0 m is expected to be spent within the wider region/ Scotland and £10.6 m is expected to be spent within the Dumfries and Galloway area.

<sup>36</sup> Dumfries and Galloway Council (2018) Draft Supplementary Guidance [online] Available at: <https://www.dumgal.gov.uk/ldp2> [Accessed 13/02/2019]

<sup>37</sup> RenewableUK (2015) Onshore Wind: Economic Impacts in 2014 [Online] Available at: [https://c.ymcdn.com/sites/www.renewableuk.com/resource/resmgr/publications/reports/onshore\\_economic\\_benefits\\_re.pdf](https://c.ymcdn.com/sites/www.renewableuk.com/resource/resmgr/publications/reports/onshore_economic_benefits_re.pdf) [Accessed 09/11/2018]

### **8.1.3 Employment Opportunities**

It is anticipated that a temporary workforce averaging up to 60 people at any one time will be employed during the 18 month construction period. It is standard practice in economic appraisals to convert temporary employment levels into full-time equivalents (FTEs). Therefore, using a conversion factor of ten years of full time employment to one permanent FTE, the total employment generated through construction is predicted to be 9 FTEs.

### **8.1.4 Community Benefit Fund**

The Scottish Government has emphasised the importance of communities benefitting from renewable energy generation, including through community benefit funds and shared ownership as outlined the Scottish Energy Strategy<sup>38</sup>.

The Development will contribute £5,000 per MW installed capacity. This will result in an annual value of up to £336,000 per year. With 30 year consent, this will provide up to £10 million in community benefit.

### **8.1.5 Shared Ownership Proposal**

In addition to the community benefit fund outlined above the Applicant has provided the opportunity for local community organisations to invest in the Development through shared ownership. Shared ownership is defined as any structure that involves a community group as a meaningful financial partner in a renewable energy project.

As outlined in the Onshore Wind Policy Statement<sup>39</sup> the Scottish Government is committed to shared ownership as it can help to create greater positive public feeling towards proposed wind energy developments and strengthen relations between developers and communities, build the capacity of communities and empower their members, and support Scotland's ambitious targets for locally owned renewable energy.

The local area can be expected to benefit from the shared-ownership offer, if the local communities are able to and wish to invest, the extent to which would be defined in accordance with the Shared Ownership Leaflet issued by the Applicant in October 2018, and attached in Appendix A14.1 of the EIA Report.

The shared ownership scheme is dependent on sufficient involvement from the local communities, and as such can be difficult to ascertain the level of magnitude of any effect. However should the offer of shared ownership be taken up, this would likely represent a medium magnitude effect for the local community, a direct, positive, long-term effect acting at a local scale.

## **9 PLANNING BALANCE AND CONCLUSIONS**

The Applicant has submitted a Section 36 Application for the construction and operation of a wind farm comprising 14 wind turbines, with capacity exceeding 50 megawatts (MW), and associated infrastructure, at a site within Dumfries and Galloway for a period of up to 30 years. The Application and this Statement have been prepared in accordance with all relevant legislation, policy and guidance.

This Statement provides a detailed assessment of the Development against the policies identified in Chapter 5 Energy and Planning Policy of the EIA Report. Although the documents are complementary, the planning chapter simply identified the relevant

<sup>38</sup> Scottish Government (2017) The future of energy in Scotland: Scottish energy strategy [online] Available at: <https://www.gov.scot/publications/scottish-energy-strategy-future-energy-scotland-9781788515276/> [Accessed 06/02/2019]

<sup>39</sup> Scottish Government (2017) Onshore wind: policy statement [online] Available at: <https://www.gov.scot/publications/onshore-wind-policy-statement-9781788515283/> [Accessed 6/02/2019]

legislative and planning framework for the Development to inform other chapters of the EIA Report and the Planning Statement, whilst the Planning Statement contains an assessment of the acceptability of the Development in the context of the legislative and planning framework identified.

The Development has been fully considered against all the relevant national and local planning policies. Considerable care has been taken in the design of the Development to avoid unacceptable environmental and amenity effects, whilst ensuring that the Development can make a contribution to the UK's requirement for renewable energy generation.

Following a detailed assessment of the principle of the Development and the likely effects that it will have on the environmental receptors, the Development has been found in compliance with the relevant national and local policy for energy and renewable and low carbon energy development.

It is integral to planning decision-making that a balancing exercise has to occur in respect of considering the benefits of development against the impacts. In this case, there are clear benefits which arise from the renewable energy credentials of the Development which clearly outweigh the impacts. These wider environmental benefits of the Development outweigh the effects. The material considerations also weigh in favour of the Development.

The UK is also legally bound through the Climate Change Scotland Act (2009) to reduce carbon emissions and through Renewable Energy Directive 2009/28/EC to increase electricity consumption from renewable resources. The Development would contribute towards meeting these requirements, and would also be fully supported by energy policy as it would assist in replacing outdated energy infrastructure and the move to a low carbon economy.

Taking into account all national and local policies, and material considerations relevant to the Development, the Development is considered to be in compliance with these policies and considerations. The Development has also been assessed to fully comply with the provisions of paragraph 3 of Schedule 9 of the Electricity Act. It is therefore respectfully requested that this application is granted Section 36 consent, together with a direction that planning permission be deemed to be granted.