Cloich Forest Wind Farm

Planning Statement

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1 INTRODUCTION

1.1 Background

This Planning Statement ('the Statement') accompanies the application submitted to the Scottish Government's Energy Consents Unit by Cloich Windfarm Partnership LLP ('the Applicant'), wholly owned by EDF Renewables, to support the application made under Section 36 of the Electricity Act 1989[1] for consent to install and operate Cloich Forest Wind Farm and associated infrastructure with a generation capacity exceeding 50 megawatts (MW) ('the Development'). The Development comprises of up to 12 wind turbines and associated infrastructure, and a Battery Energy Storage System (BESS). The Development is located within the Cloich Forest estate approximately 5.5 kilometres (km) north-west of Peebles ('the Site'). The Development represents a re-design of the consented Cloich Forest Wind Farm ('the Consented Scheme'), which was granted S36 consent and deemed planning permission following a Public Local Inquiry (PLI), on 8 July 2016 (Planning and Environmental Appeals Division (DPEA) Reference: WIN-140-1). The Consented Scheme is for 18 wind turbines with a maximum blade tip height of 115 metres (m).

Given that the Development is expected to exceed 50 MW and is classed as a Section 36 application, an Environmental Impact Assessment (EIA) Report has been undertaken in accordance with the Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017[2] referred to as 'the EIA Regulations'. The findings of the EIA are presented in the EIA Report and have informed the assessment of the Development against the relevant national and local energy and planning policy.

The Applicant acquired the Cloich Forest Wind Farm project from 'Partnership for Renewables' in July 2017. Arcus Consultancy Services Ltd ('Arcus') has been instructed to undertake the Environmental Impact Assessment (EIA) and received a Scoping Opinion from the Scottish Government's Energy Consent Unit (ECU) regarding a revision to the design of the Consented Scheme on 18 December 2019. The Development as proposed would comprise the construction and operation of a wind farm of up to 12 turbines with a maximum blade tip height of 149.9 m and combined installed capacity of greater than 50 megawatts (MW). The associated infrastructure for the Development includes transformers and related switchgear; turbine foundations; hardstanding areas; and other ancillary development. In addition, an area for battery storage will be created. The Development is wholly located within the administrative boundary of Scottish Borders Council ('the Council'). 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 Cloich Windfarm Partnership LLP, a wholly owned subsidiary of EDF Energy Renewables Ltd (EDF-ER), part of one of the world's largest electricity companies, whose investment and innovation in the UK is bringing down costs for consumers with significant benefits for communities. The EDF-ER operating portfolio of 36 wind farms and battery storage units (almost 1 GW) are providing some of the much needed new affordable, low carbon electricity to the UK.

EDF-ER is operated within the United Kingdom under the brand EDF Renewables.

[1] Electricity Act 1989 [Online] Available at: https://www.legislation.gov.uk/ukpga/1997/8/contents (Accessed 21/06/2021)

[2] The Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017 [Online] http://www.legislation.gov.uk/ssi/2017/101/contents/made (Accessed 21/06/2021)

1.3 Purpose and Structure of the Statement

This Statement considers the legislative context for the Development, including the duty under Schedule 9 of the Electricity Act 1989, the national and local policy context, and identifies other material considerations that should be taken into account in the decision making process. Importantly, the Statement sets out the continuing imperative to address climate change by reducing carbon emissions resulting from human activity including power generation.

The Statement is set out as follows:

- **Section 1: Introduction** sets out the context of the Development, 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: Energy Policy - The Need to Address Climate** sets out the international, Scottish and local energy and planning policy relevant to renewable energy development and climate change;
- **Section 5: Planning Policy** sets out the relevant national and local planning policy, together with assessment of the Development;
- **Section 6: Assessment of the Development against Local Planning Policy sets out how the Development will accord with Local Policy;**
- **Section 7: Other 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** provides an overall assessment of the Development and reasons why Consent should be granted.

2 THE DEVELOPMENT

2.1 The Site and its Surroundings

The land for development within the red line boundary covers an area of approximately 1,080 hectares ('ha'), centred on National Grid Reference ('NGR') 320648, 647881, located between Penicuik and Peebles in the Scottish Borders. The A701 which connects Penicuik to Moffat is located to the north west of the Site, and the A703, connecting Penicuik to Peebles runs to the east. In addition a network of minor roads is found to the north and east of the Site. The Site boundary as defined loosely follows the edge of Cloich Forest which covers much of the Cloich Hills.

The Site comprises Cloich Forest, which is on land managed by Forestry and Land Scotland (FLS). The village of Eddleston is located approximately 2.5 km east of the Site and there are also a number of detached properties between the A703 and the Site in the area around Eddleston. To the west of the Site lie Romannobridge and Halmyre Mains. In the northern portion of the Site, to the north-east of Peat Hill, there is a derelict farmstead which is located within the Site boundary and owned by FLS.

The Site as existing consists of plantation woodland, which comprises a mixture of recently felled areas, and coniferous woodland at varying degrees of maturity. Vegetation across the Site is predominantly forestry. The topography of the Site and immediate vicinity is varied, with elevation ranging from approximately 280 m Above Ordnance Datum ('AOD') in the northeast part of the Site to 476 m approx. AOD at the peak of Crailzie Hill to the south. The Site encompasses the rolling Cloich Hills, including Peat Hill (466 m AOD), White Rig (325 m AOD), Ewe Hill (462 m AOD), and Crailzie Hill (476 m AOD). The hills are respectively dissected by a number of watercourses, including Middle Burn, Martyr's Dean, Flemington Burn, Courhope Burn and Harehope Burn. The watercourses which flow southwest feed into the Flemington Burn on the west of the Site and eventually feed into the River Tweed. The watercourses which flow down to the northeast of the Site feed into Middle Burn and Shiplaw Burn which in turn feeds into Eddlestone Water and eventually the River Tweed.

It is also noted that the Pentland Hills Regional Park and Area of Great Landscape Value ('AGLV') is located 6.2 km approx. to the north-west, and the Scottish Borders AGLV is located 2.1 km approx. south of the Site. The land surrounding the Site is mainly used for purposes relating to agriculture, forestry and upland grazing.

There are statutory designated sites within the Site. The following designations are located within the Site and surrounding area (all distances are approximate and directions are given in relation to the Site boundary):

- Several Scheduled Monuments within 5 km (nearest are within Site boundary – Courhope, ring enclosures ref. SM2756; and Nether Stewarton, Settlement ref. SM3998);
- Nearest Scheduled Monuments adjacent to Site boundary: Harehope, Palisaded Settlement ref. SM2759; Harehope, Earthwork ref. SM3790; Harehope Rings, Fort, Harehope Hill, ref. SM2677; Harehope, Earthwork, ref. SM3237; Green Knowe, Platform Settlement ref. SM2760; Harehope, Cairn, ref. SM2912; White Meldon, Platform Settlement, ref. SM2712; White Meldon, Platform Settlement, ref. SM2711; Upper Kidston, Fort and Settlement, ref. SM3075; White Meldon, Enclosures, ref. SM3165; White Meldon, Cairn and Hill Fort, ref. SM114; Black Meldon, Fort, ref. SM2703; Black Meldon, Settlement and Scooped Homestead, ref. SM2737; South Hill Head, Settlement, ref. SM3212;
- 10+ Category A Listed Buildings within 5km;
- River Tweed Special Scientific Interest ('SSSI') 3.2 km approx. south;
- Moorfoot Hills SSSI 6.1 km approx. east;
- Dundreich Plateau SSSI 3.2 km approx. east;

- Gladhouse Reservoir 6.6 km approx. east;
- Peeswit Moss SSSI 6.6 km approx. north-east;
- Black Burn SSSI 6.2 km approx. north;
- Whim Bog SSSI 2.4 km approx. north;
- Auchencorth Moss SSSI 3.7 km approx. north;
- Carlops Meltwater Channels SSSI 7.6 km approx. north-west;
- Westwater Reservoir SSSI 8.5 km approx. west;
- Dolphinton – West Linton Fens and Grassland SSSI 7.5km approx. west;
- Lynslie Burn SSSI 9.9 km approx. west;
- Mount Bog SSSI 8.8 km approx. south-west;
- Water of Ken Wood SSSI 8.7 km southwest;
- Gladhouse Reservoir Special Protection Area ('SPA') 6.6 km approx. east; and
- Westwater SPA 8.5 km approx. west.

Impacts upon the above designations are assessed, as necessary, within the relevant technical chapters of the EIA Report.

2.2 Planning History

The Consented Scheme is an extant consent on the site for 18 wind turbines (115 m height to tip) and associated infrastructure, with a generating capacity in excess of 50 MW. The Section 36 consent and deemed planning permission for the Consented Scheme was granted by Scottish Ministers on 8th July 2016, under reference number EC00003108 following a Public Local Inquiry held in May and June 2015.

EDF-ER purchased the Partnership for Renewables development portfolio in 2017, at which time the Consented Scheme had been granted by the Scottish Ministers. The Consented Scheme remains capable of implementation until 31st March 2022[3] and therefore the Development must be considered in light of the Consented Scheme as a legal fall-back position should the Development not be consented.

The Consented Scheme would underutilise the capacity of the Site to generate low carbon electricity from the wind resource and the Applicant has therefore re-designed the project in order to permit current turbine options and maximise the potential for renewable energy production.

In addition to the legal fallback position as set out above, the planning principle for a wind farm has been established in this location by the current consent. Although the EIA focusses solely on the effects of this Development, the design has sought to reflect the Consented Scheme and take account of concerns raised by consultees through the EIA process for the Consented Scheme and the Development.

Figure 1 (Appendix I) shows the location of turbines within the Consented Scheme and the Development. The Application is accompanied by a Project Comparison Report (PCR) which contains comparative wirelines to enable a comparison to be made between the Consented Scheme and the Development, from viewpoints 4, 6, 7, 11, 12, 14, 16, 18, 19, 22 and 23. The PCR also contains a table providing a summary by topic of the main comparisons between the Consented Scheme and the Development.

2.3 Development Overview

The Development comprises a wind powered electricity generating station known as Cloich Forest Wind Farm with a generation capacity exceeding 50MW. It will involve the erection and operation of a wind farm and associated infrastructure. The Development will comprise up to 12 three-bladed horizontal axis turbines and associated ancillary infrastructure including hardstanding areas, transformers, access tracks, cabling, a

[3] Letter from Scottish Government Energy Consents Division dated 7th June 2021 agrees that the period within which the Development consented under EC00003108 is extended to 31 March 2022.

substation, temporary construction compound, and borrow pits. The Development also includes an onsite BESS adjacent to the switchgear building. The aforementioned infrastructure was chosen following detailed assessment in line with the iterative EIA process.

The specific turbine is dependent on the final choice of turbine models available at the time of procurement and will be chosen with the aim of optimising renewable energy generation at the Site. However, the key parameter assessed within the EIA Report is that the turbines will have a maximum blade tip height of 149.9 m.

The substation compound will be partitioned into two broad sections, accommodating the control building and associated external electrical switchgear, and the BESS. It will also include an area for vehicle parking and storage during the construction period. A typical arrangement is shown in Figure 3.6 of the EIA Report.

The principal element of the substation compound is the control building which contains the electrical infrastructure and control elements of the Development. This will likely comprise a single storey unit measuring approximately 10 m x 25 m with a pitched roof as shown in Figure 3.7 of the EIA Report. The control building will include control components, including metering equipment, switchgear, the central computer system and electrical control panels as well as welfare facilities, associated air conditioning systems, and a maintenance room.

The BESS facility would have a capacity of approximately 20 MW 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 BESS facility would be provided in containerised units close to the substation and wind farm control building.

The main Site Entrance will be located within the Site Boundary, on the western access track, as illustrated on Figure 3.1 of the EIA Report. A Secondary Entrance is located on the eastern access track, as illustrated on Figure 3.1 of the EIA Report. During construction, security huts will be located at both the Site Entrance and the Secondary Entrance to for site management and induction purposes.

A temporary construction compound will be created for the duration of the build centred at approximately NGR 320548, 649205 as shown on Figure 3.1 of the EIA Report. This area has been chosen within a relatively level area of the Site, close to the Site entrance and with suitable separation from environmental constraints identified during the EIA process. The area of the compound will measure approximately 100 m x 50 m.

It is the intention to source aggregate for the construction of access tracks, structural fill beneath turbine foundations, construction compounds and turbine hardstandings from on-site borrow pits as far as possible. Sourcing aggregate from within the Site, rather than an off-site quarry, has the advantage of reducing the number of heavy goods vehicles (HGV) on public roads.

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.

It should be noted that throughout its lifespan, the Development is considered to provide the following socio-economic benefits:

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

Further details of these considerations are set out later on in this Statement in Section 8.

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 transmission network, Scottish Power Transmission (SPT). The Network Operator will be responsible for the consenting (via a separate "Section 37" application), construction, operation and maintenance of the grid connection.

A grid connection offer has been accepted by the Applicant and it is proposed that the Development will connect into the grid at Currie substation, located approximately 23 km to the north-west of the Site. The precise grid route has not yet been confirmed by SPT, but the route will be designed to minimise effects on environmental receptors.

A full description of the Development, including Development components, construction, operation, and decommissioning is available in **Chapter 3: Project Description** of the EIA Report.

2.4 Development Design

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

Embedded mitigation has fed into the design of the Development to minimise or avoid any significant potential environmental effects, and where this is applicable to a specific technical assessment, it is detailed in the corresponding 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, a number of potential effects have been avoided completely.

Various economic, technical and environmental factors were considered in the design. These were informed through a variety of baseline surveys and consultation with a range of stakeholders. The views of technical consultees were sought, including the Council's advisers on landscape and visual matters, Environmental Health Officers on noise, and NatureScot on both landscape and visual and ecology and ornithology.

Public Consultation has been a key part of the EIA process and events have been held with local communities as described below. Further information of the consultation exercise which has been undertaken are included in the Pre Application Consultation (PAC) Report accompanying the Development application.

The final layout, as presented in the EIA Report, has been the subject of a number of iterations and refinements which mitigate, by design, predicted adverse effects as far as reasonably practicable. The Development balances the environmental and technical constraints, whilst producing an economically viable project. Design changes made as a consequence of the key constraints are considered to be mitigation which is 'embedded' in the design. Further consideration of the design evolution, technical constraints, and embedded mitigation is available in **Chapter 2: Site Selection and Design** 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 will proceed to assess how the Development relates to relevant local planning and Scottish Government policies.

2.5 Public Consultation

In August 2019, EDF-ER communicated its intention to investigate the potential for the development of a re-designed wind farm with an initial letter to local community councils. This was followed by the distribution of an EIA Scoping Report in September 2019 and an introductory meeting with local community council representatives in October 2019. Two series of local public exhibitions were held, with the first exhibitions in February 2020 and a second online event in April 2021.

The public exhibitions are part of the community engagement activities performed during the design process. Exhibitions, along with other public engagement activities were held during 2020 and 2021. The second round of public exhibitions were hosted online due to the Coronavirus pandemic, in line with the Scottish Government's COVID-19 advice and guidelines[4].

The aims of public exhibitions were to provide information regarding the Development and invite comments to ensure that local stakeholder considerations were taken into account.

First stage public exhibitions took place on:

- 18th February 2020 at Newlands Activity Centre, Romanno Bridge (3.00 – 7.00pm); and
- 19 February 2020 at Eddleston Village Hall, Eddleston (3.00pm – 8.00pm).

The exhibitions were advertised through the EDF-ER project website and local newspaper "Peeblesshire News" on 7th and 14th of February 2020. Leaflets to properties within 5 km of the Site, with an invitation to public exhibitions were also distributed in February 2020 alongside letters to neighbouring community councils. Around 800 letters and leaflets were sent by first class post to local residents, plus direct e-mail contact with councillors and the offices/representatives of national elected politicians. These events provided local residents and stakeholders with the opportunity to speak with development staff, learn about the Development and preliminary findings of the EIA Report, and provide comment on the proposal.

Invitation letters were sent to around 800 local households within 5 km of the Site boundary ahead of the February 2020 public consultation events and in advance of the April 2021 online exhibitions.

The first exhibition held on Tuesday, 18th of February was attended by 55 people, and 47 attendees came on Wednesday 19th of February. From the first two public exhibitions, 49 questionnaires were returned after the consultation event.

Main issues and questions raised during the first exhibitions include:

- Potential impact on water supplies and any conditions, that might be imposed;
- Some clarification on construction traffic raised by those living closest to the access road;
- Interest in the community benefit fund, eligibility and how it would operate;
- Concern expressed over increased height/visibility in landscape; and
- Some questions about grid connection, cable route and number of poles required.

Additional questions and comments raised during the consultation process included the impact of preserving and enhancing existing access routes, including ensuring a sufficient buffer to the Cross Borders Drove Road and Tweed Trail, and exploring the possibility of

[4] The Scottish Government (2020) Online Public Exhibition established in accordance with COVID-19 Scottish Government advice and regulations [Online] Available online at: https://www.gov.scot/publications/coronavirus-covid-19-planning-guidance-on-pre-application-consultations-for-public-events/ (Accessed 28/01/2021)

creating a multi-purpose path between Eddleston and Peebles through means of the community benefit fund.

Overall, 41% of the respondents stated that they were supportive of the new proposal.

The second stage of public exhibitions took place in April 2021. The newspaper advert for the second exhibition was placed in Peeblesshire News on 9th of April. Due the Scottish Government's COVID-19 advice and guidelines – the second round of public exhibition was hosted online between 16-26th April 2021. The Applicant originally planned to hold conventional second round public exhibitions in person; however, the exhibition materials displaying the final EIA design, were provided on a dedicated project online consultation webpage instead. The aim of the second exhibition was to introduce the final proposals for the Development.

An invitation letter to community councils and residents within 5 km area of the Site was sent in advance of the April 2021 event. Over the course of the online public exhibition, a total of approximately 277 visitors, comprising 165 unique visits and a large number of repeat views.

Overall, of the 10 visitor feedback forms returned from the online exhibition, 4 were opposed to the proposal, three were in favour and three were undecided.

Main issues and questions raised during the second round of public exhibition may include:

- Concerns over visibility and appearance of turbines;
- Concerns over increased noise;
- Accessibility within the development area;
- Concerns over water supply.

In addition to the public exhibitions, the Applicant has also corresponded with members of the local community through continued dialogue via email.

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.

Following consultation and project evaluation, the Applicant elected to reduce the maximum number of turbines from 18 to 12 turbines at an increased maximum tip height of 149.9 m. Following the exhibitions in February, environmental surveys and assessments continued on Site, and responses from the public and statutory consultees have fed into the continued evolution of the layout. 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 5: Landscape and Visual Impact Assessment** of the EIA Report.

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

2.6 Pre-Application Consultation with the Council

A meeting with the Council planning officers took place in April 2019 to outline the updated position with the wind farm project and initial plans for redesign.

A further meeting took place on 4th September 2019, prior to the submission of the Scoping Report. The meeting was attended by representatives of the Council, Nature Scot, the Energy Consents Unit and Historic Environment Scotland. A number of aspects of the design were discussed including landscape and visual and cultural heritage considerations.

3 LEGISLATIVE CONTEXT

3.1 The Electricity Act 1989

This Application is made under Section 36 of the Electricity Act[5]. 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."*

Since the Applicant is neither a License Holder nor exempt person authorised to generate, the provision s of 3 (1) do not apply directly to this Application. However, the provisions of sub-paragraphs 3(2) and 3(3) of Schedule 9 of the Electricity Act apply to the Scottish Ministers' consideration 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

The principal planning statute in Scotland is the Town and Country Planning Act (Scotland) 1997[6] ('the Planning Act 1997') as amended by The Planning etc. (Scotland) Act 2006[7] ('the Planning Act 2006') and the Planning (Scotland) Act 2019[8] ('the Planning Act 2019'). Section 57(2) of the Planning Act 1997 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

[5] The Electricity Act 1989 [Online] Available at: https://www.legislation.gov.uk/ukpga/1989/29/contents (Accessed 14/06/2021)
[6] Town and Country Planning (Scotland) Act 1997 [Online] Available at: https://www.legislation.gov.uk/ukpga/1997/8/contents (Accessed 14/06/2021)
[7] Town and Country Planning etc. (Scotland) Act 2006 [Online] Available at: https://www.legislation.gov.uk/asp/2006/17/contents (Accessed 14/06/2021)
[8] Planning (Scotland) Act 2019 [Online] Available at: https://www.legislation.gov.uk/asp/2019/13/contents/enacted (Accessed 14/06/2021)

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 1997 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 1997 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.

3.3 Compliance with Schedule 9 of The Electricity Act 1989

The Applicant has sought to develop a project that takes full account of the duties under Schedule 9 described above. The Act uses the words 'desirability' of and 'reasonably' in respect of the formulation of proposals, which in this case would include the siting, number and scale of the onshore wind installation and the effects on the features listed in the Schedule. The acknowledgement within the Schedule that some effects will need mitigation recognises that balance will often need to be applied over the acceptability of proposals and generation benefits.

A recent decision by the Scottish Ministers provides clarification in relation to how the Schedule 9 duty should be applied. In the decision on a Section 36 Application for an extension to the Fallago Rig wind farm[9] (by the Applicant) the Ministers noted the view of the Reporter that *'the applicant failed to fulfil their duty under Schedule 9 of the Electricity Act 1989 to do what they reasonably could to mitigate those effects on the natural beauty'.'* However, the Ministers disagreed with the Reporter's approach, and stated:

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

The assessments contained in the EIA Report for the Development demonstrate that Applicant has given full regard to the matters set out in Schedule 9 of the 1989 Act and appropriate mitigation has been considered in detail (summarised in Chapter 18 of the EIA Report). Throughout this Statement relevant cross references will be provided to these assessments in support of the overall conclusion that Consent, and Deemed Planning Permission, can properly be granted.

[9] Fallago Rig Wind Farm Extension [Online] Available at: https://www.energyconsents.scot/ApplicationDetails.aspx?cr=EC00003102 (Accessed 21/06/2021)

3.4 Environmental Assessment Regulations

The requirements for EIA in Scotland for wind farm generating stations with an electrical output capacity in excess of 50 MW is provided in The Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017[10] ('the EIA Regulations').

The Regulations implement European Union (EU) Directive 2014/52/EU which amended Directive 2011/92/EU on the assessment of the effects of certain public and private projects on the environment. Whilst the United Kingdom left the European Union on 31st January 2020, the requirements of the Directive have been transposed into UK law by other legislation[11].

The EIA Regulations outline the process of an EIA and the criteria that would determine if an EIA is necessary or not, the relevant environmental studies and statements, how the information is evaluated by the Scottish Ministers, Planning Authorities and consultative bodies and how this is implemented through consent under Section 36 of the Electricity Act 1989.

Schedule 2 of the EIA Regulations determines whether an EIA is required for certain types of development where there are likely to be significant effects on the environment by virtue of factors such as the nature, size or locations of the development proposal.

The results of the EIA are presented in the accompanying EIA Report which, as prescribed in the EIA Regulations, is required to include a "description of the likely significant effects" of the Development; the effects which are not considered to be significant do not need to be described. It is therefore necessary for the scope of the EIA to be appropriately and clearly defined to ensure that any likely significant effects are described and assessed.

The EIA Report conveys the findings of the assessment of the potential significant environmental effects of the Development during construction, operation and decommissioning.

[10]The Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017 [Online] Available at: https://www.legislation.gov.uk/ssi/2017/101/schedule/4/made (Accessed 01/03/2021)

[11] The Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017 (as amended) [Online] Available at: https://www.legislation.gov.uk/ssi/2017/101/contents/made (Accessed 23/06/2021)

4 ENERGY POLICY: THE NEED TO ADDRESS CLIMATE CHANGE

This section of the Statement sets out the international, 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 for renewable energy from which the Development can draw a high level of support.

The UK has committed to meeting a legally binding target to cut greenhouse gas emissions by at least 100% from the 1990 baseline by 2050, which would result in 'Net Zero' greenhouse gas emissions[12]. Meeting this target requires major investment in new technologies, the electrification of heating, industry and transport, prioritisation of sustainable energy and cleaner power generation including the development of onshore wind capacity.

The Scottish Government intends to facilitate investment in new infrastructure projects, with particular focus on electrification[13]. Within a market-based system and with significant constraints on public expenditure, both the UK and Scottish Governments recognise the important role the private sector has to play in the delivery of renewable energy schemes[14].

In response to the growing international concern regarding the effects of climate change and the advice provided by the Climate Change Committee in its Progress reports, in April 2019 the Scottish Government declared a Climate Emergency[15]. The Scottish First Minister in her address to the SNP Party conference, announced:

"Our obligations to the next generation are the most important that we carry. A few weeks ago, I met some of the young climate change campaigners who've gone on strike from school to raise awareness of their cause. They want governments around the world to declare a climate emergency. They say that's what the science tells us. And they are right. So today, as First Minister of Scotland, I am declaring that there is a climate emergency. And Scotland will live up to our responsibility to tackle it."

If consented, the Development would contribute to the delivery of international and national policy objectives, diversify the energy mix and facilitate the transition to low carbon energy, whilst decreasing the dependency on fossil fuels.

The following sections demonstrate the clear and consistent policy support at all levels 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_2 reduction to combat climate change and increasing the security of supply of electricity.

[12] The Climate Change Act 2008 (2050 Target Amendment Oder 2019 [online] available at: https://www.legislation.gov.uk/ukdsi/2019/9780111187654 (Accessed 14/06/2021)

[13] For example, the Scottish Government Infrastructure Plan for Scotland 2021-22 to 2025- 26 includes specific electrification projects and has a key Them of enabling the transition to Net Zero [Online] Available at: https://www.gov.scot/binaries/content/documents/govscot/publications/strategy-plan/2021/02/national-mission-local-impact-infrastructure-investment-plan-scotland-2021-22-2025-26/documents/national-mission-local-impact-infrastructure-investment-plan-scotland-2021-22-2025-26/national-mission-local-impact-infrastructure-investment-plan-scotland-2021-22-2025-26/govscot%3Adocument/national-mission-local-impact-infrastructure-investment-plan-scotland-2021-22-2025-26.pdf (Accessed 14/06/2021)

[14] For example, the Scottish Energy Strategy 2017 notes the need for collaboration between the public, community, and private sectors [Online) Available at: https://www.gov.scot/publications/scottish-energy-strategy-future-energy-scotland-9781788515276/ (Accessed 14/06/2021)

[15] Speech by Nicola Sturgeon [online] available at: https://climateemergencydeclaration.org/scotland-worlds-first-government-to-declare-a-climate-emergency/ (Accessed 14/06/2021)

4.1 International and European Policy Context

4.1.1 COP 21 Paris Agreement

On 12 December 2015, 196 Parties to the UN Framework Convention on Climate Change (UNFCCC) adopted the Paris Agreement[16], a legally-binding framework for an internationally coordinated effort to tackle climate change. The Paris Agreement's key aim is to strengthen the global response to climate change by keeping a global temperature rise this century below 2 degrees Celsius above pre-industrial levels and to pursue efforts to limit the temperature increase even further to 1.5 degrees Celsius. The UK is legally bound through commitment to the Paris Agreement.

4.1.2 Committee on Climate Change Net Zero Report May 2019

In May 2019 the Committee on Climate Change published Net Zero – The UK's Contribution to Stopping Global Warming. This report responds to a request from the Governments of the UK, Wales and Scotland, asking the Committee to reassess the UK's long-term emissions targets. The report recommends a new UK target for the reduction of greenhouse gas emissions by 2050, and recommends a 2045 net-zero target for Scotland to reflect Scotland's greater relative capacity to remove emissions than the UK as a whole. The Report highlights the falling cost of key renewable technologies, which is now generally comparable or lower cost than power from fossil fuels, while bringing significant co-benefits such as reduced air pollution.

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

On 27 June 2019, the Climate Change Act 2008 was amended to introduce a target for at least a 100% reduction in greenhouse gas emissions (compared to 1990 levels) in the UK by 2050. This 'net zero' target is likely to affect and increase future Government renewable and low carbon energy targets and create a more positive policy environment for renewable energy.

4.1.4 Committee on Climate Change Progress Report to Parliament June 2020

On the 25 June 2020 the Committee on Climate Change (the CCC) published the 2020 report to Parliament, assessing progress in reducing UK emissions over the past year. The report highlights that although a limited number of steps have been taken over the past year to support the transition to a net-zero economy and improve the UK's resilience to the impacts of climate change, much remains to be done. The report indicates that reaching net zero emissions in the UK will require all energy to be delivered to consumers in zero-carbon form, i.e. renewables and nuclear, bioenergy and fossil fuels combined with carbon capture and storage.

4.1.5 National Audit Office – Achieving Net Zero

Published on 2 December 2020, the National Audit Office report to the UK Government examines the main risks to achieving net zero effectively and efficiently. The report is forthright that most of the UK reductions in emissions have come about from the switch away from coal in electricity generation. Whilst reducing emissions further will require wider changes to the UK economy, further investment in renewable electricity generation will be required.

BEIS (The Department for Business, Energy and Industrial Strategy) projects that the UK will not meet its targets for emissions reduction unless action is taken to reduce the

[16] United Nations Climate Change - The Paris Agreement (2015) [Online] Available at: https://unfccc.int/process-and-meetings/the-paris-agreement/the-paris-agreement (Accessed 26/03/21)

shortfall in achieving the targets set in the fourth and fifth carbon budgets. At paragraph 6 of the summary the report states that:

> *"Achieving net zero is a colossal challenge and significantly more challenging than the Government's previous target to reduce emissions by 80% by 2050."*

At paragraph 13 of the Summary, the report confirms that BEIS will launch a net zero strategy prior to COP26 in November 2021. The strategy will set out the government's vision for transitioning to a net zero economy by 2050, encompassing all sectors that need to decarbonise, and closing the gap that currently exists in meeting the targets in the fourth and fifth carbon budgets. The strategy will set the level for the sixth carbon budget, review the cost of net zero and how it should be paid for and establishing meeting net zero as part of the wider economic response to COVID-19.

4.1.6 The Sixth Carbon Budget: The UK's path to Net Zero

On 9 December 2020, the CCC released The Sixth Carbon Budget which updates intermediary targets for the UK's progress to net zero.

> *"Our recommended pathway requires a 78% reduction in UK territorial emissions between 1990 and 2035. In effect, it brings forward the UK's previous 80% target by nearly 15 years. There is no clearer indication of the increased ambition implied by the Net Zero target than this."*

These recommended targets must be considered as a factor in the determination of applications for viable wind energy projects. In establishing intermediary targets towards net zero, the context exists for Local Authorities to recognise the action that must be taken sooner rather than later. As concluded in the Sixth Carbon Budget:

> *"The implication of this path is clear: the utmost focus is required from government over the next ten years. If policy is not scaled up across every sector; if business is not encouraged to invest; if the people of the UK are not engaged in this challenge – the UK will not deliver Net Zero by 2050."*

Section 4 of Chapter 3 of the report addresses electricity generation specifically. Reducing carbon emissions to net zero will require significant expansion of low carbon generation, in particular low cost renewables and decarbonised back up generation.

Under the CCC's 'balanced pathway' approach to net zero, the annual demand for electricity will increase substantially due to increased electrification (for example the use of electric vehicles in transport) and can be expected to double from around 300 TWh today to 360 TWh in 2030, 460 TWh in 2035 and 610 TWh by 2050. Meeting this increased demand excludes potential generation from hydrogen.

The report sees renewables as forming the 'backbone of the electricity system', providing 80 % of all generation by 2050. Wind, in particular offshore, will need to provide 265 TWh of generation by 2035 and 430 TWh by 2050. This will require 3 GW per year of new wind capacity, plus the repowering of existing sites, per year, in addition to a similar amount of new solar[17].

4.1.7 HM Government Energy White Paper – Powering our Net Zero Future December 2020

On 14 December 2020, Alok Sharma MO, then Secretary of State for Business, Energy and Industrial Strategy announced the launch of the Energy White Paper. The White Paper set out the UK Government's strategy to put attaining net zero and fighting climate change at its core, following the Prime Ministers Ten Point Plan for a Green Industrial

[17] Climate Change Committee - The Sixth Carbon Budget: The UK's path to Net Zero (2020). Page 134/135 [Online] Available at https://www.theccc.org.uk/wp-content/uploads/2020/12/The-Sixth-Carbon-Budget-The-UKs-path-to-Net-Zero.pdf (Accessed 31/03/21)

Revolution. As part on this strategy, the target for offshore wind is raised to 40 GW, enough to power every home in the UK.

The White Paper reiterates the compelling case to urgently address climate change and avert the dangerous consequences of that will arise if global temperatures increase is not kept at well below 2% as per the Paris Agreement, if possible, not above 1.5%. The White Paper sets out the measures that need to be put in place to achieve the carbon emission targets for the UK. These entail a major shift in energy use from fossil fuels to electricity and hydrogen. Clean electricity is to become the predominant form of energy, with a consequent doubling of demand. This transition must be secured whilst retaining reliability, resilience and affordability. Delivering this will require billions of pounds of investment in clean energy infrastructure, including offshore wind farms and new nuclear plant.

The White Paper is clear that in addition to offshore wind, other low cost renewable technologies will need sustained growth if net zero is to be achieved. Onshore Wind (and solar) will be key building blocks in the energy mix, with the aim to deploy around 12 GW of low cost renewable generation capacity.

4.1.8 UK Government Announcement on UK Sixth Carbon Budget 2021

On 20 April 2021 the Department for Business, Energy and Industrial Strategy and Prime Minister's Office jointly announced that the Sixth Carbon Budget will limit the volume of greenhouse gasses emitted over the 5 year period from 2033 to 2037, equivalent to a 78% reduction by 2035 compared with 1990 levels. The UK Government is already working towards a reduction of 68% by 2030, and states that the goal of achieving 78% by 2035 constitutes the world's most ambitious climate change target.

For the first time, the Carbon Budget will incorporate the UK's share of international aviation and shipping emissions. The statement also notes that the UK continues to break records in renewable energy generation, which has more than quadrupled since 2010, with low carbon electricity accounting for over 50% of total generation.

The new target will be given statutory force by the end of June, with legislation introduced through Parliament on 21 April 2021[18].

Overall Climate Change and Energy Policy Conclusion

Given the overview of relevant international policy on climate change and renewable energy, and the context of continued need for increased renewable energy generation, it is clear that projects such as the Development must be encouraged due to their environmental, social and economic benefits. If consented, the Development would contribute to meeting the CO_2 emissions reduction targets, as well as the renewable energy targets. The recently published Energy White Paper, and the subsequent Ministerial Statement by the Secretary of State accelerating the pace at which the UK carbon emissions most be reduced, are both a stark reminder of the urgency with which climate change must be addressed at UK, European and International levels. It also the highlights the economic benefits which can emerge from the transition to a low carbon economy. Given this context, it is imperative that projects which have already been assessed, in principle, as acceptable and in locations with recognised capacity to accept onshore wind development should proceed without delay. The Development is therefore fully in accord with the objectives of UK and international climate change policy.

[18] The Carbon Budget Order 2021 [Online] Available at: https://www.legislation.gov.uk/ukdsi/2021/9780348222616 (Accessed 14/06/2021)

4.2 Scottish Climate Change Legislation

4.2.1 Climate Change Scotland Act 2009

The Climate Change (Scotland) Act 2009 ('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.

4.2.2 The Climate Change (Emissions Reduction Target) (Scotland) Act 2019

The Scottish Government introduced the new Climate Change (Emissions Reduction Targets) (Scotland) Bill ('the Climate Change Bill') to Parliament on 23rd May 2018, and was passed on 25th September 2019, and received Royal Assent on 31st October 2019, becoming the Climate Change (Emissions Reduction Targets) (Scotland) Act 2019.

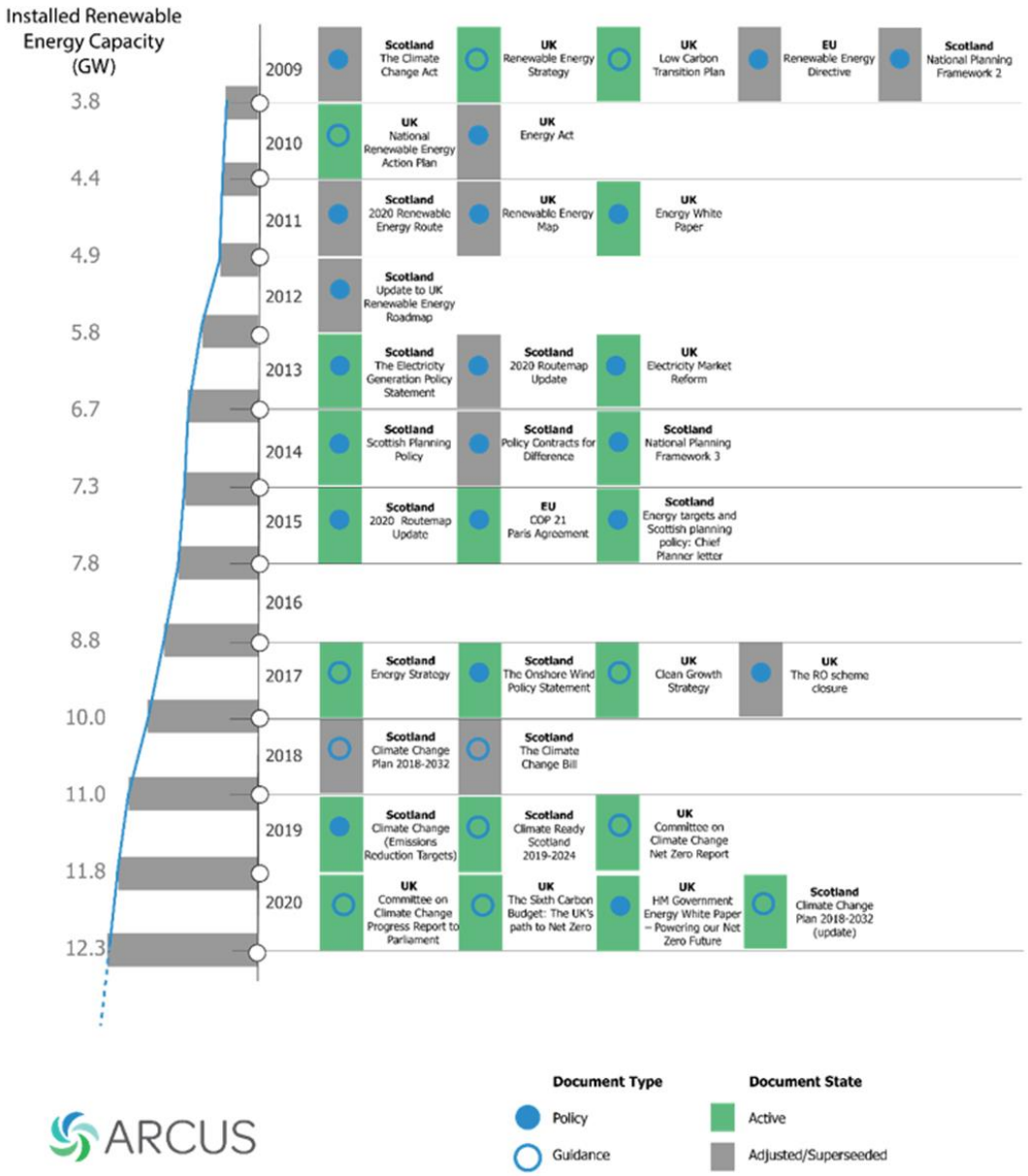
The Act amends the Climate Change (Scotland) Act 2009 and originally increased the 2050 target to 90%. In line with advice from the Committee on Climate Change ('CCC') on 2 May 2019, the Scottish Government amended the Climate Change Bill to set a target date of 2045 for reaching net-zero emissions.

Setting a 'carbon neutral', net-zero target of 2045 is ambitious and ahead of the rest of the United Kingdom's target of 2050. The Government has set ambitious targets for reduction of carbon emissions. Projects, such as the Development, play a key role in aiding the decarbonisation of the energy sector.

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.

Plate 1: Main Legislative and Policy developments



4.2.3 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 set targets which include producing 100% of the country's demand for electricity from renewable sources by 2020, first detailed within the 2020 Routemap for Renewable Energy in Scotland[19]. Although now superseded, the Development therefore draws significant support as a contributor to these and successive targets.

4.2.4 Electricity Generation Policy Statement

The Scottish Government has published an Electricity Generation Policy Statement (2013) ('the EGPS')[20] which examines the way in which Scotland generates electricity, and considers the changes which will be necessary to meet the targets which the Scottish Government has established.

The EGPS recognises that Scotland's renewables potential is such that, should the relevant technologies be developed successfully, it could deliver up to £46 billion (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 set 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.

Although now to be superseded, the Development is consistent with the objectives of the EGPS, and in doing so, would provide investment to help realise these ambitions for economic growth.

4.2.5 Scottish Energy Strategy

The Scottish Energy Strategy 2017[21]: 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.

In March 2021 the Scottish Government published 'Scotland's Energy Strategy Position Statement'[22] (2021 SES) which builds on the support for onshore wind outlined in the 2017 SES. The 2021 SES notes that:

> *"The Scottish Government is committed to supporting the increase of onshore wind in the right places to help meet the target of Net Zero. In 2019, onshore wind investment in Scotland generated over £2 billion in turnover and directly supported approximately 2,900 full-time equivalent jobs across the country."*

[19] Scottish Government (2011) 2020 Routemap for Renewable Energy in Scotland – Update [Online] Available at: http://www.gov.scot/Resource/0048/00485407.pdf (Accessed 14/06/2021)
[20] The Scottish Government, (2013), "Electricity Generation Policy Statement – 2013" [Online]. Available at: http://www.scotland.gov.uk/Topics/Business-Industry/Energy/EGPSMain (Accessed 14/06/2021)
[21] Scottish Government (2017) Scottish Energy Strategy [Online] Available at: https://www.gov.scot/energystrategy (Accessed 14/06/2021)
[22] Scottish Government – Scotland's Energy Strategy Position Statement March 2021 [Online] Available at: https://www.gov.scot/binaries/content/documents/govscot/publications/strategy-plan/2021/03/scotlands-energy-strategy-position-statement/documents/scotlands-energy-strategy-position-statement/scotlands-energy-strategy-position-statement/govscot%3Adocument/scotlands-energy-strategy-position-statement.pdf (Accessed 14/06/2021)

The Position Statement also identifies the Scottish Government's key priorities for energy, which amongst others includes a refresh of the Onshore Wind Policy Statement.

4.2.6 *Low Carbon Scotland: Climate Change Plan – Third Report on Proposals and Policies 2018-2032*[23]

This document was published in September 2018 and provides an overview of the Scottish Government's climate change plan 2018-2032. The document (and the Summary 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."*[24]

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_2 emissions reduction, have positive effect on the local and national economy, whilst leaving a minimal footprint on the environment.

4.2.7 *Protecting Scotland, Renewing Scotland: The Government's Programme for Scotland 2020-2021*[25]

In light of the climate emergency, announced in April 2019, Scotland has already committed to some of the toughest statutory emissions reductions in the world. Adopting a net zero emissions target by 2045 underlines the ambition that Scotland will no longer contribute to global climate change.

The 2020-21 Government's Programme focuses on the transition to net zero and the opportunity it creates. Even in the unusual circumstances of the COVID-19 pandemic, the 2020-21 Programme contains objectives relating to achieving net zero and reducing CO_2 Emissions through various initiative including investment in and implementation of renewable energy projects.

4.2.8 *Reducing emissions in Scotland – 2020 Progress Report to Parliament*[26]

The Climate Change Committees 9th Annual Progress Report to the Scottish Parliament advises that Scotland's greenhouse gas emissions fell by 31% from 2008 to 2018. This was primarily due to action to reduce emissions in the power sector, where Scottish renewable electricity generation has tripled and fossil-fuelled generation has fallen by

[23] Scottish Government (2018) *Climate Change Plan: Third Report on Proposals and Policies 2018-2032* [Online] Available at: https://www.gov.scot/publications/scottish-governments-climate-change-plan-third-report-proposals-policies-2018/ (Accessed 14/06/2021)

[24] Scottish Government (2018) *Climate Change Plan: Third Report on Proposals and Policies 2018-2032: Summary Document* [Online] Available at https://www.gov.scot/publications/scottish-governments-climate-change-plan-third-report-proposals-policies-2018-9781788516488/ (Accessed 14/06/2021)

[25] Scottish Government (2020) *Protecting Scotland, Renewing Scotland: The Government's Programme for Scotland 2020-2021* [Online] Available at: https://www.gov.scot/publications/protecting-scotland-renewing-scotland-governments-programme-scotland-2020-2021/ (Accessed 20/05/2021)

[26] Committee on Climate Change (2020) *Reducing emissions in Scotland Progress Report to Parliament* [Online] Available at: https://www.theccc.org.uk/publication/reducing-emissions-in-scotland-2020-progress-report-to-parliament/ (Accessed 07/01/2021)

more than 70% in the last decade. However, greenhouse gas emissions increased by 2% in 2018, compared to a reduction of 3% in 2017.

The report identifies a number of clear priorities for the Scottish Government. Central to these are producing a new Climate Change Plan before the year end, creating the pathway to deliver Net Zero by 2045, and putting in place a UK Emissions Trading system. Amongst the more detailed recommendations is that the next National Planning Framework should be aligned closely with achieving Net Zero 2045 – providing a favourable planning framework to provide a low carbon and efficient energy system and climate resilient infrastructure. This should provide a positive consenting regime for onshore wind and other renewables consistent with other land use policies and promote repowering and life extensions.

4.2.9 Update to the Climate Change Plan 2018 – 2032 – Securing a Green Recovery on a Path to Net Zero[27]

On 16 December 2020 the Scottish Government published a draft update to the 2018 Climate Change Plan. The plan sets out the approach to delivering a green recovery, and a pathway to meeting world leading climate change targets for the period to 2032. By then, amongst other things Scotland's electricity system will be transformed, with over 100% of electricity demand being met from renewable sources. There will have been a substantial increase in renewable generation, particularly through offshore and onshore wind capacity. Whilst much of Scotland's electricity generation has decarbonised over the last decade, there is a need for increased investment in renewable energy, particularly onshore and offshore wind. The energy consenting process will be reviewed to reduce determination timescales and enable projects awarded consent to proceed more quickly, benefitting onshore wind in particular. A new Energy Strategy is to be produced in 2021 and an updated Electricity Generation Policy Statement in 2022.

Planning is a key delivery mechanism for many of the policies within the Climate Change. Plan update, across all sectors. By making the right choices about where and what development should take place in the future, planning can help to reduce emissions whilst improving the wellbeing of communities and the quality and resilience of places across Scotland. Draft NPPF4 will be laid before Parliament in September 2021 with addressing climate change as a guiding principle for all plans and decisions.

4.2.10 Speech by First Minister to Scottish Renewables Annual Conference 23 March 2021

In her speech to Conference, the First Minister took the opportunity to emphasise the importance of the 26th UN Climate Change Conference (COP 26) to be held in Glasgow in October and November 2021 as a 'make or break' event for the planet. Scotland wants to demonstrate to the world that Scotland is leading by example, to help lead the world into the net zero age. She also highlights the importance of the renewable energy sector in delivering the Scottish Government's vision.

4.2.11 Scottish Climate Change and Energy Policy Conclusion

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. It has been designed in a way to minimise environmental effects whilst maintaining economic viability.

[27] Scottish Government (2020) *Securing a green recovery on a path to net zero: climate change plan 2018-2032 – update* [Online] Available at: https://www.gov.scot/publications/securing-green-recovery-path-net-zero-update-climate-change-plan-20182032/ (Accessed 07/01/2021)

5 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.

5.1 National Planning Framework 3 (NPF3)

On the 23rd of June 2014, the National Planning Framework 3 (NPF3)[28] 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_2 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.

At Page 34 the NPF 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 also 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.

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, brings benefits to the local community, contributes to economic development and would deliver low carbon electricity.

National Planning Policy Framework 4 (NPF4) is under preparation and will include all aspects of national planning policy as per the provisions of the Planning (Scotland) Act 2019, which was passed by the Scottish Parliament in June 2019. The Act includes a broad range of changes to be made across the planning system. It is anticipated that a publication draft NPF4 will be issued around September 2021 and that SPP will be fully replaced when the final version of NPF4 is published in 2022. The current position in respect of NPF4 is considered with Section 7.

[28] Scottish Government (2014) National Planning Framework 3 (Online) Available at: https://www.gov.scot/publications/national-planning-framework-3/ (Accessed 14/06/2021)

5.2 Scottish Planning Policy (SPP)

SPP[29] 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.

Although non-statutory, SPP supplements NPF3 and sets out the Scottish Government's further policies on land use planning. It should therefore should be afforded significant weight in the determination process for proposals under Section 36; 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 sustainable development".*[30] Policies and planning applications should be guided by supporting climate change mitigation and adaption.

It is important to note that the most up to date version of SPP, issued in December 2020, states the following at paragraph 33:

> *"Proposals that do not accord with the development plan should not be considered acceptable unless material considerations indicate otherwise. Where a proposal is for sustainable development, the presumption in favour of sustainable development is a material consideration in favour of the proposal. Whether a proposed development is sustainable development should be assessed according to the principles set out in paragraph 29."* (Underlining added for emphasis).

The latest version of SPP therefore marks a significant shift in national policy in recognising that even where a proposed development may be judged as not being in accordance with the development plan, the presumption in favour of sustainable development, if satisfied, is capable of tilting the planning balance decisively towards consent.

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 Scottish Borders, 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.

[29] Scottish Government (2020) Scottish Planning Policy [Online] Available at: http://www.gov.scot/Resource/0045/00453827.pdf (Accessed 14/06/2021)

[30] The December 2020 revised version of SPP changed the wording from 'development that contributes to sustainable development' following a consultation exercise.

Paragraph 154 states that *"the planning system should:*

- *Support the transformational change to a low carbon economy, consistent with national objections and targets including delivering 30% of overall energy demand from renewable sources by 2020, 11% of heat demand from renewable sources by 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 energy efficiency, heat recovery, 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, expand renewable energy capacity and will diversify the energy mix. The Development includes an energy storage facility that can improve energy efficiency and assist grid stability. 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".*

Based on the Council's Spatial Framework, the Development is located in a Group 3 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.

5.2.1 Letter from Chief Planner to all Heads of Planning in relation to energy targets and SPP (11 November 2015)

The letter[31] reminds local planning authorities that the Scottish Government supports on-shore renewable energy development, including wind, particularly where community and shared ownership are possible. This policy support will continue even in a situation where renewable energy targets are reached.

5.2.2 Scottish Onshore Wind Policy Statement

The Onshore Wind Policy Statement[32] ('OWPS') 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.

The Scottish Government is determined to influence, enable and deliver a clean, 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 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.

Chapter 1 of the OWPS recognises that Scotland continues to need more onshore wind development and capacity, in landscape landscapes where it can be accommodated. Whilst the technology shift towards larger turbines presents challenges in terms of the suitability of landscapes, larger turbines also present an opportunity for landscape improvement and increase the amount of electricity generated.

It is also recognised that developers (such as the Applicant) will need to reduce costs and promote innovation – for example by taking advantage of the increasing opportunities to combine wind generation with the Energy Storage.

Allied with the review of the Scottish Energy Strategy, it is expected that an updated OWPS will be published for consultation in August 2021.

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 will be 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. The additional offer Shared Ownership provides 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.

[31] Scottish Government (2019) Energy target and Scottish Planning Policy: Chief Planner Letter [Online] Available at: https://www.gov.scot/publications/energy-targets-and-scottish-planning-policy-chief-planner-letter/ (Accessed 09/03/2021)
[32] Scottish Government (2017) Onshore Wind Policy Statement December 2017 (Online) Available at: http://www.gov.scot/Resource/0051/00513263.pdf (Accessed 14/06/2021)

5.3 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[33]. 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 is set out in the following table.

Document	**Summary of content**
Online Renewables Planning Advice – Onshore Wind Turbines 2014[34]	Provides guidance to local authorities on spatial planning for wind farms and criteria to be applied in assessing applications.
PAN 3/2010: Community Engagement (2010)[35]	Sets out the Scottish Government's approach to community engagement, providing useful advice to stakeholders on how to approach consultation.
PAN 51: Planning, Environmental Protection and Regulation[36]	Explains the role of the planning system in relation to environmental protection and its relationship to other environmental protection legislation
PAN 1/2013: Environmental Impact Assessment (EIA)[37];	Provides guidance on how the EIA process should be integrated with planning procedure and the assessment of development proposals

[33] The Scottish Government, (2014), Onshore Wind Turbines: Planning Advice [Online] Available at: https://www.gov.scot/publications/onshore-wind-turbines-planning-advice/ (Accessed 14/06/2021)
[34] The Scottish Government (2014). *Onshore Wind Turbines: Planning Advice* [Online]. Available at: https://www.gov.scot/publications/onshore-wind-turbines-planning-advice/ (Accessed: 15/02/2021)
[35] 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 15/02/2021)
[36] 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 15/02/2021)
[37] 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 15/02/2021)

Document	Summary of content
PAN 2/2011 Planning and Archaeology (2011)[38]	Provides advice to planning authorities and developers on dealing with archaeological remains
PAN 60: Planning for Natural Heritage[39]	Advice on how development and the planning system can contribute to the conservation and understanding of Scotland's natural heritage.
PAN 61: Planning and Sustainable Urban Drainage Systems[40]	Advice on how development should address drainage and how development management can ensure that sustainable drainage is incorporated into new development.
PAN 1/2011 Planning and Noise (2011)[41]	Explains how the planning system should help to prevent the adverse effects of noise.
PAN 73: Rural Diversification[42]	Provides advice on approach to considering proposals for new enterprises in rural locations
PAN 75: Planning for Transport[43]	Seeks to achieve better integration between transport and land use planning. In development management terms it sets out what assessment is necessary for significant travel generating development.
Transport Assessment and Implementation: A Guide (2005)[44];	Best practice guidance on how to identify the impacts of development on the transportation network and how to deal with those impacts.
Onshore wind planning: frequently asked questions (2016)[45]	Provides answers to a range of questions in relation to the planning considerations for onshore wind turbine development.
Scottish Forestry Strategy 2019[46] and Scotland's Forestry Strategy Implementation Plan 2020 - 2022[47].	Sets out the Ministers ambition to expand Scotland's forests and woodlands and increase their role in helping to address climate change.

[38] Scottish Government (2011). *PAN 2/2011: Planning and Archaeology* [Online]. Available at: https://www.gov.scot/publications/pan-2-2011-planning-archaeology/ (Accessed 15/02/2021)
[39] Scottish Government (2000). *PAN 60: Planning for Natural Heritage* [Online]. Available at: https://www2.gov.scot/Publications/2000/08/pan60-root/part-a (Accessed 15/02/2021)
[40] The Scottish Government (2001). *PAN 61: Planning and Sustainable Urban Drainage Systems* [Online]. Available at: https://www2.gov.scot/Publications/2001/07/pan61 (Accessed 15/02/2021)
[41] 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 15/02/2021)
[42] Scottish Government (2005) *PAN 73: Rural Diversification* [Online]. Available at: https://www.gov.scot/publications/rural-diversification-planning-advice/ (Accessed 15/02/2021)
[43] 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 15/02/2021)
[44] The Scottish Government (2005). *Transport Assessment and Implementation: A Guide* [Online]. Available at: https://www2.gov.scot/Publications/2005/08/1792325/23264 (Accessed 15/02/2021)
[45] The Scottish Government (2016). Onshore wind planning: frequently asked questions [Online]. Available at: https://www.gov.scot/publications/onshore-wind-planning-faq/ (Accessed 25/01/2021)
[46] Scottish Forestry (2019) Scotland's Forestry Strategy 2019–2029 - Long-term framework for the expansion and sustainable management of Scotland's forests and woodland [Online] Available at: https://www.gov.scot/publications/scotlands-forestry-strategy-20192029/ (Accessed: 10/02/2021).
[47] Scottish Government (2020) Scotland's Forestry Strategy Implementation Plan ››2020-2022 [Online] Available at: https://forestry.gov.scot/publications/793-scotland-s-forestry-strategy-implementation-plan-2020-2022/viewdocument (Accessed: 10/02/2021).

5.4 Local Planning Policy

5.4.1 Scottish Borders Local Plan 2016

The current Scottish Borders Local Development Plan ('SBLDP') was adopted on 12th May 2016 and was developed in order to address the future needs of the Scottish Borders community to 2025. The plan aims to direct development to the right locations, balancing the needs of communities, the economy and the environment.

The plan replaced the Scottish Borders Consolidated Local Plan which was adopted in 2011. An updated renewable energy policy was included within the plan, which in particular focuses on wind energy, and seeks to direct development into the right locations, in line with the overarching aims of the SBLDP. The plan is currently under review, with the Local Development Plan 2 ('LDP2') having been published for consultation in November 2020, the period for comments expiring on 25th January 2021. The Council website states that it expects to be able to submit the proposed plan for Examination in Summer 2021 with a view to Adoption in Spring 2022. As such, the Statutory Local Development plan relevant to the Development comprises of:

- The Scottish Borders Local Development Plan[48] 2016 ('the SBLDP'); and
- The South East Scotland Strategic Development Plan[49] ('SESplan').

Consideration has been given to the relevant policies contained within the SBLDP 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 of this Statement. The following general policies are considered relevant to the Development:

Scottish Borders Council LDP Policies

Policy	Addressed in the Statement
Policy PMD1: Sustainability	Section – 6.1.1; 6.1.2; 6.1.3; 6.1.6; 6.1.3;6.1.7;
Policy PMD2: Quality Standards	Section – 6.1.1
Policy ED7: Business, Tourism and Leisure Development in the Countryside	Section – 6.1.10
Policy ED9: Renewable Energy Development	Section – 6.1.1; 6.1.2; 6.1.4; 6.1.5; 6.1.6; 6.1.7; 6.1.8; 6.1.10
Policy ED10: Protection of Prime Quality Agricultural Land and Carbon Rich Soils	Section – 6.1.5; 6.1.6
Policy EP1: International Nature Conservation Sites and Protected Species	Section – 6.1.3; 6.1.4
Policy EP2: National Nature Conservation Sites and Protected Species	Section – 6.1.3; 6.1.4
Policy EP3: Local Biodiversity	Section - 6.1.3; 6.1.4
Policy EP4: National Scenic Areas;	Section – 6.1.2
Policy EP5: Special Landscape Areas	Section – 6.1.2
Policy EP7: Listed Buildings	Section – 6.1.7

[48] The Scottish Borders Council Local Development Plan (2016) (Online) Available at: https://www.scotborders.gov.uk/info/20051/plans_and_guidance/121/local_development_plan (Accessed 14/06/2021)

[49] The Strategic Development Planning Authority for Edinburgh and South East Scotland – Strategic Development Plan June 2013 [Online] Available at: https://www.sesplan.gov.uk/assets/files/docs/290813/SESplan%20Strategic%20Development%20Plan%20Approved%2027%20June%202013.pdf (Accessed 09/03/2021)

Policy	Addressed in the Statement
Policy EP8: Archaeology;	Section - 6.1.7
Policy EP9: Conservation Areas	Section – 6.1.7
Policy EP10: Gardens and Designed Landscapes	Section – 6.1.7
Policy EP13: Trees, Woodlands and Hedgerows	Section – 6.1.3
Policy EP15: Development Affecting the Water Environment	Section – 6.1.6
Policy IS4: Transport Development and Infrastructure	Section - 6.1.9
Policy IS5: Protection of Access Routes; and	Section - 6.1.9
Policy IS8: Flooding.	Section – 6.1.6

5.4.2 The Strategic Development Plan for Edinburgh and South East Scotland - SESPlan

SESplan is the strategic development plan (SDP) for the south east of Scotland area and covers the Scottish Borders, East Lothian, the City of Edinburgh, Midlothian, West Lothian and Southern Fife. The SDP covers the period until 2032. The Plan sets out the spatial strategy for the region and the framework for local development plans.

The first Strategic Development Plan produced by SESplan ('the SESplan SDP') was approved by Scottish Ministers on the 27th June 2013. Whilst the SESplan SDP does not include any allocations or policies particular to the Site, Policy 10 states that Local Development Plans will:

> *"Set a framework for the encouragement of renewable energy proposals that aims to contribute towards achieving national targets for electricity and heat, taking into account relevant economic, social, environmental and transport considerations, to facilitate more decentralised patterns of energy generation and supply and to take account of the potential for developing heat networks."*

In respect of Energy, the paragraph 124 of the Plan acknowledges that there is a need to drive a higher proportion of heating and energy from renewable sources and reduce overall energy consumption and encourages development that will contribute to meeting national targets including meeting 100% of electricity demand from renewable sources by 2020.

Paragraph 125 states that consideration should be given to the location, landscape, environmental quality and treated impacts of onshore developments. It acknowledges that windfarms within the plan area including Scottish borders contributes to generation capacity, however LDPs should undertake an assessment of the impact of such development. Policy 10, sustainable Energy Technologies, state that LDP is sure to set in framework for the encouragement of renewable energy proposals, taking into account relevant social or economic environmental and transport considerations.

Scottish Ministers rejected the draft second Strategic Development Plan ('the SESplan SDP2') in May 2019. Consequently, the status and content of the SESplan SPD2 is, at this point, considered immaterial in the determination of the Development.

5.4.3 Supplementary Guidance:

Supplementary Planning Guidance

In addition to the plan listed above, key Supplementary Planning Guidance (SPG) relevant to the Development includes:

- Scottish Borders Council Renewable Energy Supplementary Guidance[50] (July 2018);
- Ironside Farr: Wind Energy Landscape Capacity Study[51] (2016);
- Scottish Borders Council Landscape and Development Supplementary Guidance[52] (2008);
- Scottish Borders Council Biodiversity Supplementary Guidance[53] (2006);
- Scottish Borders Council Trees and Development Supplementary Guidance[54] (2020); and
- Visibility Mapping for Windfarm Development – The Scottish Borders[55] (2003).

Scottish Borders Council Renewable Energy Supplementary Guidance (2018)

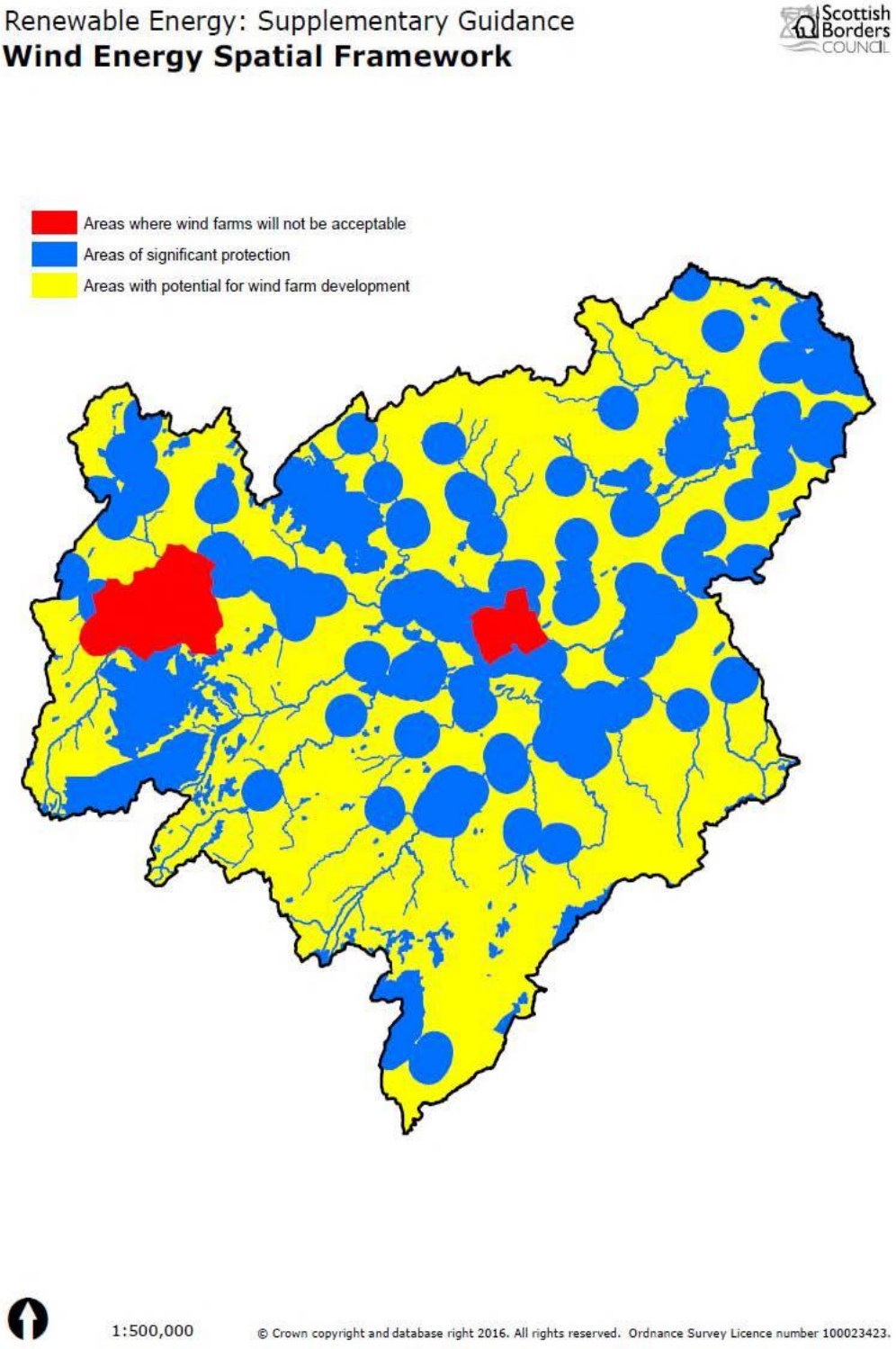
The Renewable Energy Supplementary Guidance (RESG) is strongly linked to Policy ED9: Renewable Energy Development of the LDP and was developed in line with Scottish Planning Policy (SPP), in order to set out detailed policy considerations against which all proposals for wind energy and other forms of renewable energy will be assessed in the Scottish Borders, based on the considerations of Paragraph 169 of SPP.

The guidance states that Scottish Borders Council has been proactive in supporting a range of renewable energy types and by implementing statutory duties to support both renewable energy and protect the landscape and environment, the Council seeks a balance between these objectives when making planning decisions.

The RESG includes a Wind Energy Spatial Framework which shows those areas lying within Group 1, Group 2 and Group 3 as required under SPP Table 1 – Spatial Frameworks. The Plan (Plate 2) shows that the Site falls mainly within Group 3 – Areas with Potential for Wind farm Development. A small part of the site comprising the access route from the A701 would lie within Group 2. All turbines or their associated infrastructure would lie within Group 3.

[50] Scottish Borders Council Supplementary Guidance Renewable Energy July 2018 [Online] Available at: https://www.scotborders.gov.uk/downloads/file/2757/renewable_energy_supplementary_guidance (Accesses 01/03/2021)
[51] Ironside Farr: Wind Energy Landscape Capacity Study (2016) (Online) Available at: https://www.scotborders.gov.uk/downloads/download/659/draft_renewable_energy_supplementary_guidance (Accessed 14/06/2021)
[52] Scottish Borders Council Supplementary Guidance Landscape and Development [Online] Available at: https://www.scotborders.gov.uk/downloads/file/927/landscape_and_development (Accessed 25/06/2021)
[53]Scottish Borders Council _Supplementary Guidance: Local Biodiversity Action Plan [Online] - https://www.scotborders.gov.uk/downloads/download/965/supplementary_guidance_local_biodiversity_action_plan (Accessed 09/04/21)
[54] Scottish Borders Council Trees and Development Supplementary Guidance [Online] Available at - https://www.scotborders.gov.uk/downloads/file/937/trees_and_development (Accessed 09/04/21)
[55] Visibility Mapping for Windfarm Development – The Scottish Borders [Online] Available at - https://www.scotborders.gov.uk/downloads/file/939/visibility_mapping_for_windfarm_development (Accessed 09/04/21)

Plate 2: Wind Energy Spatial Framework



Ironside Farr: Wind Energy Landscape Capacity Study (2016)

The purpose of this study is to provide detailed technical assessment and guidance in relation to landscape, visual and cumulative development matters for the Scottish Borders' Wind Energy Supplementary Guidance. The study follows on from the Wind Energy Consultancy study from 2013, which provided detailed information on landscape and visual; economic and public opinion matters. It considers the capacity of the Scottish Borders landscape to accommodate wind energy development.

Scottish Borders Council Landscape and Development Supplementary Guidance (2008)

The purpose of this supplementary guidance is to clarify landscape information requirements and help applicants to gain a better understanding of landscape issues that arise during the process of planning applications. Landscape issues must be regarded as an integral part of the development process, with consideration given to the form and use of all spaces from the earliest stage. The guidance provides details of the information the Council would require to be included within a planning application, in relation to landscape.

Scottish Borders Council Biodiversity Supplementary Guidance (2006)

The purpose of this supplementary guidance is to explain the application of the LDP policies on biodiversity assets within the Scottish Borders, inform the Development Management process, inform developers and land managers about the requirements of biodiversity conservation and how biodiversity may be protected and enhanced through the planning process and provide a strategic good practice guide for development, particularly for planning officers and developers.

Scottish Borders Council Trees and Development Supplementary Guidance (2008)

The purpose of this supplementary guidance is to clarify council requirements in relation to the protection of trees and woodlands within the Scottish Borders. The guidance outlines the Council requirements when considering applications which could potentially affect trees and forms a material consideration in the determination of planning applications where trees are present.

Visibility Mapping for Windfarm Development – The Scottish Borders

This study was produced in 2003 but is still listed as approved planning guidance by Scottish Borders Council. The aim of the study is to investigate and highlight areas where the development of windfarms is likely to be most visually intrusive in the Scottish Borders from residential areas.

5.4.4 Policies

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

Policy PMD1: Sustainability

Policy PMD1 presents the sustainability principles which the Council will have regard to when determining planning applications and the principles developers will be required to incorporate into development proposals. These principles are outlined below:

a) The long term sustainable use and management of land

b) The preservation of air and water quality

c) The protection of natural resources, landscapes, habitats and species

d) The protection of built and cultural resources

e) The efficient use of energy and resources, particularly non-renewable resources

f) The minimisation of waste, including waste water and encouragement to its sustainable management

g) The encouragement of walking, cycling, and public transport in preference to the private car

h) The minimisation of light pollution

i) The protection of public health and safety

j) The support to community services and facilities

k) The provision of new jobs and support to the local economy

l) The involvement of the local community in the design, management and improvement of their environment

Policy PMD2: Quality Standards

Policy PMD2 requires that new development, irrespective of type, is of a high quality and is sited, designed and serviced appropriate to the amenity of the immediate locality within which it is contained.

Policy ED7: Business, Tourism and Leisure Development in the Countryside

Policy ED7 states that proposals for business, tourism or leisure development in the countryside will be approved where, amongst other things, it can be demonstrated that there is an economic and/or need for the particular countryside location and that the development use is compatible with and appropriate to the rural character of the area. Furthermore, under the terms of this policy, development must also take account of considerations relating to siting, scale and design; amenity and character of the surrounding area; and accessibility considerations in accordance with Policy IS4.

Policy ED9: Renewable Energy

Policy ED9 sets out the Council's approach to determining applications for all types of renewable energy development (RE) under the Town and Country Planning Act. As such it is the lead policy in respect of such development. The aim of the policy is to steer RE to appropriate locations and identify the factors to be taken into account when determining applications. The Policy is intended to be supportive of RE, including the development of onshore wind turbines.

The supporting text to the Policy acknowledges that wind farms may be contentious and that opinions over acceptability vary. The supporting text refers also to the Landscape Capacity Study prepared for the Council in 2013[56] and states that the findings of the report should be the 'initial reference point' for considering capacity for, and the landscape effects of, existing and possible future onshore wind developments.

The local plan acknowledges that Supplementary Planning Guidance on Wind Energy prepared in 2013 is to be replaced. The Policy itself confirms that the assessment of applications for RE development should be based around Scottish Planning Policy (2014) (now updated to 2020) and in particular Table 1: Spatial Frameworks. Proposals, including wind energy, will be approved provided that unacceptable significant adverse impacts can be avoided or mitigated. However, the policy is clear that where there are judged to be significant adverse effects which cannot be mitigated, the development may be approved providing that the Council is satisfied that the wider economic, environmental and other benefits outweigh any potential harm.

[56] Ironside Farrar Wind Energy Consultancy Landscape Capacity and Cumulative Impact Final Report (online) available at: https://www.scotborders.gov.uk/downloads/file/555/wind_energy_consultancy_-_landscape_capacity_and_cumulative_impact_part_1_main_report (Accessed 21/06/2021)

The policy committed the Council to producing Supplementary Guidance on wind energy to accord with SPP, and setting out detailed policy considerations based on those contained in SPP paragraph 169. Notwithstanding this, the policy concludes by setting out a list of 11 matters to be included in the assessment of wind energy proposals which is essentially a condensed form of the list of considerations contained in SPP.

The Council's Renewable Energy Supplementary Guidance July 2018 is clear that proposals for onshore wind development will be fundamentally assessed against Policy ED9. However, there are a number of other policies within the SBLDP of relevance to specific topics covered in the Statement.

Policy ED10: Protection of Prime Quality Agricultural Land and Carbon Rich Soils

Policy ED10 states that proposals, other than those incidental to renewable energy development, which results in the permanent loss of prime agricultural land or significant rich soil reserves, particularly peat, will not be permitted unless otherwise stated in the Local Development Plan; the development meets an established need where no alternative site is available; and the scale is small and directly related to a rural business.

Policy ED10 states that for proposals for renewable energy development the terms of this policy will be satisfied wherein the objectives and requirements of Policy ED9 are complied with.

Policy EP1: International Nature Conservation Sites and Protected Species

The aims of Policy EP1 relate to the need to give designated or proposed Natura sites, Ramsar sites and sites where there is likely presence of European Protected Species (EPS) protection from potentially adverse development. Policy EP1 sets out criteria stating that development proposals which will likely have significant effects on a designated Natura Site (including all Ramsar sites), will only be permitted where appropriate assessment has demonstrated that the integrity of the site will not be adversely affected or compromised; there are no alternative solutions; and there is justification for the development in the form of overriding public interest in a social or economic capacity. Where a development proposal is sited where there is the likely presence of an EPS, the Council must be satisfied that there is no satisfactory alternative; there is overriding public interest in a social or economic capacity or development is required for preserving public health and or safety; and that the development is not detrimental to maintenance of the population of an EPS at a favourable conservation status in its natural range.

Policy EP2: National Nature Conservation and Protected Species

Policy EP2 requires that development should not have significant adverse effects on Sites of Special Scientific Interest, or habitats directly supporting a nationally important protected species unless the integrity of the site will be unaffected or there are substantial benefits that clearly outweigh the nature conservation value of the site.

Policy EP3: Local Biodiversity

This policy seeks to prevent unacceptable adverse effects on Borders Notable Species and Habitats of Conservation Concern arising as a result of development. Exceptions may be made where it can be demonstrated that the benefits of the development outweigh the harm. The policy also sets out four specific ways in which the effects of development can be mitigated in the interests of biodiversity.

Policy EP4: National Scenic Areas

Policy EP4 aims to protect and enhance the scenic qualities of the two National Scenic Areas (NSA), at Eildon and Leaderfoot and Upper Tweeddale. Development proposals that hold the potential to affect a NSA will only be permitted where the objectives of designation and the overall landscape value of the site and its surrounds will not be

compromised; or any significant adverse effects on the qualities for which the site or its surrounds have been designated are clearly outweighed by social or economic benefits of national importance.

Policy EP5: Special Landscape Areas

The aims and objectives of policy EP5 relate to the need to afford adequate protection to Special Landscape Areas against inappropriate development. Proposals that are considered to have a significant adverse impact will only be permitted where the landscape impact is clearly outweighed by economic or social benefits of local or national importance.

Policy EP7: Listed Buildings

Policy EP7 states that development proposals will be refused where they would have a detrimental effect on the character, integrity or setting of a listed building. New development should be of comparable quality and design to retain and enhance special interest, character and setting of the listed buildings.

Policy EP8: Archaeology

The overriding aim of Policy EP8 is to ensure Scheduled Monuments, any other archaeological or historic asset including battlefields or landscapes is afforded strong protection from potentially damaging development which may otherwise have an adverse impact on integrity or setting. Development which is considered to have adverse, detrimental effect upon an archaeological or historic asset will not be permitted unless it can be demonstrated that local public benefits clearly outweigh the archaeological value of the site; there is no suitable alternative for the development; and any adverse effects can be satisfactorily mitigated at the developer's expense.

Policy EP9: Conservation Areas

Policy EP9 states that development proposals within Conservation Areas will be refused if they adversely affect the character and appearance of the Conservation Area in terms of scale, height, colour, detailed design, use and siting.

Policy EP10: Gardens and Designed Landscapes

Policy EP10 broadly states that development proposals which adversely affect Gardens and Designed Landscapes or their setting will be refused unless the overall character and reasons for the designation will not be compromised or any significant adverse effects can be satisfactorily mitigated and are clearly outweighed by social, environmental, economic or strategic benefits.

Policy EP13: Trees, Woodlands and Hedgerows

Policy EP13 states that any development which would have impact on a woodland resource should aim to minimise adverse impacts on the biodiversity value of the woodland resource, including its environmental quality, ecological status and viability. Where there is an unavoidable loss of the woodland resource it should be ensured that compensatory replacement planting is carried out within the area of the Scottish Borders if possible.

Policy EP15: Development Affecting the Water Environment

Policy EP15 stipulates that development that would result in significant adverse effect on the water environment through impact on its natural or physical characteristics, or its use for recreation or existing river engineering works, will be refused. Policy EP15 contains criteria outlining how decision making will be guided.

Policy IS4: Transportation Development and Infrastructure

The relevant provisions of Policy IS4 refer to the need provide separate Transport Assessments and Travel Plans where proposals would likely generate significant travel demand. It is considered that this requirement would extend to include Construction Traffic Management Plans.

Policy IS5: Protection of Access Routes

Policy IS5 stipulates that development that would have an adverse impact upon a public access route will not be permitted unless a suitable diversion or appropriate, alternative route, as agreed with the Council, is provided.

Policy IS8: Flooding

Policy IS8 principally states that at all times, avoidance should be the first aim of flood risk management. Policy IS8 also stipulates that new development should not take place if it would be at significant risk of flooding from any source or would materially increase the possibility of flooding elsewhere. Where necessary submission of a separate Flood Risk Assessment will be required to demonstrate compliance with policy along with a report of the measures that are proposed to mitigate any associated flood risk.

6 ASSESSMENT OF THE DEVELOPMENT AGAINST LOCAL PLANNING POLICY

6.1.1 Principle of the Development

The SBLDP sets out a number of challenges which are to be addressed over the plan period to 2025. Climate Change is one such challenge and it is recognised that encouraging renewable energy is a key part of the Government's approach. In the Scottish Borders the main thrust has been development of onshore wind farms, the Council has undertaken a landscape capacity study, and the local plan policy approach seeks to take into account a range of impacts associated with such development. A key outcome of this approach is to be the development of the area's full potential for electricity generation from renewable sources

The SBLDP is underpinned by the principle of enabling sustainable development in accordance with the Council's Environmental Strategy and the need for action on climate change. When read against the provisions of the overarching **Policy PMD1**, the Development is considered to meet with the relevant requirements within of both detailed criteria contained within the Policy and the broader aims and principles of the Local Development Plan. The nature of the proposed development – allowing the efficient use of energy and resources - in principle satisfies the respective requirements of Policy PMD1.

Policy PMD2 aims to ensure that all development is of a high quality and respects the environment in which it is situated. Whilst the Policy sets out an extensive list of standards for new development, many of which it may be considered have very limited relevance to onshore wind development, it is accepted that the Development should be designed to be compatible with and respect the character of the surrounding area, neighbouring uses and built form, and to integrate with its surroundings.

Policy ED9 – Renewable Energy Development is the key LDP policy in relation to the Development. The Policy sets out 11 detailed matters to be taken into account in the assessment of the Development and these matters will be referenced appropriately in the following sections of the Statement. In terms of the location of the Site, Policy ED9 contains no reason why, in principle, the Site is not suitable for onshore wind development. The supporting text to the Policy acknowledges that the Council's spatial framework for onshore wind farms is not compliant with SPP in terms of the identification of Group 1, 2 and 3 areas. However, the Council Supplementary Guidance 2018 contains such a plan, which shows the site as not falling within Group 1 – areas where wind farms will not be acceptable. The site is shown as falling mainly within Group 3 area – those areas with potential for wind farm development.

Policy 10 of the SESPlan addresses Sustainable Energy Technologies and, amongst other things, requires local development plans to set a framework for the encouragement of renewable energy proposals which contribute to the delivery of national target. There is therefore no conflict between the SES Plan and the principle of the Development.

It is also important to note that in the Report of the Public Local Inquiry into the Consented Scheme, the Reporters found:

> *"There are some limited adverse impacts on the matters in Schedule 9 of the Electricity Act 1989, but that these do not outweigh the clear benefits of the proposed development. National energy policy is supportive of the scheme, as is national planning policy, given the limited impacts identified. Overall the development complies with the development plan (particularly balancing the factors contained in Policy D4) and with the proposed local development plan (particularly balancing the factors contained in Policy ED9)."*

Given this finding, accepted by the Scottish Ministers in the decision, there can be no doubt that the principle of development should not be in question.

It is therefore concluded that in principle the Development should be determined as being in accordance with SBLDP **Policies PMD1, PMD2** and **ED9**.

6.1.2 Landscape and Visual Impact

The operational policies in the SBLDP in respect of the issue of landscape and visual effects of the Development are: **PMD1 – Sustainability; Policy ED9 – Renewable Energy**; **Policy EP4 – National Scenic Areas; Policy EP5 – Special Landscape Areas**; and **Policy EP10 – Gardens and Designed Landscapes**. The Council's Renewable Energy Supplementary Guidance (the RESG) is also of relevance to this topic, particularly at Chapter 8, where it is stated that:

> *"The Council will support proposals if:*
>
> *They are capable of being accommodated in the landscape in a manner which respects its main features and character as identified in the Scottish Borders 'Landscape Capacity and Cumulative Impact Study (2016) and which minimises effects on the landscape and the wider area through a careful choice of site, layout and overall design."*

Chapter 5 of the EIA Report includes a full assessment of the landscape and visual effects of the Development, undertaken in accordance with the latest best practice guidance.

The landscape and visual effects within a 40km study area have been assessed, taking account of both the visual and landscape baseline. Effects on key landscape receptors including the host and surrounding Landscape Character Type (LCT), and designated landscapes including the Tweeddale NSA and Tweed Valley SLA, are assessed compared with the baseline. The assessment also uses 26 viewpoints, agreed with consultees according to a number of criteria including that they should be publicly accessible and be representative of the experience of different receptors and a range of viewing angles and distances.

Key visual receptors which are taken into account in the assessment include residents close to the site and in nearby settlements, road users (including those on recognised tourist routes) recreational users e.g. hill walkers and cyclists and people at work in the study area.

Landscape Effects

In terms of the effects on landscape, the Development will introduce wind turbines into the Plateau Outliers LCT, a large-scale undulating landscape of moorland and coniferous forest. Whilst there are currently no operational wind turbines within this LCT, the landscape is influenced by human development including other wind farms outside of the LCT, forestry and development in neighbouring valleys. Overall sensitivity of the Plateau Outliers is considered to be medium.

Significant and major effects on the landscape of the Site itself during construction and operation will occur, together with significant effects on landscape character of host LCT, LCTs. Although existing wind farms have influenced the character of some of these LCTs, the Development will extend this influence within the area: northwards to Auchencorth Moss; eastwards across the Eddleston Valley as far as the summit of Dundreich; southwards as far as the summits of Black Meldon and White Meldon; and westwards to Whiteside Hill, Hag Law and Wether Law. A significant effect on landscape character will be experienced within this area.

The Site is not within a designated landscape but is in proximity to several including the Upper Tweeddale NSA and Tweed Valley SLA to the south. Chapter 5 of the EIA Report looks in detail at the special landscape and visual qualities of these designated areas, and considers the potential effects of the Development on the key characteristics of each

area. The effects of the Development are likely to be experienced from hill summits and Site-facing slopes within the eastern part of the NSA. Recreational hill walkers and mountain bikers are likely to be the most affected by the Development in this regard. However, the Development will be viewed in the context of existing wind farm development, notably Bowbeat, which is already part of the landscape in views from hills within the NSA and it is considered that the special qualities will not be undermined such that the integrity of the NSA will be affected.

In the case of the Tweed Valley SLA, The Development will be perceptible from the most western extents of the SLA, including from Black and White Meldon, the Meldon Valley and the A703. The Development has potential to affect some of the special qualities of the SLA, including the contrast between the well- settled valley and landmark hills. However, the Operational Bowbeat and Glenkerie Wind Farms are already present in views from the Tweed Valley SLA, and there will be no direct effects on key landscape features. It is therefore considered that the Development will not significantly affect the integrity of the SLA by adversely impacting on the qualities for which it was designated.

It is also important to consider the assessments made in the PCR in relation to the comparisons between the landscape and visual effects of the Development in comparison with the Consented Scheme. The conclusions of the PCR addressed in more detail at section 7.1.1, although it is noted here that the significance of the effects on the designated landscapes are generally similar.

Although some significant effects on landscape character will be experienced from the fringes of these designated areas, the overall integrity and reasons for their designation are not anticipated to be affected.

Visual Effects

Significant effects on views are predicted at 10 of the 26 representative viewpoints, all of which are located within 10 km of the Development. Major effects are predicted from Viewpoint 1: Cross Borders Drove Road (West) and Viewpoint 2: Cross Borders Drove Road (East), which are both locations on the long-distance route, immediately west and east of the Site, respectively, where close views of the Development can be experienced. Major effects are also predicted from Viewpoint 3: Old Post Road Core Path (east of Observatory), from a view which is representative of residents and walkers. In addition, major effects are predicted from Viewpoint 4: Black Meldon and Viewpoint 6: Core Path 154 near Eddleston which both represent views experienced by recreational receptors to the south and east of the Site, respectively.

Significant (moderate) effects are predicted from: Viewpoint 5 Meldon Valley; Viewpoint 7 Minor Road near Spylaw and Wester Deans; Viewpoint 9 Portmore House; Viewpoint 17 Glentress Forest, Makeness Kipps; and Viewpoint 19: Cademuir Hill Fort.

In terms of settlements, significant effects are identified at Eddleston, where properties in the more elevated eastern areas would have views of the turbines across the Eddleston Valley. No significant effects were identified at Romannobridge, West Linton, Dolphinton or Peebles.

Significant effects will also be experienced from localised sections of the A703, Meldons Road and the John Buchan Way. A significant (major) effect will be experienced from localised sections of the Cross Borders Drove Road which passes through the Site.

All these significant visual effects will be experienced within 10 km of the Site. From some receptors the Development will be seen in successive views with Bowbeat Wind Farm in the Moorfoot Hills to the east of the Site.

Cumulative Effects

Operational wind farms and those under construction are included as part of the baseline for the LVIA and considered as part of the primary LVIA assessment. The Cumulative Landscape and Visual Assessment (CLVIA) considers the addition of the Development to a landscape with operational, under construction and consented wind farms.

There are several existing large-scale wind farms within the Study Area. The closest, Bowbeat Wind Farm, is within 10 km of the Site, in the Moorfoot Hills to the east. Within 20 km of the Site are Carcant, Muirhall South, Muirhall and Harburnhead Wind Farms.

The consented wind farms within 20 km of the Development are: Glenkerie Extension, a 6-turbine scheme (100 m to tip) located approximately 21 km to the south-west of the Development, alongside the operational Glenkerie Wind Farm; and Camilty, a 6-turbine scheme (149.9 m to tip) located approximately 17.5 km to the north-west. Given the extent of the landscape areas which will be influenced by these other consented projects, as well as the distance between the Development and both of these cumulative schemes, no significant cumulative landscape or visual effects have been identified.

The Consented Scheme was considered at a conjoined Public Local Inquiry / Planning Appeal with another project; Hag Law Wind Farm[57]. It is apparent from the Reporters' summary of the Council's objection to the Consented Scheme that in terms of landscape and visual effects, a significant concern was the potential for cumulative effects in combination with the Hag Law proposal, and another project in planning at the time[58]. As the Hag Law project was refused permission, this cumulative concern does not arise with the Development.

It is also informative to consider the findings of the Reporters and Scottish Ministers in relation the Consented Scheme as to how the SBLDP policies[59] address the issue of landscape and visual impact. Whilst the Consented Scheme is different to the Development in a number of respects, there are comparisons in terms of the level of effects. The Reporters found that the Consented Scheme would be successfully contained within the upland plateau landscape character type, and whilst there would be some adverse effects on the Meldon Hills, the visual effects would not be severely detrimental, residential properties would not be unacceptably affected, and cumulative impacts with the operational Bowbeat Wind Farm would be acceptable. The parallels between the Consented Scheme are set out in the Project Comparison Report (PCR) and at Section 7.1.1 of the Statement.

What is striking in the PCR is that the visual effects of the Development are not dissimilar to those of the Consented Scheme and provide a strong basis for the same conclusion to be reached on acceptability under SBLDP policy.

Given the findings of the Landscape and Visual assessment contained in the EIA Report it is accepted that the extent to which the Development accords with SBLDP **Policy PMD1** – Sustainability; **Policy ED9**– **Renewable Energy; Policy EP4 National Scenic Areas**, **Policy EP5** – **Special Landscape Areas** and **Policy EP10** – **Gardens and Designed Landscapes**, and the Council's **RESG** rests on a balancing exercise, which should weigh the renewable energy and other benefits of the Development against the identified significant effects on landscape character and visual effects.

[57] Scottish Borders Planning Reference 14/00738/FUL – Construction of 8 wind turbines at land south of Halmyre Mains Farmhouse (Hag Law Wind Farm) refused planning permission February 2015. Appeal decision PPA-140-2053 dated 8 July 2016

[58] Scottish Borders Council Planning Reference 15/00818/FUL – Erection of 7 wind turbines at Land North of Upper Stewarton (Kilrubie Wind Farm). Withdrawn.

[59] The SBLDP was adopted in May 2016, and is addressed in the Report to Scottish Ministers as the emerging Local Development Plan.

6.1.3 Ecology

The operational policies in the SBLDP in relation to Ecology are **PMD1 – Sustainability; Policy EP1 – International Nature Conservation** Sites and Protected Species; **Policy EP2 – National Nature Conservation and Protected Species** and **Policy EP3 – Local Biodiversity**; **EP13 Trees, Woodland and Hedgerows; Policy ED9 – Renewable Energy Development** is also engaged, given that one of the considerations listed in the policy is *'effects on the natural heritage (including birds)….'*

Chapter 7 of the EIA Report considers the potential effects on the ecological features present at the Site associated with the construction, operation and decommissioning of the Development. The assessment method followed the guidance detailed by CIEEM.

It was possible to scope out most species and habitats recorded in the Ecology Survey Area from the assessment by virtue of their low conservation value, the type and frequency of field signs present, the small extent of the sensitive habitat, or the negligible scale of potential effects. The 10 Important Ecological Features (IEFs) taken forward for assessment were bats, otter, badger, Atlantic salmon, brown trout, brook lamprey, river lamprey, sea lamprey, the River Tweed SAC and the River Tweed SSSI.

A Phase 1 Habitat Survey of the Site was undertaken across several Site visits in September 2019 and June 2020, a standard method for classifying and mapping British habitats. The Phase 1 Habitat Survey aimed to identify wetland habitats in accordance with the habitat's descriptions given in 'A Functional Wetland Typology for Scotland' guidance[60]. Where wetland habitats were identified, further detailed surveys were undertaken for identification of vegetation communities with potential groundwater dependency in accordance with Scottish Environment Protection Agency (SEPA) guidance.

A National Vegetation Classification (NVC) Survey was also undertaken on all wetlands and habitats of conservation value recorded during the Phase 1 Habitat survey.

Protected Species Surveys were carried out between February and September 2020 taking in all land within the Site and extended up to a 250 m radius ('the Ecology Survey Area'), in line with NatureScot guidance[61]. The 250 m radius included suitable habitats for all protected species considered, but the area surveyed for each species varied depending on species-specific survey guidelines and best practice. Species considered in the survey were badger, pine marten, red squirrel, otter and water vole.

In addition, all suitable freshwater habitats within the Site and extending up to 500 m from the Site Boundary were surveyed for their potential to support great crested newt.

Bat Surveys were carried out with reference to NatureScot guidelines published in 2019[62], between April and October 2020. The Development consists of 12 turbines which categorises the project size as 'Medium' in line with the guidance62. In terms of habitat quality for bats, the Site was suboptimal being relatively isolated and dominated by commercially stocked Sitka spruce conifer plantation. However, some features were identified with suitability for foraging (such as glades, burns and forestry edge), and commuting (burns). A small number of potential roost features of low quality were

[60] SNIFFER (2009) WFD95: A Functional Wetland Typology for Scotland – Field Survey Manual. Version 1.

[61] NatureScot (2021) Protected Species Advice for Developers. Guidance on Planning and Protected Animals. [Online] Available at: https://www.nature.scot/professional-advice/planning-and-development/planning-and-development-advice/planning-and-development-protected-species. (Accessed 14/02/2021).

[62] NatureScot, Natural England, Natural Resources Wales, Renewable UK, ScottishPower Renewables, Ecotricity Ltd, the University of Exeter and the Bat Conservation Trust (2019): Bats and Onshore Wind Turbines: Survey, Assessment and Mitigation. Version: January 2019.

identified. Overall suitability of the Site for bats was assessed to fall within the 'Low' habitat risk category.

Fisheries Surveys were carried out by the Tweed Foundation (Scottish Fisheries Co-ordination Centre (SFCC) qualified surveyors) on 3rd October 2019, including both a fish habitat assessment of the Site and electro-fishing at a number of locations along the Flemington Burn.

No significant construction, operational, decommissioning or cumulative effects are predicted as a result of the Development.

As no significant effects are predicted upon IEFs as a result of the Development, no further specific mitigation is required in addition to the embedded mitigation to be implemented (such as presence of an ECoW, turbine set-back distances from watercourses and plantation edge).

Any residual effects on IEFs are therefore considered to be at worst, low, and not significant.

Given the findings of the Ecological surveys and assessments, and the mitigation proposed the Development is considered to be in accordance with SBLDP **Policy PMD1 – Sustainability**; **Policy ED9– Renewable Energy, Policy EP1 – International Nature Conservation Sites and Protected Species**; **Policy EP2 - National Nature Conservation and Protected Species; EP13 – Trees, Woodland And Hedgerows;** and **Policy EP3 – Local Biodiversity.**

6.1.4 Ornithology

The operational SBLDP policies in relation to Ornithology are the same as those referred to in relation to ecology. **PMD1 – Sustainability; Policy ED9 – Renewable Energy** is of direct relevance as the criterion relating to effects on natural heritage refers explicitly to birds. **Policy PMD1- Sustainability** states, amongst other things, that the Council will have regard to the effect of proposals on habitats and species. **Policy EP1 – International Nature Conservation Sites and Protected Species**; **Policy EP2 - National Nature Conservation and Protected Species** and **Policy EP3 – Local Biodiversity** must also be of relevance as effects on habitat can have consequent effects on bird species.

The RESG provides advice on the assessment of a proposed wind farm's effects on ornithological interests.

Baseline ornithology Surveys were completed between March 2019 and February 2020 (inclusive) in order to update the historical 2011/12 surveys undertaken at the site. The survey programme comprised the following: year-round Flight Activity Surveys, Foraging Goose Surveys, Black Grouse Surveys, Breeding Raptor Surveys and a Moorland Breeding Bird Survey. The results of these surveys, together with an ornithology Desk Study, were used to identify those bird species and designated sites that would potentially be affected by the Development.

Two statutory designated sites of international ornithological importance were identified within 20 km of the Site: Westwater Special Protection Area (SPA), Ramsar site and Site of Special Scientific Interest (SSSI), which is designated for non-breeding pink-footed goose and its non-breeding waterfowl assemblage; and Gladhouse Reservoir SPA, which is also designated for non-breeding pink-footed goose. The results of the 2019/20 surveys showed there was little to no pink-footed goose flight activity over the site and pink-footed geese did not forage near to the site. Therefore, potential effects on these statutory sites were scoped out of the assessment. One nationally important ornithologically designated site (Moorfoot Hills SSSI) lies within 10 km of the

Development Site, however, as it lies outwith the core foraging range for its notified species it was also scoped out of the assessment.

Low to moderate levels of flight activity by a total of nine target species were recorded during the 2019/20 baseline flight activity survey. Of these, only five (pink-footed goose, greylag goose, goshawk, osprey and curlew) are considered by NatureScot as priority species when assessing wind farms. Curlew had the highest flight activity with 22 flights recorded. All other priority species had less than 10 flights recorded.

No black grouse were recorded during any of the surveys. Goshawk and osprey were the only target raptor species recorded during Breeding Raptor Surveys. Goshawk were considered to have a single probable breeding territory within the site and osprey were not considered to be breeding within the site or wider survey area. In addition, four wader species (lapwing, curlew, woodcock and snipe) were breeding in low numbers (1-2 territories of each species) within 500 m of the Site during 2019/20. The only other notable species recorded was crossbill, which was considered to be breeding in low numbers.

Based on these results, two bird species were identified as having the potential to be affected by the Development: breeding goshawk and breeding crossbill. A detailed assessment of potential effects on these species during all phases of the Development (construction, operation and decommissioning) was completed. This included potential effects due to habitat loss, disturbance and collision risk. The combined effects of the Development together with other developments in the wider area were also considered.

A Breeding Bird Protection Plan (BBPP) will be produced in advance of construction to ensure that all breeding birds (not only the two species identified above) are protected during construction and decommissioning of the Development as well as during any major works required during the operational phase. Following full implementation of BBPP, effects of the Development on bird species will be very limited and not significant in EIA terms.

Given the findings of the Ornithological surveys and assessments, and the mitigation proposed in the BBPP, the Development is considered to be in accordance with SBLDP **Policy PMD1 – Sustainability**; **Policy ED9**– **Renewable Energy, Policy EP1 – International Nature Conservation Sites and Protected Species**; **Policy EP2_- National Nature Conservation and Protected Species; and EP3 – Local Biodiversity**.

6.1.5 Geology, Ground Conditions and Peat

The operational SBLDP policies in relation to this topic are: **PMD1 – Sustainability; Policy ED9 – Renewable Energy** is of direct relevance as the criteria set down in the policy include the impacts on carbon rich soils; and **Policy ED10 – Protection of Prime Quality Agricultural Land and Carbon Rich Soils**. The RESG notes that the spatial framework shows areas of carbon rich soils, deep peat and priority peatland habitat as Areas of Significant Protection. It goes on to advise that where carbon rich soils are present on a site the likely effects of the development on carbon dioxide emissions should be assessed, and if peatland is to be drained it should be demonstrated how any release of CO_2 will be minimised.

The assessment of the geology, ground conditions and peat has included a review of available information of the current soil conditions at the site and also a programme of peat probing. A Peat Slide Risk assessment has been undertaken in accordance with Energy Consents Unit (ECU) Guidance. The assessment considers the effects on geology and soils affected either directly or indirectly by the construction and operation of the Development, and using experience gained from other wind farm projects.

The site layout design was presented through pre-application consultation to SEPA to illustrate how the initial scoping site layout had considered the presence of peat on-site. This consultation also illustrated the key constraints that were understood at this early stage, such as watercourses and Groundwater Dependent Terrestrial Ecosystems (GWDTE's).

The results of the peat probing indicated that peat was scarcely present across much of the Site, in line with the published geological data. A small area of deep peat of up to 4.5 m was recorded in the eastern site area in an area of flat topography, in a low-lying area adjacent to the existing track being utilised for the southern access. This is a very localised pocket of deep peat in an area where no turbines, new tracks or associated infrastructure is proposed.

All turbines have been located in peat depths less than 1.0 m, and other infrastructure associated with the Development such as tracks and the Substation Compound have been designed to avoid deep peat wherever possible.

The assessment of peat disturbance has not highlighted any areas of deep peat at risk from the Development, with the deepest peat being successfully avoided by the footprint of the Development. The peat slide risk assessment analysis has highlighted the Site to be of low or negligible hazard rank in terms of slide risk.

Given the limited amount of peat on the Site, and considering the design of the site layout avoids deep peat, it is considered that limited disturbance to peat will take place during construction and therefore, the Development will not have any significant environmental effects in relation to peat. There would be minimal or no impacts upon peat and soils during the operational phase, so significant effects are not anticipated.

During decommissioning, the turbine foundation bases would be broken out to below ground level. All cables would be cut off below ground level, de-energised, and left in the ground. Access tracks would be left for use by the landowner for forestry management. No excavated stone would be removed from the Site. Decommissioning works are estimated to take eight months to a year. This approach is considered to be less environmentally damaging than seeking to remove foundations, cables and roads entirely.

Therefore, it is considered that decommissioning activities would be less intrusive with infrastructure in place for access meaning no or little requirement for further disturbance of peat, and no significant effects are anticipated. It is expected that consent for the Development would be accompanied by deemed planning permission condition that would include a requirement to decommission and restore the site at the end of the period of consent, in accordance with a scheme to be agreed with the Council prior to any decommissioning[63].

Given the findings of these assessments, and the mitigation proposed including provision for micrositing and the use, if necessary, of floating road construction techniques, the Development is t considered to be in accordance with SBLDP **Policy ED9**– **Renewable Energy, Policy ED10 – Protection of Prime Quality Agricultural Land and Carbon Rich Soils. Policy PMD1- Sustainability** states, amongst other things, that the Council will have regard to the effect of proposals on natural resources, and the advice contained in the RESG, which seek to ensure that development does not cause harm to carbon rich soil and peat resources.

6.1.6 Hydrology

Policy ED9 – Renewable Energy is of direct relevance as the criteria set down in the policy include the impacts on water and flood risk; and **Policy PMD1 – Sustainability**

[63] Such a condition exists in respect of the Consented Scheme – Condition no. 8 – of Section36 Consent ref. WIN-140-1.

states that in deciding planning applications the Council will have regard to a number of listed matters including the preservation of water quality. **Policy EP15 - Development affecting the Water Environment** states that development that will result in significant adverse effects on the water environment will not be supported. **Policy IS8 – Flooding** requires that development should not give rise to significant increased flood risk.

The RESG notes that the Scottish Borders lies largely within the catchment area of the River Tweed. Development proposals within the catchment area of the River Tweed SAC should demonstrate that potential impacts on the SAC have been taken into account in the design of the layout, particularly regarding infrastructure and appropriate measures to prevent pollution and sedimentation, mitigate impacts on flows, channel substrates and riparian habitats of watercourses on and near the site. Mitigation measures should be included in a CEMP including Construction Method Statements. Any development which would be likely to have a significant effect on sites within the SAC would be subject to an appropriate assessment.

The RESG includes a section on Hydrology, Water Environment and Flood Risk. In summary, proposals for wind turbines should avoid areas at risk of being affected by flooding and identify private water supplies in the vicinity of the site and ensure that the proposal gives rise to no risk to those supplies. Potential effects on hydrology should be assessed and preventative strategies put in place to reduce the potential risk to ecology.

Hydrology is covered in Chapter 10 of the EIA Report. The hydrology and hydrogeology study area ('the Core Study Area') is defined by the Site boundary. A further study area of 3 km from the Core Study Area is defined to assess the potential effects on Private Water Supplies ('the PWS Study Area'), and a wider study area of 10 km from the Core Study Area to assess potential effects on the downstream water environment ('the Wider Study Area').

A 50 m buffer zone has been established around the watercourses within the Core Study Area and no turbine bases, ancillary structures / infrastructure (such as transformers *etc*.), compounds and borrow pits are located within the buffer zone.

An Outline Water Construction Environmental Management Plan (WCEMP) has been provided which outlines effective mitigation measures to protect the water environment. It is anticipated that this will be updated and agreed as a deemed planning condition prior to construction. Accordingly, the assessment of significance of effects of the Development are considered with the inclusion of the WCEMP as standard mitigation procedure.

A total of 145 properties are identified as being supplied by private water supplies within the PWS Study Area, with a total of 68 sources. A list of the private water supply sources identified within the PWS Study Area is available within the EIA Report. Given the embedded mitigation detailed in the EIA Report, the magnitude of change on watercourses and PWS and Designated Hydrological Receptors is assessed to be Negligible with only minor residual effects on receptors.

The effects of erosion and sedimentation of water courses and any effects on water quality, ecology and flood storage have also been assessed. Sustainable Drainage (SUDs) such as the use of settlement lagoons, swales and interception bunds, will effectively prevent sediment entering watercourses via drainage ditches adjacent to access tracks. As such, there will be limited potential for sediment or erosion effects on watercourses in the Core Study Area, including the hydrology and water quality of onsite watercourses.

Other factors, including effects on flows within watercourses; changes in groundwater near to the surface; private water supplies; wetland habitats, pollution for contaminated land; acidification of watercourse; and increased flood risk due to run off have all been

assessed and with the mitigation proposed the residual effects of the Development, both individually and cumulatively, would not give rise to significant effects.

Given the findings of the hydrology and hydrogeology assessments, the Development is considered to accord with SBLDP **Policy ED9**– **Renewable Energy, Policy EP15 - Development affecting the Water Environment, Policy PMD1 – Sustainability, IS8 – Flooding** and the Council's **RESG**.

6.1.7 Archaeology and Cultural Heritage

The operational SBLDP policies in relation to this topic are: **PMD1 – Sustainability** which seeks to protect built and cultural resources**; Policy ED9 – Renewable Energy** is of direct relevance as the criteria set down in the policy include the impacts on the historic environment; and **Policy EP7– Listed Buildings**' which seeks to protect the setting of these assets; **Policy EP8 – Archaeology –** which states that development proposal which would, amongst other things, adversely affect the setting of Scheduled Monuments will not be permitted unless the development provides substantial benefits, or, regional or local assets if the benefits of the development clearly outweigh the heritage value of the asset; and **EP9 – Conservation Areas** – which states that the Council will support developments where they are designed to preserve or enhance the character of a conservation area. **Policy EP10 – Gardens and Designed Landscapes –** which states that development should be carefully sited and proposals that will have unacceptable adverse effects will be resisted. The RESG expands on the matter of direct and indirect effect on assets and in respect of setting refers to the Historic Environment Scotland guidance Managing Change in the Historic Environment (2016)[64].

Chapter 6 of the EIA Report provides a full evaluation of the archaeological and cultural heritage resource within the study area. The potential effects of the Development are assessed, focussing on both direct effects and changes to setting, and those that are permanent and those which are temporary.

All designated assets within a 5 km radius of the Site are assessed for indirect effects regardless of whether they fall within the Zone of Theoretical Visibility (ZTV). For the heritage assets between 5 and 15 km, a sieving exercise was undertaken to determine those heritage assets for which their cultural significance relies on long distance views and distant landscape context, and as such, may receive a change in setting as a result of the Development.

In determining the significance of any effects, an assessment framework has been used to correlate the assessed magnitude of change with the sensitivity of the asset.

Direct Effects

There are no World Heritage Sites, Listed Buildings, Inventoried Battlefields or Gardens and Designed Landscapes within the site boundary. There are three designated assets; the Scheduled Monuments of Whaup Law Cairn, Ring enclosures near Kilrubie Hill, and a prehistoric settlement at Nether Stewarton. There are also 15 undesignated features within the site, predominantly include prehistoric enclosures and isolated undesignated buildings associated with post medieval agriculture.

A total of 108 heritage features were identified within 1 km of the site including seven Scheduled Monuments, three Listed Buildings, one Garden and Designed Landscape and 97 undesignated archaeological records. The undesignated remains are predominantly settlement and agricultural features, dating from the prehistoric to present day and are

[64] Historic Environment Scotland – Managing Change in the Historic Environment – Setting (2016) [Online] Available at: https://www.historicenvironment.scot/archives-and-research/publications/publication/?publicationId=80b7c0a0-584b-4625-b1fd-a60b009c2549 (accessed 08/03/2021)

mostly found on the south-eastern slopes of the Cloich Hills leading towards the Eddleston Valley or in and around Meldon Valley.

Evidence exists of a rich prehistoric landscape with elevated hillforts and settlement within the valleys so that the archaeological potential to encounter further unknown prehistoric features is considered high. However due to the modern forestry plantation that covers the Site, there is a strong possibility that many archaeological sites may have been damaged or destroyed, lessening the potential to encounter discrete prehistoric archaeological remains.

The patterns of land use during the prehistoric period suggest a strong presence of hillforts with supporting settlement and agricultural land use along the lower elevations and waterways, especially on the south-eastern slopes of the Cloich Hills towards Eddleston and Meldon Valleys as well as Flemington Burn.

Later settlements formed within the wider area from the early medieval to medieval periods onwards, such as Peebles to the south-east, with evidence of a drove road, settlement and rig and furrow field system. There is therefore some potential within the Site for unknown medieval remains to survive although, as noted above any remains may have been damaged or destroyed.

In summary, the potential for *direct* effects within the site on unknown subsurface archaeology ranges from high to low. There are three Scheduled Monuments and 15 undesignated heritage assets, all of which have been avoided in the design of the Development. These include the Scheduled Monument Ring enclosures 550m and 595m WNW of Kilrubie Hill (SM2756) located approximately 20 m west of an existing track that would be upgraded for the Development in the south-east of the Site.

Should any unknown subsurface archaeological deposits survive within the Development footprint, these have the potential to be damaged, although due to their undesignated status and disturbance of forestry operations this is not a matter of significance. Mitigation measures would ensure preservation by record for any unknown archaeology.

Indirect Effects

An assessment has also been undertaken of the setting effects for designated and regionally significant heritage assets within the site itself and within 5km, and selected designated assets with a 5 -10 km study area.

The results of the assessment are set out in Chapter 6 of the EIA Report. The results of the assessment show that in the vast majority of cases the effects on the setting of assets would not be of significance. This Statement will focus on the effects which have been assessed as of significance and any implications this has in terms of accordance with local and national planning policy.

A group of Scheduled Monuments comprise the White Meldon Group – essentially the hillforts and related settlement located approximately 3km south of the site. There is also the Black Meldon Hill Fort and settlement, located approximately //km south of the site. These locations also comprise Viewpoints 5 and 4 and the Landscape and Visual and Cultural Heritage Assessment, respectively.

Other hillforts and Scheduled Monuments where the effect on setting has been assessed as significant are:

- Milkieston Rings Fort;
- Cademuir Hill Fort;
- Woodhouse Hill Fort; and
- Whiteside Hill Fort and Ring enclosures at Whiteside Hill.

These are assets of high sensitivity, from which the Development would be visible, leading to a moderate magnitude of change. The level effect on setting would therefore be of significance, as defined in the assessment.

Other assets within the EIA Report study area not related to these hillforts, and where significant effects are found, include:

- Whaup Law cairn;
- Ring enclosures at Green Knowe; and
- Portmore House (Category A Listed Building).

In total, significant effects resulting from changes to cultural significance have been identified at 12 heritage assets located across nine locations, as detailed in Chapter 6 of the EIA Report.

In the case of the hillforts and related assets, given the elevated positions of these assets it is inevitable that there will be a degree of intervisibility with the Development. Historic Environment Scotland advice in relation to setting – Managing Change in the Historic Environment - Setting[65] (MCITHE) advises that setting often extends beyond the property of the asset into a broader landscape and that is the case with these hillforts and associated assets. The guidance also addresses how setting should be analysed and the potential impact of a proposed development evaluated. Factors to be considered include:

- Whether key views to or from the asset are interrupted;
- whether the proposed change would dominate or detract in a way that affects our ability to understand and appreciate the historic asset;
- the visual impact of the proposed change relative to the scale of the historic asset or place and its setting;
- the visual impact of the proposed change relative to the current place of the historic asset in the landscape;
- the magnitude of the proposed change relative to the sensitivity of the setting of an asset.

The assessment which has been undertaken follows this approach and has found the level of effect to be significant in the case of the above noted assets.

The assessment has found no significant effects on other assets, including the Eddleston Conservation Area and Portmore House Garden and Designed Landscape.

SBLDP Policies of relevance to cultural heritage, as note above and at Section 4.4 of this Statement, recognise that in considering the acceptability of proposals, it is necessary to consider whether any significant adverse effects which cannot be mitigated will outweighed by the wider economic, environmental and other benefits of a proposal.

Policy EP8 of the SBLDP states that where proposals would adversely affect the setting of a Scheduled Ancient Monument development should not be permitted unless substantial benefits would arise that clearly outweigh the national value of the site, and that no reasonable alternative means of providing those benefits exist.

Policy EP7 of the SBLDP on Listed Buildings does not include a similar balancing exercise and states that *"new development that adversely affects the setting of a Listed Building will not be permitted".*

In terms of mitigation, for designated heritage assets within the Site, the wind farm forestry plan includes embedded enhancement mitigation for SM2756 Kilrubie Hill Ring Enclosures and SM2755 Whaup Law Cairn. At the Kilrubie Hill Ring Enclosures, forestry within the area to be felled will not be replanted in order to preserve surviving elements

[65] Historic Environment Scotland - Managing Change in the Historic Environment – Setting [Online] Available at: https://www.historicenvironment.scot/archives-and-research/publications/publication/?publicationid=80b7c0a0-584b-4625-b1fd-a60b009c2549 (Accessed 29/04/21)

of the monument. The top of Whaup Law would be felled and not replanted as part of the wind farm forestry plan in order to open up views from Whaup Law Cairn (SM2755) towards the wider landscape, most notably SM2738 Wether Law Cairn to the north-west, which currently does not have intervisibility due to surrounding forestry.

Other heritage assets affected are not within the Site. Given that many of the most sensitive receptors are elevated prehistoric monuments such as hillforts, screening is not a viable option for mitigation. Light Detection and Ranging Survey (LIDAR) over key hill forts in the area provides an opportunity to enhance the appreciation and understanding of heritage assets though would not reduce the effect of the Development in consideration of the overall planning balance.

The full details of the specification for this survey would be resolved in discussions with Historic Scotland, the Council Archaeological Officer and Forestry Scotland senior archaeologist.

The PCR considers the Cultural Heritage effects of the Consented Scheme and the Development. Whilst there are some differences in the assessed effect as a consequence of the differences between designs, broadly speaking the direct and indirect effects on heritage assets are similar for both. The overall number of assessed significant effects in both cases relate to 12 heritage assets.

In terms of the White and Black Meldon Hill Forts, the levels of effect are, respectively, assessed as slight/minor (not significant) and moderate (significant) for both projects.

There are examples where the effect of the Development is assessed as slight/minor (not significant) for the Consented Scheme and Moderate (significant) for the Development[66]. However, in the case of some assets the reverse is the case i.e. a reduced level of effect is found in the Development than the Consented Scheme.

The PCR provides further information on these comparisons in tabular form and the overall picture is one of two projects with very similar levels of effects on cultural heritage resources. The fact that there are some differences is unsurprising given that different assessors are involved who may take a different professional view on the levels of effect, a good example being the assessment of Portmore House.

As with Landscape and Visual Issues, it is informative to examine the conclusions of the Reporters in respect of the Consented Scheme on this issue. They considered that with regard to the Scheduled Monuments within the site, the significant effects would be mitigated by the potential to open views resulting from felling as part of the Development. With regard to the hilltop forts, they considered that the Consented Scheme would not harm the appreciation of understanding of the assets. Overall, they found that the Consented Scheme would have a limited number of moderately significant effects, and in terms of the overall impact of the development on the historic environment these would not be particularly severe given the scale of the development proposed.

The assessment has found no significant effects on any Conservation Areas or Gardens and Designed Landscapes, therefore the Development accords with SBLDP **Policy EP9 – Conservation Areas** and **Policy EP10 – Gardens and Designed Landscapes**.

Given the findings of the assessment of the Development on Archaeology and Cultural Heritage, in terms of indirect setting effects on a number of nationally important assets including Scheduled Monument hillforts and the Category A Listed Portmore House (limited to the effect from one viewpoint) it is accepted that the extent to which the Development's accords with SBLDP **Policy PMD1** – Sustainability; **Policy ED9**– **Renewable Energy; Policy EP7 – Listed Buildings; Policy EP8 – Archaeology** and

[66] In case of Upper Cademuir Hill Fort the effect of the Consented Scheme was assessed as Slight/Minor (not significant) and for the Development the effect is assessed as Moderate (significant).

the Council's **RESG** rests on a balancing exercise, which should weigh the renewable energy and other benefits of the Development against the identified effects on setting.

6.1.8 Noise

The operational policies in relation to noise are: **Policy ED9** which states, amongst other things, that the consideration of renewable energy developments should take account of impacts on communities and individual dwellings in relation to residential amenity and noise. The Council's RESG reiterates the point. Whilst neither Policy ED9 to the RESG refer to battery storage it is reasonable to regard the requirement in respect of noise to apply equally to that element of the Development.

As part of the EIA Report, an assessment of the effects the Development due to noise has been undertaken. Background noise monitoring in accordance with current best practice guidance was undertaken as part of the EIA for the Consented Wind Farm. Noise limits for day time and night-time periods were derived from the results of this monitoring for each assessed receptor; these limits were agreed during the Public Local Inquiry for the Consented Wind Farm, and covered by a Planning Condition. These noise limits remain suitable for the assessment of the Development, and are based on the five identified receptors (Cloich Farm, Harehope Farm, Nether Stewarton, Ruddenleys and Upper Stewarton).

During construction, noise may result from the use of plant and machinery to carry out construction activities. However, due to the substantial separation distance between the Development and residential dwellings, and in line with the findings of the Consented Scheme, unacceptable effects are not anticipated. Nevertheless, Best Practice measures will be adopted to manage noise emissions, including restrictions on working hours during the construction the Development. It is anticipated that the planning condition related to noise for the Consented Scheme will be retained, and applied to any consent for the Development.

During operation, wind turbines can generate noise from the machinery housed within the turbine and from the movement of blades through the air. Modern turbines are designed to minimise noise and planning conditions are used to ensure compliance with specified noise limits. The assessment has been undertaken in accordance with the recommendations of ETSU-R-97, the method of assessing wind turbine noise recommended by Government guidance, and following the current best practice methods described in the GPG, as endorsed by the Scottish Government. It has been shown that noise due to the Development would comply with the requirements of ETSU R-97 at all receptor locations. Furthermore, it has been found that the predicted noise levels due to the operation of the Development are lower than those presented in the 2012 Environmental Statement for the Consented Scheme at all assessed receptors and wind speeds. It is anticipated that the planning condition relating to operational noise for the Consented Scheme will be retained, and applied to any consent for the Development.

The Development includes a battery energy storage system (BESS), which will comprise of eight battery containerised modules, forming four units in total. The primary noise sources will be the air conditioning units used to regulate the temperature of the storage system, meaning the BESS will emit relatively low levels of noise. Given this, coupled with the substantial (approximately 1.7 km) separation distance between the BESS and the closest noise-sensitive receptor, unacceptable effects are not anticipated.

Noise produced during decommissioning of the Development is likely to be of a similar nature to that during construction, although the duration of decommissioning will be shorter than that of construction.

Given the findings of these assessments that noise levels will not exceed the recognised limits, the Development is considered to accord with SBLDP **Policy ED9**– **Renewable Energy,** and the Council's **RESG**.

6.1.9 Access and Transportation

SBLDP Policy IS4 describes the need to provide separate Transport Assessments and Travel Plans where proposals would likely generate significant travel demand. It is considered that this requirement would extend to include Construction Traffic Management Plans. **Policy IS5** regulates the impact of the development on access routes. It is stated that development that would have an adverse impact on a public access route will not be permitted unless a suitable diversion or appropriate, alternative route, as agreed with the Council, is provided.

Chapter 12 of the EIA Report evaluates the effects of the Cloich Forest Wind Farm on the Traffic & Transport resource. The assessment considers access, traffic and transportation effects of the Development during the construction, operational and decommissioning phases. The effect of operational traffic has been scoped out of the assessment, these effects being expected to be minimal and negligible in terms of existing traffic flow levels on routes within the vicinity of the Development. Decommissioning traffic effects have not been considered, as traffic assessment would be undertaken and appropriate traffic management procedures agreed with the relevant authorities at the time prior to decommissioning of the development.

The Site contains two public roads which form the Site access from the A703 namely D17 Whim – Shiplaw Road and D18 Cloich. The public road network in the vicinity of the Development will be used as a potential delivery corridor during the construction by Abnormal Load Vehicles (ALVs) and by general construction traffic including staff. The expected Port of Entry for turbine components will be Grangemouth Harbour and they will then be transported to the Site via the M9 and A720 trunk roads. This port is frequently used by renewables deliveries because it has a sufficient quay and is well located for the trunk road network. Whilst all ALVs will originate from the Grangemouth Harbour and use the abnormal load route identified in Chapter 12 of the EIA Report, the origin of general construction traffic is not currently known and is likely to be distributed throughout the region.

The EIA Report assesses the anticipated vehicle movements associated with the activities required to carry out the Development, including forestry plant and timber extraction; delivery of turbine components; foundation construction and journeys to and from site by construction staff, and compares the traffic generation with the existing baseline, allowing for traffic growth.

Most traffic generated by the Development is associated with the construction phase which is anticipated to last approximately 18 months.

Over the construction period, the total daily vehicle movement numbers peak during month six where a total of around 3,950 vehicle movements are predicted (excluding concrete delivery).

The increase in overall traffic flow and HGV flow was identified to have a potential significant effect on one sensitive receptor; pedestrian amenity, at three locations along the access route. In order to mitigate the effect on pedestrian amenity, mitigation measures will be adopted in the Traffic Management Plan as follows:

- As far as reasonably possible deliveries should be scheduled outside of church opening and closing times;
- Drivers of all delivery vehicles to be made aware during induction of the presence of schools, hospitals, and churches along the construction route.
- Delivery times will be scheduled to ensure that deliveries do not arrive in a convoy;

- Communications with local communities should be maintained for planned activities such as turbine deliveries and concrete delivery days (if onsite batching is not possible).

With these implementation measures the residual effect on pedestrian amenity will not be significant. A traffic management plan will be developed in agreement with Scottish Borders Council and Transport Scotland detailing the exact measures to be implemented during construction of the Development.

During operation traffic generation would be minimal and within the residual capacity of the road network and no significant effects were identified.

Overall, the cumulative impact on access and transport is considered to be low other than the section of the D17/D18 roads providing access to the site, which will be subject to the mitigation outlined above.

Therefore, the development is assessed as being in accordance with **Policies IS4** and **IS5** of the **SBLDP**.

6.1.10 Socio Economics, Tourism and Recreation

SBLDP Policy ED9 states that the considerations relevant to decisions on wind energy proposals include net economic impact, including local community socio economic benefits. The Council's RESG expands on the Policy, stating that wind energy proposals should be accompanied by information on the possible economic benefits of the development for the local area, including reference to local jobs created, supply chain opportunities for local businesses and any wider benefits to the local economy. It also asks that possible negative impacts should also be identified. **Policy ED7** of the SBLDP relates to business, tourism and leisure development in the countryside, and is of limited relevance to the Development.

Regional socio-economic effects have been defined as the scale of the Borders Council Area. The beneficial socio-economic effects associated with the Development would be increased and prolonged as a result of the construction and operation of cumulative wind farm developments, benefiting both the construction and energy generation sectors. However, even with the addition of the Development, the combined effect with other wind farms would be considered unlikely to lead to a fundamental change in economic activity within Borders.

Potential exists in the future, should a large enough number of wind farms be consented in the area, for long-term job creation to occur to support the industry. However, at a regional level, the sustaining of jobs, in construction in particular, is considered not significant.

The greater the capacity of consented and constructed developments in the area, the more likely it is that the local area can benefit from supply chain opportunities. Additionally, it is likely that some operations and maintenance activities of the Development will be based locally as there would be enough opportunity locally to employ full time employees and companies.

The renewables industry is an important economic asset to the UK and Scotland, and supports a substantial and growing number of employment opportunities. The Development will further contribute to the beneficial economic effect of renewable energy, and associated skills base within the Scottish economy. Investment in renewable energy generation in the Scottish Borders is not only helping to meet Council and national climate change targets but it has also delivered economic benefits for the area.

Furthermore, figures from Scottish Renewables[67] show the potential for economic boost from renewable energy projects and a sustained green recovery from the COVID-19 pandemic, signifying that renewable development could play a key role in the country's economic recovery, including both direct employment and large-scale financial investment.

The establishment of a local community fund will make a valuable contribution to the communities surrounding the Site. However, it is recognised that community funds are not normally treated as a material consideration in planning decisions. There is potential for socio economic benefits arising from participation in shared ownership arrangements for the wind farm.

In land use terms, the Site is currently managed for commercial forestry operations, operated by Forestry and Land Scotland (FLS); however, the area around Courhope in the south of the Site consists of improved upland pasture, utilised for sheep grazing, and improved grassland which remains clear of forestry. The forestry on Site is coniferous woodland at varying stages of maturity, including substantial areas of clear felling awaiting re-planting. The pre-existing land use will continue during the operational lifetime of the Development.

There are a number of recreational opportunities within the Primary Study Area, with more opportunities within the wider area, including The Tweed Valley Park, the Borderloop Cycling Track and John Buchan Story, and closer to the site, Portmore House, the Great Polish Map of Scotland and the White and Black Meldon Hill. The Cross Borders Drove Road, one of Scotland's Great Trails, crosses through the Southern part of the site.

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 areas within the Site will be inaccessible to the public during the construction and decommissioning phases for health and safety reasons.

The Development would therefore accord with **Policy ED9** of the **SBLDP** and the associated guidance in the **RESG**. The Socio Economic benefits of the Development are considered further at section 8 of the Statement.

6.1.11 Aviation and Radar

The operational SBLDP policies in relation to this topic are **Policy ED9 – Renewable Energy** which includes amongst its listed criteria that any impacts on aviation and defence interests, telecommunications and broadcasting installations. The RESG provided additional information, stating that the erosion of airspace through wind farm development may compromise safety, capacity and potentially viability of airports. Attention is drawn to Civil Aviation Authority (CAA) policy and guidance on wind turbine development as well as potential lighting requirements. The RESG refers to Ministry of Defence interests (MOD) but only insofar as they relate to the Eskdalemuir Seismic Array[68].

The EIA Report includes an assessment of the radar and aviation impacts of the Development. The assessment takes into account the aviation and air defence activities on the MOD, the National Air Traffics Services (NATs) and Edinburgh Airport and Glasgow Prestwick Airport. A specialist consultant has provided input in relation to potential effects on the Eskdalemuir Seismic Array.

[67] Scottish Renewables – Renewable Energy Research Shows Green Covid -19 Recovery Jobs and Investment Boost [Online] Available at: https://www.scottishrenewables.com/news/648-renewable-energy-research-shows-green-covid-19-recovery-jobs-and-investment-boost (Accessed 14/06/2021)

[68] The Site is within the 50 mile zone within which the MOD must be consulted on wind turbine development.

An assessment has been made of the potential for significant effects of the Development on the aviation resource. This assessment did not identify potential significant effects on any receptors during the construction, operation and decommissioning of the Development.

The Development has been shown to not exceed the allocated budget with regard to Eskdalemuir Seismic Array.

The Development would therefore accord with **Policy ED9** of the **SBLDP** and the associated guidance in the **RESG**.

6.1.12 Shadow Flicker

Shadow flicker is an effect that can occur when, at certain times, the sun may pass behind the rotors of a wind turbine and cast a shadow over nearby properties. In certain circumstances (for example where a window is present in a building facing towards the wind turbine and in sufficient proximity) a flickering effect may occur within the affected property. **Policy ED9** of the **SBLPDP** recognises the potential for such effects to arise as a factor to be taken into account in the assessment of impacts on local communities and individual dwellings. The Council's RESG notes that it is generally accepted that shadow flicker should only be an issue at distances up to 10 times the rotor diameter of a wind turbine, there is some evidence that it may occur at greater distances. The RESG states that the developer should produce a shadow flicker assessment modelled to take into account all residential properties within 2 km of a wind turbine.

The EIA Report includes a shadow flicker assessment which meets the RESG requirements in respect of the distance to properties. This identified 12 dwellings within 2 km of a turbine. The assessment uses the candidate turbine for the Development and assumes 'worst case' situations; for example that the sun is always shining during daylight hours, turbine rotors always face directly towards properties, and that properties have a window facing the relevant turbines and there is no intervening vegetation/screening.

Based on these conservative assumptions, the assessment provides figures for each property of both the theoretical maximum numbers of hours where such effects could occur, but also, assuming bright sunshine for 33% of the times, the likely number of hours per annum for each property. On this basis the greatest potential effects would occur at Cloich Farm, with a theoretical total of 34.8 hours per annum, and likely hours of 11.5 hours per annum taking account of average local sunlight levels. The 'likely' figures may be an overestimate given the 'worst case' assumptions of the assessment which do not allow for the effects of any intervening screening from trees or other features. The recognised threshold of acceptability in respect of shadow flicker[69] is that 30 minutes per day or 30 hours per year should not be exceeded.

Any flicker effects are expected to be further reduced in practice due to screening, further cloud cover and wind direction. In practice, if residential amenity at any property were to found to be unacceptably affected by shadow flicker, mitigation measures will be implemented to reduce the effects or remove flicker effects entirely. A deemed planning permission condition would provide an appropriate form of assurance that any complaints would be investigated within a reasonable timescale and that the rectification of any substantiated shadow flicker issue would be implemented promptly and effectively.

The assessment contained in the EIA Report demonstrates that during the operational phase eight properties are expected to experience shadow flicker. However at no property are shadow flicker effects predicted to exceed the threshold of 30 hours per annum.

[69] Department of the Environment, Best Practice Guidance to Planning Policy Statement 18 'Renewable Energy', 2009 [Online' Available at: https://www.infrastructure-ni.gov.uk/sites/default/files/publications/infrastructure/Best%20Practice%20Guidance%20to%20PPS%2018%20-%20Renewable%20Energy_0.pdf (Accessed 15/03/2021)

Harmful shadow flicker effects should therefore not be experienced by local communities or at individual dwellings. The Development will therefore accord with **Policy ED9** of the **SBLDP** and the associated guidance in the **RESG**.

6.1.13 Telecommunications and Utilities

The matters to be considered under **Policy ED9** of the **SBLPDP** include the potential for wind turbines to affect telecommunications and broadcasting infrastructure. The RESG reiterates theses points and states that planning conditions may be used to ensure that any subsequent interference following construction is rectified.

Due to the size and nature of wind turbines, they have the potential to interfere with electromagnetic signals passing above ground during operation. Infrastructure affected can include telecommunication links, microwave links, and television reception. Consultation with the relevant organisations was initiated during the initial and advanced stages of the EIA to identify any potential microwave or telecommunication links that could be affected by the Development.

The main telecommunications operators have raised no objections to the development. Consultation has also been undertaken with Borders Online, which has confirmed that the proposed turbine locations are not near any telecommunications infrastructure operated by it.

Digital television signals are rarely affected by the operation of wind turbines; however, in some cases interference can be caused by blocking or reflections. The area surrounding the Site, which will include the nearest properties, receives television signals that were made exclusively digital after the digital switchover was completed, and hence no analogue TV signals are broadcast in the area. As a result, and considering the intervening distance between the nearest turbine and property, television reception received by the nearest properties to the Site will not be affected, and no significant effects will occur. However, in the event that interference which is directly attributable to the Development is experienced, the Applicant will endeavour to implement a suitable mitigation solution. These may include: changing the receptor height, re-orientating the receptor to receive signals from an alternative transmitter, upgrading the receptor system or installation of satellite television.

Similarly, should interference to radio signals be experienced as a result of the Development, the technical solutions described in the above paragraph are considered as suitable mitigation measures.

Below ground infrastructure, such as utilities, could be affected during construction; however, implementation of best practice would ensure that these are not adversely affected during construction or operation. Scottish Water did not raise concerns in relation to the Development at Scoping Opinion stage.

A utility search was undertaken during the EIA process which found that no utility links are located within or around the Site. However, prior to construction, a further line-search for undergrounded utilities would be undertaken and any services re-located if necessary. During construction, there may be traffic passing beneath electricity lines along the transportation route. Although it is very unlikely that any damage to this infrastructure will occur, appropriate management measures will be put in place to ensure that electricity lines are not affected by the Development, and that the Development is constructed in accordance with relevant health and safety legislation as appropriate. Additionally, as a result of turbine delivery to the Site there will be telecommunication poles which will be required to be relocated in order to allow safe delivery of abnormal loads to the Site. The relocation of telecommunication infrastructure will be conducted safely, ahead of abnormal load delivery, and in consultation with key stakeholders.

Following the implementation of such measures there will be no adverse effect on utility infrastructure as a result of the Development, and it is not considered further.

The assessment contained in the EIA Report demonstrates that there should be no interference with any telecommunication of broadcasting links or utilities during the construction, operational or decommissioning phases. The Development will therefore accord with **Policy ED9** of the **SBLDP** and the associated guidance in the **RESG**.

6.1.14 Summary of Accordance with Development Plan Policies

In summary, the Development is considered to accord with the relevant national and local planning policies and associated supplementary guidance. The Principle of the Development fully accords with the objectives of the SESPlan and SBLDP policies for sustainable economic growth and steering wind farm development to appropriate locations. The Applicant has proposed 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

7.1.1 The Consented Wind Farm

A Section 36 consent and deemed planning permission for Cloich Wind Farm was granted by Scottish Ministers on 8th July 2016, under reference number EC00003108. This provides a consent on the site for 18 wind turbines (115 m height to tip) and associated infrastructure, with a generating capacity in excess of 50 MW ('the Consented Scheme').

The Consented Scheme remains capable of implementation until 31st March 2022 following an application to the Energy Consents Unit under Section 36C of the Electricity Act 1989 (under the above reference number) to extend the implementation date.

The Development must be considered in light of the Applicant's intention to proceed with the Consented project unless a further consent can be secured for a form of development that would make much better use of the capacity of the site to generate low carbon electricity from the available wind resource. It is for this reason that the Development provides a re-designed project in order to optimise and maximise the potential for renewable energy production.

It is established planning case law that the existence of an unimplemented planning permission for a development constitutes a significant material consideration which should be taken into account in the planning balance. This is often termed 'the fallback position'.

In order to assist the decision takers in understanding the weight which should properly be attached to the Consented Scheme in determining the acceptability of the Development, a Project Comparison Report (PCR) has been prepared.

The main focus of the PCR is the examination of the landscape and visual effects of the Development, however other EIA Topics are also addressed.

In respect of the landscape and visual effects, the key differences between the Consented Scheme and Development relate to the number, positioning, height of the proposed wind turbines, as well as the proportion of each turbine in terms of hub height and rotor length.

The conclusions of the PCR in respect of landscape and visual matters are:

- The Development will only introduce theoretical visibility from very few areas within the Study Area, when compared to the theoretical visibility for the Consented Scheme.
- Where visibility will be introduced, this will largely occur at slightly lower levels on site-facing slopes.
- Although the area of theoretical visibility of the Development is largely the same as that for the Consented Scheme, some LCTs within the Study Area will experience more significant effects. The increased level of significance will predominantly be due to increased visibility and perception of the Development from within these LCTs.
- In terms of the visual impact, the Development will affect a similar horizontal field of view to that of the Consented Scheme when considered from most viewpoints.
- The reduced number of larger turbines forming the Development will generally provide a more balanced layout when compared to the Consented Scheme.
- Whilst the magnitude of change previously identified in relation to the Consented Scheme has altered for several viewpoints, the significance of these effects will not change.
- Changes to significance occur in relation to Viewpoint 7: Minor Road near Spylaw and Wester Deans, Viewpoint 16: Haswellsykes, and Viewpoint 19: Cademuir Hill Fort, which each increase from 'not significant' to 'significant'. In the case of Viewpoint 7, this is due to a slight increase in the horizontal field of view and more

noticeable change in the scale of turbines. For Viewpoint 16 and 19 it is due to the larger scale of turbines, and also more noticeable stacking of turbines from Viewpoint 19.

- Viewpoint 4: The Black Meldon, is located within the Upper Tweeddale NSA and Tweed Valley SLA. The Development will affect a similar horizontal extent of view in comparison to the Consented Scheme, but will introduce fewer, larger-scale turbines in views, will appear more balanced in composition, and will result in less stacking and more regular spacing between turbines. This will improve the appearance of the Development from this viewpoint.

The Development is therefore not expected to result in any 'significant' landscape and visual cumulative effects, which is similar to the overall findings of the LVIA for the Consented Scheme.

In the 'Overall Conclusions and Recommendations' of the Reporters, they found that:

> *"Landscape and visual effects as experienced in views from elevated land to the south, particularly from the Upper Tweeddale National Scenic Area and effects on the setting of the ancient monuments on the Meldon Hills as viewed from Cademuir Hill would be adverse. However we consider these impacts to be relatively modest."*

With regard to the key adopted local planning policy at the time (Policy D4 of the Scottish Borders Consolidated Local Plan 2011) the Reporters found that any adverse effects must be balanced against the economic and environmental benefits of generating 54 MW of renewable energy. They were satisfied that that the benefits of the Consented Scheme outweighed the adverse effects and therefore there was compliance with local plan policy. In respect of the emerging plan, they considered that since the benefits outweighed the identified adverse effects, the Consented Scheme would comply with Policy ED9.

7.1.2 National Planning Framework 4

National Planning Framework 4 (NPF4) is under preparation and will include all aspects of national planning policy as per the provisions of the Planning (Scotland) Act 2019, which was passed by the Scottish Parliament in June 2019. The Act includes a broad range of changes to be made across the planning system, and will have development plan status. It is anticipated that a publication draft NPF4 will be issued around September 2021 and that SPP will be fully replaced when the final version of NPF4 is published in 2022.

A 'Call for Ideas' was launched in January 2020 and an analysis of responses issued in August 2020[70]. The report notes that there was support for maximising the contribution of renewable electricity generation in order to help meet the Net Zero target in a sustainable way. Some respondents also commented that it is important for NPF4 to create a positive development context for renewable energy, thereby promoting investment in renewable technologies. In the medium to long term it is suggested that affordable renewable power could transform Scotland's economy.

In November 2020 the Scottish Government issued the Fourth National Planning Framework Position Statement[71]. Within the introduction – Our Future Places – it is recognised that the planning system will have to be rebalanced so that climate change is a guiding principle in all plans and decisions, focussing efforts on encouraging

[70] Scottish Government (2020) *National Planning Framework 4 Analysis of responses to the call for evidence Executive Study* [Online] Available at: https://www.gov.scot/publications/npf4-analysis-reponses-call-ideas-executive-summary/ (Accessed 16/06/2021)

[71] Scottish Government – Scotland's Fourth National Planning Framework Position Statement [Online] Available at: https://www.gov.scot/publications/scotlands-fourth-national-planning-framework-position-statement/ (Accessed 16/06/2021)

developments that help to reduce emissions. The aim should not be to restrict development, but rather to stimulate that green economy.

It can be expected that NPF4 will confirm the Scottish Government's view that the Global Climate Emergency should be a material consideration in applications for appropriately located renewable energy developments. It will help to deliver the Scottish Energy Strategy (including any updates).

The key opportunities in achieving these aims include supporting renewable energy development, including the repowering and extension of existing wind farms. The potential policy changes include, in respect of onshore wind development:

> *"Updating the current spatial framework for onshore wind to continue to protect National Parks and National Scenic Areas, whilst allowing development outwith these areas where they are demonstrated to be acceptable on the basis of site specific assessments."*

Onshore wind is therefore a key part of the strategy to prioritise the reduction in carbon emissions which will be central to NPF4.

7.1.3 The Need for Increased Height Turbines:

The Development is being presented against a background of continuing need for further onshore wind energy to meet Scottish Government 2020 targets which are set out at Section 4, reaffirmed by the letter from the Chief Planner to all Heads of Planning in November 2015 which confirms that these targets are not a cap. This has been further supported in the Scottish Government's 2017 Energy Strategy and Onshore Wind Policy statement, both of which are also supportive of further onshore wind. Onshore wind is considered to be the cheapest form of renewable energy and the Development is being brought forward in the context of very substantially reduced financial support for onshore wind. The Development seeks to maximise the output from the proposed turbines whilst seeking to respect environmental constraints and also ensure that the electricity will be provided at low cost to the electricity consumer.

The Site benefits from wind speeds necessary to deliver an onshore wind project, but if the size of turbine is limited to the 115m height/rotor lengths specified in the Consented Scheme the output of renewable electricity will be heavily constrained. The Development comprising up to 12 turbines with maximum tip heights of 149.9m to accommodate larger rotor sizes, would enable the available wind resource to be utilised much more effectively and maximise the energy yield of the Site, whilst still achieving a balance with other environmental considerations including landscape and visual considerations. The increase in energy yield of the Development compared with the consented project by using larger turbines at the site has a critical effect on the ability to deliver energy at an acceptable price to the market.

The higher energy capture estimated for the Development of 136.236 MWh is the result of the overall positive impact of accommodating significantly larger rated capacity machines (4MW+) than those used in the Consented Scheme and also the larger rotor diameter available at a higher hub height. The resultant improvement in the energy yield would enable the Applicant to substantially reduce the cost of electricity from the Development, giving a positive benefit to consumers in terms of electricity cost and improving the ability to secure a route to market, for example, through the Contracts for Difference (CfD) mechanism.

A further factor is the tendency for turbine suppliers to increase the height of turbine models whilst at the same time discontinuing the manufacture of smaller turbines due to a global lack of demand for such turbines. Therefore, the reality is that larger turbines need to be deployed if onshore wind is to continue to contribute to both the UK and

Scottish Government's renewable energy targets. The Scottish Government Onshore Wind Policy Statement 2017 acknowledges that:

> *"onshore wind technology and equipment manufacturers in the market are moving towards larger and more powerful (i.e. higher capacity) turbines and that these – by necessity – will mean taller towers and blade tip heights."*

7.1.4 The Impact of Covid-19 and the need for Economic Recovery

In May 2020 the Committee for Climate Change (CCC) wrote to Roseanna Cunningham MSP of the Scottish government to set out its views from building a resilient recovery from the Covid-19 crisis and how climate policy can play a core part. The letter states that there are clear economic and social and environmental benefits from the immediate expansion of a number of measures including investment in low carbon and climate resilient infrastructure. Climate investments can be used to support economic recovery and jobs in addition to reducing emissions. The CCC calls on the UK governments to act to bring such investments forward as part of a targeted and timely stimulus package. The advice would be expanded on in the Annual Progress report to Parliament.

The 2020 CCC report to the UK Parliament does provide important new advice that an economic recovery from the COVID-19 pandemic should strengthen our resilience to the impacts of climate change, whilst driving economic recovery. It exhorts UK Government to "…seize the opportunity to turn the COVID-19 crisis into a defining moment in the fight against climate change". The CCC refers to the six key principles which were outlined in its letter to the Prime Minister in May 2020. The first of these principles being:

> *"Use climate investments to support the economic recovery and jobs. Our previous work has identified a detailed set of investments to reduce emissions and manage the social, environmental and economic impacts of climate change. Many are labour-intensive, spread geographically across the UK and will have high multiplier effects. Government can act to bring these investments forward, often without direct public funding or by co-financing to accelerate private investment, as part of a targeted and timely stimulus package with lasting, positive impacts."*

The also CCC considers that whilst the long term economic implications of Covid-19 are unclear, they are unlikely to alter the trajectory for carbon emissions or the steps which need to be taken to achieve Net Zero. However, in the short term with the economy operating at well below capacity, action by the Government to restore confidence can be complementary to the UK's climate goals. Overall, the Committee recommends that investments in low-carbon and climate adaptation infrastructure must be at the heart of measures to restore economic growth following COVID-19.

The Scottish Government has formed an independent body to advise on the economic recovery required in response to the Covid-19 pandemic. The report of that group – Towards a Robust, Resilient Wellbeing Economy for Scotland – Report of the Advisory Group on Economic Recovery recommends that the Scottish Government, regulatory bodies and local authorities should review the policy the planning and consenting frameworks especially for key infrastructure investments, to accelerate projects. The six principles for resilient recovery set out by the committee on climate change are strongly endorsed, including the use of climate investments to support the economic recovery and jobs.

7.1.5 Progress in meeting the Scottish Government Net Zero Target

The strength of the policy support for the Development which can be taken from UK and Scottish legislation to address climate change can be judged from a recent decision by the Scottish Ministers in relation to the proposed Pauls Hill II wind farm in the Moray Council area. In the decision (which was to grant consent) Minsters pointed to the weight

which should be given to the targets for renewable energy and reduction in carbon emission in the clearest terms:

> *"Scotland's renewable energy and climate change targets, energy policies and planning policies are all material considerations when weighing up the proposed Development. NPF3, SPP, the Energy Strategy and the Onshore Wind Policy Statement make it clear that renewable energy deployment remains a priority of the Scottish Government. This is a matter which should be afforded significant weight in favour of the proposed Development."*

Reaching Scotland's Net Zero target of 2045, five years before the rest of the UK, will be challenging. The targets that are set for renewable energy are described in detail in Section 4 of this Planning Statement.

Scotland's renewable electricity capacity has grown significantly between 2009 and 2019, from around 3.8GW to approaching 12 GW in 2020. Onshore wind remains the largest single technology type at 8.4 MW installed capacity.

The Routemap for Renewable Energy in Scotland estimated that the 2020 renewables target of 100 % would equate to the equivalent of circa 16 GW of installed renewable generation capacity. The most recent Renewable Electricity Planning Statistics for Scotland advise that as of December 2020, Scotland had in the region of 11.9 GW of installed renewable energy capacity, the majority of which was wind generation projects.

The Scottish Energy Strategy 2017 acknowledges that the deployment of renewable energy installations has outperformed the interim 2015 target of 50% of electricity consumption, and could rise to over 140% of Scottish consumption by 2030. Whilst the 2020 target of 100% of electricity consumption from renewable sources may be missed this year, it is well on course to be met in 2021.

The Committee for Climate Change (CCC) has recognised the overall good progress which has been made in the power sector. However, UK Government policy has held back the deployment of onshore wind that would cut energy bills and emissions. The UK is one of several countries and regions to set a net-zero emissions target in the last year, but overall international commitments to reduce emissions remain insufficient. Whilst renewable generation increased in 2018 (17.6% above 2017 levels), it remained at not more than 33% of additional demand for electricity.

The 2020 CCC report to Parliament notes that although UK domestic emissions have fallen since the Climate Change Act was passed in 2008, progress towards future carbon budgets are off- track. Whilst total greenhouse gas emissions fell by 3.2% in 2019 to 480 $MtCO_2e$.102, to achieve Net Zero for the UK an average emissions reduction of around 15.5 $MtCO_2e$ per year over the next 30 years will be required.

The CCC advises that:

> *"Reaching net-zero emissions in the UK will require all energy to be delivered to consumers in zero-carbon forms (i.e. electricity, hydrogen, hot water in heat networks) and come from low carbon sources (i.e. renewables and nuclear, plus bioenergy and any fossil fuels being combined with CCS)".*

A further indicator of the shortfall in the level of carbon emissions needed to achieve net zero is the published Scottish Greenhouse Gas Emissions 2019 report. The CCC recommended a new method of reporting emissions for the purposes of reporting against targets from June 2020. This is known as the GHG Account. On this adjusted basis, the GHG account reduced by 51.5 per cent between the baseline period and 2019. However the Climate Change (Emissions Reduction Targets) (Scotland) Act 2019 specifies a 55.0 per cent reduction over the same period.

In order to meet net zero targets associated with heat and transport (involving increased electrification) additional renewable electricity generation/capacity will required. This

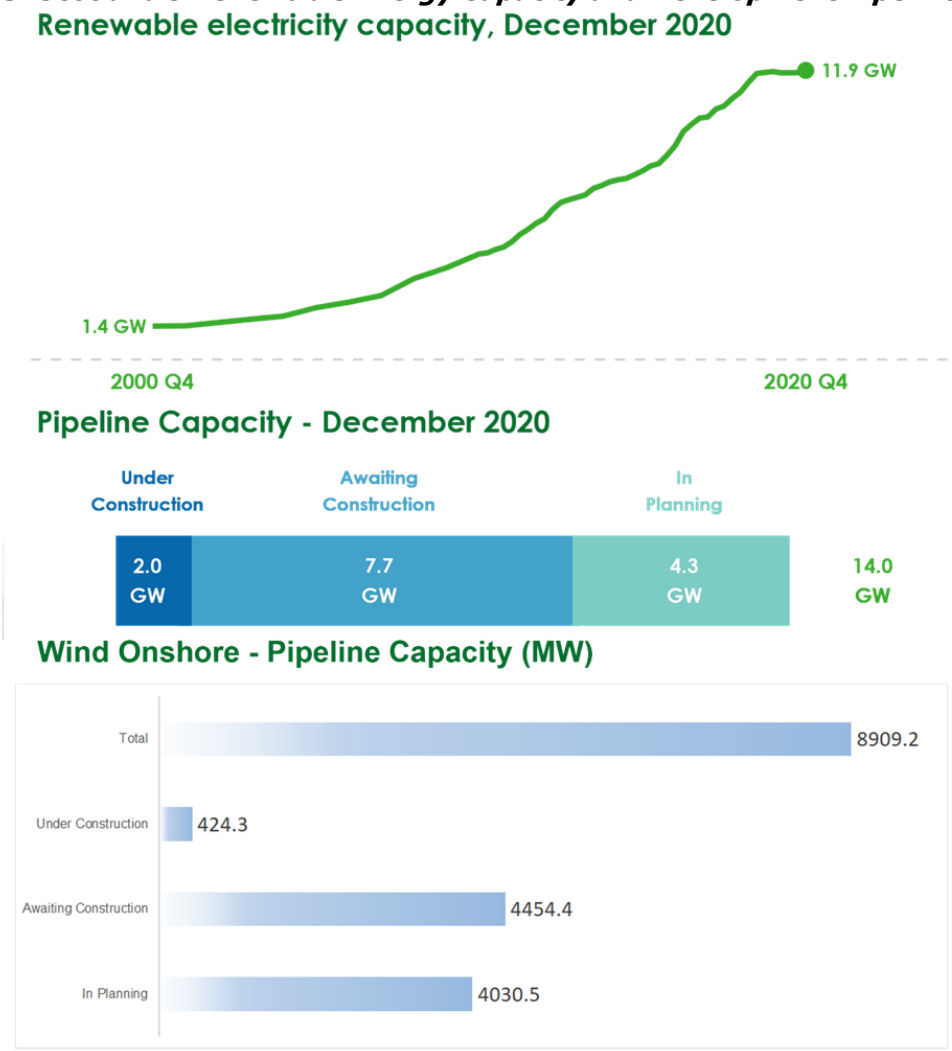
should deliver plans to decarbonise the power system to reach an emissions intensity of 50 gCO_2/kWh by 2030, with at least 40 GW of offshore wind and a role for onshore wind and large-scale solar power, with a clear timetable of regular auctions. Onshore wind farm developments, such as the proposed development, will therefore continue to have an important contribution to make to meeting climate change targets.

It also informative to examine a respected report prepared by SNC-Lavalin and Atkins in July 2020 – Engineering Net Zero – The Race to Net Zero. The report is clear in its analysis that current build rates in the power and energy infrastructure sectors are currently insufficient to enable the move to Net Zero by 2020. The report agrees with the CCC's suggested construction rate of 9 -12 GW of capacity, per year, to 2050. Excluding hydrogen as a generation technology, it is estimated that a total of 20 GW of onshore wind capacity will be required, which allowing for the replacement of existing plant at the end of its operational life, will require a 'run rate' of 0.67 GW per year.

Given existing planning policies at national level, it is probable that the majority of this increased year on year onshore wind capacity will be met in Scotland. The onshore wind capacity within Scotland increased by just over 600 MW in the year 2018 to 2019 but by only 115 MW 2019 -2020. This suggests strongly a need to ramp up the rate of delivery of new onshore wind such as the Development in order to achieve the energy mix needed under Net Zero.

The graph below (Plate 3) shows the growth of renewable energy capacity since 2000 and the breakdown of the 13.9 GW of capacity currently the 'pipeline', according to whether proposals are under construction, consented or in planning awaiting a decision, as at September 2020.

Plate 3: Scotland's Renewable Energy Capacity and Development Pipeline



The Reporter Pines Burn appeal decision summarises the current position:

> *"In December 2017, the Scottish Government published the Scottish Energy Strategy and the Onshore Wind Policy Statement. These documents introduce new targets for 2030 of the equivalent of 50% of the energy for Scotland's heat, transport and electricity consumption to be supplied from renewable sources, and an increase by 30% in the productivity of energy use across the Scottish economy. This may require that renewable electricity generation rises to over 140% of Scotland's electricity consumption. By 2050, targets will require the near complete decarbonisation of the energy system, with renewable energy meeting a significant share of needs. It is stated that onshore wind must continue to play a vital role in meeting energy and climate change goals; its contribution must grow. Scottish Ministers consider that capturing the industrial opportunity presented by growing onshore wind sector is a top priority. The move towards larger, more powerful turbines is acknowledged. In assessing schemes, the need to strike the right balance between environmental impacts, local support, benefits and where possible economic benefits deriving from community ownership remains as before, as does the need for schemes to be compatible with Scotland's magnificent landscapes."*

The available information may suggest that there is an existing supply of onshore wind projects which can be brought forward to meet future needs, and achieve Scottish renewable electricity generation targets. The 'operational' and 'under construction'

figures together equate to 13.9 GW, of which around 8.9 MW comprises onshore wind projects in planning or consented and awaiting construction. However, the essential point is that many consented but as yet unbuilt onshore schemes will not be constructed due to the limited height of turbines in extant consents and therefore may never secure a route to market. Equally some schemes which are in planning are unlikely be built, even if consented.

The Development would have a potential installed capacity of between 50 - 60 MW, depending on the turbine model selected. **Chapter 16: Climate Change and Carbon Balance** provides a detailed assessment of the carbon savings which would be achieved as a result of the Development, in addition to carbon losses and the 'payback period' of the Development. The CO2 emissions of the Development are forecast to be cancelled out within c. 3.1 years, whilst the estimated production of 4,044,480 MWh over the 30 year life of the Development will displace approximately 1,803,840 tonnes of CO2 emissions compared with fossil fuel mix generation which would make a significant contribution to Scottish Government targets on renewable energy and carbon emission reduction.

The Advisory Climate Emergency Response Group report: eight policy packages for Scotland's Green Recovery was issued in June 2020. The group is formed of like-minded leaders spanning Scotland's private, public and private sector delivery organisations and action bodies. The findings of the report build on the CCC principle that climate investment should be used to support the economic recovery and jobs. In particular the group advises that meeting climate change targets will require the provision of additional renewable generation capacity in Scotland, capturing all of the economic value in Scotland, and also supporting be long-term case for renewable electricity export.

In June 2020 Scottish Renewables submitted written evidence to the House of Commons Scottish Affairs Committee Inquiry into Coronavirus and Scotland. The submission strongly advocates that Scotland's renewable energy industry should be at the centre of delivering a green recovery as part of the response to Covid-19. Putting renewable energy at the centre of a green economic recovery can help to future crew energy mix and ensure our economy is more stable resilient. The CCC calculates that the UK will need to quadruple the increase in amounts of renewable electricity by 2050 in order to meet net zero climate change targets, and it is important to ensure that industries which offer significant low carbon growth are supported by the UK government. The UK Government's forthcoming White Paper on Energy should focus on the recovery from Coronavirus and ensure that the long term future of the economy is low carbon and maximises economic opportunities and job creation across all renewable technologies that former Energy System.

The Scottish Government Programme for 2020 -21 – Protecting Scotland, Renewing Scotland, sets the context within which the social and economic impacts of Covid-19 should be considered. The Scottish Government is clear that the economic recovery must be a green recovery and should help to achieve the commitment to be a net zero society by 2045. Amongst the actions which are ongoing to deliver this outcome, the 4th National Planning Framework is being developed to radically accelerate emissions reduction.

In this context, the Development is fully compatible with the aims of stimulating and supporting a green recovery.

7.1.6 The Emerging Local Plan - Scottish Borders Council Local Development Plan 2

The Council considered its Proposed Local Development Plan 2 at it as meeting on 25th September 2020.

The Finalised Proposed LDP2[72] was published for consultation on 3 November 2020, with the period of consultation running until 25 January 2021. The LDP policies relevant to the Development remain substantially the same, and in particular Policy ED9 has not been altered other than by including references to the 2018 Renewable Energy Supplementary Guidance and updated Ironside Farrar Landscape Capacity and Cumulative Impact Study 2016.

The supporting text to the Policy states that the Council has followed national advice in determining applications, supporting proposals in locations considered appropriate, and refusing them in those considered inappropriate. In order to increase operational efficiency some proposals are for larger turbines and the Council has already received applications for turbines 200 metres in height. The council expects more of these proposals to be submitted, such applications must be carefully scrutinised, including assessing any impacts from any required lighting.

Whilst noting that the LDP2 may change as a result of any unresolved objections which will be referred to the Scottish Government, at the present time it is reasonable to assume that the local planning policy context will remain essentially unchanged.

[72] Scottish Borders Local Development Plan (2020) [Online] Available at: https://www.scotborders.gov.uk/downloads/file/7621/proposed_local_development_plan_volume_one (Accessed 09/03/2021)

8 SOCIO-ECONOMIC BENEFITS OF THE DEVELOPMENT

This section summarises the key socio-economic benefits that the Development will provide, whilst **Chapter 15: Socio-economics, Land Use, Recreation and Tourism** 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 have an installed capacity in excess of 50 MW and is not committed to an upper limit. Chapter 15 of the EIA Report provides details of the electricity generation of the Development, based on an assumed turbine capacity factor of 27% and candidate turbines of 4.8 MW capacity. This is likely to result in the production of 136,236 megawatt hours of reliable, low carbon electricity every year. The battery storage element will enable the storage and management of up to 20 MW 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[73] the anticipated Capital Expenditure (CAPEX) is £1.32 m per MW on average. On the basis that the Development has an expected installed capacity of 57 MW, a total CAPEX of the order of £75.2 m, would be expected.

The BiGGAR Report estimates that, of these construction costs, local expenditure would be 12% (in this case Scottish Borders); regional/national expenditure would be 36% (Scotland); and UK expenditure would be 47%. The remaining 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 £35.3 m to the UK economy. Of that approximately £27 m is expected to be spent within Scotland (national) and £9 million is expected to be spent within Scottish Borders (regional).

8.1.3 Employment Opportunities

The UK renewables industry plays a central role in the economy by producing, transforming and supplying energy in its various forms to all sectors. UK Government statistics released on the 31st January 2019 show turnover from renewable energy activity in Scotland was £5.5 million in 2017[74], with individual sectors showing employment increases of up to 300% between 2015 and 2016[75]. The same study found that Scottish renewable developments in support a total of 17,700 jobs, with 33% of those resulting from onshore wind projects (5,800 jobs). In June 2021 the University of Strathclyde's Fraser of Allander Institute released statistics which shows that 22,660 jobs are supported by green energy in Scotland[76]. Additionally, Scottish Government statistics show that in 2017 the Scottish low carbon and renewable energy sector generated over £11 billion in turnover, whilst supporting over 46,000 jobs[77]. Scottish onshore wind projects, which

[73] 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 (Accessed 11/02/2021).

[74] Office for National Statistics – Low carbon and renewable energy economy indirect estimates (2019) [Online] Available at: https://www.ons.gov.uk/economy/environmentalaccounts/datasets/lowcarbonandrenewableenergyeconomyindirectestimatesdataset (Accessed 11/02/2021).

[75] Scottish Renewables (2018) Scots renewable energy industry turnover £5.5 billion, new UK Government stats show [Online] Available at: http://www.scottishrenewables.com/news/scots-renewable-energy-industry-turnover/ (Accessed 11/02/2021)

[76] University of Strathclyde / Fraser of Allander Institute (2021) The Economic Impact of Scotland's Renewable Energy Sector [Online] Available at: https://www.scottishrenewables.com/assets/000/001/718/2021_FAI_Economic_Impact_of_Scotland_s_Renewable_Energy_Sector_original.pdf?1622564058 (Accessed 04/06/2021)

[77] Scottish Government (2019) Annual Energy Statement 2019 [Online] Available at: https://www.gov.scot/publications/annual-energy-statement-2019/pages/3/ (Accessed 11/02/2021)

support 8,000 jobs, delivered almost half (45.8%) of the UK's turnover from onshore wind in 2016, the latest year for which figures are available. Scotland's turnover from onshore wind activities totalled £1.5 billion in 2016 and achieving 'world leader' status for renewables in 2017[78].

It is anticipated that a temporary workforce averaging 75 people will be employed during the 18-month construction period of the Development. Calculated by 'job years', one individual working for 18 months would result in 1.5 job years; therefore, 75 individuals working during the 18-month construction period represents 112.5 job years.

There would also be knock on effects from the direct employment during the construction and development of the Development as employees spend a proportion of their salaries in the wider economy, creating indirect benefits. The research undertaken by RenewableUK in 2012[79] found that the average salary for employees in the onshore wind sector is £34,613.

During the operational period of the Development, there will be both direct and indirect positive effects. The Development will be regularly maintained by a specialist maintenance team. Employees are likely to include a part-time maintenance engineer (local site operator) and a small number of staff to periodically service the turbines. Indirect effects will include local spending by the Applicant and maintenance contractors.

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[80].

The Development will contribute £5,000 per MW installed capacity. This will result in an annual value of up approximately £285,000 per year (based on a conservative estimate of 57 MW). Over the lifetime of the wind farm, assuming a 30 year consent, this will provide up to £8.5 million in community benefit.

8.1.5 Shared Ownership Opportunity

In addition to the community benefit fund outlined above the Applicant will provide the opportunity for local community organisations to invest in the Development through shared ownership. Clearly, investment in wind farms (or any development) carries financial risks and potential investors should seek independent advice. 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 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.

[78] WWF (2017) Scotland a 'World Leader' for renewables in 2017 [Online] https://www.wwf.org.uk/updates/scotland-world-leader-renewables-2017 (Accessed 11/02/2021)
[79] DECC, RenewableUK (2012) Onshore wind: Direct and Wider Economic Impacts [Online] Available at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/48359/5229-onshore-wind-direct--wider-economic-impacts.pdf (Accessed 22/02/2021)
[80] 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 22/02/2021)

9 PLANNING BALANCE AND CONCLUSIONS

The Applicant has submitted a Section 36 Application for the construction and operation of a wind farm and associated development, with a generation capacity exceeding 50 megawatts (MW), together with a battery storage and associated infrastructure, at a site within Scottish Borders to operate for a period of up to 30 years.

This Statement provides a detailed assessment of the Development against the policies identified in Chapter 5 Energy and Planning Policy of the EIA Report. It is recognised that the SBLDP is multi-faceted and that it is necessary to reach 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 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 a deliverable Development can be achieved which 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 environmental receptors, the Development has been found to accord with the relevant national and local policy for energy and renewable and low carbon energy development.

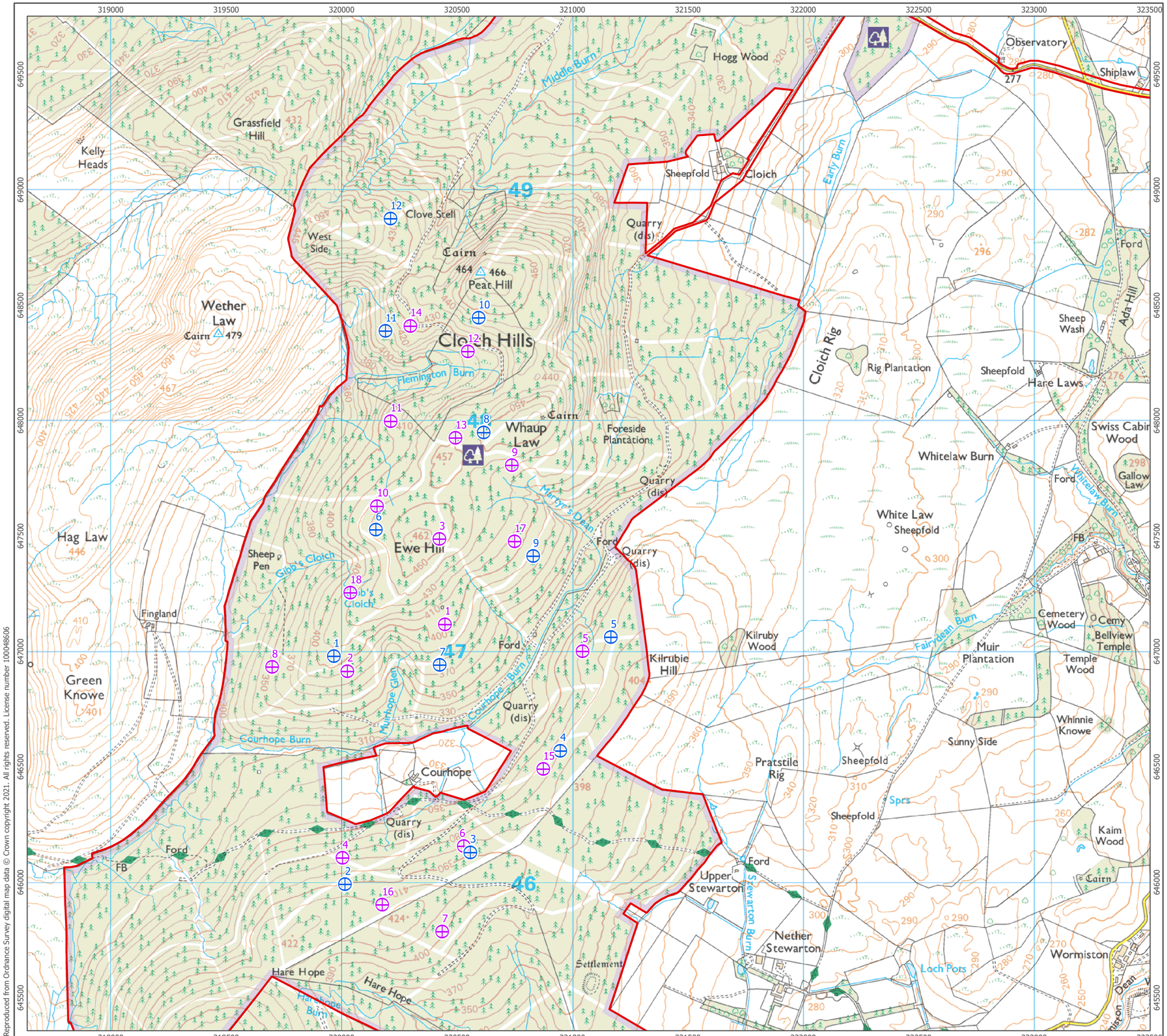
It is integral to planning decision-making that a balancing exercise has to occur in respect of considering the benefits of development against the impacts. The balancing exercise was explicitly recognised in the findings of the Reporters who examined the Consented Scheme and accepted by the Scottish Ministers in their decision to grant consent in July 2016. In this case, there are clear benefits which arise from the renewable energy credentials of the Development which clearly outweigh the adverse effects. The material considerations, which include taking account of the presumption in favour of sustainable development, also weigh in favour of the Development, including the comparisons which can be drawn between the Consented Scheme and the Development.

The UK is also legally bound to reduce carbon emissions and to increase electricity consumption from renewable resources through the Climate Change Act 2008, as amended by the (2050 Target Amendment) Order 2019. Similarly, the Climate Change Scotland Act (2009) has been updated in the Climate Change (Emissions Reduction Targets) (Scotland) Act 2019. Both sets of legislation require a drive towards Net Zero by 2050 and 2045 respectively. 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.

Significant weight should be attached to the strong support of the Government for the development of renewable energy, and onshore wind energy as part of that. The Development draws considerable support from the climate change policies discussed in this Planning Statement. Furthermore, the Development would be a competitive project due to the use of fewer, but larger, turbines than those in the consent project which would make a significant contribution towards achieving targets for renewable energy. This would help to deliver new onshore wind capacity required to help the Scottish Government meet its climate goals and provide low-carbon power that will keep consumer bills down.

Taking into account all relevant material considerations, including national and local policies, the Development is considered to accord with these policies and considerations. The design of 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 under Section 57 of the Act.

APPENDIX 1



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P:\Projects\Environment\3439 Cloich WF\3439 Cloich WF.aprx\3439-REP-119 Fig 1 'Consented Scheme' and 'the Development' Turbine Location Comparison

EDF renewables

ARCUS

- Site Boundary
- 'The Development' Proposed Turbine Location
- 'Consented Scheme' Turbine Location

1:16,000 Scale @ A3

0 250 500 Meters

NORTH

Produced By: KM	Ref: 3439-REP-119
Checked By: FC	Date: 14/06/2021

'Consented Scheme' and 'the Development' Turbine Location Comparison

Cloich Forest Wind Farm Planning Statement