

# RWE

**Lorg Wind Farm  
Section 36 Application  
Planning Statement  
November 2022**



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**Report for**

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**Document revisions**

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1	Draft	11/11/2022
2	Final	21/11/2022

# Executive summary

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## **Purpose of this report**

This report has been produced for the purpose of accompanying the s36 application by RWE Renewables UK Onshore Wind Limited ('The Applicant') for a wind farm of up to 15no. turbines at the previously consented Lorg Wind Farm site. This Planning Statement provides an assessment of The Applicant's proposals against the relevant national and development plan policies identified, and forms part of the section 36 submission to Scottish Ministers for the Proposed Development.

The application has been subject to an Environmental Impact Assessment (EIA) and the EIA report accompanies this application to the Energy Consents Unit (ECU) of the Scottish Government.

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# 1. Introduction

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## 1.1 Overview

- 1.1.1 This Planning Statement provides an assessment of RWE Renewables UK Onshore Wind Limited (the 'Applicant') proposals for a wind farm against the relevant national planning policies, and the relevant development plan policies identified. The proposal comprises up to 15no. wind turbines (the 'Proposed Development'), on land at Lorg in Dumfries and Galloway, and East Ayrshire (the Development Site).
- 1.1.2 The Planning Statement forms part of the section 36 submission to Scottish Ministers for the Proposed Development. The application has been subject to an Environmental Impact Assessment (EIA) and the EIA report accompanies this application to the Energy Consents Unit (ECU) of the Scottish Government.

## 1.2 The Applicant

- 1.2.1 RWE Renewables UK Onshore Wind Limited (RWE) is one of the world's leading renewable energy companies. With around 3,500 employees, the company has onshore and offshore wind farms, photovoltaic plants and battery storage facilities with a combined capacity of approximately 9 gigawatts. RWE is driving the expansion of renewable energy in more than 15 countries on four continents. From 2020 until 2022, RWE targets to invest €5 billion net in renewable energy and to grow its renewables portfolio to 13 gigawatts of net capacity. Beyond this, the company plans to further grow in wind and solar power. The focus is on core markets in Europe such as Scotland, the Americas, and the Asia-Pacific region.

## 2. Background to the Application

### 2.1 Overview

- 2.1.1 The Applicant received planning permission in 2019 under the Town and Country Planning (Scotland) Act 1997 to develop a nine-turbine wind farm (anticipated to be up to 32.4 Megawatts (MW)) at Lorg in Dumfries and Galloway (the 'Consented Development').
- 2.1.2 The Proposed Development to which this application relates is for a larger wind farm comprising fifteen wind turbines and associated infrastructure on the same site (although the site boundary has been slightly expanded). This wind farm would have an installed capacity well in excess of 50 MW, therefore the application requires authorisation from Scottish Ministers under section 36 of the Electricity Act 1989, as amended.
- 2.1.3 The application seeks consent to construct and operate this Proposed Development, as set out at **Section 3.2**. The Proposed Development would replace the existing consent for 9 turbines.
- 2.1.4 The Proposed Development falls under Schedule 2 of The Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017 (the "EIA Regulations") as a generating station (Schedule 2(1)).
- 2.1.5 A Schedule 2 development constitutes EIA development if the development is likely to have significant effects on the environment by virtue of factors such as its nature, size or location as set out in Schedule 3 of the EIA Regulations.
- 2.1.6 In recognition of the scale and nature of the Proposed Development, the application is accompanied by an EIA to assess potentially significant environmental effects.

### Scoping Opinion

- 2.1.7 A Scoping Opinion was received from the Scottish Government Energy Consents Unit (ECU) dated October 2021, which confirms that Scottish Ministers were satisfied with the scope of the EIA as set out in the Scoping report.
- 2.1.8 The Scoping report proposed the topic areas of noise; landscape and visual; historic environment; ecology; ornithology; geology, hydrology and hydrogeology; traffic and transport; socio-economics; infrastructure and other issues including shadow flicker, should be included within the EIA as potential areas for significant effects.

### 2.2 Planning History

- 2.2.1 The relevant planning history for the Site is set out in Table 2.1 below.

**Table 2.1 Planning History**

Date	Reference	Details of application
December 2015	DGC reference 15/P/2/0337	15 turbine wind farm, comprising a cluster of six turbines in the west of the Development Site and nine turbines in the east was

Date	Reference	Details of application
November 2017	EAC reference 15/0935/PP/	submitted to Dumfries and Galloway Council and East Ayrshire Council under the Town and Country Planning (Scotland) Act 1997 (as amended).  The 15 turbine layout was amended in November 2017, with the deletion of the complete western cluster and the positions of the remaining 9 turbines being amended. This layout was granted consent by EAC in 2018 and DGC in 2019.
August 2019	19/1293/FUL	A section 42 application to vary conditions 1, 3 and 25 of 15/P/2/0337 (the consented windfarm) was submitted to DGC in August 2019 to increase the height of six of the consented turbines from up to 130m tip height to up to 149.9m (with the other three turbines already consented at 149.9m) and an increase in the rotor diameter of all nine consented turbines from a maximum of 112m to a maximum of 133m, a 33% increase in generation capacity could be achieved in the order of 43.2MW of renewable energy.  The application was withdrawn on 15 September 2020. This was on the basis that to determine the application following the Finney case, would involve amending the description of development.

## 2.3 Need for the Development

- 2.3.1 Due to the extant planning permission for the 9 turbines in the Consented Development, it is considered that the principle of the use and suitability of the Development site for a wind farm of commercial scale is established. As stated in the 2019 Dumfries and Galloway committee report, it would *'provide a useful contribution to the Scottish Government target of deriving 100% of electricity demand from renewable sources by 2020.'* (paragraph 4.74).
- 2.3.2 The proposed increase in the number, height and rotor diameter of the turbines, as well as an increased operational period, would result in an almost threefold increase in the capacity of the Proposed Development to generate renewable energy. The Proposed Development would therefore make a much greater contribution to UK and Scottish Government renewable energy targets than the Consented Development.
- 2.3.3 In order to meet international obligations, the UK and Scottish Governments are legally committed to reducing greenhouse gas emissions in an effort to reduce the level of future climate change. If constructed, the Proposed Development would provide an important contribution towards renewable generation capacity.



- 2.3.4 The Scottish Government's target is to reduce CO<sub>2</sub> emissions by 75 % by 2030 with net zero targets of all greenhouse gases by 2045. In June 2022, the Scottish Government stated that in 2020, 25.4 % of total Scottish energy consumption came from renewable sources, against a target of 50 % by 2030. A significant increase in wind energy capacity will be required if Scotland is to achieve its ambition to reduce greenhouse gas emissions by 75% by 2030 and to a net-zero state by 2045. The Proposed Development would contribute substantially to achieving these targets.
- 2.3.5 The Consented Development was predicted to have an installed generation capacity of up to 32.4 MW of renewable energy. As set out in **EIA Report, Volume 1, Chapter 2 Scheme Need and Alternatives** with an increase in height of the consented turbines from up to 130m and 149.9m tip height to up to 200 m and six additional turbines, the installed generation capacity at the Development Site can be increased to approximately 96 MW.
- 2.3.6 This optimisation is consistent with the Scottish Government's Onshore Wind Policy Statement<sup>1</sup> (December 2017), which supports the use of new and larger wind turbines where they are appropriately sited. It is considered that the EIA Report accompanying this application demonstrates that the Development Site and the surrounding landscape have the capacity to support both the larger turbines, and the additional six turbines proposed.
- 2.3.7 The Scottish Government published a draft version of a document titled Onshore Wind – Policy Statement Refresh 2021: Consultative Draft<sup>2</sup> (28th October 2021). This document affirms the Scottish Government's support for wind farms as providing an important renewable energy resource, and seeks "*views on an ambition for an additional 8-12GW of onshore wind to be installed in Scotland by 2030 to help us meet our binding net zero commitment.*"
- 2.3.8 In addition, a revised draft National Planning Framework 4 (NPF4) was laid before the Scottish Parliament on 8 November 2022. This draft states that on and off shore electricity generation from renewables exceeding 50 megawatts capacity is strategically important and is accordingly designated as a national development (category 3: *Strategic Renewable Electricity Generation and Transmission Infrastructure*). Inclusion as a national development establishes the general need for renewable projects of strategic scale across Scotland. The carbon savings for the Proposed Development have been calculated using accepted Scottish Government guidance, as set out in **EIA Report, Volume 1. Chapter 6: Renewable Energy, Carbon Balance and Peat Management**.
- 2.3.9 It is predicted that the carbon emissions in developing the Proposed Development will be 'paid back' (i.e. offset by carbon savings) in approximately 1.4 years (approximately 4% of the operational life of 35 years). Even on the most conservative assumptions, it is predicted that the carbon emissions would be offset within approximately 2.6 years.
- 2.3.10 The Proposed Development is expected to provide a total carbon saving of approximately 4.8 million tonnes over its 35-year lifetime, equivalent to the emissions from supplying electricity from a mix of conventional power stations to 81,062 average UK homes.

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<sup>1</sup> [Onshore Wind Policy Statement \(www.gov.scot\)](http://www.gov.scot) (accessed October 2022)

<sup>2</sup> [Onshore Wind Policy Statement Refresh 2021: Consultative Draft \(www.gov.scot\)](http://www.gov.scot) (accessed October 2022)

## 3. Development Site and Proposed Development

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### 3.1 The Development Site and Surroundings

- 3.1.1 The site of the Proposed Development is in the same general location as the Consented Development and is located ~12.3 kilometres (km) south west of Sanquhar and ~11km north east of Carsphairn.
- 3.1.2 The National Grid Reference (NGR) for the Development Site centre is 266700 600800 and it encompasses land within Dumfries and Galloway and East Ayrshire, though a greater part of the Development Site is located within Dumfries and Galloway.
- 3.1.3 **Figure 1.1** in Appendix A shows a Site location map in the wider landscape; and **Figure 3.1 a-c** in Appendix A shows the Development Site boundary.
- 3.1.4 The nearest residential properties to the Development Site are at Polskeoch (approximately 700m from the Development Site boundary and approximately 1,190m from the nearest turbine) and Upper Holm of Dalquhairn (approximately 740m from the Development Site boundary and approximately 2,150m from the nearest turbine).
- 3.1.5 There is also a bothy located at Polskeoch, approximately 410m from the Development Site boundary. Whilst this is available for use by walkers as a shelter, it does not have running water or sanitation.

### The Existing Site

- 3.1.6 The Development Site covers an area of approximately 1,243 hectares (ha) of mainly moorland with no tree cover, with the primary land use being grazing sheep. The elevation of the Development Site is approximately 255m to 640m Above Ordnance Datum (AOD).
- 3.1.7 The Development Site is divided into two areas by the steep-sided valley formed by the Water of Ken, with Lorg Farmhouse located on the relatively flat land found north of the river and alongside the Lorg Burn. The valley of the Lorg Burn in the north-west of the Development Site is steeply sloped and surrounded by a semi-circle of high ridges and peaks, including Ewe Hill, Alwhat, Meikledodd Hill and Lorg Hill.
- 3.1.8 The Water of Ken runs through the Development Site from the north east to the south west, it continues to run southwards roughly parallel with the C class road between the Development Site boundary and the B729.
- 3.1.9 The south east of the Development Site is defined by the north-flowing Pulmulloch Burn and surrounding peaks of Altry Hill, Craigstewart, Coranbae Hill, Cairn Hill, Black Hill, High Countam and Fortypenny Hill. This valley is less steep than that of Lorg Burn.
- 3.1.10 The 'Lorg Trail' footpath joins the Southern Upland Way (SUW) just north of the Development Site. The SUW continues to the east of the Development Site, before running along part of the eastern and southern site boundaries.
- 3.1.11 In addition to the Water of Ken and the Lorg Burn, a number of other small burns cross the Development Site.

## Site Use

- 3.1.12 The Development Site is owned by several landowners, with the historic and the current land use primarily comprising the grazing of sheep. There is no forestry within the Development Site boundary.

## 3.2 The Proposed Development

- 3.2.1 The Proposed Development is set out in detail at **EIA Report, Volume 1, Chapter 3: Description of the Proposed Development** of the accompanying EIA report, and briefly comprises the following:
- Up to 15 wind turbines, each up to 200 m to blade tip height;
  - Access tracks and ancillary development connecting the infrastructure elements;
  - Access from B729 and C class road (Lorg Road) for HGVs only (no turbine deliveries);
  - Hard standing areas e.g. crane pads and storage areas;
  - Borrow pit(s) to be located within the borrow pit search areas;
  - Two 'permanent' anemometer masts up to 100m high;
  - Temporary works i.e. two construction compounds and gatehouse; and
  - On-site electrical infrastructure including a wind farm control building and a Scottish Power Energy Networks (SPEN) 132/33kV substation A and a SPEN 33kV substation B and underground cabling between these buildings and the turbines.
- 3.2.2 The key development features of the Proposed Development are set out in more detail in Table 3.1 at **EIA Report, Volume 1, Chapter 3: Description of the Proposed Development**.
- 3.2.3 The indicative turbine locations are shown in **Table 3.1** below, along with the proposed anemometry masts, and the layout for the proposed turbines is shown on **Figure 2** in Appendix A.

**Table 3.1 Wind Turbine and Anemometry Mast Locations**

Component	Maximum Height (m)	Location (NGR)
Turbine 1	200	E267619, N 599928
Turbine 2	200	E 268060, N 599026
Turbine 3	200	E 268013, N 600532
Turbine 4	200	E 268286, N 600143
Turbine 5	200	E 268087, N 599579
Turbine 6	200	E 268712, N 599660
Turbine 7	200	E 268672, N 600667
Turbine 8	200	E 268735, N 599187

Component	Maximum Height (m)	Location (NGR)
Turbine 9	200	E 268812, N 600230
Turbine 10	200	E 268500, N 601112
Turbine 11	200	E 264331, N 601314
Turbine 12	200	E 264252, N 602022
Turbine 13	200	E 263670, N 601037
Turbine 14	200	E 264872, N 602170
Turbine 15	200	E 264703, N 602170
Anemometry Mast	100	E 267987, N 600212
Anemometry Mast	100	E 264488, N 601891

### 3.3 Micrositing

- 3.3.1 A micro-siting allowance of 50 m for the wind turbine locations, and 50 m from the extremities of all other infrastructure is proposed. Any repositioning will be limited so as not to encroach into any environmentally or technically constrained areas. In addition, the micrositing allowance provides scope to mitigate any potential geo-environmental or geotechnical constraints which may be identified during detailed site investigation works or preparatory ground works. This can potentially reduce peat disturbance, avoid sensitive habitats, the need for foundation piling, and any currently undetected archaeological remains.
- 3.3.2 Where environmental and technical constraints may fall within a micrositing area, further encroachment on such areas can be restricted in any condition attached to the grant of consent.

## 4. Planning Policy Considerations

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### 4.1 Introduction

- 4.1.1 There are legal, policy and advice documents which would be material considerations in the determination of the section 36 application for the Proposed Development, including those noted in the following sections.
- 4.1.2 This policy context forms the basis of the planning appraisal of the Proposed Development set out in **EIA Report, Volume 1, Chapter 5: Planning Policy**.

### 4.2 The Regulatory Context

#### The Electricity Act 1989

- 4.2.1 The application for the Proposed Development is made pursuant to section 36 of the Electricity Act 1989 (as amended), as a generating station with capacity exceeding 50 MW. The Act requires that a generating station with a capacity exceeding 50MW is not constructed, extended, or operated except in accordance with a consent granted by the Scottish Ministers. The Proposed Development is a wind farm generating station that will have a generating capacity in excess of 50 MW and requires section 36 consent.
- 4.2.2 The Electricity Act, at Schedule 9, Paragraph 3 requires the Scottish Ministers, to have regard to the desirability of preserving natural beauty, conserving flora, fauna and geological or physiographical features of special interest and of protecting sites, buildings, and objects of architectural, historical, or archaeological interest (paragraph 3(1)(a)), and where the person who formulates the proposals is a licence-holder, there is a requirement for them to do what they reasonably can to mitigate any effect that the proposals would have on the natural beauty of the countryside or on any such flora, fauna, features, sites, buildings, or objects (paragraph 3(1)(b)). A licence-holder is also required to avoid, so far as possible, causing injuries to fisheries or to the stock of fish in any waters (paragraph 3(3)).

#### The Town and Country Planning (Scotland) Act 1997 as amended

- 4.2.3 The principal planning statute is the Town and Country Planning (Scotland) Act 1997 as amended.
- 4.2.4 Section 57(2) states that on grant of a consent under section 36 of the Electricity Act 1989, "*Scottish Ministers may give a direction for planning permission to be deemed to be granted, subject to such conditions (if any) as may be specified in the direction, for – (a) so much of the operation or change of use to which the consent relates as constitutes development; (b) any development ancillary to the operational change of use to which the consent relates*"
- 4.2.5 Section 25 of the Town and Country Planning (Scotland) Act 1997 is not engaged for applications pursuant to section 36 of the Electricity Act 1989 (i.e., the development plan does not take primacy in the determination process). In considering the overall legal framework within which the Proposed Development would be assessed, however, the Development Plan is considered a material consideration that may be taken into account by Scottish Ministers in the determination of this application. The Act notes at Part 3ZA the

*“purpose of planning is to manage the development and use of land in the long-term public interest”, and highlights that this includes “anything which contributes to sustainable development... is to be considered in the long-term public interest.”*

## 4.3 National Planning Policy Context

- 4.3.1 National planning policy is contained within the current National Planning Framework (NPF) 3 and the Scottish Planning Policy (SPP). A revised draft National Planning Framework 4 (NPF4) was laid before the Scottish Parliament on 8<sup>th</sup> November 2022. Once adopted NPF4 will become the single national planning policy document, replacing both NPF3 and SPP and will have Development Plan status when it comes into force.
- 4.3.2 More specific national planning policies of relevance to the Proposed Development, as well as relevant National Planning Advice and Circulars are also referred to within this Planning Statement.

### Scottish Planning Policy<sup>3</sup>

- 4.3.3 SPP (June 2014) sets out national planning policies that reflect the priorities of the Scottish Ministers for the operation of the planning system and the development and use of land through sustainable economic growth, with a *‘presumption in favour of development that contributes to sustainable development’*.
- 4.3.4 Paragraph 29 sets out the following general principles to guide decision making with regard to sustainability:
- *“giving due weight to net economic benefit;*
  - *responding to economic issues, challenges and opportunities, as outlined in local economic strategies;*
  - *supporting good design and the six qualities of successful places;*
  - *supporting delivery of infrastructure, for example transport, education, energy, digital and water;*
  - *supporting climate change mitigation and adaptation including taking account of flood risk;*
  - *improving health and well-being by offering opportunities for social interaction and physical activity, including sport and recreation;*
  - *having regard to the principles for sustainable land use set out in the Land Use Strategy;*
  - *protecting, enhancing and promoting access to cultural heritage, including the historic environment;*
  - *protecting, enhancing and promoting access to natural heritage, including green infrastructure, landscape and the wider environment;*
- 4.3.5 The SPP sets out four planning outcomes to explain how planning should support Scotland’s vision of achieving sustainable economic growth:
1. A successful, sustainable place;
  2. A low carbon place;

<sup>3</sup> [Supporting documents - Scottish Planning Policy - gov.scot \(www.gov.scot\)](https://www.gov.scot/supporting-documents/scottish-planning-policy)

3. A natural, resilient place; and
  4. A more connected place.
- 4.3.6 The SPP recognises that renewable energy generation, including onshore wind, will contribute to more secure and diverse energy supplies and support sustainable economic growth. The commitment to increase the amount of electricity generated from renewable sources including onshore wind is a vital part of the response to climate change.
- 4.3.7 Onshore wind is addressed by SPP at paragraphs 161 – 166. Paragraph 161 requires planning authorities to set out a spatial framework identifying appropriate areas for onshore wind farms, and “*development plans to indicate the minimum scale of onshore wind development that their spatial framework is intended to apply to*”.
- 4.3.8 SPP provides guidance on how spatial frameworks should be set out, identifying three area types, as follows:
- *Group 1: Areas where wind farms will not be acceptable* (National Parks and National Scenic Areas);
  - *Group 2: Areas of significant protection... wind farms may be appropriate in some circumstances* (national and international designations, nationally important mapped environmental interests, community separation for considering visual impact); and
  - *Group 3: Areas with potential for wind farm development* (wind farms are likely to be acceptable, subject to detail)
- 4.3.9 Paragraph 161 also requires development plans to “*set out the criteria that will be considered in deciding all applications for wind farms of different scales – including extensions and re-powering – taking account of the considerations set out at paragraph 169*”.
- 4.3.10 Paragraph 169 sets out criteria which must be taken into account for energy infrastructure developments, in addition to the spatial framework, including:
- *“net economic impact, including local and community socio-economic benefits such as employment, associated business and supply chain opportunities;*
  - *the scale of contribution to renewable energy generation targets;*
  - *effect on greenhouse gas emissions;*
  - *cumulative impacts – planning authorities should be clear about likely cumulative impacts arising from all of the considerations below, recognising that in some areas the cumulative impact of existing and consented energy development may limit the capacity for further development;*
  - *impacts on communities and individual dwellings, including visual impact, residential amenity, noise and shadow flicker;*
  - *landscape and visual impacts, including effects on wild land;*
  - *effects on the natural heritage, including birds;*
  - *impacts on carbon rich soils, using the carbon calculator;*
  - *public access, including impact on long distance walking and cycling routes and scenic routes identified in the NPF;*
  - *impacts on the historic environment, including scheduled monuments, listed buildings and their settings;*

- *impacts on tourism and recreation;*
- *impacts on aviation and defence interests and seismological recording;*
- *impacts on telecommunications and broadcasting installations, particularly ensuring that transmission links are not compromised;*
- *impacts on road traffic;*
- *impacts on adjacent trunk roads;*
- *effects on hydrology, the water environment and flood risk;*
- *the need for conditions relating to the decommissioning of developments, including ancillary infrastructure, and site restoration;*
- *opportunities for energy storage; and*
- *the need for a robust planning obligation to ensure that operators achieve site restoration.”*

- 4.3.11 In relation to the natural environment, SPP advises at paragraph 202, that the “*siting and design of development should take account of local landscape character. It states that decisions should “take account of potential effects on landscapes and the natural and water environment, including cumulative effects. Developers should seek to minimise adverse impacts through careful planning and design.”*”
- 4.3.12 Paragraph 203 indicates that planning permission should be refused “*where the nature or scale of a development would have an unacceptable impact on the natural environment.”*”

## National Planning Framework 3<sup>4</sup>

- 4.3.13 Scotland’s Third National Planning Framework (NPF3 – Scottish Government, 2014) provides a statutory framework for Scotland’s long-term spatial development.
- 4.3.14 The NPF states an ambition to achieve at least an 80% reduction in greenhouse gas emissions by 2050, aiming to help achieve the Scottish Government’s climate change and renewable energy targets.
- 4.3.15 NPF3’s vision for Scotland as a low carbon place notes that Scotland has “seized the opportunities arising from our ambition to be a world leader in low carbon energy generation, both onshore and offshore”.

## Scotland’s Revised Draft National Planning Framework<sup>5</sup> (NPF4)

- 4.3.16 The NPF4 was laid before the Scottish Parliament on 8 November 2022. NPF4 is required to be approved by the Scottish Parliament, then adopted by Scottish Ministers. On adoption, the provisions in the Planning Act will commence, which will make NPF4 part of the statutory development plan and therefore directly influence planning decisions.
- 4.3.17 As noted above, the current NPF3 and SPP, both published in 2014 and over 8 years old, remain in place until NPF4 is adopted by Scottish Ministers. NPF4 will then replace both NPF3 and SPP, becoming the single national planning policy document, forming part of the Development Plan and having equivalent status for applications subject to Section 25 of the Planning Acts.

<sup>4</sup> [National Planning Framework 3 - gov.scot \(www.gov.scot\)](https://www.gov.scot)

<sup>5</sup> [Revised Draft NPF4 | Transforming Planning](#)



- 4.3.18 The Town and Country Planning (Scotland) Act 1997 as amended, directs that the NPF must contribute to a series of six outcomes, including meeting targets for emissions of greenhouse gases. The plan sets a target of net zero emissions by 2045 and must make significant progress towards this by 2030.
- 4.3.19 NPF4 supports development which helps to meet Scotland's greenhouse gas emissions targets and states in 'Reducing Greenhouse Emissions': "*The global climate emergency and the nature crisis have formed the foundations for the spatial strategy as a whole. The regional priorities share opportunities and challenges for reducing emissions and adapting to the long-term impacts of climate change, in a way which protects and enhances our natural environment.*"
- 4.3.20 At Annex B, (pg.103) NPF4 provides that on and off shore electricity generation from renewables exceeding 50 megawatts capacity is strategically important and is accordingly designated a national development (category 3: *Strategic Renewable Electricity Generation and Transmission Infrastructure*). Inclusion as a national development establishes the general need for renewable projects of strategic scale.
- 4.3.21 Policy 1 requires significant weight to be given to the global climate and nature crises, when considering all development proposals. Policy 2 aims to encourage, promote and facilitate development that minimises emissions and adapts to the current and future impacts of climate change.
- 4.3.22 By supporting the transition of key emissions generating activities, Policy 11 Energy supports renewable energy development, and aims to "*encourage, promote and facilitate all forms of renewable energy development onshore and offshore.*"
- 4.3.23 It states that "*a) Development proposals for all forms of renewable, low carbon and zero emissions technologies will be supported. These include (i) wind farms, including repowering, expanding and extending the life of existing wind farms.*"
- 4.3.24 Paragraphs b and d are not considered relevant as there is no impact on international or national designations.
- 4.3.25 The policy (paragraph (c)) only supports proposals which maximise net economic impact, including local and community socio-economic benefits, and (paragraph (e)) requires the design and mitigation of projects to demonstrate how impacts are addressed against a range of criteria, as follows:
- i. *"impacts on communities and individual dwellings, including, residential amenity, visual impact, noise and shadow flicker;*
  - ii. *significant landscape and visual impacts, **recognising that such impacts are to be expected for some forms of renewable energy.** Where impacts are localised and/ or appropriate design mitigation has been applied, they will generally be considered to be acceptable; [emphasis added]*
  - iii. *public access, including impact on long distance walking and cycling routes and scenic routes;*
  - iv. *impacts on aviation and defence interests including seismological recording;*
  - v. *impacts on telecommunications and broadcasting installations, particularly ensuring that transmission links are not compromised;*
  - vi. *impacts on road traffic and on adjacent trunk roads, including during construction;*
  - vii. *impacts on historic environment;*
  - viii. *effects on hydrology, the water environment and flood risk;*

- ix. *biodiversity including impacts on birds;*
  - x. *impacts on trees, woods and forests;*
  - xi. *proposals for the decommissioning of developments, including ancillary infrastructure, and site restoration;*
  - xii. *the quality of site restoration plans including the measures in place to safeguard or guarantee availability of finances to effectively implement those plans; and*
  - xiii. *cumulative impacts.”*
- 4.3.26 The policy places “*significant weight on the contribution of the proposal to renewable energy generation targets and on greenhouse gas emissions reduction targets*” in considering these impacts.
- 4.3.27 The policy goes on to state that “*f) Consents for development proposals may be time-limited. Areas identified for wind farms are, however, expected to be suitable for use in perpetuity.*”

## 4.4 Planning Advice and Circulars

- 4.4.1 National planning policy is supported by a range of planning advice notes (PANs) and Circulars, produced by the Scottish Government, providing best practice advice on development. Planning Circulars contain policy on the implementation of legislation or procedures. Those of relevance are set out in table 4.1 below:

**Table 4.1 Planning Advice Notes and Online Guidance Notes**

Title	Summary of Document
<b>PAN 1/2013 Environmental Impact Assessment</b>	Information on the role local authorities and consultees play as part of the EIA process, and how the EIA can inform development management
<b>PAN 60 (2000) Planning for Natural Heritage</b>	Provides advice for developers on the importance of discussing their proposals with the planning authority and NatureScot and use of the EIA process to identify the environmental effects of development proposals and seek to prevent, reduce, and offset any adverse effects in ecology and biodiversity.
<b>PAN 61 (2001) Sustainable Urban Drainage Systems</b>	Good practice drainage guidance.
<b>PAN 68 (2003) Design Statements</b>	PAN 68 covers the importance of design statements, providing flexible guidance on their preparation, structure, and content. The PAN also outlines the principles underpinning the production of design statements, as expected by the Scottish Government.
<b>PAN 75 (2005) Planning for Transport</b>	The objective of PAN 75 is to integrate Development Plans and transport strategies to optimise opportunities for sustainable development and create successful transport outcomes.
<b>PAN 3/2010 Community Engagement</b>	Provides advice on how to engage with local communities through the planning process.

Title	Summary of Document
<b>PAN 1/2011 Planning and Noise</b>	Provides advice on the role of the planning system in helping to prevent and/ or mitigate any potential adverse effects of noise. It promotes the principles of good acoustic design and promotes a sensitive approach to the location of new development. Paragraph 29 refers specifically to the two types of noise from wind turbines – ‘the mechanical noise from the turbines and the aerodynamic noise from the blades.’ The guidance states that ‘Good acoustical design and siting of turbines is essential to minimise the potential to generate noise’. The guidance refers to advice in ‘The Assessment and Rating of Noise from Wind Farms’ (ETSU-R-97) and ‘the findings of the Salford University report into Aerodynamic Modulation of Wind Turbine Noise.’
<b>PAN 2/2011 Planning and Archaeology</b>	The PAN is intended to inform local authorities and other organisations of how to process any archaeological scope of works within the planning process.
<b>PAN 51 Planning, Environmental Protection and Regulation (Revised 2006)</b>	Details the role of the planning system in relation to the environmental protection regimes.
<b>Online Planning Advice on Flood Risk (2015)</b>	Provides advice on the role of the planning system and the assessment and management of flood risk.

4.4.2 In addition, the following Documents produced by the Scottish Government and Scottish Natural Heritage (now NatureScot) are also considered relevant.

## Onshore Wind Policy Statement Refresh 2021 - Consultative Draft<sup>6</sup>

4.4.3 This consultation policy statement was published in October 2021 as an update to the original statement published in 2017, and notes that *‘onshore wind remains vital to Scotland’s future energy mix, and we will need much more as we continue our progress to meet Scotland’s legally binding net zero target.’*

## Onshore wind planning: frequently asked questions<sup>7</sup>

4.4.4 This online guidance published in February 2016, is a series of questions and answers. Of particular relevance, the guidance notes that:

- Explains that deep peat and carbon rich soil mapping currently being prepared by SNH (now NatureScot) will be able to map these resources for inclusion within wind energy spatial frameworks; and
- *“Landscape capacity does not form part of the spatial frameworks for wind as defined in the SPP. However they can be supportive studies relevant to development management and for planning policy related to natural heritage and the landscape.”*
- Contains guidance on how community separation distances should be applied within the spatial development frameworks, noting that the application of a separation distance on a wind energy spatial framework *“is not a ban on wind farm development*

<sup>6</sup> [Onshore Wind Policy Statement Refresh 2021: Consultative Draft \(www.gov.scot\)](https://www.gov.scot) (accessed October 2022)

<sup>7</sup> [Onshore wind planning: frequently asked questions - gov.scot \(www.gov.scot\)](https://www.gov.scot)

*in the identified area*” and separation distances should be defined by taking account of local topography, landscape and built environment features;

- States that the sites of proposed wind farms should be suitable for use in perpetuity, noting that *“the permanent suitability of a site for wind farm use is important as it has a relationship to the potential repowering of a site and the expectation that a wind farm in use today will in principle be acceptable in the long term if reconfigured.”*
- Clarifies that the term ‘wild land’ refers specifically to the SNH (now NatureScot) map of wild land areas (2014).

## Historic Environment Policy for Scotland<sup>8</sup> (HEPS)

4.4.5 This Historic Environment Scotland document (2019) is a non-statutory policy document which directs decision making affecting the historic environment, alongside national policy. The document sets out six policies for managing the historic environment, of which the following are considered relevant:

- *“HEP1 Decisions affecting any part of the historic environment should be informed by an inclusive understanding of its breadth and cultural significance;*
- *HEP2 Decisions affecting the historic environment should ensure that its understanding and enjoyment as well as its benefits are secured for present and future generations; and*
- *HEP4 Changes to specific assets and their context should be managed in a way that protects the historic environment. Opportunities for enhancement should be identified where appropriate. If detrimental impact on the historic environment is unavoidable, it should be minimised. Steps should be taken to demonstrate that alternatives have been explored, and mitigation measures should be put in place.”*

## Spatial Planning for Onshore Wind Turbines – Natural Heritage Considerations<sup>9</sup> (SNH, June 2015)

4.4.6 Part 3 Development Management within this document identifies natural heritage considerations relevant to the determination of applications for wind energy developments. It reiterates the importance of relevant natural heritage factors set out in SPP and NPF3 being covered in development plans, in particular paragraph 169.

4.4.7 In relation to the impacts of wind energy development on carbon rich soils, deep peat and priority peatland habitat, the document states carbon rich soils, deep peat and priority peatland habitat maps within wind farm spatial frameworks *“cannot (and should not) be used in isolation to determine the impacts of a specific development proposal on peat. This should be based on a detailed, site specific survey of peatland habitats and peat depths across the site using existing methods...”*

## 4.5 Local Planning Policy and Guidance

4.5.1 The site falls within the administrative boundaries of both Dumfries and Galloway and East Ayrshire. The relevant development plan policies for the Site are set out below.

<sup>8</sup> [historic-environment-policy-for-scotland \(1\).pdf](#)

<sup>9</sup> [Guidance - Spatial Planning for Onshore Wind Turbines - natural heritage considerations - June 2015.pdf \(nature.scot\)](#)

## Dumfries and Galloway

- 4.5.2 The Dumfries and Galloway Local Development Plan 2 (LDP2)<sup>10</sup>, adopted on 3rd October 2019. LDP2 is supported by Supplementary Guidance including 'Wind Energy Development: Development Management Considerations' (adopted February 2020) and the 'Dumfries and Galloway Wind Farm Capacity Study' (adopted February 2020).
- 4.5.3 **Policy OP1: Development Considerations** sets out how all forms of development will be assessed against considerations under the following headings, where relevant to the scale, nature and location of the proposal:
- a) general amenity;
  - b) historic environment;
  - c) landscape;
  - d) biodiversity and geodiversity;
  - e) transport and travel;
  - f) sustainability and the water environment, where relevant to the scale, nature and location of the proposal; and
  - g) water environment.
- 4.5.4 The policy also states that the Dumfries and Galloway Landscape Assessment will be a material consideration in the assessment of proposals.
- 4.5.5 **Policy OP2: Design Quality and Placemaking** states that: *"Development proposals should achieve high quality design in terms of their contribution to the existing built and natural environment contributing positively to a sense of place and local distinctiveness..."*.
- 4.5.6 **Policy ED10: Galloway and Southern Ayrshire Biosphere** supports the aims of the UNESCO Biosphere and encourages development that demonstrates *"innovative approaches to sustainable communities and the economy, and supports the enhancement, understanding and enjoyment of the area as a world class environment. Development must be appropriate to the role of the different zones within the Biosphere."* The Site is located within the 'transition area' of the Biosphere. *"The Biosphere was created to protect the biological and cultural diversity of this area whilst promoting sustainable economic development."*
- 4.5.7 **Policy ED11: Dark Skies** supports the Galloway Forest Dark Sky Park and seeks to secure levels of lighting that are *"appropriate to the nature of the development, contribute to sustainable development, and do not adversely affect the objectives of the Dark Sky Park designation"*. The Site is within the transition zone, a 10 mile radius of the Park.
- 4.5.8 **Policy HE1: Listed Buildings** supports development that *"makes effective, efficient and sustainable use of listed buildings."* The policy sets out requirements for development that impacts on the character or appearance of a listed building or its setting.
- 4.5.9 **Policy HE3: Archaeology** supports development which *"protects significant archaeological and historic assets, and the wider historic environment from adverse effects"*, and sets out requirements in relation to development proposals affecting such assets.

<sup>10</sup> [Adopted Local Development Plan 2 \(dumgal.gov.uk\)](http://dumgal.gov.uk)

- 4.5.10 **Policy HE6: Gardens and Designed Landscape** gives support for development which “protects or enhances the significant elements, specific qualities, character, integrity and setting, including key views to and from, gardens and designed landscapes included in the Inventory of Gardens and Designed Landscapes or the Non-Inventory List.”
- The Council requires to be satisfied that the proposed development protects or enhances the significant elements of the garden or landscape in-situ, and an assessment of the impact of proposals on the sites and their settings plus details of any potential mitigation measures.
- 4.5.11 **Policy NE2: Regional Scenic Areas** (RSAs) supports development within or affecting Regional Scenic Areas, where the factors taken into account in designating the area would not be significantly adversely affected; or there’s a need for the development in that location. The Site is located out with, but in between two RSA’s.
- 4.5.12 **Policy NE11: Supporting the Water Environment** states that development will not be permitted where it would result in the deterioration of any waterbody.
- 4.5.13 **Policy NE12: Protection of Water Margins** requires protection subject to NE11 and section 18 of the Flood Risk Management (Scotland) Act 2009, where new development is proposed in the vicinity of waterbodies.
- 4.5.14 **Policy NE14: Carbon Rich Soil** states that support for the role of soils as natural carbon sinks will be material in development decisions. *“Developments proposed on areas of carbon rich soil will need to clearly justify the loss of the carbon sink. Development may be permitted if it can be demonstrated that in accordance with the Scottish Government’s ‘carbon calculator’ or other equivalent independent evidence the balance of advantage in terms of climate change mitigation lies with the development proposal. All developments should take account of soil carbon content and, as appropriate, should adopt:*
- *means of minimising impact on carbon rich soil; and*
  - *management measures relative to carbon rich soil.”*
- 4.5.15 **Policy NE15: Protection and Restoration of Peat Deposits as Carbon Sinks**, seeks to maintain the role of natural carbon sinks in retaining carbon dioxide, including those not designated for habitat conservation. The policy sets out circumstances when development may be permitted, including *“where renewable energy generating development is proposed and it can be demonstrated (in accordance with the Scottish Government’s ‘carbon calculator’ or other equivalent independent evidence) that the balance of advantage in terms of climate change mitigation lies with the energy generation proposal.”*
- 4.5.16 **Policy CF4: Access Routes**, in relation to proposals affecting existing routes, seeks to *“protect and keep open and free from obstruction any route, waterway or other means by which access rights may reasonably be exercised. Development proposals should not impact adversely on any of the aforementioned access routes and Core Path. The Council will not grant planning permission to development proposals which would result in the loss of such access routes unless a satisfactory alternative route or mitigating measures can be secured...”*
- 4.5.17 The policy also states in relation to the Provision of New Access Routes that *“development should consider access issues at an early stage of the design process and, where appropriate, incorporate new and enhanced access opportunities, linked to wider access networks and green networks.”* For major developments, an *“Access Route Plan demonstrating how access routes will be incorporated may be required. New or alternative access routes and enhancements to existing routes will be supported, especially if these can form part of green networks. The Council will seek reasonable opportunities from developers to create, manage, maintain and improve access through planning conditions or legal agreements”.*

- 4.5.18 **Policy IN1: Renewable Energy** provides the framework for assessment of all forms of renewable energy and gives support for *“all renewable energy generation and/or storage which are located, sited and designed appropriately.”* The policy sets out requirements for detailed information to be submitted with a planning application, and states that the *“acceptability of any proposed development will be assessed against:*
- *landscape and visual impact;*
  - *cumulative impact;*
  - *impact on local communities and individual dwellings, including visual impact, residential amenity, noise and shadow flicker;*
  - *the impact on natural and historic environment (including cultural heritage and biodiversity);*
  - *the impact on forestry and woodlands;*
  - *the impact on tourism, recreational interests and public access.”*
- 4.5.19 The policy requires sufficient details to be submitted to enable this assessment, to include the following where relevant to the proposal:
- *“Any associated infrastructure requirements including road and grid connections (where subject to planning consent);*
  - *Environmental and other impacts associated with the construction and operational phases of the development including details of any visual impact, noise, and odour issues;*
  - *Relevant provisions for the restoration of the site;*
  - *the scale of contribution to renewable energy generation targets;*
  - *effect on greenhouse gas emissions; and*
  - *net economic impact, including local and community socio-economic benefits such as employment, associated business and supply chain opportunities.*
- \* Acceptability will be determined through an assessment of the details of the proposal including its benefits and the extent to which its environmental and cumulative impacts can be satisfactorily addressed.”*
- 4.5.20 Under the heading of **‘Wind Energy’** it is noted that the Council has developed a Spatial Framework, taking into account SPP, which satisfies areas of search where there are no significant constraints to development. It is stated that the purpose of the Spatial Framework is to identify those areas that are likely to be most appropriate for onshore wind farms, noting that further information is provided in the Supplementary Guidance, which is supported by the Dumfries and Galloway Wind Farm Landscape Capacity Study (DGWLCS) which is an appendix to the SG. The DGWLCS assesses landscape sensitivity, the capacity of individual landscape units to accommodate change and provides advice on how the scale, siting and design of development should be informed by local landscape character.
- 4.5.21 The Development Site is shown within the ‘Wind Energy Spatial Framework’ to be located both within an area with potential for wind energy development (subject to detailed consideration against relevant plan policy) and partially within an area of significant protection, due to the presence of peatland, where, *“recognising the need for significant protection, in these areas wind farms may be appropriate in some circumstances. Further consideration will be required to demonstrate that any significant effects on the qualities of these areas can be substantially overcome by siting, design or other mitigation.”*

4.5.22 The Spatial Framework includes:

- Group 1: Areas where wind farms will not be acceptable.
- Group 2: Areas of Significant Protection, where wind farms may be appropriate in some circumstances and it will be required to demonstrate that any significant effects on the qualities of these areas can be substantially overcome by siting, design, or other mitigation.
- Group 3: Areas with potential for wind farm development, where wind farms are likely to be acceptable, subject to detailed consideration against all relevant plan policies.

4.5.23 **Policy IN2: Wind Energy** supports wind energy proposals that are located, sited and designed appropriately. The policy sets out details of how the acceptability of any proposed wind energy development will be assessed against the following:

- Renewable energy benefits;
- Socio-economic benefits;
- Landscape and visual impacts;
- Cumulative impact;
- Impact on local communities and residential interests;
- Impact on infrastructure;
- Impact on aviation and defence interests; and
- Other impacts and considerations including the natural environment, biodiversity, forests and woodland, carbon-rich soils, hydrology, water environment and flood risk, the historic environment, cultural heritage, tourism and recreational interests and public access.

4.5.24 Further details on these development considerations are set out in supplementary guidance set out below.

4.5.25 **Policy IN7: Flooding and Development** states that development will not be permitted where it could lead to unacceptable flood risk either on or off site. The Policy sets out requirements for flood risk assessment.

4.5.26 **Policy IN8: Surface Water Drainage and Sustainable Drainage Systems (SuDS)** requires every proposal to consider drainage issues and SuDs as a means of treating surface water and managing flow rates.

**Wind Energy Development: Development Management Considerations' (February 2020)<sup>11</sup>**

4.5.27 This Supplementary Guidance (SG) provides further detail to support Policy IN2: Wind Energy. The guidance notes that “*Applications for wind farms of over 50MW generating capacity are determined by the Energy Consents Unit of the Scottish Government under Section 36 of the Electricity (Scotland) Act 1989. Dumfries and Galloway Council should be consulted on such applications as the relevant planning authority, LDP2 and this SG will be used to inform the Council's consultation response.*”

4.5.28 The SG sets out detailed development considerations which applications will be assessed against, specifically; renewable energy benefits, socio-economic benefits, landscape and visual impacts and design of proposals, cumulative impact, impact on local communities and residential interests impact on infrastructure, aviation and defence, biodiversity, forest

<sup>11</sup> [Wind Energy SG Final PDF February 2020 Version.pdf \(dumgal.gov.uk\)\[Accessed October 2022\]](#)



and woodlands, carbon rich soils, hydrology, the water environment and flood risk, historic environment and cultural heritage, tourism and recreational interests, public access, physical site constraints, decommissioning and restoration, ancillary developments, repowering, up-powering and life extension, legal obligations and bonds, and supporting information.

- 4.5.29 The Site is shown on map 4 as medium sensitivity for 80-150m tip 'large turbines', and on map 5, high-medium sensitivity for 150-200m 'very large' turbines.

#### 'Dumfries and Galloway Wind Farm Capacity Study (DGWLCS)' (February 2020)<sup>12</sup>

- 4.5.30 This study assesses landscape sensitivity, the capacity of individual landscape units to accommodate change and provides advice on how the scale, siting and design of development should be informed by local landscape character, and supports the Wind Energy Development SG.
- 4.5.31 The Development Site is identified as (19a) 'Southern Uplands with Forest' Landscape Character Type (LCT). The study notes at section 3.4.2 that "*wind farm development is a key characteristic of the Carsphairn and Ken units of the Southern Uplands with Forest (19a).*"
- 4.5.32 The study notes that the existing wind farms surrounding the site exert a strong influence on the character of the uplands. It states that "*there is no scope for Very Large turbines (+150m) in this area*" and "*some limited scope may exist for the Large typology (turbines 80-150m) within the less visually prominent interior of the upland plateaux of the Ken and Carsphairn units of the Southern Uplands with Forest (19a) although this is constrained by potential effects on the setting, and views to and from, the landmark hill of Cairnsmore of Carsphairn, the Loch Doon area in East Ayrshire and more sensitive well-defined hills lying on the outer edges of these landscapes which provide an important backdrop to smaller scale valleys.*"
- 4.5.33 The study concludes that "*there is only limited scope for additional wind energy development to be accommodated in this area. There are opportunities for repowering some existing wind farms in the Ken and Carsphairn units of the Southern Uplands with Forest (19a). Turbines around 150m would be likely to fit better with the scale of these generally less extensive upland areas and minimise effects on adjacent more sensitive smaller scale valleys and landmark hills.*"
- 4.5.34 "*Capacity for additional development is likely to be very limited within the Ken unit, although some scope for repowering and/or small extensions to operational wind farms may be possible provided that effects on promoted recreational routes and on more sensitive glens are minimised. Limiting turbines within repowering schemes to around 150m high would fit better with the scale of the Ken unit.*"(25.3)
- 4.5.35 The DGWLCS provides a broad and strategic level assessment of the sensitivity of landscape to wind farm development within Dumfries and Galloway. In making this assessment, the wind farm capacity study takes account of different LCTs and a range of landscape constraints and opportunities for wind farm development that are relevant to particular LCTs.
- 4.5.36 In their recent guidance<sup>13</sup>, NatureScot state:
- 4.5.37 "*Wind energy studies should not be referred to as 'capacity studies' as no local or regional targets are available on which to determine the 'capacity' for development. Landscape Sensitivity Assessments should reflect their purpose, which is to provide a strategic*

<sup>12</sup> [Wind Energy Appendix C Landscape SG LDP2 Adopted.pdf \(dumgal.gov.uk\) \[Accessed October 2022\]](#)

<sup>13</sup> NatureScot, Landscape Sensitivity Assessment Guidance, April 2022

assessment of relative landscape and visual sensitivity to certain defined forms of development. Where studies are updated and the name is changed to ‘sensitivity assessment’ it may be necessary to update references to the amended version where relevant. Sensitivity assessments are technical studies and as such should be used to inform the preparation of Development Plans and their policies.” Further, on page 9, the document states:

- 4.5.38 “A finding of ‘high’ sensitivity does not necessarily mean that there is no ability to accommodate development and ‘low’ sensitivity does not necessarily mean that there is definitely potential for development.”
- 4.5.39 The Dumfries and Galloway Local Development Plan 2 supports increases in turbine tip height on established sites.

## East Ayrshire

- 4.5.40 The East Ayrshire Local Development Plan (EALDP)<sup>14</sup> was adopted on 3rd April 2017. The EALDP is supplemented by supplementary guidance and non-statutory planning guidance. Work on the second EALDP for East Ayrshire is currently underway.
- 4.5.41 The Development Site is allocated as a Sensitive Landscape Area, a Rural Diversification Area, and an area with potential for wind energy development.
- 4.5.42 **Policy OP1: Overarching Policy** sets out criteria which all development proposals are expected to meet where relevant, including
- (i) *Comply with the provisions and principles of the LDP vision and spatial strategy, all relevant LDP policies and associated supplementary guidance and non-statutory guidance;*
  - (ii) *Be fully compatible with surrounding established uses and have no unacceptable impacts on the environmental quality of the area;*
  - (iii) *Ensure that the size, scale, layout, and design enhances the character and amenity of the area and creates a clear sense of place;*
  - (iv) *Where possible, reuse vacant previously developed land in preference to greenfield land;*
  - (v) *Be of the highest quality design by meeting with the provisions of SPP, the Scottish Government’s policy statement Designing Streets, the Council’s Design Guidance and any master plan/design brief prepared for the site;*
  - (vi) *Prepare Master Plans/Design Statements in line with Planning Advice Notes 83 and 68 respectively where requested by the Council and/or where this is set out as a requirement in Volume 2 of the LDP;*
  - (vii) *Be compatible with, and where possible implement, projects shown on the LDP placemaking maps;*
  - (viii) *Ensure that there is no unacceptable loss of safeguarded areas of open space/green infrastructure and prime quality agricultural land;*
  - (ix) *Protect and enhance natural and built heritage designations and link to and integrate with green infrastructure where possible;*

<sup>14</sup> [EALDP Adopted 2017 Vol 1 \(east-ayrshire.gov.uk\)](http://east-ayrshire.gov.uk)

- (x) *Ensure that there are no unacceptable impacts on the landscape character or tourism offer of the area;*
- (xi) *Meet with the requirements of all relevant service providers and the Ayrshire Roads Alliance; and (xii) Be accessible to all.*

4.5.43 **Policy IND 3: Business and Industrial Development in the Rural Area** sets out the types of development which the Council will encourage and support, out with settlement boundaries, including;

*“(vii) Renewable energy developments within the Rural Area that have been subject to detailed consideration against identified policy criteria.”*

4.5.44 **Policy TOUR4: The Dark Sky Park** states support for the Galloway Forest Dark Sky Park and will presume against proposals within the boundaries of the park that would produce levels of lighting that would adversely affect its “dark sky” status. Out with the Dark Sky Park, and within the 10 mile radius of the Park known as the transition zone, the Council will take measures to limit light pollution. The Site is located within the transition zone.

4.5.45 **Policy TOUR5: Galloway and Southern Ayrshire Biosphere** states that the “*Council will encourage developments and proposals that support the aims of the Biosphere, particularly where they provide an innovative approach to sustainable living and the economy. Developments which support and improve the understanding and enjoyment of the area as a world class environment will also be supported.*”

4.5.46 The Development Site is located within the Transitional Area of the Biosphere, which is the “*major part of the area where most people live and work and in which sustainable economic and community development will be promoted*”.

4.5.47 **Policy RE3: Wind energy proposals over 50 metres in height**, states that wind proposals over 50m high are to be assessed against the ‘spatial framework for wind development’ and other relevant policy.

The policy states that within areas shown on the Spatial Framework (Map 12) as ‘*Group 3 - Areas with Potential for Wind Energy Development*’, proposals for wind energy over 50m will be supported if it can be demonstrated that they are acceptable in terms of the assessment criteria set out in Schedule 1 as follows:

- “• *Landscape and visual impacts;*
- *Cumulative impacts - likely cumulative impacts arising from all of the considerations below, recognising that in some areas the cumulative impact of existing and consented energy development may limit the capacity for further development;*
- *Impacts on carbon rich soils, deep peat and peatland habitats; using the carbon calculator;*
- *Effects on the natural heritage, including birds. Renewable energy proposals will only be approved where the Council has ascertained that they would not have an adverse effect on the integrity of a Natura 2000 site;*
- *Impacts on wild land;*
- *Impacts on all aspects of the historic environment;*
- *Effects on hydrology, the water environment, flood risk and groundwater dependent terrestrial ecosystems;*
- *Re-use of excavated peat, forest removal and forest waste;*

- *Impacts on forestry and woodlands, with reference to the Ayrshire and Arran Forestry and Woodland Strategy (2013);*
- *Effect on greenhouse gas emissions;*
- *Impacts on communities and individual dwellings, including visual impact, residential amenity, noise and shadow flicker;*
- *Impacts on tourism and recreation;*
- *Public access, including impact on long distance walking and cycling routes and scenic routes identified in National Planning Framework 3;*
- *Net economic impact, including local and community socio-economic benefits such as employment, associated business and supply chain opportunities;*
- *Impacts on aviation and defence interests and seismological recording;*
- *Impacts on road traffic including during construction and decommissioning;*
- *Impacts on adjacent trunk roads;*
- *Impacts on telecommunications and broadcasting installations, particularly ensuring that transmission links are not compromised;*
- *The appropriate siting and design of turbines and ancillary works;*
- *The need for conditions relating to the decommissioning of developments, including ancillary infrastructure, and site restoration;*
- *The need for a robust planning obligation to ensure that operators achieve site restoration;*
- *The scale of contribution to renewable energy generation targets;*
- *Opportunities for energy storage.”*

- 4.5.48 **Policy RE5: Financial Guarantees**, states that the Council will, where appropriate, require a financial guarantee via planning condition and/or legal obligation, to ensure that all decommissioning, restoration, aftercare and mitigation can be met.
- 4.5.49 **Policy T4: Development and Protection of Core Paths and Natural Routes** states that *“the Council will not be supportive of development which disrupts or adversely impacts on any existing or potential core path, right of way, bridle path, or footpath used by the general public for recreational or other purposes, particularly where the route concerned forms, or has the potential to form, part of the network of circular routes or footpath links between settlements, actively promoted by the Council.”* Where disruption is unavoidable, the policy requires an appropriate diversion to be provided, or appropriate mitigation to overcome the adverse impact.
- 4.5.50 **Policy ENV1: Listed Buildings** supports the retention and preservation of all listed buildings and buildings within conservation areas.
- 4.5.51 **Policy ENV2: Scheduled Monuments and Archaeological Resources** states that *“development that would have an adverse effect on Scheduled Monuments or on their settings shall not be supported unless there are exceptional overriding circumstances.”* And sets out requirements for developers where archaeological preservation is necessary.
- 4.5.52 **Policy ENV6: Nature Conservation** seeks to recognise the importance of nature conservation and biodiversity in assessment of development proposals, as follows:

*“(i) Any development likely to have a significant effect on a Natura 2000 site which is not directly connected with or necessary to its conservation management must be subject to a “Habitats Regulations Appraisal”. Such development will only be approved if the appraisal shows that there will be no adverse effect on the integrity of the site;*

*(ii) Any development affecting a SSSI will only be permitted where it will not adversely affect the integrity of the area or the qualities for which it has been designated or where any significant adverse effects on the qualities for which it is designated are clearly outweighed by social, environmental or economic benefits of national importance.*

*(iii) Any development that may adversely impact on areas of local importance for nature conservation, including provisional wildlife sites, local geodiversity sites and local nature reserves, will be expected to demonstrate how any impact can be avoided or mitigated.*

*(iv) If there is evidence that protected species may be affected by a development, steps must be taken to establish their presence. The planning and design of any development which has the potential to impact on a protected species will require to take into account the level of protection afforded by legislation and any impacts must be fully considered prior to the submission of any planning application.*

*(v) Any new development must protect, and where appropriate incorporate and/or extend, existing habitat networks, helping to further develop the Central Scotland Green Network in Ayrshire.*

*The Council will apply ‘the precautionary principle’ where the impacts of a proposed development on nationally or internationally significant natural heritage resources are uncertain but there is sound evidence indicating that significant irreversible damage could occur.”*

4.5.53 **Policy ENV7: Wild Land and Sensitive Landscape Areas** states that *“The Council will give priority and prime consideration to the protection and enhancement of the landscape in its consideration of development proposals within the Sensitive Landscape Areas identified on the LDP maps. Any development deemed to have unacceptable impacts on wild land and SLAs will not be supported by the Council. All development proposals within these areas will also require to be assessed against policy ENV 8...”*

4.5.54 **Policy ENV8: Protecting and Enhancing the Landscape** requires development proposals to be;

*“(i) sited and designed to respect the nature and landscape character of the area and to minimise visual impact. Particular attention will be paid to size, scale, layout, materials, design, finish and colour.*

*(ii) Where visual impacts are unavoidable, development proposals should include adequate mitigation measures to minimise such impacts on the landscape.*

*(iii) Particular features that contribute to the value, quality and character of the landscape are conserved and enhanced. Development that would result in the loss of valuable landscape features, to such an extent that character and value of the landscape, are unacceptably diminished, will not be supported.”* The relevant landscape features include settings of settlements and building; skylines, landmarks and views; woodland, hedgerows and trees; rights of way and footpaths; and the landscape character.

4.5.55 **Policy ENV10: Carbon rich soils** seeks to minimise adverse impacts from development on peatland soils including by the release of CO<sub>2</sub> to the atmosphere and promotes the restoration of peatland habitats with potential to become active carbon stores, reducing net carbon emissions. Energy generating developments may be permitted where a greater advantage in terms of climate change mitigation can be demonstrated, and that

any significant effects on these areas can be substantially overcome by siting, design or other mitigation.

- 4.5.56 **Policy ENV11: Flood Prevention** states a precautionary approach to flood risk and promotes flood avoidance, directing development away from functional flood plains and undeveloped areas of medium to high flood risk. The Flood Risk Framework contained in SPP will be used in the assessment of development proposals.
- 4.5.57 **Policy ENV12: Water, air and light and noise pollution** gives priority to maintaining and improving the quality of waterbodies and ground water, and sets a presumption against development having an adverse impact on the water environment. The policy also requires minimal adverse impact on air quality, light pollution and noise impacts, requiring the relevant assessments where Proposed Development may have adverse impacts.
- 4.5.58 There are applicable supplementary guidance documents in the LDP Supplementary Guidance, in particular Planning for Wind Energy, adopted in December 2017.

#### Supplementary Guidance: Planning for Wind Energy, December 2017<sup>15</sup>

- 4.5.59 The SG notes that in East Ayrshire, renewable energy production demand is seen in relation to onshore wind energy and '*wind turbines are a notable feature in the landscape*'.
- 4.5.60 The SG sets out the council's approach to wind energy development and provides further detail on criteria against which all medium and large scale wind energy proposals will be assessed, underpinning policy RE3 of the Local Development Plan.
- 4.5.61 The Development Site is located within a Group 3 Area, an 'area with potential for wind development' where proposals will be supported where it can be demonstrated that they are acceptable in terms of the criteria set out in the plan within schedule 1 of the SG.
- 4.5.62 The Development Site is located in an area of high-medium landscape sensitivity for turbines over 70m.

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<sup>15</sup> [Planning SG Planning for Wind Energy \(east-ayrshire.gov.uk\)](http://east-ayrshire.gov.uk)

# 5. Assessment of the Proposed Development

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## 5.1 Introduction

5.1.1 As set out above, there are legal, policy and advice documents which would be material considerations in the determination of the section 36 application for the Proposed Development. This chapter provides an assessment of the Proposed Development against the relevant policy, including the development plans which are considered a material consideration against which to determine the application.

## 5.2 Accordance with National Policy

### SPP

5.2.1 In considering its contribution to the SPP priority of sustainable development and the 'presumption in favour of sustainable development', the Proposed Development is considered to contribute to three of the SPP's four planning outcomes, as follows:

5.2.2 The SPP sets out four planning outcomes to explain how planning should support Scotland's vision:

- Outcome 1: A successful, sustainable place – the Proposed Development would assist in delivering sustainable, economic growth.
- Outcome 2: A low carbon place – the Proposed Development would assist in meeting emissions reduction targets by reducing carbon emissions.
- Outcome 3: A natural, resilient place - the Proposed Development would make use of natural wind resource using it sustainably to contribute to climate change mitigation.
- Outcome 4 relates to transport and digital connectivity, and so is not relevant.

5.2.3 It is considered that the Proposed Development is compliant with principles to guide development as set out in paragraph 29, in particular as the wind farm would:

- provide net positive socio-economic benefit, as set out in **EIA Report, Volume 1, Chapter 15: Socio-economics**, the economic benefits from the proposed wind farm.
- Create positive economic effects locally, as set out in **EIA Report, Volume 1, Chapter 15: Socio-economics**, during the construction phase of the Proposed Development.
- Deliver renewable energy infrastructure.
- Support climate change mitigation and adaptation.
- Ensure no unacceptable impact on the environment, heritage or recreation and public access.

5.2.4 It is considered that the development complies with the above principles, and will contribute to the policy outcomes of creating a sustainable, low carbon and resilient place, and therefore is in accordance with the presumption in favour of sustainable development.

- 5.2.5 In accordance with the SPP, both planning authorities have set out a spatial framework identifying areas appropriate for wind farms, and in line with paragraph 161, the relevant Development Plans for the Site identify areas most appropriate for onshore wind farms, indicating the scale of onshore wind development that their spatial framework is intended to apply to, and criteria which will be considered in deciding applications for wind farms. The assessment below 'accordance with the development plan' demonstrates how the proposed development complies with each of the relevant criteria which is required to be considered.
- 5.2.6 Paragraph 161 also requires development plans to “*set out the criteria that will be considered in deciding all applications for wind farms of different scales – including extensions and re-powering – taking account of the considerations set out at paragraph 169*”.
- 5.2.7 It is considered that the Proposed Development is in accordance with the criteria set out at Paragraph 169 which must be taken into account for energy infrastructure developments. These factors include economic impacts and benefits, renewable energy targets, effects on greenhouse gas emissions, cumulative impact and environmental impact including noise, visual, access, tourism, hydrology, geology, heritage, transport and ecology. The factors within this paragraph are also addressed within the LDP's principal policies relating to renewable development, as required by paragraph 161 of the SPP, and within the findings of the EIA which accompanies this application.
- 5.2.8 In accordance with paragraph 202, it is considered that the siting and design of the Proposed Development has been carefully considered to account for local landscape character and adverse impacts have been minimised where possible. The Development Site is located away from settlements and residential properties generally and is located well within a landscape able to accommodate large scale wind farm development. In accordance with paragraph 203, the nature and scale of the Proposed Development would not have an unacceptable impact on the natural environment.

### NPF3

- 5.2.9 The Proposed Development accords with NPF3 by helping to achieve the Scottish Government's climate change and renewable energy targets, and its ambition to be a world leader in low carbon energy generation, both onshore and offshore.

### NPF4

- 5.2.10 The Proposed Development is in accordance with NPF4<sup>16</sup>, in that it will assist in meeting the target of net zero emissions by 2045. The document is considered to provide support in general for the Proposed Development.
- 5.2.11 In particular, the Proposed Development accords with the principles of Policies 1 and 2 which require significant weight to be given to the global climate and nature crises and encourages development that minimises emissions and adapts to climate change impact.
- 5.2.12 It also meets the requirements of Policy 11 which gives support for onshore windfarms including their expansion and extension of life. It is considered that the Proposed Development is in accordance with the criteria set out in Policy 11, as demonstrated in the accompanying EIA report and the assessment in **Section 5.3** below.
- 5.2.13 In particular, the Proposed Development complies with this policy as it is contributing to achieving renewable energy generation targets and greenhouse gas emissions reduction

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<sup>16</sup> [National Planning Framework 4: Revised Draft \(www.gov.scot\)](http://www.gov.scot)



targets, which are matters upon which significant weight is to be placed in the planning balance of benefits against disbenefits.

- 5.2.14 In addition, the policy notes that wind farm areas are expected to be suitable for use in perpetuity.

## 5.3 Accordance with the Development Plan

- 5.3.1 The Development Site is identified within the spatial frameworks for both LDP2 and EALDP as an area appropriate for the Proposed Development. Within LDP2's Spatial Framework, the Development Site is located within an area with potential for wind energy development, and partially within an area of significant protection.
- 5.3.2 EALDP Policy IND3 gives clear support for renewable energy developments in rural locations, subject to consideration against identified criteria.
- 5.3.3 General Development Considerations are set out in LDP2 Policy OP1, and EALDP Policy OP1, and it is considered that the EIA has assessed the Proposed Development against the relevant criteria listed in both plans, as is set out under the more specific headings below.
- 5.3.4 In addition, LDP2 Policy IN1 gives support to all forms of renewable energy which are sited and designed appropriately, requiring sufficient details to be submitted to enable an assessment. The policy lists assessment requirements, which are closely aligned with the requirements of IN2 and dealt with under the headings below.
- 5.3.5 There are a number of relevant policies in both LDPs as set out at section 4, however the principal policy relating to renewable energy in LDP2 is IN2 which sets out the detailed information required to allow a development to be assessed. The topics within this policy are all covered in the sections set out below.
- 5.3.6 The principal policy for wind energy in the EALDP is RE3, which states that within group 3 areas, proposals over 50m high will be supported if it can be demonstrated that they are acceptable in terms of assessment criteria in Schedule 1. The policy is supported by more detailed criteria set out in the SG Planning for Wind Energy. Within this SG, the Development Site is located within an area with potential for wind development, where proposals will be supported provided it can be demonstrated they are acceptable in terms of the criteria set out.
- 5.3.7 This criteria largely follows the headings below, and it is therefore considered that the compliance with this policy is covered in the assessment.
- 5.3.8 The Development Site is located within the Transition area of the Galloway and Southern Ayrshire Biosphere where sustainable economic and community development will be promoted. The Proposed Development is considered to be sustainable.
- 5.3.9 EALDP Policy RE5 requires financial guarantees via either appropriate conditions and/or legal obligation. If this is required, then it is considered that a condition could be added to any permission granted that requires a suitable financial guarantee to be made, or alternatively this could be a planning obligation if needed. Any such financial guarantee would provide sufficient funding for all decommissioning, restoration, aftercare and mitigation to be met.
- 5.3.10 Within the DGWLCS, the Development Site is characterised as an area within the Southern Uplands where wind farm development is a key characteristic, however notes that *"there is no scope for Very Large turbines (+150m) in this area"*.

- 5.3.11 It is considered that this carries limited weight, as noted at para. 1.1.116, NatureScot state “*Wind energy studies should not be referred to as ‘capacity studies’ as no local or regional targets are available on which to determine the ‘capacity’ for development*”, and “*sensitivity assessments are technical studies and as such should be used to inform the preparation of Development Plans and their policies.*”
- 5.3.12 The Wind Energy Development SG which provides further detail to Policy IN2 identifies the Development Site as medium to high sensitivity for the ‘very large’ turbines which are proposed.
- 5.3.13 Again it should be noted that NatureScot’s guidance 13 states that a “*finding of ‘high’ sensitivity does not necessarily mean that there is no ability to accommodate development and ‘low’ sensitivity does not necessarily mean that there is definitely potential for development.*”

## Renewable Energy Benefits

- 5.3.14 The renewable energy benefits of the scheme are identified in **EIA Report, Volume 1, Chapter 6: Renewable Energy, Carbon Balance and Peat Management**.
- 5.3.15 LDP2 Policy NE14 requires development on carbon rich soil to justify the loss of the carbon sink, and NE15 requires proposed renewable energy development to demonstrate that the balance of advantage in terms of climate change mitigation lies with the energy generation proposal. As set out in **Chapter 6**, taking account of carbon losses from peat disturbance within development areas, it is predicted that the carbon emissions in developing the Proposed Development will be ‘paid back’ (i.e. offset by carbon savings) in approximately 1.4 years (approximately 4% of the operational life of 35 years), and the Proposed Development is expected to provide a total carbon saving of approximately 4.8 million tonnes over its 35-year lifetime.
- 5.3.16 In accordance with LDP2 Policy IN1, which requires details on the scale of contribution to renewable energy generation targets, and the effect on greenhouse gas emissions, **Chapter 6** demonstrates that the balances of advantage in terms of climate change is in favour of the Proposed Development. It is considered that, in accordance with the principles supported by the Scottish Government in its Onshore Wind Policy Statement, the Development Site and the surrounding landscape have the capacity to support both the larger turbines and the additional six turbines proposed.
- 5.3.17 In accordance with EALDP Policy ENV10, the Proposed Development would be of great advantage in terms of climate change mitigation.

## Noise

- 5.3.18 **EIA Report, Volume 1, Chapter 7: Noise** of the EIA Report assesses the impact of noise from the Proposed Development, and shows that, based on conservative assumptions, there is potential for an exceedance of the ETSU-R-97 criteria at Polskeoch during the daytime only, and only when the Proposed Development is considered cumulatively with Eucharhead Wind Farm excluded from the assessment. ETSU-R-97 criteria would not be exceeded at any of the other receptors.
- 5.3.19 Potential mitigation measures to reduced turbine noise are therefore presented, the exact nature of which will depend on the turbine selected for use at the Development Site. A condition of any planning consent would require that the Proposed Development is operated within the agreed noise limits, and this is demonstrated as being achievable.
- 5.3.20 The Proposed Development can therefore be considered to be in accordance with LDP2 Policy IN1, and EALDP Policy RE3 and ENV12, as by adhering to the environmental

measures outlined in **EIA Report, Chapter 7**, the predicted residual effects of the Proposed Development would be not significant.

## Shadow Flicker

- 5.3.21 The impact of shadow flicker from the Proposed Development has been assessed at **EIA Report, Volume 1, Chapter 8: Shadow Flicker** of the EIA Report. Mitigation has been incorporated through design, to appropriately site the Proposed Development away from constraints that may be adversely impacted.
- 5.3.22 The shadow flicker assessment identifies the potential for one property to be theoretically affected by shadow flicker, but this theoretical worst case would be only fractionally above the duration identified in the guidelines and the potential impact is likely to be substantially less. In the event that complaints of shadow flicker are received, mitigation measures would be used to mitigate the re-occurrence if required. This could involve the provision of screening planting, the installation of blinds within the affected property, or the programming of the wind turbines to automatically shut down at times when shadow flicker effects could occur. Application of these measures would ensure that potential effects are minimised or removed entirely.
- 5.3.23 In addition, it is concluded that there is no potential for significant cumulative impacts in relation to shadow flicker when considered alongside other proposed developments in the local area.
- 5.3.24 It is therefore considered that the Proposed Development is in accordance with LDP2 Policy IN1, and EALDP2 Policy RE3 and ENV12 as by implementation of mitigation through design and best practice, and the mitigation measures identified above, there would be no significant effects in relation to shadow flicker.

## Landscape and Visual

- 5.3.25 In line with LDP2 Policy NE2 the Proposed Development would not significantly adversely affect any Regional Scenic Areas.
- 5.3.26 In accordance with EALDP Policy RE3, the cumulative impact of the Proposed Development has been assessed alongside the existing and consented wind farms surrounding the Development Site. The design of the Proposed Development, whilst a larger site area, has maintained some of the geographical footprint of the Consented Development and has limited the number of significant landscape and visual effects. All landscape and visual receptors with the potential for likely significant effects were assessed in the EIA.
- 5.3.27 EALDP Policy ENV7 applies as the land is within the Sensitive Landscape Area, requiring the Proposed Development to be assessed against Policy ENV8, Protecting and Enhancing the Landscape, requiring it to respect the nature and character of the landscape, provide mitigation to minimise visual impact and conserve features that contribute to the landscape character. It is considered that **EIA Report, Volume 1, Chapter 9: LVIA** demonstrates that the Proposed Development would be respectful the nature and character of the landscape, and provided mitigation where possible to minimise visual impact and conserve features that contribute to the landscape character, therefore meeting the requirements of ENV8 and 9.
- 5.3.28 The Proposed Development would be located within an undesignated area of the *Southern Uplands with Forest* LCT, which is identified by the DGWLCS as having the “*greatest scope for additional development*” and the least sensitivity to large typologies (wind turbines 80-150m to blade tip) within Dumfries and Galloway. The Proposed

Development has taken account of this guidance and the relevant broad scale constraints and opportunities contained within the DGWLCS, and has been reviewed against SNH's guidance *Siting and Designing Windfarms in the Landscape*, Version 3a, 2017.

- 5.3.29 **EIA Report, Volume 1, Chapter 9: LVIA** of the EIA assesses the landscape and visual impact of the Proposed Development and concludes that:
- The Proposed Development has been designed to reduce landscape, visual and cumulative effects and to reflect the landscape characteristics of the site location and its wider area which includes LLAs and RSAs.
  - The Site is located in an area with potential for wind farm development (given the Consented Development), made more suitable by the existing landscape character, forestry and landform of the area, which act to reduce the sensitivity of the Development Site and to limit both the visibility and numbers of people close to the Development Site who might otherwise view the proposed turbines.
  - Significant and localised landscape effects are restricted to an area of the Southern Uplands with Forest: Ken unit, Southern Uplands: Carsphairn and Nithsdale units, and Narrow Wooded Valley LCT: Ken unit within Dumfries and Galloway and the Southern Uplands: Blackcraig Hill unit within East Ayrshire – NPF4 Policy 11 states “*where impacts are localised and/ or appropriate design mitigation has been applied, they will generally be considered to be acceptable.*”
  - There would be no other significant effects on other surrounding areas of landscape character or the integrity and special quality of designated landscapes within the Study Area. Significant and localised visual effects are restricted to the views from seven residential properties, two minor roads, ten recreational routes and three hill summits. Significant night-time effects are restricted to a very small number of local receptors due to the proposed Lighting Strategy.
- 5.3.30 It should also be noted that the Development Site is located away from settlements (none within 10km) and residential properties generally and is located well within a landscape able to accommodate large scale wind farm development. The Proposed Development does not result in a substantial increase in the level of significant landscape and visual effects compared to the Consented Development.
- 5.3.31 The Dumfries and Galloway Wind Farm Capacity Study highlights the influence of the existing windfarms in this location and concludes that there is only limited scope for additional wind energy development to be accommodated in this area. Taking this into account, it is considered that the extension of an existing consented site would be a preferable way to increase capacity in the location, with minimal impact.

## Historic Environment

- 5.3.32 The Proposed Development does not conflict with LDP2 Policies HE1: Listed Buildings, HE3: Archaeology and HE6: Historic Gardens and Designated Landscapes, and EALDP Policies ENV1: Listed Buildings and ENV2: Scheduled Ancient Monuments and Archaeological Resources. The Proposed Development is not located within an archaeologically sensitive area, does not adversely affect the setting of a listed building, scheduled monuments, archaeological or historic assets, or key views to and from gardens and designated landscapes.
- 5.3.33 **EIA Report, Volume 1, Chapter 10: Historic Environment** of the EIA Report assesses the likely significant effects of the Proposed Development on the historic environment, resulting from the construction, operation and decommissioning of the wind farm.

- 5.3.34 The assessment concludes that no significant adverse direct effects during construction have been identified, and no significant adverse effects are anticipated in relation to previously unrecorded assets. In all cases, any potential effects would be mitigated by the adoption of a scheme of archaeological work agreed with the DGC Archaeologist and West of Scotland Archaeology Service (WoSAS) (in respect of works within East Ayrshire) expected to be required by planning condition.
- 5.1.1 No direct effects on heritage assets are anticipated during the operational phase as no further intrusive works are planned during this phase. In terms of indirect effects on heritage assets, the scheduled monuments of Stroanfreggan Bridge Cairn and the Stroanfreggan Craig Hill Fort, Dumfries House and associated buildings, and Craigenkillan Garden and Designed Landscape were all assessed and it was concluded the Proposed Development would result in a low or negligible magnitude of change and no significant effects would arise.
- 5.1.2 No adverse direct effects are anticipated during the decommissioning phase as any intrusive works would be restricted to areas, such as turbine bases and hard standings, which have already been disturbed during the construction of the Proposed Development. The decommissioning of the Proposed Development would effectively reverse any indirect effects of the scheme and would not give rise to any adverse changes.
- 5.3.35 Any cumulative change presented by the construction of the Proposed Development turbines would be of negligible magnitude and no significant adverse cumulative effect would arise.

## Ecology

- 5.3.36 Policy IN2 requires wind energy developments to be assessed against impacts on the natural environment, and EALDP Policy ENV6 requires nature conservation and biodiversity to be recognised in proposals.
- 5.3.37 In relation to these local plan policies, ecology is dealt with in **EIA Report, Volume 1, Chapter 11: Ecology** of the EIA Report, which as a result of the various surveys undertaken, sets out how environmental measures have been embedded within the Proposed Development and how they would be implemented. This includes the following measures:
- Preparation and implementation of a final Peat Management Plan and Construction Environmental Management Plan (CEMP);
  - Protected species pre-construction surveys including otter and badger, and implementation of Species Protection Plan;
  - Preparation of reinstatement and restoration plan;
  - Adherence to a Pollution Prevention Plan (as detailed in **Chapter 13: Geology, Hydrology (including flood risk) and Hydrogeology**);
  - Watercourse exclusion zones (50m buffers) and restrictions on timing of works within these zones implemented through the CEMP;
  - Culvert designs and construction in accordance with SEPA good practice, implemented via the CEMP;
  - During the operational phase, monitoring of effects on freshwater ecology through an Environmental Monitoring Plan (fish, freshwater invertebrates and water quality); and
  - Preparation and implementation of a Restoration and Decommissioning Plan.

- 5.3.38 Taking these mitigation measures into account, it was concluded that the Proposed Development will not have a significant adverse effect on ecology.

## Ornithology

- 5.3.39 **EIA Report, Volume 1, Chapter 12: Ornithology** confirms that a desk study and field surveys were undertaken from April 2018 to March 2020. In addition, surveys were undertaken by Amec Foster Wheeler and Natural Power between 2010 and 2014.
- 5.3.40 Five species were scoped in for assessment within the EIA. These comprise barn owl, black grouse, goshawk, peregrine and red kite. Effects were assessed against the current baseline conditions for each feature, during construction, operation and decommissioning, as well as cumulative effects for black grouse, goshawk, peregrine and red kite. No significant cumulative effects were identified for any of these species.
- 5.3.41 Despite this, a range of environmental measures have been embedded into the Proposed Development to minimise any potential impacts on breeding birds, and working practices during construction will be set out in a Breeding Bird Protection Plan (BBPP), to be implemented under the supervision of an Environmental Clerk of Works (ECoW).
- 5.3.42 Taking these mitigation measures into account, it was concluded that the Proposed Development will not have a significant adverse effect on birds.
- 5.3.43 The Proposed Development is therefore considered to comply with EALDP Policy ENV6 and RE3, and LDP2 Policy IN2, not having an unacceptable impact on biodiversity in particular birds.

## Geology, Hydrology and Hydrogeology (including Flood Risk)

- 5.3.44 In accordance with LDP2 Policy IN7 and IN8, NE11 and NE12, and EALDP Policy ENV11 there would be no increase to flood risk on the Development Site from the Proposed Development which is located outwith an area at risk from flooding, nor would it result in the deterioration of any water body.
- 5.3.45 EALDP Policy ENV12 seeks to maintain and improve the quality of waterbodies and ground water.
- 5.3.46 **EIA Report, Volume 1, Chapter 13: Geology, Hydrology and Hydrogeology** of the EIA Report indicates that, based on the environmental baseline and embedded mitigation there are some 'probably significant' adverse effects related to the Proposed Development, related to the presence of activities within the catchments of public water supplies.
- 5.3.47 Additional mitigation over that embedded in the design is proposed, including the optimisation of the borrow pit location, the consideration of horizontal directional drilling to form the watercourse crossing, the implementation of an early warning water quality monitoring system and the formulation of a water quality monitoring plan (WQMP) is suitably precautionary, as is the extension of the WQMP to confirm the absence of cumulative effects resulting from multiple wind farms.
- 5.3.48 The chapter concludes that with both embedded and additional mitigation in place, standalone and cumulative effects of the Proposed Development on all water receptors are not significant.

## Traffic and Transport

- 5.3.49 In accordance with LDP2 Policy CF4, and EALDP Policy T4, the Proposed Development would not have a significant adverse impact on any access route or core paths. Where disruption is unavoidable, mitigation is proposed to overcome any adverse impact.
- 5.3.50 **EIA Report, Volume 1, Chapter 14: Traffic and Transport** assesses the impact of traffic and transport and takes account of the traffic levels that would be generated during the construction, operation and decommissioning phases of the Proposed Development, with the construction phase being the main focus as this is when most traffic will be generated. Consideration has been primarily given to Heavy Goods Vehicle (HGV) and abnormal load movements.
- 5.3.51 The chapter considers environmental effects in respect of severance; driver delay; pedestrian delay; pedestrian delay and amenity; fear and intimidation; and accident and safety. With the incorporation of appropriate mitigation measures within a draft Construction Traffic Management Plan (CTMP), the assessment concludes that no significant effects are predicted.

## Socio Economics

- 5.3.52 The socio-economic impact of the Proposed Development is discussed within **EIA Report, Volume 1, Chapter 15: Socio-economics** of the EIA Report. The assessment concludes that residual economic effects during construction, operation and decommissioning would be beneficial, but 'not significant'.
- 5.3.53
- 5.3.54 In terms of direct effects on recreation and tourism the chapter concludes that with the mitigation measures in place there are no significant effects, however the following are highlighted:
- Indirect effects include significant effects on views from nine recreational routes, including Core Paths, a Heritage Path and Rights of Way.
  - Significant visual effects would also be experienced by users of the Southern Upland Way in three areas. None of the remaining recreational routes would be significantly affected by the Proposed Development.
  - There are four sculptures located on hill summits above, or within the Dalwhat Water valley to the southeast of the Proposed Development, where certain views would be significantly affected, however the wider 360° views, sculpture setting and visitor experience would not be significantly affected.
  - The remaining recreational and tourist destinations would also not be significantly affected by the Proposed Development. Significant visual and cumulative visual effects would be experienced by walkers from three hill summits within 10km including Windy Standard, Blackcraig Hill and Cairnsmore of Carsphairn.
- 5.3.55 The chapter concludes however taking into account various studies, the visitor attractiveness and tourism potential of the identified recreation and tourism receptors would not be substantially reduced by these significant effects and it is therefore considered that there would be no significant effects in relation to socio economics.
- 5.3.56 In terms of beneficial effects, the chapter concludes (adjusted for inflation) that the construction phase of the Proposed Development could result in construction expenditure of up to £159.92m. This compares to £53.98m for the Consented Development. In terms of wider economic benefits, it is estimated that between £13.48m and £20.69m being

spent locally (between £4.55m and £7m for the Consented Development) and a range of between £51.01m and £78.37m spent within Scotland (between £17.23m and £26.50m for the Consented Development).

- 5.3.57 The manufacturing of the turbines could result in capital expenditure of up to approximately £103m (£34.76 m for the Consented Development), the balance of plant construction phase could result in capital expenditure of up to approximately £159.92m (£15.43m for the Consented Development) and grid connection work could result in capital expenditure of up to approximately £11.38m (£3.04m for the Consented Development). During the construction of the Proposed Development, local employment across East Ayrshire and Dumfries and Galloway is estimated as ranging from up to 97.71 up to 149.10 Full time Equivalent (FTE) jobs, (between 32.99 FTE to up to 50.75 FTE for the Consented Development) and Scottish level employment ranging between 293.02 FTE up to 450.19 FTE throughout the construction period (between 98.96 FTE to up to 152.24 FTE for the Consented Development).
- 5.3.58 Over the 35 year period of operation, the Proposed Development is predicted to generate total operations and maintenance expenditure of up to between £97.65m and £551.25m (and £253.85m based on the weighted average cost of £75,551 per MW). This was between £18.63m and £105.25m and £45.8m based on the weighted average cost for the Consented Development.
- 5.3.59 It is also predicted that the Proposed Development may deliver between £1.17m and £6.61m of local annual operations and maintenance expenditure (between £313,200 and £1.77m for the Consented Development) and up to between £1.62m and £9.13m of annual operations and maintenance expenditure within Scotland (between £432,200 and £2.44m for the Consented Development).
- 5.3.60 In accordance with LDP2 Policies IN1 and IN2 which require the net economic impact and community socio-economic benefits to be assessed, as well as the impact on tourism, recreational interest and public access, the chapter concludes that there are no significant adverse effects.

## Infrastructure and Other Issues

- 5.3.61 EIA Report, Volume 1, Chapter 16: Infrastructure and Other Issues of the EIA Report assesses the potential impact of the Proposed Development on infrastructure and other issues. There is no potential for significant cumulative effects, or major accidents and disasters when considered alongside other developments in the local area, and good practice measures would be employed, including a Construction and Environmental Management Plan (CEMP).
- 5.3.62 In accordance with LDP2 Policy IN2, the chapter concludes that *‘following implementation of mitigation through design and best practice and the mitigation measures identified, it is considered that there would be no significant effects on infrastructure, telecommunications, population and human health or public safety. The Proposed Development would not be susceptible to major accidents and disasters and there would be no significant effects due to major accidents or disasters as a result of the Proposed Development.’*

## Aviation

- 5.3.63 LDP2 Policy IN2 requires the development to be assessed against aviation and defence interests. **EIA Report, Volume 1, Chapter 17: Aviation** of the EIA Report considered the potential for likely significant environmental effects on aviation. The design evolution



process has taken into account the potential effects and has sought to minimise these as much as possible.

- 5.3.64 An aviation lighting scheme that conforms with the most recent Civil Aviation Authority (CAA) guidelines has been prepared to ensure visibility of the turbines, and the requirements of the Ministry of Defence (MOD), with regard to low flying have been addressed with the provision of infra redlighting.
- 5.3.65 In addition, a mitigation scheme is proposed to address National Air Traffic Services (NATS) safeguarding impacts.
- 5.3.66 Overall, therefore, in accordance with Policy IN2, no significant effects are predicted in respect of aviation, as a result of the Proposed Development.

## 6. Conclusions

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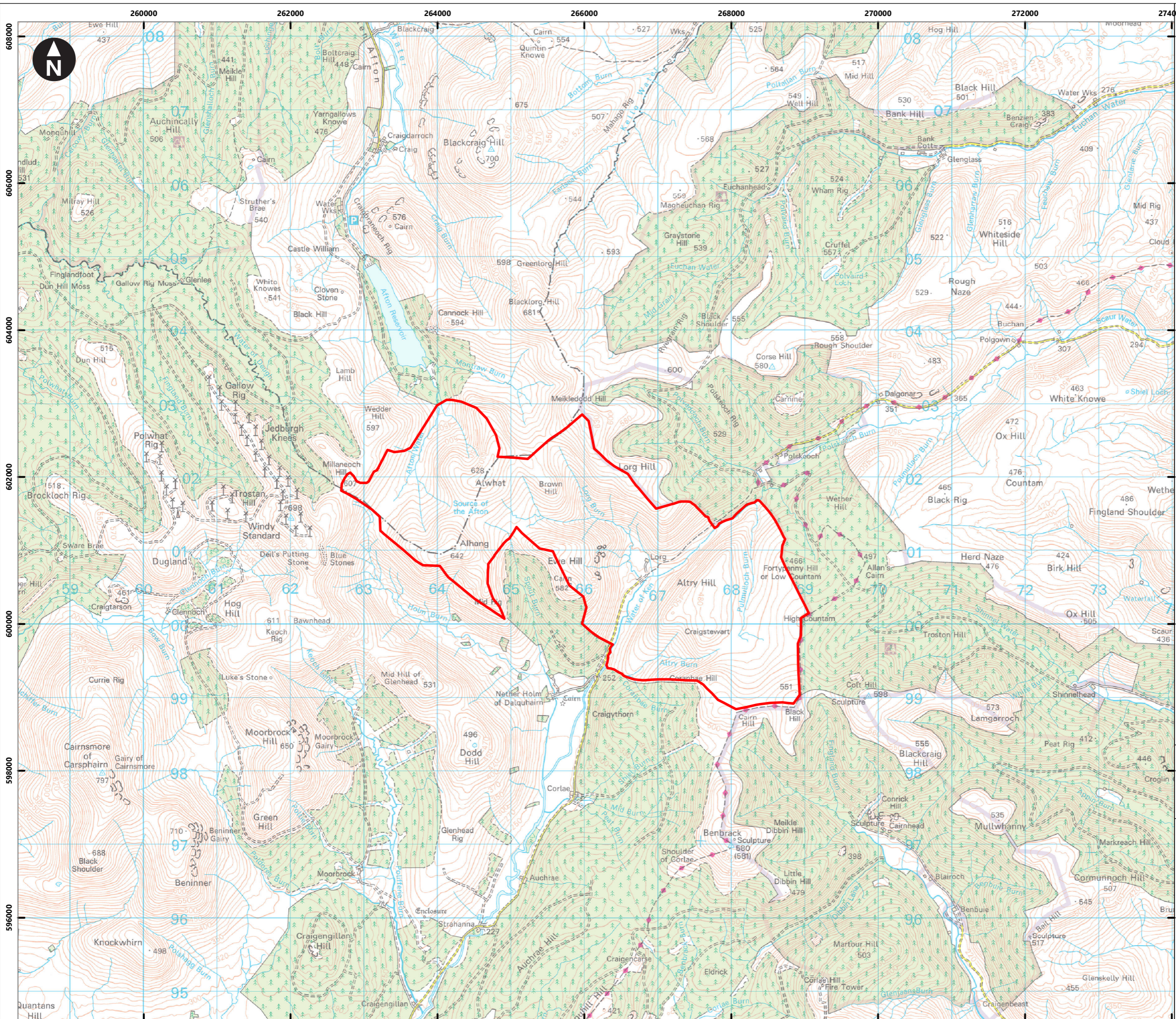
- 6.1.1 The application for the Proposed Development is made pursuant to section 36 of the Electricity Act 1989 (as amended), as a generating station with capacity exceeding 50 MW. It is considered that the principle of the Proposed Development is established, and the principle of increasing the number and size of turbines on the Development Site is supported by the Scottish Government. Therefore, the issue for consideration in this application is in relation to whether the design is acceptable, weighed against the environmental and economic benefits and impact. The accompanying EIA Report has been prepared in accordance with Schedule 4 of the EIA Regulations, and it is considered to demonstrate that the Proposed Development will not cause any significant adverse effects which cannot be mitigated, save for some localised landscape and visual effects, which NPF4 generally considers acceptable. In response to the Global Climate Emergency, the Proposed Development helps to meet Scotland's target of net zero emissions by 2045 by providing an installed generation capacity of approximately 96 MW, an increase of around triple the installed capacity of the consented scheme. This is supported by NPF4 which places significant weight *"on the contribution of the proposal to renewable energy generation targets and on greenhouse gas emissions reduction targets."*
- 6.1.2 In particular, this Proposed Development can help to achieve Scotland's interim 2030 target, as onshore wind can be deployed quickly in comparison to other renewables such as offshore wind, so can make the difference in the short term.
- 6.1.3 The Proposed Development is expected to provide a total carbon saving of approximately 4.8 million tonnes over its 35-year lifetime, equivalent to the emissions from supplying electricity from a mix of conventional power stations to 81,062 average UK homes.
- 6.1.4 The Proposed Development could result in construction expenditure of up to £159.92m. In terms of wider economic benefits, it is estimated that between £13.48m and £20.69m being spent locally, and a range of between £51.01m and £78.37m spent within Scotland.
- 6.1.5 During the construction of the Proposed Development, local employment across East Ayrshire and Dumfries and Galloway is estimated as ranging from up to 97.71 up to 149.10 Full time Equivalent (FTE) jobs, and Scottish level employment ranging between 293.02 FTE up to 450.19 FTE throughout the construction period.
- 6.1.6 Over the 35 year period of operation, the Proposed Development is predicted to generate total operations and maintenance expenditure of up to between £97.65m and £551.25m (and £253.85m based on the weighted average cost of £75,551 per MW). It is also predicted that the Proposed Development may deliver between £1.17m and £6.61m of local annual operations and maintenance expenditure and up to between £1.62m and £9.13m of annual operations and maintenance expenditure within Scotland.
- 6.1.7 The Proposed Development, as demonstrated in **Section 5**, is in accordance with National Policy, in particular the revised draft NPF4, and accords with the local policies in the East Ayrshire and Dumfries and Galloway Local Development Plans. In addition, the revised draft NPF4 provides that the Proposed Development, as over 50MW would be designated a 'national development', for which a general need is assumed.
- 6.1.8 It is therefore respectfully requested that the Proposed Development is granted section 36 consent and deemed planning permission be granted under section 57 (2) of the Town and Country Planning (Scotland) Act 1997.

# Appendix A

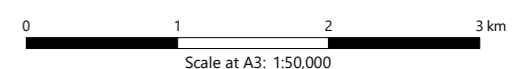
## Plans

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Site boundary



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Client



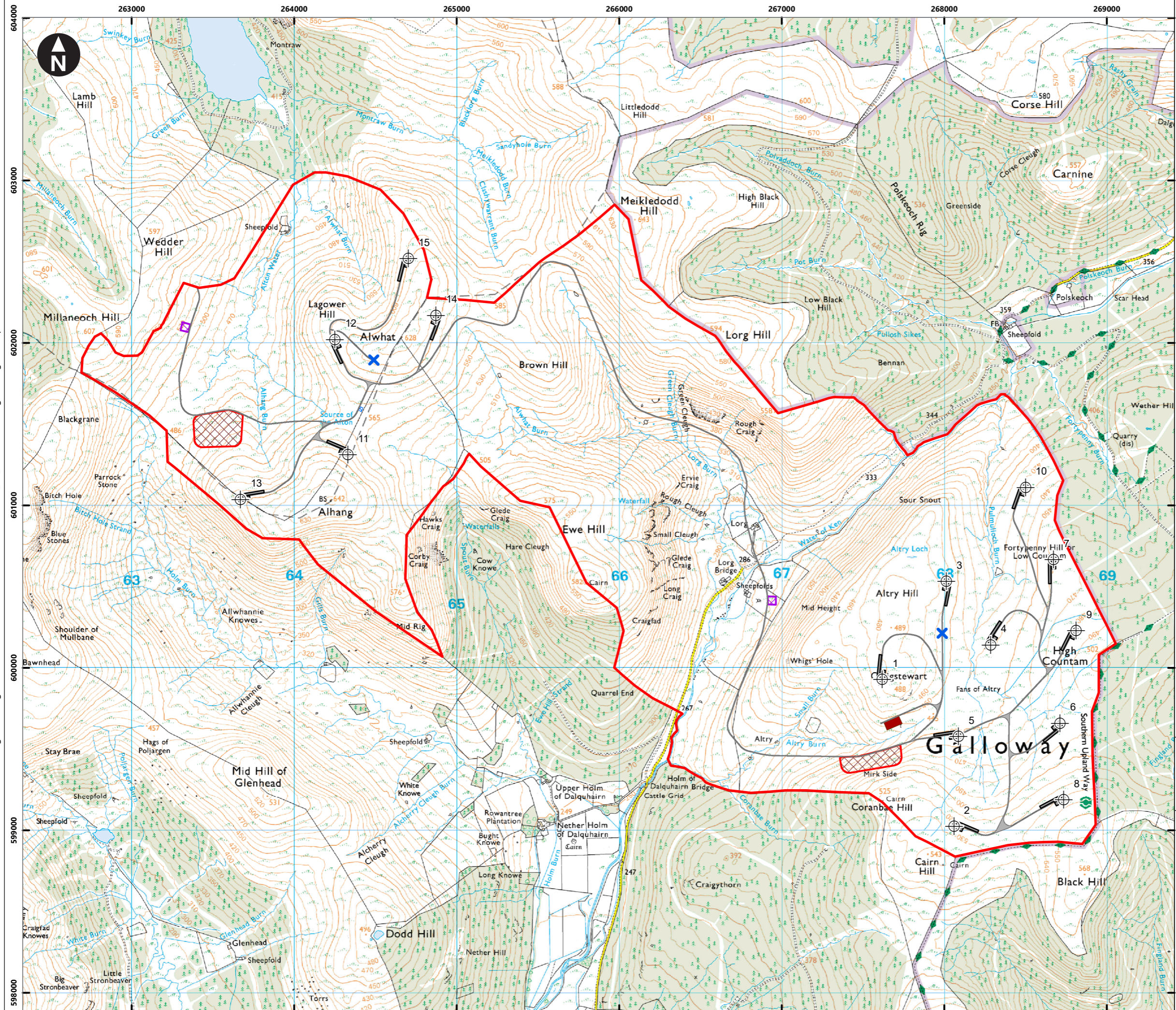
Lorg Wind Farm  
Environmental Impact Assessment Report

Figure 1.1  
Site location plan

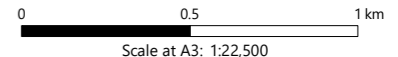
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- Key
- Site boundary
  - + Turbine location
  - x Met mast location
  - Access tracks
  - Crane pads
  - Borrow pit search area
  - Substation A
  - Substation B (West)
  - Temporary compound



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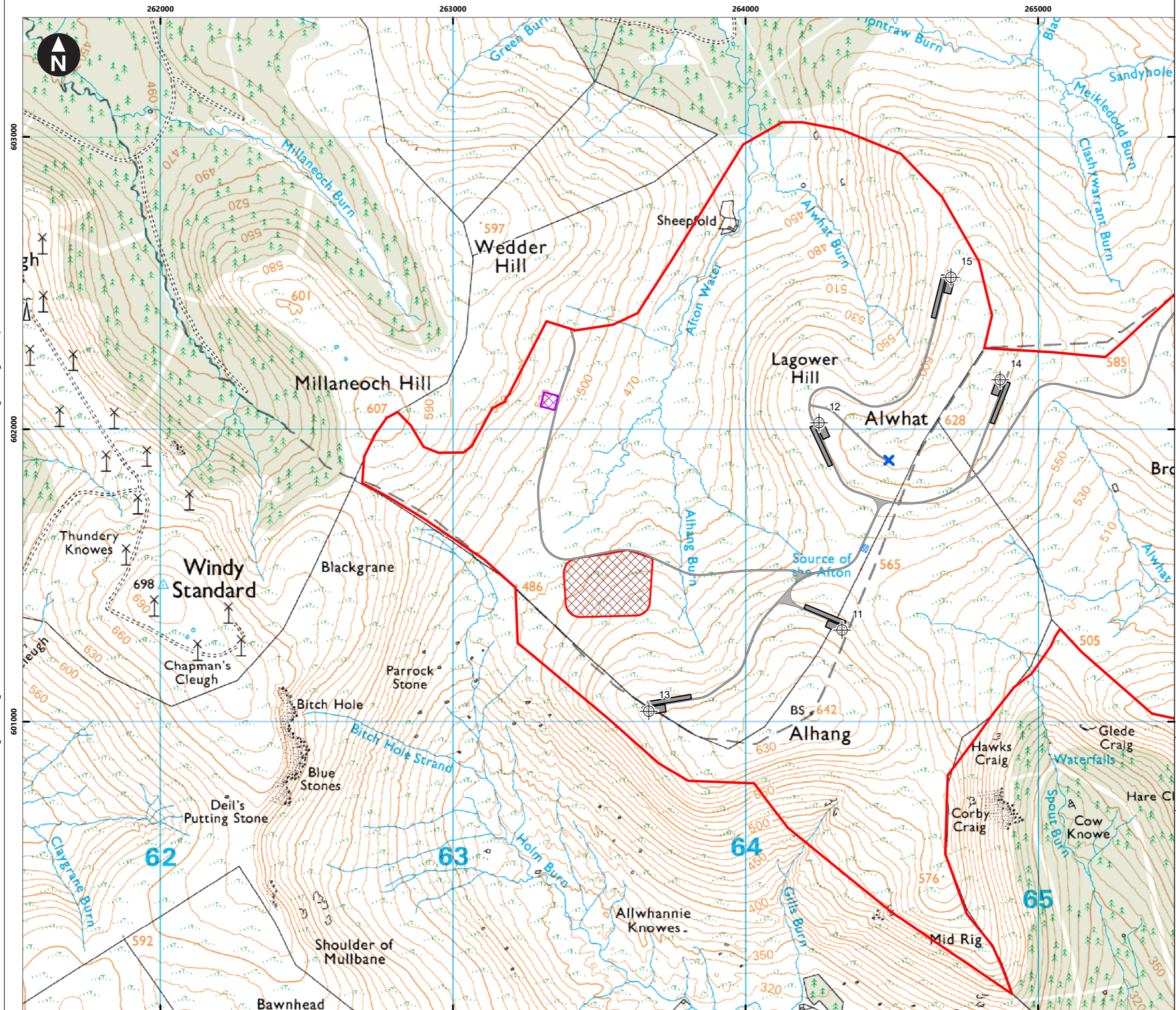
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**Figure 3.1a**  
**Site layout**

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- Key
- Site boundary
  - ⊕ Turbine location
  - × Met mast location
  - Access tracks
  - Crane pads
  - Borrow pit search area
  - Substation A (East)
  - Substation B (West)
  - Temporary compound

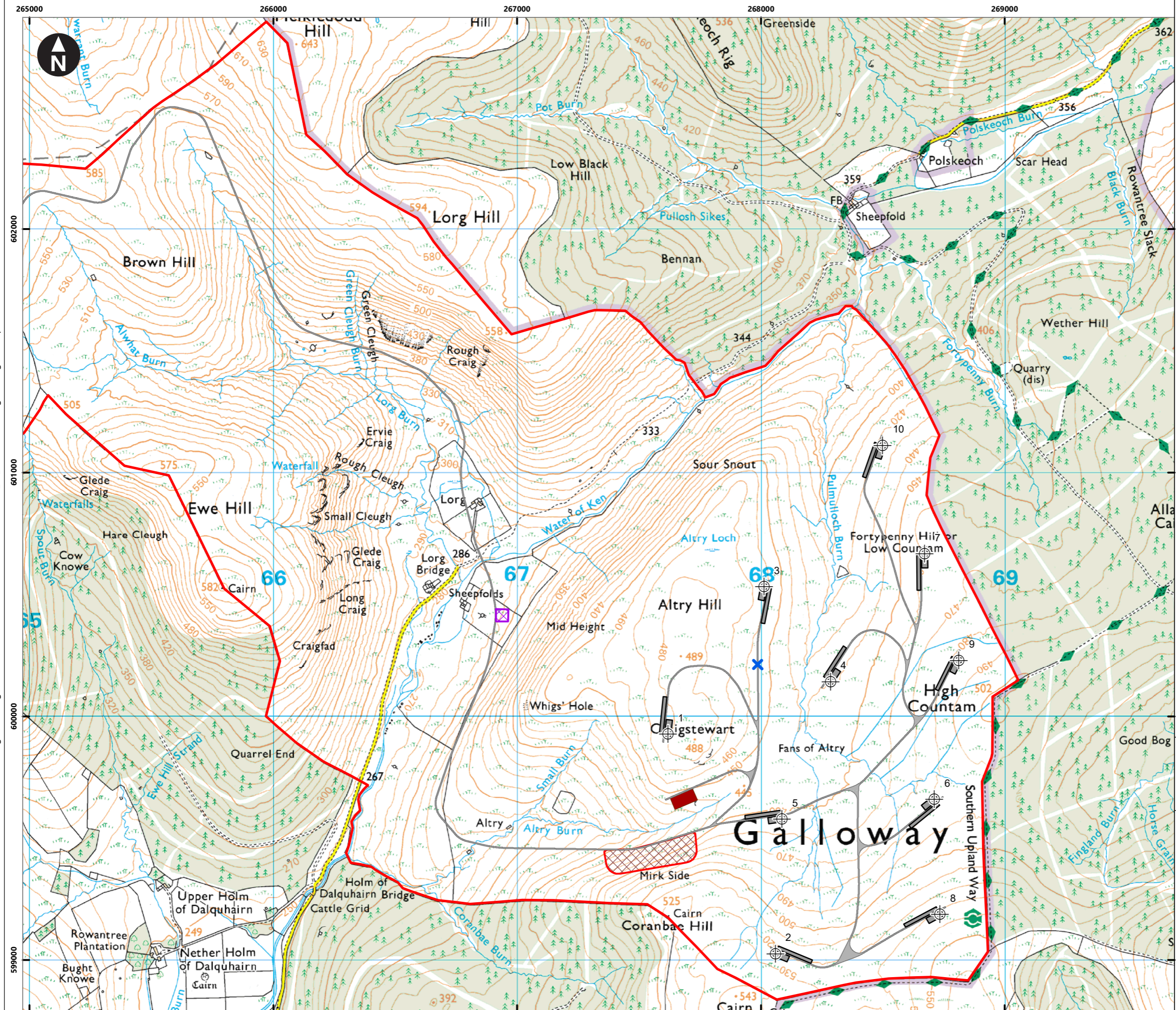
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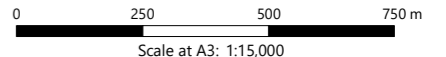
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**Figure 3.1b**  
Site layout - West

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- Key
- Site boundary
  - + Turbine location
  - X Met mast location
  - Access tracks
  - Crane pads
  - Borrow pit search area
  - Substation A (East)
  - Substation B (West)
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**Figure 3.1c**  
Site layout - East

