

Vale of Leven Wind Farm Section 36 Application:

Planning & Sustainable Place Statement

October 2023



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1. Introduction

1.1 Background

- 1.1.1 This Planning & Sustainable Place Statement has been prepared by David Bell Planning Ltd (DBP) on behalf of Vale of Leven Wind Farm Ltd (the Applicant) to construct and operate a 10-turbine wind farm (with associated infrastructure) known as Vale of Leven Wind Farm (hereafter referred to as 'the Proposed Development') located in the Kilpatrick Hills, in the West Dunbartonshire Council (WDC) administrative area.
- 1.1.2 As the Proposed Development has a generating capacity in excess of 50 megawatts (MW), consent is required from Scottish Ministers under Section 36 of the Electricity Act 1989 ('the 1989 Act'). In addition, a request is being made by the Applicant that planning permission is deemed to be granted under Section 57(2) of the Town and Country Planning (Scotland) Act 1997, as amended ('the 1997 Act').
- 1.1.3 The application for consent is accompanied by an Environmental Impact Assessment Report (EIA Report) which presents the findings of an EIA undertaken in accordance with the Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017 ('the EIA Regulations'). The EIA Report presents information on the identification and assessment of the likely significant environmental effects of the Proposed Development.
- 1.1.4 This Planning & Sustainable Place Statement makes various cross references to information contained in the EIA Report and presents an assessment of the Proposed Development against relevant policy with due regard given to the provisions of the statutory Development Plan, now made up of National Planning Framework 4 and the Local Development Plan for the WDC area, and other relevant material considerations.
- 1.1.5 This Planning & Sustainable Place Statement considers the potential benefits and the effects which may arise and concludes as to the overall acceptability of the Proposed Development in relation to the new planning policy framework and relevant material considerations.

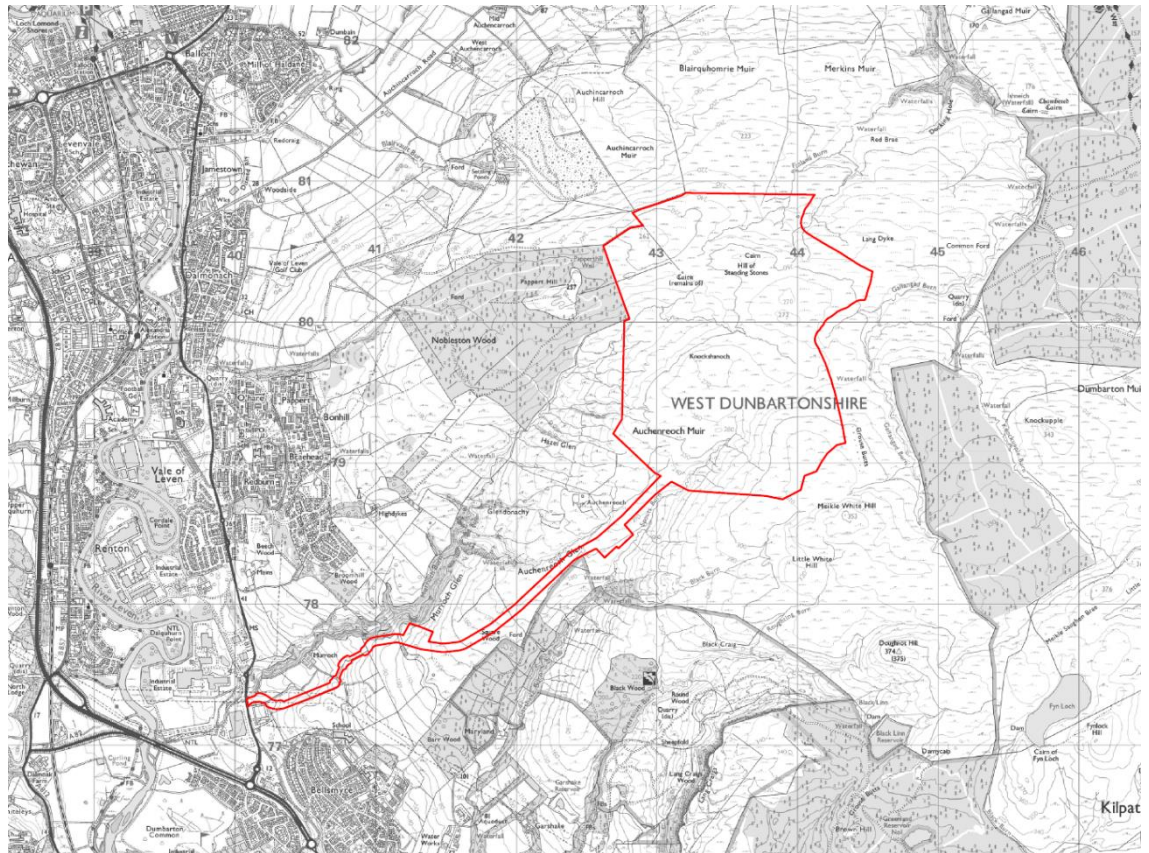
1.2 The Applicant

- 1.2.1 Vale of Leven Wind Farm Limited is a joint venture company created by project partners Coriolis Energy Limited and ESB. Coriolis Energy identifies and works on the development of wind farm proposals and ESB constructs and operates those wind farms.
- 1.2.2 Coriolis Energy is a specialist independent wind farm development company which, since its inception, has delivered more than 100 MW of operational onshore wind farms in the UK, with a further 1,500 MW in development.
- 1.2.3 ESB is Ireland's part state-owned electricity utility company and a leading independent power generator in the UK. ESB is heavily involved in onshore and offshore wind, electric vehicle infrastructure and renewable heating systems, such as the low-carbon heating and cooling system it installed in the V&A Dundee.

1.3 Site Location and Description

- 1.3.1 The Site is located within the Kilpatrick Hills, West Dunbartonshire. The nearest settlement to the Site is Bonhill, which lies just over 2km to the west of the nearest proposed turbine. The larger settlements of Alexandria and Dumbarton are approximately 4 km to the west and south-west of the Site. The Site boundary and context is shown in **Figure 1.1** below.

Figure 1.1: Site Boundary and Context



- 1.3.2 The land use within the Site is dominated by upland moorland suitable for grazing sheep. Dumbarton Muir Site of Special Scientific Interest (SSSI), designated for bog habitats, is located to the east of the Site. Auchenroch Glen SSSI, designated for its lowland calcareous grassland and springs (including flushes), lies to the south-west. There are numerous watercourses onsite, some of the which, within the south-western portion of the Site, are located within steep gullies.
- 1.3.3 The surrounding land use in the immediate vicinity is predominantly agricultural, with some areas of forestry to the west and east. Auchencarroch Landfill Site is located to the west of and immediately adjacent to the proposed site access.
- 1.3.4 The Loch Lomond and Trossachs National Park (LLTNP) and the Loch Lomond National Scenic Area (NSA), lie a minimum of 1.7 km and approximately 3.5 km respectively to the north of the northern Site boundary.
- 1.3.5 A previous wind farm proposal, Merkins Wind Farm, was located at the same location, but with a different access and site boundary. Merkins Wind Farm was submitted by the developer (Lomond Energy) by way of a planning application in January 2012. The 10-turbine layout, 120 m to blade tip was refused by the Council in 2013. The Proposed Development is a wholly new project with no connection to the Merkins Wind Farm proposal.

1.4 The Proposed Development

1.4.1 The Proposed Development is described in detail in Chapter 2 of the EIA Report. In summary, it will comprise:

- > up to ten wind turbines of approximately 7 mega-watts (MW) each, with a maximum blade tip height of 250m;

- > hardstanding areas at the base of each turbine, with a permanent area of approximately 7,800m²;
- > site entrance and access track up to 9.2km in length from the south-west, via a new road through Murroch Farm, accessed from a new junction on the A813 Stirling Road, roughly opposite the Aggreko Lomondgate facility in Dumbarton;
- > onsite sub-station/control building with parking and welfare facilities;
- > associated crane hardstanding at each turbine location;
- > a network of onsite access tracks and associated watercourse crossings;
- > transformers and underground cables to connect the turbines to the onsite substation;
- > internal and private access road network;
- > telecommunications equipment;
- > 3 temporary construction compounds and laydown area;
- > 3 borrow pit search areas, to provide suitable rock for access tracks, turbine bases and hardstandings; and
- > energy storage equipment with a capacity up to 20 MW.

1.4.2 Aviation regulations require turbines with a tip height of or exceeding 150m to display aviation lighting to indicate their presence. Dispensations for reduced lighting schemes can be agreed with the Civil Aviation Authority (CAA). In accordance with the guidance in the UK Certification Specification & Guidance Material for Aerodrome Design, a reduced lighting scheme has been designed that would identify the perimeter of the Proposed Development and the highest turbine within it. This would be submitted to the CAA for approval.

1.4.3 Construction of the Proposed Development is anticipated to take approximately 21 months from mobilisation to completion. The operational life of the Proposed Development will be 40 years. Following the 40-year operational period, the Proposed Development will be fully decommissioned, or an application made to extend its operational life or to replace the turbines.

1.4.4 A micro-siting allowance of up to 50m in all directions is being sought in respect of each turbine and the supporting ancillary infrastructure in order to address any potential difficulties which may arise in the event that pre-construction surveys identify unsuitable ground conditions or unforeseen environmental constraints that could be avoided by relocation.

1.5 The Statutory Framework

1.5.1 An application under section 36 of the 1989 Act for consent for the construction of an electricity generating station whose capacity exceeds 50MW is significantly different from an application for planning permission for a similar station whose capacity is less than 50MW.

1.5.2 Section 25 of the 1997 Act does not apply to the determination of applications under section 36 of the 1989 Act as confirmed in the case of *William Grant & Sons Distillers Ltd v Scottish Ministers* [2012] CSOH 98 (paragraphs 17 and 18).

1.5.3 In addition, there are potentially certain environmental duties in relation to Preservation of Amenity and Fisheries Provisions in Schedule 9, paragraph 3 of the 1989 Act that are likely to apply.

- 1.5.4 The Applicant does not hold a generation licence in respect of this Site and therefore the statutory duties set out in paragraph 3 of Schedule 9 to the 1989 Act do not apply to the Applicant when formulating proposals for consent under section 36 of the 1989 Act. The Applicant has however, through the EIA process, had full regard to the matters set out in paragraph 3(1)(a) and (b) of Schedule 9.
- 1.5.5 The EIA Report identifies how various factors were taken into account in the formulation of the application. In addition, each EIA Chapter includes assessment of the likely significant effects and also, where appropriate, the identification of appropriate mitigation. This includes both embedded mitigation which is integral to the design and also active specific measures which have been identified.
- 1.5.6 The Scottish Ministers are obliged to consider whether they have sufficient information to enable them to carry out their duties under sub-paragraph 3(1)(a) of Schedule 9 to the 1989 Act. The duty on the Ministers is to have regard to the matters specified in Schedule 9 (3) (a) which are “*.the desirability of preserving natural beauty, of conserving flora, fauna and geological or physiographical features of special interest and of protecting sites, buildings and objects of architectural, historic or archaeological interest*”. Schedule 9 is not a development management test.
- 1.5.7 In considering the overall statutory and regulatory framework within which the Proposed Development is required to be assessed, the statutory Development Plan is a material consideration which should be taken into account in the round with all other relevant material considerations. It is important to note, however, that section 25 of the 1997 Act is not engaged as there is no ‘primacy’ of the Development Plan in respect of an application made under the 1989 Act.

1.6 Scope & Structure of Planning & Sustainable Place Statement

- 1.6.1 The planning policy framework changed significantly in early 2023, with the approval and adoption of National Planning Framework 4 (NPF4) and with the publication of a new Onshore Wind Policy Statement (OWPS) in late 2022.
- 1.6.2 This Planning & Sustainable Place Statement addresses these new policy documents and provides an assessment of the Proposed Development against relevant new policy provisions and the new make-up of the statutory Development Plan. The appraisal also highlights policy differences with the former national planning policy and where there are incompatibilities between new national planning policies and those of the Local Development Plan.
- 1.6.3 This report is structured as follows:
- > **Chapter 2** sets out the up-to-date position with regard to the renewable energy policy and emissions reduction legislative framework and includes detailed reference to the new Onshore Wind Policy Statement and the Scottish Government’s Draft Energy Strategy and Just Transition Plan;
 - > **Chapter 3** appraises the Proposed Development against the most up to date element of the Development Plan, namely the relevant provisions of NPF4 and includes an appraisal of how the Proposed Development would contribute to and create a sustainable place;
 - > **Chapter 4** appraises the Proposed Development against the relevant provisions of the Local Development Plan and related guidance; and
 - > **Chapter 5** presents a summary of the benefits of the Proposed Development, examines the planning balance and presents overall conclusions on the acceptability of the proposal.

2. The Renewable Energy Policy & Legislative Framework

2.1 Introduction

- 2.1.1 This Chapter refers to the renewable energy policy and emissions reduction legislative framework with reference to relevant international, UK and Scottish provisions. The framework of international agreements and obligations, legally binding targets and climate change global advisory reports is the foundation upon which national energy policy and greenhouse gas emissions (GHG) reduction law is based. This underpins what can be termed the need case for renewable energy from which the Proposed Development can draw a high level of support.
- 2.1.2 The Proposed Development requires to be considered against a background of material UK and Scottish Government energy and climate policy and legislative provisions, as well as national planning policy and advice. These taken together provide very strong support for onshore wind in principle.
- 2.1.3 It is evident that there is clear and consistent policy support at all levels, from international to local, for the deployment of renewable energy generally (including onshore wind) to combat the global climate crisis, diversify the mix of energy sources, achieve greater security of supply, and to attain legally binding emissions reduction targets.
- 2.1.4 The Proposed Development would make a valuable contribution to help Scotland meet its renewable energy and electricity production targets, while supporting emissions reduction to combat climate change in the current Climate Emergency.
- 2.1.5 UK and Scottish Government renewable energy policy and associated renewable energy and electricity targets are important considerations. It is important to be clear on the current position as it is a fast-moving topic of public policy. The context of international climate change commitments is set out. This is followed with reference to key UK level statutory and policy provisions and then a detailed description of relevant Scottish Government statutory and policy provisions is set out.

2.2 International Commitments

The Paris Agreement (2016)

- 2.2.1 In December 2015, 196 countries adopted the first ever universal, legally binding global climate deal at the Paris Climate Conference (COP21). The Paris Agreement within the United Nations Framework Convention on Climate Change sets out a global action plan towards climate neutrality with the aims of stopping the increase in global average temperature to well below 2°C above pre-industrial levels, and to pursue efforts to limit global warming to 1.5°C.
- 2.2.2 It is clear that moving to a low carbon economy is a globally shared goal and will require absolute emission reduction targets. The UK Government's commitment under the Paris Agreement links to the Climate Change Committee's (CCC) advice to both the UK and Scottish Governments on 'net zero' targets which have now, at both the UK and Scottish levels, been translated into new legislative provisions and targets for both 2045 (Scotland) and 2050 (UK). This is referred to below.
- 2.2.3 The Paris Agreement does not itself represent Government policy in the UK or Scotland. However, the purpose of domestic and renewable energy and GHG reduction targets is to meet the UK's commitment in the Paris Agreement.

United Nations - International Panel on Climate Change

- 2.2.4 The Intergovernmental Panel on Climate Change (IPCC) is the United Nations Body for assessing the science related to climate change.
- 2.2.5 The IPCC prepares comprehensive assessment reports about the state of scientific, technical and socio-economic knowledge on climate change, its impacts and future risks and options for reducing the rate at which climate change is taking place. IPCC reports are commissioned by the worlds' Governments and are an agreed basis for COP¹ negotiations.
- 2.2.6 The IPCC's Special Report on Warming of 1.5°C, published in 2018, was a key piece of evidence for the CCC's recommendation to the UK Government for a 2050 net zero greenhouse gas emission target. The IPCC's reports since 2018 have provided an up-to-date estimate of how close global temperatures are to 1.5°C of warming above pre-industrial levels and the remaining volume of global cumulative carbon dioxide that could be emitted to be consistent with keeping global warming below any particular threshold (such as the 1.5°C and 2°C levels referred to in the Paris Agreement).
- 2.2.7 The IPCC's 6th Assessment Report was published in March 2023. The Summary for Policymakers Report (page 10) states that it is likely that warming will exceed 1.5°C during the 21st Century and make it harder to limit warming 2°C. It states (page 12):
- “Continued greenhouse gas emissions will lead to increasing global warming, with the best estimate of reaching 1.5°C in the near term in considered scenarios and modelled pathways. Every increment of global warming will intensify multiple and concurrent hazards (high confidence). Deep, rapid and sustained reductions in greenhouse gas emissions would lead to a discernible slowdown in global warming within around two decades, and also to discernible changes in atmospheric composition within a few years (high confidence)”.*
- 2.2.8 Page 24 of the report states *“There is a rapidly closing window of opportunity to secure a liveable and sustainable future for all (very high confidence)”.*

United Nations Statement, July 2023

- 2.2.9 The UN issued a statement on 27 July 2023 with regard to increasing global temperatures. The UN Secretary General Antonio Guterres stated that it was *“virtually certain that July 2023 will be the warmest on record”.*
- 2.2.10 The Secretary General stated *“Climate change is here. It is terrifying. And it is just the beginning. The era of global warming has ended, and the era of global boiling has arrived.”*
- 2.2.11 The statement refers to climate conditions in the month of July 2023 as being remarkable and unprecedented, and that there is virtual certainty that the month of July as a whole will become the warmest July on record and the warmest month on record. In addition, the statement sets out that ocean temperatures are at their highest ever level recorded for this time of year [July].
- 2.2.12 The statement also refers to the net zero goal and the Secretary General stated: *“The need for new national emissions targets from G20 members and urged all countries to push to reach net zero emissions by mid-century.”*

¹ United Nations Framework Convention on Climate Change, Conference of the Parties (COP).

2.3 UK Climate Change & Energy Legislation & Policy

The Climate Emergency

2.3.1 A critical part of the response to the challenge of climate change was the Climate Emergency which was declared by the Scottish Government in April 2019 and by the UK Parliament in May 2019. The declaration of climate emergency needs to be viewed in the context in which it was declared (advice from the CCC) and in response to commitments under the Paris Agreement and what followed from it as a result of the declaration (new emissions reduction law).

The Climate Change Act 2008 & Carbon Budgets

2.3.2 The Climate Change Act 2008 (the 2008 Act) provides a system of carbon budgeting. Under the 2008 Act, the UK committed to a net reduction in GHG emissions by 2050 of 80% against the 1990 baseline. In June 2019, secondary legislation was passed that extended that target to at least 100% against the 1990 baseline by 2050, with Scotland committing to net zero by 2045.

2.3.3 The 2008 Act also established the CCC which advises the UK Government on emissions targets, and reports to Parliament on progress made in reducing GHG emissions.

2.3.4 The CCC has produced six four yearly carbon budgets, covering 2008 – 2037. These carbon budgets represent a progressive limitation on the total quantity of GHG emissions to be emitted over the five-year period as summarised in **Table 2.1** below. Essentially, they are five yearly caps on emissions.

2.3.5 These legally binding ‘carbon budgets’ act as stepping-stones toward the 2050 target. The CCC advises on the appropriate level of each carbon budget and once accepted by Government, the respective budgets are legislated by Parliament. All six carbon budgets have been put into law and run up to 2037.

Table 2.1: Carbon Budgets and Progress²

Budget	Carbon budget level	Reduction below 1990 levels	Met?
1 st carbon budget (2008 – 2012)	3,018 MtCO _{2e}	25%	Yes
2 nd carbon budget (2013 – 2017)	2,782 MtCO _{2e}	31%	Yes
3 rd carbon budget (2018 – 2022)	2,544 MtCO _{2e}	37% by 2020	On Track
4 th carbon budget (2023 – 2027)	1,950 MtCO _{2e}	51% by 2025	Off Track
5 th carbon budget (2028 – 2032)	1,725 MtCO _{2e}	57% by 2030	Off Track
6 th carbon budget (2033 – 2037)	965 MtCO _{2e}	78% by 2035	Off Track
Net Zero Target	100%	By 2050	

2.3.6 The Sixth Carbon Budget (CB6) requires a reduction in UK greenhouse gas emissions of 78% by 2035 relative to 1990 levels. This is seen as a world leading commitment, placing the UK “*decisively on the path to net zero by 2050 at the latest with a trajectory that is consistent with the Paris Agreement*” (CB6, page 13).

² Source: CCC (2022).

2.3.7 Page 23 of CB6 refers to the devolved nations and sets out that UK climate targets cannot be met without strong policy action across Scotland, Wales and Northern Ireland. Key points from CB6 include:

- > UK climate targets cannot be met without strong policy action in Scotland.
- > The CCC is clear in setting out that new demand for electricity will mean that electricity demand will rise 50% to 2035 and doubling or even trebling by 2050.
- > CB6 needs to be met and that will need more and faster deployment of renewable energy developments than has happened in the past.
- > The related ‘Methodology Report’ from the CCC advice, states that in all scenarios for the carbon budget and looking ahead to 2050, the CCC sees new onshore wind generation being deployed by 2050. They set out that their modelling reflects this by almost doubling onshore wind capacity to 20-30 GW in all scenarios by 2050.

2.3.8 Following the Sixth Carbon Budget, the UK Government announced on 20 April 2021 that it would set the world’s most ambitious climate change target into law (by the Carbon Budget Order 2021³) to reduce emissions by 78% by 2035 compared to 1990 levels. This effectively brings forward the UK’s previous commitment of an 80% reduction by 2050 by 15 years.

The UK Energy White Paper (December 2020)

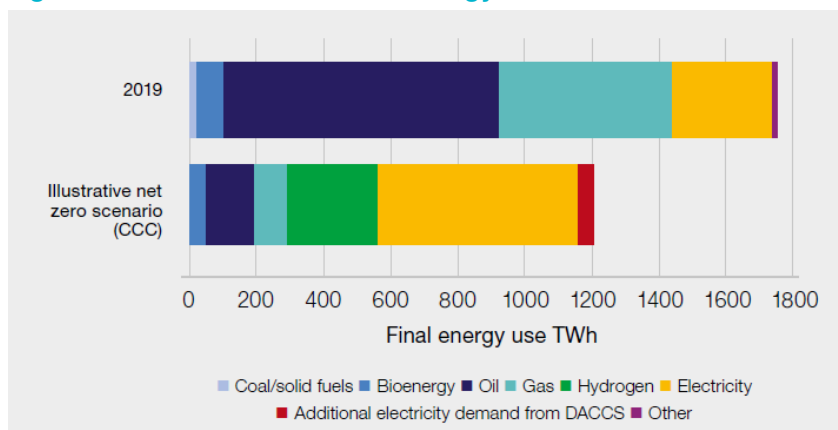
2.3.9 The Energy White Paper ‘Powering our Net Zero Future’ was published on 14 December 2020 represents a sea change in UK policy and highlights the importance of renewable electricity.

2.3.10 It sets out that “*electricity is a key enabler for the transition away from fossil fuels and decarbonising the economy cost-effectively by 2050*”. A key objective is to “*accelerate the deployment of clean electricity generation through the 2020s*” (page 38).

2.3.11 Electricity demand is forecast to double out to 2050, which will “*require a four-fold increase in clean electricity generation with the decarbonisation of electricity increasingly underpinning the delivery of our net zero target*” (page 42).

2.3.12 This anticipated growth of renewable electricity is illustrated in the graph below – **Figure 2.1**.

Figure 2.1: Illustrative UK Final Energy Use in 2050⁴



³ The Order sets the carbon budget for the 2033-2037 budgetary period at 965 million tonnes of carbon dioxide equivalent. The net UK carbon account is defined in section 27 of the Climate Change Act 2008.

⁴ Source: Energy White Paper page 9 (2020).

- 2.3.13 Whilst offshore renewables are expected to grow significantly, the White Paper also sets out that *“onshore wind and solar will be key building blocks of the future generation mix, along with offshore wind. We will need sustained growth in the capacity of these sectors in the next decade to ensure that we are on a pathway that allows us to meet net zero emissions in all demand scenarios”* (page 45).

The UK Net Zero Strategy (October 2021)

- 2.3.14 The UK Government published the Net Zero Strategy in October 2021. This set out policies and proposals for keeping the UK on track in relation to carbon budgets and the UK's nationally determined contribution (NDC)⁵ and establishes the long-term pathway to net zero by 2050.
- 2.3.15 The Net Zero Strategy sets out the Government's plans for reducing emissions from each sector of the UK economy, related to carbon budget and to the eventual target of net zero by 2050. The Strategy has been submitted to the United Nations Framework Convention on Climate (UNFCCC) as the UK's second long-term low greenhouse gas emission development strategy under the Paris Agreement.
- 2.3.16 Page 19 addresses the power sector and sets out that the power system will be fully decarbonised by 2035.
- 2.3.17 Key policies are set out including that by 2030 there will be some 40GW of offshore wind with *“more onshore, solar and other renewables”*. The strategy also builds on the UK Government's 'Ten Point Plan' *“with our vision to create new jobs in net zero Industries as we meet our climate target.”* (page 40).
- 2.3.18 It is notable that in terms of power, the Strategy references the Energy White Paper (2020) which set out the goal of a fully decarbonised and low-cost power system by 2050. It adds that CB6 represents *“a very significant increase in the pace of power sector decarbonisation, coupled with increased demand due to accelerated action another sector dependent on low-carbon electricity”*. (page 98). It adds:

“although the Energy White Paper envisaged achieving an overwhelmingly decarbonised power system during the 2030s, we have since increased our ambition further. By 2035 all our electricity will need to come from low carbon sources, subject security of supply bringing forward the Government's commitment to a fully decarbonise power system by 15 years, whilst meeting at 40-60% increase in demand”. The Strategy also sets out that the Government will be supporting sustained deployment of low-carbon generation (page 103), and will continue to drive rapid deployment of renewables.

The British Energy Security Strategy (April 2022)

- 2.3.19 The British Energy Security Strategy (“the Strategy”) was published by the UK Government on 7 April 2022. The Strategy focuses on energy supply and states that in the future nuclear will have an expanded role and that renewables have an important role: the foreword states *inter alia*:
- “this government will reverse decades of myopia, and make the big call to lead again in a technology the UK was the first to pioneer, by investing massively in nuclear power.*

⁵ Every country that signed up to the Paris Agreement (2015) set out a target known as a nationally determined contribution for reducing greenhouse gas emissions by around 2030. For the UK the target was a 68% reduction on 1990 levels by 2030.

Accelerating the transition away from oil and gas then depends critically on how quickly we can roll out new renewables.

The growing proportion of our electricity coming from renewables reduces our exposure to volatile fossil fuel markets. Indeed, without the renewables we are putting on the grid today, and the green levies that support them, energy bills would be higher than they are now. But now we need to be bolder in removing the red tape that holds back new clean energy developments and exploit the potential of all renewable technologies.”

- 2.3.20 Reducing Scotland's and the wider UK's dependency on hydrocarbons has important security of supply, electricity cost and fuel poverty avoidance benefits. Those actions already urgently required in the fight against climate change are now required more urgently for global political stability and insulation against dependencies on rogue nation states.

Powering Up Britain

- 2.3.21 On 30 March 2023 the UK Government (Department for Energy Security and Net Zero) published 'Power Up Britain' which comprises a series of documents including an Energy Security Plan, Carbon Budget Delivery Plan (CBDP) and Net Zero Growth Plan.
- 2.3.22 The CBDP is the means by which the UK Government satisfies Section 14 of the Climate Change Act 2008 to publish proposals and policies for enabling Carbon Budgets 4, 5 and 6 to be met. The CBDP was published in response to the High Court ruling⁶ that the Government's 2021 Net Zero Strategy did not comply with the Climate Change Act. The Government has therefore had to provide a firmer public commitment to its plans, which has resulted in some changes in approach and ambition.
- 2.3.23 The Energy Security Plan sets out the steps that the UK Government is taking to ensure that the UK is more energy independent, secure and resilient. It builds upon the British Energy Security Strategy and the Net Zero Strategy. The report sets out that the Government is aiming for a doubling of Britain's electricity generation capacity by the late 2030s in line with aim to fully decarbonise the power sector by 2035, subject to security of supply.
- 2.3.24 The introduction of the Net Zero Growth Plan states:
- “Energy Security and Net Zero are two sides of the same coin. The energy transition and net zero are among the greatest opportunities facing this country and we are committed to ensuring that the UK takes advantage of its early mover status. Global action to mitigate climate change is essential to long term prosperity...”*

CCC – Report to Parliament 2023

- 2.3.25 The CCC published its report to Parliament 'Progress in Reducing Emissions' in June 2023. It sets out (page 13) that despite the UK Government having issued the CBDP, *“policy development continues to be too slow and our assessment of the CBDP has raised new concerns. Despite new detail from Government, our confidence in the UK meeting its medium-term targets has decreased in the past year”*.
- 2.3.26 The CCC adds that:
- “At COP26, the UK made stretching 2030 commitments in its Nationally Determined Contribution (NDC) – now only 7 years away. To achieve the NDC goal of at least a 68% fall in territorial emissions from 1990 levels, the rate of emissions reduction outside the power sector must almost quadruple. Continued delays in policy development and implementation mean that the NDCs achievement is increasingly challenging”*.

⁶ The High Court ruled in July 2022 (*R (Friends of the Earth & Others) v Secretary of State for Business, Energy and Industrial Strategy* [2022] EWHC 1841) that the UK Government's Net Zero Strategy unlawful as it did not meet its obligations under the Climate Change Act 2008 to clearly evaluate how the Government intended to achieve its Carbon Budgets.

2.3.27 Key messages include (page 14 and 15):

- > A lack of urgency – the CCC note that the net zero target was legislated in 2019 but there remains a lack of urgency over its delivery. It states, “*the net zero transition is scheduled to take around three decades, but to do so requires a sustained high intensity of action. This is required all the more, due to the slow start to policy development so far. Pace should be prioritised over perfection*”.
- > Planning policy needs radical form to support net zero – the CCC state that in this regard that: “*In a range of areas, there is now a danger that the rapid deployment of infrastructure required by the Net Zero transition is stymied or delayed by restrictive planning rules. The planning system must have an overarching requirement that all planning decisions must be taken given full regard to the imperative of Net Zero*”.

2.4 Climate Change & Renewable Energy Policy: Scotland

The Climate Emergency

2.4.1 The former Scottish First Minister Nicola Sturgeon declared a "Climate Emergency" in her speech to the SNP Conference in April 2019. Furthermore, Climate Change Secretary Roseanna Cunningham made a statement on 14 May 2019 to the Scottish Parliament on the 'Global Climate Emergency' and stated:

"There is a global climate emergency. The evidence is irrefutable. The science is clear and people have been clear: they expect action. The Intergovernmental Panel on Climate Change issued a stark warning last year the world must act now by 2030 it will be too late to limit warming to 1.5 degrees.

We acted immediately with amendments to our Climate Change Bill to set a 2045 target for net zero emissions - as we said we'd do. If agreed by Parliament, these will be the most stringent legislative targets anywhere in the world and Scotland's contribution to climate change will end, definitively, within a generation. The CCC was clear that this will be enormously challenging...."

2.4.2 The key issue in relation to these statements is that they acknowledge the very pressing need to achieve radical change and that by 2030 it will be too late to limit warming to 1.5 degrees. The Scottish Government therefore acted on the Climate Emergency in 2019 by bringing in legislation.

2.4.3 Furthermore, the declaration of the climate emergency was not simply a political declaration, it is now the key priority of the Scottish Government. Defining the issue as an emergency is a reflection of both the seriousness of climate change, its potential effects and the need for urgent action to cut carbon dioxide and other GHG emissions.

2.4.4 The scale of the challenge presented by the new targets for net zero within the timescale adopted by the Scottish Government on the advice of the CCC is considerable, especially given the requirements for decarbonisation of heat and transport – this will require very substantial increases in renewable electricity generation by 2030.

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

2.4.5 Against this severe backdrop, the Scottish Government has set legal obligations to decarbonise and reduce emissions. Most notably, the Scottish Government has a statutory target to achieve “net zero” by 2045, with interim targets of 75% by 2030 and 90% by 2040, further supported by annual targets. It is clear that to have any hope of achieving the net zero target, much needs to happen by 2030.

2.4.6 When it was enacted, the Climate Change (Scotland) Act 2009 set world leading greenhouse gas emissions reduction targets, including a target to reduce emissions by 80% by 2050.

However, the new Climate Change (Emissions Reduction Targets) (Scotland) Act 2019 amends the 2009 Act and sets even more ambitious targets.

- 2.4.7 The 75% target required to be met by 2030 is especially challenging. Indeed, when the matter was proceeding through Parliament, it was the Scottish Parliament that increased the requirement from a 70 to 75% reduction by 2030. This acts upon the declaration of the Climate Emergency and recognises the urgent response that is required.
- 2.4.8 The Scottish Government publishes an annual report that sets out whether each annual emissions reduction target has been met. **Table 2.2** below sets out the annual targets for every year to net zero. The report for the 2019 target year was published in June 2021. The report states that the 'GHG Account' reduced by only 51.5% between the baseline period and 2019. As noted, the 2019 Act specifies a 55% reduction over the same period – therefore the targets for 2018 and 2019 were not met.
- 2.4.9 The Scottish GHG Statistics for 2020 were released in June 2022. These show that the GHG account reduced by some 58.7% between the baseline period and 2020. However according to the report⁷, the drop in emissions between 2019 and 2020 was mainly down to lower emissions from domestic transport, international flights and shipping and energy supply. All other sectors demonstrated modest reductions over this period, except the housing sector.
- 2.4.10 Coronavirus restrictions were responsible for the large drop in emissions from transport, while residential emissions increased by 0.1 MtCO₂e as more people worked from home during the pandemic. The Scottish Cabinet Secretary for Net Zero, Energy and Transport Michael Matheson made a Statement⁸ to the Scottish Parliament on 07 June 2022 on the release of the latest statistics. In the Statement he commented as follows:
- “Nonetheless, the most significant changes are in the transport sector and are associated with the temporary measures taken in response to the Covid-19 pandemic. We must be prepared for these figures to substantially rebound in 2021. There can be no satisfaction taken in emissions reductions resulting from the health, economic and social harms of the pandemic.”* (emphasis added)
- 2.4.11 The Scottish GHG Statistics for 2021 were released in June 2023⁹. The 2009 Act (as amended) required that GHG emissions reduce by 51.1% between the baseline period and 2021¹⁰. GHG emission reduced by 49.9% therefore the interim target for 2021 was not achieved.

⁷ Scottish Government. Official Statistics, Scottish Greenhouse Gas Statistics 2020, (June 2022).

⁸ Ministerial Statement to Scottish Parliament by Cabinet Secretary for Net Zero, Energy and Transport on 07 June 2022, 'Greenhouse gas emission statistics 2020'.

⁹ Scottish Government. Official Statistics, Scottish Greenhouse Gas Statistics 2021, (June 2023). The publication explains that the target figures have been revised since 2022 to incorporate methodological improvements and new data.

¹⁰ Note this is a revised target in line with the Climate Change (Scotland) Act 2009 (Interim target) Amendment Regulations 2023. These Regulations adjust the annual target figures for 2021 to 2029. The reason for the change is based on advice from the CCC regarding international carbon reporting practice.

Table 2.2: Scotland's Annual Emission Reduction Targets to Net Zero

Year	Original % Reduction Target	New Targets (2023)	% Actual Emissions Reduction	Year	Original % Reduction Target
2018	54	-	50	2032	78
2019	55	-	51.5	2033	79.5
2020	56	48.5	58.7	2034	81
2021	57.9	51.1	49.9	2035	82.5
2022	59.8	53.8	-	2036	84
2023	61.7	56.4	-	2037	85.5
2024	63.6	59.1	-	2038	87
2025	65.5	61.7	-	2039	88.5
2026	67.4	64.4	-	2040	90 (Interim)
2027	69.3	67.0	-	2041	92
2028	71.2	69.7	-	2042	94
2029	73.1	72.3	-	2043	96
2030	75	75	Interim Target	2044	98
2031	76.5		-	2045	100% Net Zero

2.4.12 The targets set out in the above Table clearly illustrate the speed and scale of change that is required, essentially prior to 2030. This also demonstrates that up to 2020 the annual percentage reduction that was required was 1% but this then increases each year from 2020 to 2030. This is the level of change that is required to achieve the 2030 target.

2.4.13 This means the trajectory, in terms of the scale and pace of action to reduce carbon dioxide emissions, is steeper than before and the 2020s is a critical decade.

2.4.14 It is no exaggeration to say that there is a 'mountain to climb' to meet Scotland's 75% target for 2030. The CCC modelled five scenarios in CB6 and in none – even its most optimistic – is Scotland close to achieving a 75% emissions reduction by 2030: "Scotland's 75% target for 2030 will be extremely challenging to meet, even if Scotland gets on track for net zero by 2045, Our balance net zero pathway for the UK would not meet Scotland's 2030 target – reaching a 64% reduction by 2030 – while our most stretching tail winds scenario reaches a 69% reduction" (CB6, page 229).

The Scottish Energy Strategy (2017)

2.4.15 The Scottish Energy Strategy (SES) was published in December 2017. The SES preceded the important events and publications referred to above but nevertheless sets out that onshore wind is recognised as a key contributor to the delivery of renewable energy targets – specifically 50% energy from renewable sources to be attained by 2030. The SES did not and could not take account of what may be required in terms of additional renewable generation capacity to attain the new legally binding 'net zero' targets so it is out of date in that respect.

- 2.4.16 The SES refers to “*Renewable and Low Carbon Solutions*” as a strategic priority (page 41) and states “*we will continue to champion and explore the potential of Scotland’s huge renewable energy resource, its ability to meet our local and national heat, transport and electricity needs – helping to achieve our ambitious emissions reduction targets*”.
- 2.4.17 The SES sets out what is termed the “opportunity” for onshore wind and there is explicit recognition that onshore wind is amongst the lowest cost forms of power generation. It is also recognised as “*a vital component of the huge industrial opportunity that renewables creates for Scotland*”.
- 2.4.18 The SES sets out the Government’s clear position on onshore wind namely:
“our energy and climate change goals mean that onshore wind must continue to play a vital role in Scotland’s future – helping to decarbonise our electricity, heat and transport systems, boosting our economy, and meeting local and national demand.”

2.5 The Onshore Wind Policy Statement (2022)

- 2.5.1 The Scottish Government published an updated Onshore Wind Policy Statement (OWPS) on 21 December 2022. It replaces the version published in November 2017.
- 2.5.2 The Ministerial Foreword makes it explicitly clear that seeking greater security of supply and lower cost electricity generation are now key drivers alongside the need to deal with the climate emergency. In this regard, the Cabinet Secretary for Net Zero, Energy and Transport states (page 3):
“that is why we must accelerate our transition towards a net zero society. Scotland already has some of the most ambitious targets in the world to meet net zero but we must go further and faster to protect future generations from the spectre of irreversible climate damage”.
“Scotland has been a frontrunner in onshore wind and, while other renewable technologies are starting to reach commercial maturity, continued deployment of onshore wind will be key to ensuring our 2030 targets are met”.
- 2.5.3 The Foreword states that onshore wind has the ability to be deployed quickly, is good value for consumers and is also widely supported by the public. The Minister further states that:
“This Statement, which is the culmination of an extensive consultative process with industry, our statutory consultees and the public, sets an overall ambition of 20 GW of installed onshore wind capacity in Scotland by 2030.
While imperative to meet our net zero targets it is also vital that this ambition is delivered in a way that is fully aligned with, and continues to enhance, our rich natural heritage and native flora and fauna, and supports our actions to address the nature crisis and the climate crisis”.
- 2.5.4 The OWPS is structured on the basis of eight chapters which contain a mix of policy guidance and also technical information. Key content of relevance to the Proposed Development is referenced below.
- Renewable Energy Generation & Greenhouse Gas Emission Targets**
- 2.5.5 Chapter 1 “Ambitions and Aspirations” (page 5) refers to current deployment of onshore wind in Scotland and states:
“We must now go further and faster than before. We expect the next decade to see a substantial increase in demand for electricity to support net zero delivery across all sectors, including heat, transport and industrial processes.”
- 2.5.6 It is explained that National Grid’s Future Energy Scenarios project concludes that Scotland’s peak demand for electricity will at least double within the next two decades and that this will require a substantial increase in installed capacity across all renewable technologies.

2.5.7 Paragraph 1.1.4 states “our aim is to maintain the supportive policy and regulatory framework which will enable us to increase that deployment”.

2.5.8 In terms of existing deployment, paragraph 1.1.5 states that as of June 2022 the UK had 14.6 GW of installed onshore wind, with around 8.7 GW of this capacity within Scotland. Reference is made to a figure of 11.3 GW of onshore wind “currently in the pipeline, spread over 217 potential projects”. The breakdown of capacity within the pipeline is shown below in **Table 2.3**.

Table 2.3: Onshore Wind Development Pipeline (December 2022)

Status of Onshore Wind Projects	Giga Watt (GW)	Comments
In the Planning / Consenting Process	5.53	Footnote on page 6 of OWPS applies. Not all projects will receive consent.
Awaiting Construction	4.56	The figures are subject to some duplication – e.g. where some projects have consent but are also subject say to applications for tip height increases.
Under Construction	1.17	
<i>Sub Total</i>	11.26	
Operational Onshore Wind in Scotland	8.70	A number of projects will reach the end of their operational life. Not all will necessarily be repowered or life extended. A considerable proportion of the operational capacity will have passed its notional design life by 2030 and will be under consideration for decommissioning or repowering.
<i>Total</i>	19.96	

2.5.9 Within the table, the figure of 4.56 is denoted as "Awaiting Construction", however a footnote acknowledges that some of those projects with consent will need to re-apply or vary such consent to make changes to developments such as to increase tip heights, etc. it is also recognised that this will reduce the deliverable capacity.

2.5.10 There is also a figure of some 5.53 GW as representing projects that are within the planning system; but again, the footnote makes it clear that not all projects will receive consent.

2.5.11 A further point arising is that given consenting and construction timescales for onshore wind developments, projects that are not yet in the planning system are therefore unlikely to provide the "installed" capacity by the Scottish Government's key date of 2030.

2.5.12 The footnote to the figures set out on page 6 of the OWPS is therefore highly pertinent and is as follows:

“Developments in the planning/consenting process have not yet been considered and given permission to proceed. Some of these projects will receive consent, but some may not, and it is unlikely that all of this noted capacity will be fully realised. A degree of duplication within the planning system must also be considered, where developments which have consent re-apply to adjust the parameters of that consent. This will also reduce the capacity which is deliverable from this overall figure”.

- 2.5.13 Section 1.2 of the OWPS refers to the Deployment Ambition to 2030. Reference is made to the Climate Change Committee's position as set out in their exploratory scenarios for emissions to 2050 and also as referred to within the Sixth Carbon Budget.
- 2.5.14 Paragraph 1.2.2 of the OWPS states that: "*these estimate that, in every scenario, the UK will require a total of 25-30 GW of installed onshore wind capacity by 2050 to meet government targets - which would mean doubling the current UK installed capacity*".
- 2.5.15 Section 1.3 of the OWPS further refers to the new 20 GW ambition and acknowledges that the Scottish Government's Programme for Government 2022/2023 committed Government to enabling up to 12 GW of onshore wind to be developed and it is stated that:
- "It is vital to send a strong signal and set a clear expectation on what we believe onshore wind capacity will contribute in the coming years.*
- In line with this commitment, and reflecting the natural life cycles of existing wind farms, this statement sets a new ambition for the deployment of onshore wind in Scotland:*
- A minimum installed capacity of 20 GW of onshore wind in Scotland by 2030.*
- This ambition will help support the rapid decarbonisation of our energy system, and the sectors which depend upon it, as well as aligning with a just transition to net zero whilst other technologies reach maturity".*
- 2.5.16 This statement is followed by reference to the "Legislative Context", in particular the Climate Change (Emissions Reduction Targets) (Scotland) Act 2019 and the related Net Zero greenhouse gas emissions targets. The OWPS states (paragraph 1.4.1) "*meeting these targets will require decisive and meaningful action across all sectors*".
- 2.5.17 Paragraph 2.4.2 states that "*onshore wind will play a crucial role in delivering our legally binding climate change targets*".
- 2.5.18 The Scottish Government has made clear that the 20 GW ambition of installed capacity is a "minimum". In short, there is a substantial 'hill to climb' to attain that figure and projects that are not yet in the planning system are unlikely to provide installed capacity by 2030. This underlines the importance of the benefits that the Proposed Development can deliver – namely near-term delivery of a substantial volume of installed capacity.
- 2.5.19 This means that the Scottish Government's ambition, as stated in December 2022, is to increase the installed capacity of onshore wind in Scotland by a minimum amount equivalent to about 130% of the entire installed capacity of all current operational onshore wind farms in Scotland in a period of around eight years. The Proposed Development and its contribution must be considered in the context of the sheer scale and urgency of the stated Scottish Government's position.

Delivering the Government's 20 Giga Watt Ambition for Onshore Wind

- 2.5.20 Chapter 2 of the OWPS entitled 'Delivering on our Ambition for Onshore Wind in Scotland' states that the Scottish Government is to form an Onshore Wind Strategic Leadership Group (SLG) and "*will task this SLG with taking forward the aspirations of this policy statement, and the development of an Onshore Wind Sector Deal*". This reflects the importance of the onshore wind sector.
- 2.5.21 Section 2.3 refers to a "Vision for Onshore Wind in Scotland" and states that Scottish Renewables, on behalf of the sector in Scotland, has produced a Vision Statement which the Government considers "*to lay the basis of a more detailed sector deal that the SLG will develop*".
- 2.5.22 The **Vision Statement** is contained within Annex 5 of the OWPS (page 66). A summary of the Vision for the onshore wind industry in Scotland is a future where:

- > An additional 12 GW of new onshore wind generation is constructed by 2030.
- > Onshore wind continues to play a key role in decarbonising the power sector, reducing consumer costs and ensuring security of supply whilst playing a key role in the electrification of heat and transport.
- > The selection of wind farm locations and technologies enables the use of the most productive modern turbines and balances the need to respect biodiversity and natural heritage.
- > Land use for onshore wind is optimised and combined with other initiatives including reforestation and peatland restoration, as well as providing enhanced access to green space for recreation.
- > New and repowering projects consistently receive high levels of public support.
- > High skilled and sustainable jobs are created, including long term jobs in the operational phase.
- > Material use is optimised, and carbon impact is minimised, through the principles of a circular economy.
- > Community benefit and shared ownership provides lasting social and economic benefits; and
- > Onshore wind plays a central role in ensuring a just transition for communities and people.

2.5.23 The Vision Statement states (page 67) that:

“Onshore wind remains vital to meeting this increasing demand, providing fast deployment whilst minimising cost to the consumer. This will be achieved by deploying the most productive modern turbines that are taller than older models, by re-powering existing sites where possible and by maximising the use of our exceptional natural wind resource where environmental effects are acceptable.”

2.5.24 The onshore wind Sector Deal was published in September 2023 and sets out a shared commitment between Government and industry to develop onshore wind as a key sector of the economy.

Balancing Environmental Considerations and Benefits

2.5.25 Chapter 3 of the OWPS “Environmental Considerations: Achieving Balance and Maximising Benefits” refers to matters relating to specific environmental topics as follows:

- > Shared Land Use;
- > Peat and Carbon-Rich Soils;
- > Forestry;
- > Biodiversity;
- > Landscape and Visual Amenity; and
- > Noise.

2.5.26 Landscape and Visual Amenity is addressed at Section 3.6 in Chapter 3 of the OWPS with direct cross references to NPF4. Paragraph 3.6.1 states (original emphasis):

“Meeting our climate targets will require a rapid transformation across all sectors of our economy and society. This means ensuring the right development happens in the right place. Meeting the ambition of a minimum installed capacity of 20 GW of onshore wind in

Scotland by 2030 will require taller and more efficient turbines. This will change the landscape." (original emphasis)

- 2.5.27 As referenced above, NPF4 policy expressly recognises that significant landscape and visual impacts are to be expected and the OWPS emphasises that as a result there will be changes in Scotland's landscape.
- 2.5.28 Paragraph 3.6.2 of the OWPS, in cross-referencing NPF4, makes it clear that outside of National Parks and National Scenic Areas *"the criteria for assessing proposals have been updated, including stronger weight being afforded to the contribution of the development to the climate emergency, as well as community benefits"*.
- 2.5.29 There is therefore express direction of greater weight being placed to the benefits of the development in terms of how it contributes to tackling the climate emergency. The removal of the Spatial Framework for onshore wind farms, as previously required by Scottish Planning Policy (SPP) also gives rise to fewer locational constraints.
- 2.5.30 Paragraph 3.6.5 makes reference to Landscape Sensitivity Studies and makes it clear that these should not be used in isolation to determine matters of acceptability but can be a useful tool in assessing specific sensitivities within an area. It should be noted that the term is now Landscape sensitivity, in comparison with SPP paragraph 162 which encouraged Landscape Capacity Studies. This reflects NatureScot's 2020¹¹ advice that even landscape capacity studies concluded no more than relative sensitivities.
- 2.5.31 Paragraph 3.6.3 also makes reference to the NPF4 Policy 11 criteria with regard to energy development stating that *"where impacts are localised and/or appropriate design mitigation has been applied, they will generally be considered to be acceptable"*.

Energy Systems & Regulation

- 2.5.32 Chapter 8 of the OWPS deals with 'Onshore Wind, Energy Systems and Regulation'. Section 8.2 refers to network planning and delivery and states:
- "Delivering our ambition of 20GW of onshore wind by 2030 will create demands on our electricity infrastructure. New developments will need to connect quickly to Scotland's distribution and transmission networks. Networks must be able to invest quickly and ahead of need in order to ensure swift and efficient connections for onshore wind developments"*.
- 2.5.33 The Proposed Development is expected to contribute to the 2030 target. It should also be noted that NPF4 Policy 11 advises that grid capacity should not constrain renewable energy development, therefore any challenges facing developers getting connected, including delays, are not matters for the planning decision makers to be concerned with.
- 2.5.34 Section 8.4 of the OWPS refers to security of supply and storage potential. Paragraph 8.4.1 recognises that onshore wind can play a greater part in helping to address the substantial challenges of maintaining security of supply and network resilience in a decarbonised electricity system.

OWPS Conclusions

- 2.5.35 Page 49 of the OWPS sets out overall conclusions and these include *inter alia* the following key points:
- > Deployment of onshore wind is *"mission critical for meeting our climate targets"*.
 - > As an affordable and reliable source of electricity generation, *"we must continue to maximise our natural resource and deliver net zero in a way that is fully aligned with, and continues to protect our natural heritage and native flora and fauna"*.

¹¹ NatureScot, Draft Landscape Sensitivity Assessment Guidance, paragraph 8 (November, 2020).

- > A renewed commitment to this technology will ensure we keep “*leading the way in onshore wind deployment and support within the UK*”.
- > The Scottish Government has established “*a clear expectation of delivery with our ambition for a **minimum** installed capacity of 20GW of onshore wind in Scotland by 2030 and providing a vehicle for that delivery through the creation of our Onshore Wind Strategic Leadership Group*”. (emphasis added)

2.5.36 It is stated that “*Onshore wind will remain an essential part of our energy mix and climate change mitigation efforts, but we are also in a nature crisis. Onshore wind farms must strike the right balance in how we care for and use our land...*”.

2.5.37 The term “mission critical” is strong language and indicates onshore wind is crucial and extremely important to the attainment of the Government’s policy and legislative objectives. This is fundamentally different policy language to that contained within National Planning Framework 3 (NPF3) and SPP.

2.6 The Draft Energy Strategy and Just Transition Plan

2.6.1 The Scottish Government published a new Draft ‘Energy Strategy and Just Transition Plan’ entitled ‘Delivering a fair and secure zero carbon energy system for Scotland’ on 10 January 2023. The new Strategy is to replace the one previously published in 2017. The consultation period ended in April 2023. As a draft document it can only be afforded limited weight.

2.6.2 The Ministerial Foreword states:

“The imperative is clear: in this decisive decade, we must deliver an energy system that meets the challenge of becoming a net zero nation by 2045, supplies safe and secure energy for all, generate economic opportunities, and build a just transition...”

The delivery of this draft Energy Strategy and Just Transition Plan will reduce energy costs in the long term and reduce the likelihood of future energy cost crises.

It is also clear that as part of our response to the climate crisis we must reduce our dependence on oil and gas and that Scotland is well positioned to do so in a way that ensures we have sufficient, secure and affordable energy to meet our needs, to support economic growth and to capture sustainable export opportunities.

For all these reasons, this draft Strategy and Plan supports the fastest possible just transition for the oil and gas sector in order to secure a bright future for a revitalised North Sea energy sector focused on renewables.”

2.6.3 The Foreword adds that the draft Strategy sets out key ambitions for Scotland’s energy future including:

- > More than 20 GW of additional renewable electricity on and offshore by 2030.
- > Accelerated decarbonisation of domestic industry, transport and heat.
- > Generation of surplus electricity, enabling export of electricity and renewable hydrogen to support decarbonisation across Europe.
- > Energy security through development of our own resources and additional energy storage.
- > A just transition by maintaining or increasing employment in Scotland’s energy production sector against a decline in North Sea production.

2.6.4 The draft Strategy states (page 7, Executive Summary) that the vision for Scotland’s energy system is:

“that by 2045 Scotland will have a flourishing, climate friendly energy system that delivers affordable, resilient and clean energy supplies for Scotland’s households, communities and business. This will deliver maximum benefit for Scotland, enabling us to achieve a wider climate and environmental ambitions, drive the development of a wellbeing economy and deliver a just transition for our workers, businesses, communities and regions.

In order to deliver that vision, this Strategy sets out clear policy positions and a route map of actions with a focus out to 2030”.

2.6.5 A fundamental part of the Strategy is expanding the energy generation sector. The Executive Summary states (page 8) that Scotland’s renewable resources mean that:

“we can not only generate enough cheap green electricity to power Scotland’s economy, but also export electricity to our neighbours, supporting jobs here in Scotland and the decarbonisation ambitions of our partners.

We are setting an ambition of more than 20 GW of additional low cost renewable electricity generation capacity by 2030, including 12 GW of onshore wind....

An additional 20 GW of renewable generation will more than double our existing renewable generation capacity by 2030.....”

2.6.6 In terms of policy and onshore wind, the Strategy cross refers to NPF4 and the recently published OWPS and reiterates the new ambition for a deployment of a minimum further 12 GW of onshore wind by 2030.

2.6.7 Section 3.1.2 (page 64) states:

“Scotland will embrace the opportunity to increase onshore wind capacity through turbine improvements. Taller and more efficient turbines can be deployed at both new developments and when considering the repowering of existing sites, providing significantly increased capacity, often without increasing the footprint of an existing site”.

2.7 Conclusions on the Renewable Energy Policy & Legislative Framework

2.7.1 The Applicant’s position is that the Proposed Development is strongly supported by the current renewable energy policy and legislative framework.

2.7.2 The trajectory, in terms of the scale and pace of action to reduce emissions, grows ever steeper than before and it is essential that rapid progress is made through the 2020s. The rate of emission reductions must increase otherwise the legally binding target of an interim 75% reduction of GHG emissions by 2030 will not be met.

2.7.3 It is clear from the UK Energy White Paper and the forecasts by the CCC that electricity demand is expected to grow substantially (scenarios vary but potentially by a factor of three or four) as carbon intensive sources of energy are displaced by electrification of other industry sectors, particularly heat and transport. The CCC’s most recent Progress Report (2023) makes it clear that confidence in the UK meeting its legally binding emission reduction targets has decreased in the past year planning decisions must be taken given full regard to the imperative of Net Zero.

2.7.4 Decisions through the planning system must be responsive to this position. Decision makers can do this by affording substantial weight to the energy policy objectives and statutory targets articulated above, in the planning balance.

2.7.5 In the most recent renewable energy policy documents referred to, there is a consistent and what might be termed a ‘green thread’ which ties a number of related policy matters together: namely the urgent challenge of Net Zero and the need to substantially increase renewable capacity.

2.7.6

Overall, the Draft Energy Strategy forms part of the new policy approach alongside the new OWPS and the approved NPF4. These documents confirm the Scottish Government's policy objectives and related targets, reaffirming the crucial role that onshore wind will play in response to the climate crisis which is at the heart of all these policies.

3. Appraisal against NPF4

3.1 Introduction

- 3.1.1 NPF4 has been subject to consultation and Parliamentary Committee scrutiny over the last year and was first laid before the Scottish Parliament in November 2021. On 8th November 2022, the Revised Draft NPF4 was laid before Parliament for approval. It was accompanied by an Explanatory Report which explains how the Scottish Government has considered responses to the initial draft NPF4 received during the preceding period of Parliamentary scrutiny and consultation, in line with its statutory duty.
- 3.1.2 Part 1 of the Planning (Scotland) Act 2019 (the '2019 Act') amends the Town and Country Planning (Scotland) Act 1997 (the '1997 Act'). Section 3CA of the 2019 Act deals with procedural matters for NPF4 and states:
- "The Scottish Ministers may not adopt a revised National Planning Framework until a draft of it has been approved by resolution of the Parliament".*
- 3.1.3 It adds:
- "As soon as practicable after the National Planning Framework as revised has been adopted, the Scottish Ministers are to publish it."*
- 3.1.4 NPF4, in the same form as the Revised Draft NPF4 laid before the Scottish Parliament on 8 November 2022, was approved by resolution of the Scottish Parliament on 11 January 2023.
- 3.1.5 NPF4 came into force at 9am on 13 February 2023.
- 3.1.6 A Chief Planner's Letter was issued on 8 February 2023 entitled 'Transitional Arrangements for National Planning Framework 4'. It contains advice intended to support consistency in decision making ahead of new style LDPs being in place.
- 3.1.7 The Letter confirms with regard to the statutory Development Plan that from 13th February, NPF3 and SPP will no longer represent Scottish Ministers' planning policy and should not form the basis for or be a consideration to be taken into account when determining planning applications.

3.2 Development Management

- 3.2.1 NPF4 now therefore forms part of the statutory Development Plan. For the purposes of Section 36 decision making, acknowledging that Section 25 of the 1997 Act is not engaged, NPF4 in its approved form is a significant material consideration in the overall decision-making process.
- 3.2.2 Section 13 of the 2019 Act amends Section 24 of the 1997 Act regarding the meaning of the statutory 'development plan', such that for the purposes of the 1997 Act, the Development Plan for an area is taken as consisting of the provisions of:
- > The National Planning Framework; and
 - > Any LDP.
- 3.2.3 The publication of NPF4 also has the effect that all Strategic Development Plans will cease to have effect. Therefore, the statutory Development Plan covering the Site consists of NPF4 and the West Dunbartonshire Local Plan (2010).
- 3.2.4 The publication of NPF4 has coincided with the implementation of certain parts of the 2019 Act. A key provision is that in the event of any incompatibility between a provision of NPF4

and a provision of an LDP, then whichever of them is the later in date will prevail. That will include where a LDP is silent on an issue that is now provided for in NPF4.

3.2.5 Section 13 of the 2019 Act amends Section 24 of the Town and Country Planning (Scotland) Act 1997 (the 1997 Act) to provide that:

“In the event of any incompatibility between a provision of the National Planning Framework and a provision of a local development plan, whichever of them is the later in date is to prevail.”

3.2.6 In this case, the Local Plan was adopted in 2010. It makes no mention of Net Zero and contains some policies which have aspects that are now incompatible with national policy in NPF4, and this will further reduce the weight to be afforded to this element of the Local Development Plan. This is examined further below.

3.2.7 In terms of emerging LDPs prepared prior to the adoption and publication of NPF4, the Chief Planner’s Letter of 8th February states that it may be that there are opportunities to reconcile identified inconsistencies with NPF4 through the Examination process.

3.2.8 The West Dunbartonshire Local Development Plan 2 (LDP2) was submitted to the Scottish Ministers for adoption on 26 August 2020. On 18 December 2020, the Scottish Government issued a Direction that the new plan should not be adopted unless specified modifications relating to housing matters are made. It is understood that the Council is continuing to address that Direction.

3.2.9 The Chief Planner’s Letter also states with regard to Supplementary Guidance associated with LDPs which were in force before 12th February 2023 (the date on which Section 13 of the 2019 Act came into force) that they will continue to be in force and be part of the Development Plan. In this case Supplementary Guidance on various topics (but not wind energy) has been prepared by WDC as part of LDP2, but as noted LDP2 is not yet adopted. The Supplementary Guidance is therefore also not adopted and carries only limited weight.

3.3 How NPF4 is to be used

3.3.1 Annex A (page 94) of NPF4 explains how it is to be used. It states:

“The purpose of planning is to manage the development and use of land in the long-term public interest ... Scotland in 2045 will be different. We must embrace and deliver radical change so we can tackle and adapt to climate change, restore biodiversity loss, improve health and wellbeing, reduce inequalities, build a wellbeing economy and create great places.”

3.3.2 Annex A states that NPF4 is required by law to set out the Scottish Ministers’ policies and proposals for the development and use of land. It adds:

“It plays a key role in supporting the delivery of Scotland’s national outcomes and the United Nations Sustainable Development Goals¹². NPF4 includes a long-term spatial strategy to 2045.”

3.3.3 NPF4 contains a spatial strategy and Scottish Government development management policies to be applied in all consenting decisions, and it identifies national developments which are aligned to the strategic themes of the Government’s Infrastructure Investment Plan¹³ (IIP).

¹² The 17 UN Sustainable Development Goals are set out at page 95 of NPF4 and include *inter alia* ‘affordable and clean energy’ and ‘climate action’.

¹³ The Scottish Government’s five-year Infrastructure Investment Plan (2021-22 to 2025-26) was published in February 2021. It set out a vision for Scotland’s future infrastructure in order to support and enable an inclusive net zero emissions economy.

3.3.4 NPF4 therefore for the first time, introduces centralised development management policies which are to be applied Scotland wide. It also provides guidance to Planning Authorities with regard to the content and preparation of LDPs.

3.3.5 Annex A adds that NPF4 is required by law to contribute to six outcomes. These relate to meeting housing needs, health and wellbeing, population of rural areas, addressing equality and discrimination and also, of particular relevance to the Proposed Development "*meeting any targets relating to the reduction of emissions of greenhouses gases, and, securing positive effects for biodiversity*".

3.4 The National Spatial Strategy – Delivery of Sustainable Places

3.4.1 Part 1 of NPF4 sets out the Spatial Strategy for Scotland to 2045 based on six spatial principles which are to influence all plans and decisions. The introductory text to the Spatial Strategy starts by stating (page 3):

"The world is facing unprecedented challenges. The global climate emergency means that we need to reduce greenhouse gas emissions and adapt to the future impacts of climate change."

3.4.2 The principles are stated as playing a key role in delivering the United Nation's Sustainable Development Goals and the Scottish Government's National Performance Framework¹⁴.

3.4.3 The Spatial Strategy is aimed at supporting the delivery of:

- > 'Sustainable Places': "where we reduce emissions, restore and better connect biodiversity";
- > 'Liveable Places': "where we can all live better, healthier lives"; and
- > 'Productive places': "where we have a greener, fairer and more inclusive wellbeing economy".

3.4.4 Page 6 of NPF4 addresses the delivery of sustainable places. Reference is made to the consequences of Scotland's changing climate, and it states, *inter alia*:

"Scotland's Climate Change Plan, backed by legislation, has set our approach to achieving net zero emissions by 2045, and we must make significant progress towards this by 2030.....Scotland's Energy Strategy will set a new agenda for the energy sector in anticipation of continuing innovation and investment."

3.4.5 The new Energy Strategy and Just Transition Plan for Scotland (as referenced in NPF4) was published as a consultative draft on 10 January 2023 (see below).

3.4.6 The National Spatial Strategy in relation to 'sustainable places' is described (page 7) as follows:

"Scotland's future places will be net zero, nature-positive places that are designed to reduce emissions and adapt to the impacts of climate change, whilst protecting, recovering and restoring our environment.

Meeting our climate ambition will require a rapid transformation across all sectors of our economy and society. This means ensuring the right development happens in the right place.

Every decision on our future development must contribute to making Scotland a more sustainable place. We will encourage low and zero carbon design and energy efficiency, development that is accessible by sustainable travel, and expansion of renewable energy generation."

¹⁴ The Scottish Government National Performance Framework sets out 'National Outcomes' and measures progress against a range of economic, social and environmental 'National Indicators'.

- 3.4.7 Six National Developments (NDs) support the delivery of sustainable places, one being 'Strategic Renewable Electricity Generation and Transmission Infrastructure'.
- 3.4.8 A summary description of this ND is provided at page 7 of NPF4 as follows:
"Supports electricity generation and associated grid infrastructure throughout Scotland, providing employment and opportunities for community benefit, helping to reduce emissions and improve security of supply".
- 3.4.9 Page 8 of NPF4 sets out 'Cross-cutting Outcome and Policy Links' with regard to reducing greenhouse gas emissions. It states:
"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."
- 3.4.10 A key point in this statement is that the climate emergency and nature crisis are expressly stated as forming the foundations of the national spatial strategy. Recognising that tackling climate change and the nature crisis is an overriding imperative which is key to the outcomes of almost all policies within NPF4.

3.5 National Developments

Overview

- 3.5.1 Page 97 of NPF4 sets out that 18 National Developments have been identified. These are described as:
"significant developments of national importance that will help to deliver the spatial strategy ... National development status does not grant planning permission for the development and all relevant consents are required".
- 3.5.2 It adds that:
"Their designation means that the principle for development does not need to be agreed in later consenting processes, providing more certainty for communities, businesses and investors. ... In addition to the statement of need at Annex B, decision makers for applications for consent for national developments should take into account all relevant policies".
- 3.5.3 Annex B of NPF4 sets out the various NDs and related Statements of Need. It explains that NDs are significant developments of national importance that will help to deliver the Spatial Strategy. It states (page 99) that:
"The statements of need set out in this annex are a requirement of the Town and Country Planning (Scotland) Act 1997 and describe the development to be considered as a national development for consent handling purposes".

National Development 3 "Strategic Renewable Electricity Generation and Transmission Infrastructure"

- 3.5.4 Page 103 of NPF4 describes ND3 and it states:
"This national development supports renewable electricity generation, repowering, and expansion of the electricity grid.
A large and rapid increase in electricity generation from renewable sources will be essential for Scotland to meet its net zero emissions targets. Certain types of renewable electricity generation will also be required, which will include energy storage technology and capacity, to provide the vital services, including flexible response, that a zero carbon network will

require. Generation is for domestic consumption as well as for export to the UK and beyond, with new capacity helping to decarbonise heat, transport and industrial energy demand. This has the potential to support jobs and business investment, with wider economic benefits.

The electricity transmission grid will need substantial reinforcement including the addition of new infrastructure to connect and transmit the output from new on and offshore capacity to consumers in Scotland, the rest of the UK and beyond. Delivery of this national development will be informed by market, policy and regulatory developments and decisions."

3.5.5 The location for ND3 is set out as being all of Scotland and in terms of need it is described as:

"Additional electricity generation from renewables and electricity transmission capacity of scale is fundamental to achieving a net zero economy and supports improved network resilience in rural and island areas."

3.5.6 Reference is made to the designation and classes of development which would qualify as ND3, and it states in this regard:

"A development contributing to 'Strategic Renewable Electricity Generation and Transmission' in the location described, within one or more of the Classes of Development described below and that is of a scale or type that would otherwise have been classified as 'major' by 'The Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009', is designated a national development:

(a) on and off shore electricity generation, including electricity storage, from renewables exceeding 50 megawatts capacity; (emphasis added)

(b) new and/or replacement upgraded on and offshore high voltage electricity transmission lines, cables and interconnectors of 132kv or more; and

(c) new and/or upgraded Infrastructure directly supporting on and offshore high voltage electricity lines, cables and interconnectors including converter stations, switching stations and substations." (emphasis added)

3.5.7 As regards the Proposed Development, having an installed capacity of over 50MW of onshore wind and battery storage, it exceeds the minimum threshold set for a ND therefore it would have national development status. The Proposed Development is of national importance for the delivery of the national Spatial Strategy.

3.5.8 The Strategy requires a "large and rapid increase" in electricity generation from renewables and the National Spatial Strategy makes it clear (NPF4, page 6) that "we must make significant progress" by 2030.

3.5.9 The Proposed Development could provide renewable generation and would make a meaningful contribution to targets within this key timescale and that is a very important consideration.

3.6 National Planning Policy

3.6.1 Part 2 of NPF4 (page 36) addresses national planning policy by topic with reference to three themes formulated with the aim of delivering sustainable, liveable and productive places.

3.6.2 In terms of planning, development management and the application of the national level policies, NPF4 states:

"The policy sections are for use in the determination of planning applications. The policies should be read as a whole. Planning decisions must be made in accordance with the development plan, unless material considerations indicate otherwise. It is for the decision maker to determine what weight to attach to policies on a case by case basis. Where a

policy states that development will be supported, it is in principle, and it is for the decision maker to take into account all other relevant policies".

3.6.3 In terms of “sustainable places” relevant policies to the Proposed Development include the following:

- > Policy 1: Tackling the Climate and Nature Crisis;
- > Policy 3: Biodiversity;
- > Policy 4: Natural Places;
- > Policy 5: Soils;
- > Policy 6: Forestry, Woodland and Trees;
- > Policy 7: Historic Assets and Places; and
- > Policy 11: Energy.

3.6.4 These policies are addressed below.

3.6.5 The Chief Planner’s Letter of 8th February provides advice in relation to applying NPF4 policy. It states that the application of planning judgement to the circumstances of an individual situation remains essential for all decision making, informed by principles of proportionality and reasonableness. It states:

“It is important to bear in mind NPF4 must be read and applied as a whole. The intent of each of the 33 policies is set out in NPF4 and can be used to guide decision making. Conflicts between policies are to be expected. Factors for and against development will be weighed up in the balance of planning judgement.” (underlining added)

3.6.6 The Letter adds:

“It is recognised that it may take some time for planning authorities and stakeholders to get to grips with the NPF4 policies, and in particular the interface with individual LDP policies. As outlined above, in the event of any incompatibility between the provision of NPF and the provision of an LDP, whichever of them is the later in date is to prevail. Provisions that are contradictory or in conflict would be likely to be considered incompatible”.

3.7 NPF4 Policy 1: Tackling the Climate and Nature Crisis

Policy 1 & Principles

3.7.1 The intent of Policy 1 is *“to encourage, promote and facilitate development that addresses the global climate emergency and nature crisis”.*

3.7.2 **Policy 1** directs decision makers that *“when considering all development proposals significant weight will be given to the global climate and nature crises.”*

3.7.3 This is a radical departure from the usual approach to policy and weight, and clearly denotes a step change in planning policy response to climate change. The matter of weight is no longer left entirely to the discretion of the decision maker. Significant weight should therefore be attributed to the Proposed Development given it would be consistent with the intent of Policy 1 and would help attain its outcome of Net Zero.

3.7.4 The Chief Planner’s Letter of 8th February 2023 refers to Policy 1. It states:

“This policy prioritises the climate and nature crises in all decisions. It should be applied together with the other policies in NPF4. It will be for the decision maker to determine whether the significant weight to be applied tips the balance in favour for, or against a proposal on the basis of its positive or negative contribution to the climate and nature crises.”

3.7.5 This statement from the Chief Planner confirms that the decision maker must apply significant weight, but it is for the decision maker to decide if it is for or against the proposal.

3.7.6 The term “Tackling” the respective crises in Policy 1 is also important – this means that decision makers should ensure an urgent and positive response to these issues and take positive action. Furthermore, NPF4 (page 8) refers to cross cutting outcomes and states with regard to Policy 1 that the policy gives significant weight “*to the global climate emergency in order to ensure that it is recognised as a priority in all plans and decisions*”.

The application of Policy 1

3.7.7 Given the nature of the Proposed Development it would make a valuable contribution in relation to targets. It will directly further the policy intent and outcomes of Policy 1, and should be afforded significant weight in terms of tackling the climate and nature crises. The specific emission and carbon saving benefits are set out below in the context of NPF4 Policy 11 which requires the contribution that a development would make to targets to be taken into account.

3.7.8 Furthermore, as explained below with reference to NPF4 Policy 3, biodiversity enhancement measures are proposed as part of the Proposed Development.

3.8 NPF4 Policy 11: Energy

Policy 11 & Principles

3.8.1 For the consideration of wind energy development, Policy 11 ‘Energy’ (page 53) is the lead policy. Policy 11’s intent is set out as:

“to encourage, promote and facilitate all forms of renewable energy development onshore and offshore. This includes energy generation, storage, new and replacement transmission and distribution infrastructure and emerging low carbon and zero emission technologies including hydrogen and carbon capture utilisation and storage.”

3.8.2 Policy Outcomes are identified as: “*expansion of renewable, low carbon and zero emission technologies*”.

3.8.3 Policy 11 is as follows:

“a) Development proposals for all forms of renewable, low-carbon and zero emissions technologies will be supported. These include:

i. wind farms including repowering, extending, expanding and extending the life of existing wind farms;

ii. enabling works, such as grid transmission and distribution infrastructure;

iii. energy storage, such as battery storage and pumped storage hydro;

iv. small scale renewable energy generation technology;

v. solar arrays;

vi. proposals associated with negative emissions technologies and carbon capture; and

vii. proposals including co-location of these technologies.

b) Development proposals for wind farms in National Parks and National Scenic Areas will not be supported.

c) Development proposals will only be supported where they maximise net economic impact, including local and community socio-economic benefits such as employment, associated business and supply chain opportunities.

d) Development proposals that impact on international or national designations will be assessed in relation to Policy 4.

e) In addition, project design and mitigation will demonstrate how the following impacts are addressed:

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;

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.

In considering these impacts, significant weight will be placed on the contribution of the proposal to renewable energy generation targets and on greenhouse gas emissions reduction targets.

Grid capacity should not constrain renewable energy development. It is for developers to agree connections to the grid with the relevant network operator. In the case of proposals for grid infrastructure, consideration should be given to underground connections where possible.

f) Consents for development proposals may be time-limited. Areas identified for wind farms are, however, expected to be suitable for use in perpetuity”.

3.8.4 The intent and desired outcome of the policy is expressly clear – the expansion of renewable energy, through encouragement, promotion and facilitation which the Proposed Development, would help further.

3.8.5 The wording of Policy 11 Paragraph (a)(i) makes it clear that the policy supports new wind farms.

Differences with Scottish Planning Policy

- 3.8.6 **Paragraph a) of Policy 11** states a position of express “support” for wind farm development.
- 3.8.7 The spatial and development management topic provisions within Policy 11 largely reflect those of the former SPP, but there are some significant differences, namely:
- > the role of renewable energy generation and greenhouse gas emissions reduction targets and a specific instruction to decision makers to apply significant weight to that consideration;
 - > Wind Farms will not be supported in National Parks or National Scenic Areas but outside of these areas the policy is one, as noted of “general support”. This is a fundamental shift away from the previous Spatial Framework approach;
 - > the statement that significant landscape and visual impacts are “to be expected” ie they are to be treated as normal, and an understood and tolerable outcome of the policy objective, and that “localised” landscape and visual impacts are “generally” acceptable, and the role of design mitigation;
 - > renewed emphasis on economic benefits and the need to maximise economic impact including local and community socio-economic benefits; and
 - > the omission of references to tourism which is likely to be an acceptance of the lack of impact on tourism from wind farms.

The application of Policy 11

- 3.8.8 **Paragraph c) of Policy 11** requires socio-economic benefits to be maximised, rather than just taken into account.
- 3.8.9 The Proposed Development would support jobs during construction and during operation across the Scottish economy. Overall, the socio-economic effects of the capital investment, employment and Gross Added Value (GVA) to the economy would be beneficial (short term during construction, long term during operation).
- 3.8.10 Chapter 12 of the EIA Report addresses socio-economic effects, which should be referred to for its detail. In summary, it is estimated that the Proposed Development would have a construction cost of some £73.6 million and would generate the following benefits during the construction phase:
- > £3.4 million direct GVA and support the equivalent of 44 direct years of employment in West Dunbartonshire; and
 - > £12.7 million direct GVA and 204 direct years of employment in Scotland.
- 3.8.11 Combining direct, indirect and induced impacts, it was estimated that the Proposed Development could generate a total of:
- > £4.2 million GVA and support 54 years of employment in West Dunbartonshire; and
 - > £20.7 million GVA and 322 years of employment in Scotland.
- 3.8.12 It was estimated that turnover generated by the operation and maintenance of the Proposed Development could support:
- > £0.3 million GVA and two jobs in West Dunbartonshire; and
 - > £1.0 million GVA and nine jobs in Scotland.
- 3.8.13 There would also be indirect and induced effects during the operational phase, and the assessment set out that by applying relevant economic multipliers, it is estimated that each

year the spending required for the operation and maintenance of the Proposed Development could support:

- > £0.4 million GVA and two jobs in West Dunbartonshire; and
- > £1.7 million GVA and 17 jobs in Scotland.

- 3.8.14 It is also estimated that the Proposed Development would pay £0.8 million each year in non-domestic rates, helping to support Local Government services.
- 3.8.15 The Proposed Development will also provide a Community Benefit Fund. This comprises an offer of £5,000 per MW per annum in community investment for the local economy, which would be approximately £0.4m million annually, or approximately £14.4 million over the 40-year operational lifetime of the Proposed Development.
- 3.8.16 The community benefit fund would be distributed to support projects across the communities living in proximity of the Proposed Development. These include the following Community Councils:
- > Milton and Bowling Community Council;
 - > Bonhill and Dalmonach Community Council;
 - > Kilmaronock Community Council;
 - > Renton Community Council;
 - > Balloch and Haldane Community Council;
 - > Old Kilpatrick Community Council; and
 - > Silverton and Overtoun Community Council.
- 3.8.17 Many of these communities are in deprived areas and would benefit from funding allocated to support local economic and social projects and the fund could also be used to leverage further investments in the community. The Applicant would work with local communities to identify strategic priorities for this funding.
- 3.8.18 The fund would also generate direct impacts, such as employment, in these communities. By applying the turnover per job ratio for volunteer organisations (Scottish Council of Voluntary Organisations, 2018), it was possible to estimate that the community benefit fund could support up to six jobs each year.
- 3.8.19 Discussions are also continuing with local community representatives in relation to community shared ownership.
- 3.8.20 It should be noted that the Pre-Application Consultation (PAC) Report provides a detailed description of the community engagement activity undertaken. It should be referred to for its detail but in summary, in terms of community response from consultation events it was as follows:
- > Feedback received from October 2022 exhibitions - 69% supportive and only 16% against (PAC Report, electronic page 8); and
 - > Feedback received from March 2023 exhibitions – only 27% against (electronic page 13).
- 3.8.21 There are further measures which the Applicant is considering in order to maximise local economic opportunities. These include initiatives around maximising the role of local suppliers, providing information on contract opportunities and holding ‘meet the developer’ events.
- 3.8.22 It should also be noted that the Dunbartonshire Chamber of Commerce has already prepared a supply chain paper based on research undertaken into the range of companies and

capabilities within the West Dunbartonshire Council area that could be involved in supply chain (construction and maintenance) for the proposed development. The range of suppliers includes those for whom an opportunity to scale up to meet requirements and opportunities may exist.

- 3.8.23 The findings established that there is very good provision for construction and related services, materials, fuel and waste management, hire and hospitality. However, it was also recognised through the exercise that businesses could be encouraged to address any gaps in supply chain by way of both Chamber and the applicant's other activity, including actions such as meet the buyer events. It was also recognised that there is an opportunity to create new skills, and indeed businesses locally, should the development proceed. The Chamber of Commerce has confirmed that it is keen to help coordinate a business engagement/meet the buyer event to highlight the various business opportunities that would be connected to the project.
- 3.8.24 In addition, the Applicant is currently in early discussion with West College, Inverclyde in relation to bursaries and apprenticeships for relevant courses i.e. construction.
- 3.8.25 Lastly, and as referred to within the PAC Report, the Applicant is continuing discussions with nearby Aggreko in terms of supply chain potential and also with the Local Authority in relation to potential Power Purchase Agreements which could allow the public sector to secure a future stream of renewable energy at a fixed price.
- 3.8.26 It can be seen therefore that there is a very wide range of socio-economic and environmental benefits which could result from the Proposed Development.
- 3.8.27 **Paragraph d) of Policy 11** states that development proposals that impact on international and national designations “*will be assessed in relation to Policy 4*”. Policy 4 also deals with impacts in relation to local landscape designations. Therefore, the matter of the impacts of the Proposed Development in relation to such designations is examined further below with specific regard to the provisions of Policy 4.
- 3.8.28 **Paragraph e) of Policy 11** states that project design and mitigation “*will demonstrate how*” impacts are addressed. These are listed in the quotation of the policy above and are addressed in turn below.

Impacts on Communities and Individual Dwellings - Residential Visual Amenity

- 3.8.29 As set out in the EIA Report Chapter 6 (Landscape and Visual Impact Assessment (LVIA)), careful consideration has been given to the visual effects of the Proposed Development from settlements and individual dwellings.
- 3.8.30 It is explained in the LVIA that there would be intermittent significant effects on views from settlements, where there is a clear, open view with high visibility of the Proposed Development, including Balfron (as seen at Viewpoint 22), Balmaha (as seen at Viewpoint 17), Bishopton, Bridge of Weir, Brookfield, Croftamie, Drymen (as seen at Viewpoint 14), Dumbarton (as seen at Viewpoint 3), Gartocharn, north-western Greater Glasgow, Greenock/Port Glasgow (as seen at Viewpoint 18), Houston, Killearn, Langbank (as seen at Viewpoint 10), and Vale of Leven (as seen at Viewpoint 5).
- 3.8.31 In addition, a detailed Residential Visual Amenity Assessment (RVAA) has been undertaken and is contained in Technical Appendix 5.2 of the EIA Report.
- 3.8.32 The RVAA considers how the change in view resulting from the presence of the proposed wind turbines would impact upon the visual component of residential amenity (as distinct from other aspects such as noise, or shadow flicker) of nearby properties and whether the predicted impacts would affect living conditions.

3.8.33 It should be recognised that such an assessment is not concerned with the qualitative change in a view per se, but with whether the change in view would result in effects upon amenity at the property, such that the living conditions would be rendered unsatisfactory, which would not be in the public interest.

3.8.34 It is concluded in the RVAA that in all cases that visual effects upon amenity would not be such that the Proposed Development would breach the residential visual amenity threshold such that the visual effects would affect the overall living conditions of these properties, to such a degree that would make them unattractive places in which to live.

Noise and Shadow Flicker

3.8.35 Noise is addressed in Chapter 11 of the EIA Report. The assessment concludes that operational noise levels from the proposed turbines would not be significant. The selection of the final turbine to be installed at the Site would be made on the basis of enabling the relevant noise limits to be achieved at surrounding properties.

3.8.36 Shadow flicker is addressed in Chapter 14 of the EIA Report. The assessment concludes that no shadow flicker effects are predicted to occur.

Landscape and Visual Considerations

3.8.37 Before examining the landscape and visual effects of the Proposed Development, Part e(ii) of Policy 11 makes it clear and recognises that in terms of significant landscape and visual impacts, such impacts are to be expected for some forms of renewable energy. This is a very different starting point compared to the position in the former SPP and there is a very clear steer that significant effects are to be expected, and where localised and/or subject to design mitigation, they should generally be acceptable.

3.8.38 The LVIA has identified and recorded the potential effects that the Proposed Development would have on physical elements of the landscape; landscape character; areas that have been designated for their scenic or landscape-related qualities; and views from various locations such as settlements, routes, tourism features and other sensitive locations. The potential cumulative effects that would arise from the addition of the Proposed Development to other wind farms are also considered.

3.8.39 The study area for the LVIA covers a radius of 45 km from the outer turbines in the Proposed Development. The assessment has shown that the effect on the landscape and visual resource of the great majority of this study area would be not significant, which means that the effect of the Proposed Development would not be a defining influence, and the existing characteristics of the landscape and views would continue to prevail.

3.8.40 While the effect on the majority of the study area will be not significant, the LVIA has indicated that there is potential for the Proposed Development to result in some significant effects on the localised 20 km study area that has been defined for the detailed assessment. Chapter 6 should be referred to for its detail and a summary of the key findings is set out below.

Design Considerations & Design Statement

3.8.41 In terms of the design approach, reference should be made to the detailed Design Statement submitted in support of the Proposed Development.

3.8.42 This explains the overall design strategy for the Proposed Development. It describes the need to respond to environmental and technical constraints, particularly landscape and visual, and hydrological, ecological, ornithological, wind yield and ground condition considerations, as information is gathered through the EIA process.

3.8.43 It also explains the site-specific design principles which were applied as part of the iterative design process with a focus on the landscape and visual considerations.

Landscape Character

3.8.44 In terms of landscape character, the LVIA has identified that there is potential for significant effects to be intermittent or very intermittent on the **landscape character** of the site and some parts of its surroundings up to a maximum of approximately 9km away from the nearest turbine, including in relation to the following landscape character types:

- > Rugged Moorland Hills (LCT 216);
- > Lowland Hill Fringes (LCT 150);
- > Lowland Loch Basin (LCT 263);
- > Open Ridgeland – Glasgow and Clyde Valley (LCT 215);
- > River Valley Farmland and Estates (LCT 260);
- > Rolling Farmland – Glasgow and Clyde Valley (LCT 200); and
- > Rolling Farmland – Loch Lomond and the Trossachs (LCT 261).

The Loch Lomond & the Trossachs National Park (LLT NP)

3.8.45 It should be noted that Paragraph d) of Policy 11 states that development proposals that impact on national designations “will be assessed in relation to Policy 4”. This matter is therefore addressed below.

Locally Designated Landscapes

3.8.46 It should be noted that Paragraph d) of Policy 11 states that development proposals that impact on national designations “will be assessed in relation to Policy 4”.

3.8.47 The Site is within the Kilpatrick Hills Local Landscape Area (LLA). There are other local landscape designations within the LVIA study area.

3.8.48 It is explained in the LVIA that the effect of the Proposed Development on the Kilpatrick Hills LLA would vary. The effect on the landscape character of the southern and south-eastern parts of the LLA would be not significant due to lack of or very limited visibility and influence of the Proposed Development.

3.8.49 There would, however, be a major or major/moderate and significant effect on the landscape character of the part of the LLA that covers the Site area itself and some parts of the LLA that gain visibility of the majority of the Proposed Development, due to a combination of the factors considered in the high sensitivity of the receptor and the high, medium-high or medium magnitude of change upon it. This effect would extend up to approximately 3 km away from the nearest turbine to the north, east and west and a maximum of 7.5 km to the south and south-east. The significant effect would be found primarily in the West Dunbartonshire Council (WDC) part of the LLA but would also extend into the Strirling Council (SC) and, very intermittently, East Dunbartonshire Council (EDC) areas.

3.8.50 There are also likely to be effects of various levels on the following SLQs of the LLA, and these would contribute to the significant effect:

- > effect on EDC/WDC SLQ ‘Strong sense of remoteness, wildness and open horizons’ and SC SLQ ‘Strong sense of wildness’;
- > effect on EDC/WDC SLQ ‘Distinctive landforms’; and
- > limited effect on EDC/WDC SLQ ‘A unique diversity of views’ and SC SLQ ‘Variety of Views’.

3.8.51 It is concluded in the LVIA that in terms of the Kilpatrick Hills LLA, the Proposed Development would have "...*significant adverse effects on the integrity of the area or the qualities for which it has been identified*". This would arise as a result of the significant effects on the landscape character of parts of the LLA and the effects on SLQs of the LLA. This matter is further addressed below in relation to NPF4 Policy 4 (Natural Places) which deals specifically with impacts on local designations.

Visual Effects

3.8.52 The assessment of landscape and visual effects is informed by a series of viewpoints that represent visibility from LCTs, landscape planning designations and principal visual receptors around the study area. These include points of specific importance such as recognised viewpoints, designated landscapes, settlements and routes.

3.8.53 The LVIA addresses the likely visibility of the Proposed Development in detail in relation to key visual receptors, including:

- > Residents, including views from isolated properties, or defined settlements;
- > Road users (including tourists); and
- > Those engaged in recreational activities (e.g. hill walkers and cyclists).

3.8.54 The assessment of effects on views as set out in the LVIA is informed by a series of agreed viewpoints that were selected to represent visibility from a range of receptors throughout the LVIA study area.

3.8.55 The LVIA should be referred to for its detail, but in summary, it sets out that there would be:

- > intermittent or very intermittent significant effects on views from road routes and railway lines up to a maximum of approximately 15 km (and generally a maximum of approximately 13 km) away, where there is a clear, open view with high visibility of the Proposed Development, including:
 - A82 southbound and northbound (as seen at Viewpoint 3);
 - Clyde Sea Lochs Trail southbound only;
 - West Highland Line Railway (with significant effects arising only within Dumbarton and Cardross).
- > intermittent or very intermittent significant effects on views from core paths, long distance recreation routes and cycle routes and up to a maximum of approximately 15 km away, where there is a clear, open view with high visibility of the Proposed Development, including:
 - John Muir Way (as seen at Viewpoints 2, 4 and 15);
 - Rob Roy Way (as seen at Viewpoint 21);
 - Scottish National Trail (as seen at Viewpoints 14 and 21);
 - Three Lochs Way;
 - West Highland Way (as seen at Viewpoint 14 and also represented by nearby Viewpoints 17, 19 and 24);
 - NCR 7 (as seen at Viewpoints 2, 4, 14 and 21);
 - NCR 75 (represented by nearby Viewpoint 18);
 - core path at the Whangie (Viewpoint 6);

- core path at Duncryne Hill (Viewpoint 7);
 - core path at Viewpoint 11 (Inchcailloch);
 - core path at Endrick Viewpoint (Viewpoint 12); and
 - core path at Dumgoyne Hill (Viewpoint 16).
- > intermittent or very intermittent significant effects on views from waterborne routes up to a maximum of approximately 15 km away, where there is a clear, open view with high visibility of the Proposed Development, as seen at Viewpoint 20 and also represented by Viewpoint 11; and
- > views from hilltops/visitor destinations at Doughnot Hill (Viewpoint 1), Dumbarton Rock (Viewpoint 8), Cameron House seaplane jetty (Viewpoint 9), and Finlaystone Estate (Viewpoint 13).

3.8.56 It is explained in the LVIA that although these effects are stated as being significant, it is notable that the areas where the magnitude of change, is found to be high or medium-high are limited and found only on the Site itself or in relatively close proximity to the Site. Beyond this, in other areas where there is potential for significant effects to arise, the level of change is found to vary from medium-low to medium, and while these effects are classified as significant according to guidance, the Proposed Development would have a notably lower level of influence on the landscape character and views from these areas.

The Effects of Aviation Lighting

- 3.8.57 The Civil Aviation Authority (CAA) requires that 'en-route obstacles' at or above 150m above ground level are lit with visible lighting to assist their detection by aircraft. As such, it is expected that the Proposed Development will need to display visible red lights at night.
- 3.8.58 It is proposed to fit visible aviation lighting as required by the CAA under a dispensation agreed between the Applicant and the CAA. This is more fully described in Chapter 13 of the EIA Report. The lights can be reduced to not less than 10% of their nominal intensity when the horizontal meteorological visibility at the wind farm is measured to be in excess of 5km.
- 3.8.59 The assessment of visible aviation lighting is contained in the LVIA. The night-time assessment has indicated, very broadly, that the effects of visible aviation lighting on views that gain a clear and open outlook towards the Proposed Development are likely to be significant up to a maximum around 5.9km away in the 200 candela (cd) scenario and up to around 10.7km away in the 2,000 cd scenario. Taking into account mitigation relating to changes in light intensity due to vertical elevation angle, many of these significant effects would become not significant.
- 3.8.60 It is explained in the LVIA that it is important to note that the conclusions of the assessment of night-time effects would be a worst-case scenario. A number of visual receptors that are at closer proximity to the Proposed Development, within the radii of theoretical significant effects, are within urban areas and are therefore subject to extensive baseline lighting that would reduce the effect of the aviation lighting. In the case of paths and cycle routes, these urban stretches are more likely to be used at night-time, with the darker sections less attractive for night-time use. Moreover, people using paths or cycling routes at night are likely to be carrying a torch or using bicycle lights, which will affect their 'dark adaptation' and reduce the effect of lighting from the Proposed Development. In the case of road and railway routes, the headlights of oncoming cars and lights within vehicles/trains as well as street lighting and other light sources along extensive parts of routes also reduce 'dark adaptation' and thus reduce the effect arising from the Proposed Development lighting.

Cumulative Effects

- 3.8.61 The LVIA considers the cumulative effect that may arise when Proposed Development is added to various scenarios of operational, under-construction, consented and application-stage wind farms. The assessment concludes that there would be no significant cumulative effects arising from the addition of the Proposed Development to other wind farms, and as a result, it would not lead to a perception that views or landscape character are defined by the presence or influence of more than one wind farm.

Public Access

- 3.8.62 The LVIA has addressed visual amenity considerations in relation to public access and recreation as referred to above in the context of NPF4 Policy 11. Whilst there would be some visibility of the Proposed Development from some walking and recreational routes, these are not considered to be unacceptable.
- 3.8.63 In addition, no issues would arise in terms of any access route being obstructed either in the construction or operational period of the Proposed Development. It should be noted that the access tracks would be open for public access during the operational phase.

Aviation, Defence Interests and Telecommunications

- 3.8.64 Chapter 13 of the EIA Report addresses aviation and radar matters. The assessment was undertaken in relation to the potential effects of the Proposed Development on existing and planned military and civil aviation activities, including those resulting from impacts to radar.
- 3.8.65 The assessment states that in relation to both Glasgow Airport and NATS En Route plc (NERL), the Applicant is in discussion to agree appropriate technical mitigation in relation to the primary surveillance radars (PRs) of both organisations. Such mitigation can be secured by way of a planning condition.
- 3.8.66 The Proposed Development is not anticipated to have any effects on telecommunications infrastructure.

Impacts on Road Traffic and Trunk Roads

- 3.8.67 Chapter 9 of the EIA Report addresses traffic and transportation.
- 3.8.68 The likely Port of Entry (POE) used for the discharging of turbine components will be Clydebank Dock on the north of the River Clyde. Abnormal Indivisible Loads (AILs) are likely to travel through to the Site via the Cart Street, Glasgow Road, B814 Duntocher Road, A82(T) and A813 Stirling Road. Full details of the AIL routes are provided in the Route Survey Report (RSR) which is appended to Technical Appendix 9.1 of the EIA Report.
- 3.8.69 With the implementation of appropriate mitigation, no significant residual effects are anticipated in respect of traffic and transport issues. The residual effects are all assessed to be slight or insignificant but as they will occur during the construction phase only, they are temporary and reversible.
- 3.8.70 However, the following measures will be implemented to mitigate any adverse effects of construction traffic during the construction phase:
- > Construction Traffic Management Plan;
 - > Abnormal Load Transport Management Plan;
 - > A Path Management Plan (on site measures); and
 - > A Staff Travel Plan.

- 3.8.71 With the implementation of appropriate mitigation, no significant residual effects are anticipated in respect of traffic and transport issues.
- 3.8.72 Therefore, the assessment concludes that with the implementation of appropriate mitigation, no significant long lasting residual effects are anticipated in respect of traffic and transport. The effects arising in relation to traffic can be satisfactorily addressed by way of standard planning conditions.

Historic Environment

- 3.8.73 Chapter 10 of the EIA Report considers the archaeological and historic environment value of the Site and assesses the potential both for direct and setting effects on archaeological features and heritage assets resulting from the construction and operation of the Proposed Development.
- 3.8.74 The assessment deals with the potential for direct impact on heritage assets and also in particular, examines the potential effects in relation to the setting of heritage assets. Effects in relation to the historic environment are further examined below in terms of NPF4 Policy 7 (Historic Assets and Places).
- 3.8.75 Overall, the assessment concludes that there would be no significant adverse effects in relation to heritage assets.

Hydrology, the Water Environment and Flood Risk

- 3.8.76 Chapter 8 of the EIA Report assesses the potential impacts of the Proposed Development on geology, hydrogeology and peat. This includes potential impacts on surface watercourses, groundwater, water abstractions, designated receptors and flood risk within the local area. Potential impacts to peat, including peat slide risk, are also assessed.
- 3.8.77 As noted, parts of both Auchencroch Glen SSSI and Dumbarton Muir SSSI lie downstream of the Proposed Development. The assessment explains that to ensure that neither SSSI is impaired it will be necessary to sustain existing surface water flows and quality that is shed from the Proposed Development area toward the SSSIs.
- 3.8.78 As a consequence of the Proposed Development design and the embedded mitigation, which includes measures to maintain existing surface water flow paths and quality, the potential impact on the SSSIs is assessed as negligible and no additional mitigation, over and above the proposed water quality monitoring, is required.
- 3.8.79 The potential level of effect on flood risk is assessed as being negligible and not significant.
- 3.8.80 During the construction of the Proposed Development, water may be abstracted for uses such as dust suppression, vehicle washing and welfare facilities. The volume of water and mitigation required would be regulated through a CAR abstraction licence.
- 3.8.81 Mitigation measures will also be included within a Construction Environment Management Plan (CEMP) prior to the commencement of construction activities. These mitigation measures are considered to be robust and implementable and will reduce the potential impacts on peat resources, watercourses and groundwater. The CEMP would be secured by way of a planning condition.

Biodiversity

Ornithology

- 3.8.82 Chapter 7 of the EIA Report assesses the potential significant effects on important ornithological features (IOFs) associated with the construction, operation and decommissioning of the Proposed Development.

- 3.8.83 The assessment concludes that for all IOFs, the predicted residual levels of significance of effects during the construction, operational and decommissioning stages of the Proposed Development are considered to be no more than of minor adverse and therefore would not be significant, when taking into consideration mitigation measures. The contribution of the Proposed Development to any cumulative effect would be negligible, particularly when mitigation and enhancement measures are implemented.
- 3.8.84 Although no significant effects due to the operation of the Proposed Development were predicted, a 'worst-case' moderate/minor adverse displacement effect was predicted for black grouse due to the proximity of the proposed substation (and other infrastructure) to a historic lek site.
- 3.8.85 To address this potential reduction in habitat quality/availability, black grouse form a key consideration in the Outline Biodiversity Enhancement Management Plan (OBEMP) (as set out in Technical Appendix 6.6 of the EIA Report). Planned enhancements that would benefit black grouse include:
- > peatland enhancement, native woodland planting, bracken removal and restoration of calcareous grassland within Auchenreoch Glen SSSI, close to the historic lek. This would provide feeding, nesting and chick-rearing opportunities for black grouse throughout the year.
 - > expansion of native woodland coverage and increasing connectivity by tree planting along Murroch Glen and other gullies to the west of the lek site. This would provide food and shelter for black grouse, particularly in winter months.
 - > maintenance of the historic lekking area to retain its suitability. This may involve measures such as cutting of rushes/vegetation to retain a sward of preferred height and composition. New fencing within 1km would be suitably marked to reduce collision risk and any tree planting within 100m of the lek site.
- 3.8.86 There would be no adverse effects on the Integrity of any European Site predicted as a result of the Proposed Development, alone or in-combination with any other projects.
- 3.8.87 Overall, it is concluded that construction and operation of the Proposed Development would not have a significant effect on birds. The Site would provide enhanced habitat for Black Grouse as set out in the OBEMP.

Ecology

- 3.8.88 Chapter 6 of the EIA Report addresses ecology the potential significant effects on important ecological features (IEFs) associated with the construction, operation and decommissioning of the Proposed Development.
- 3.8.89 General and embedded mitigation measures are proposed in relation to habitats and species, such as complying with best practice, micro-siting provisions, presence of an Ecological Clerk of Works (ECoW) and adherence to a detailed CEMP and Species Protection Plan (SPP).
- 3.8.90 No significant construction effects were identified on IEFs, however a number of additional mitigation, compensation and significant enhancement measures are proposed as part of the Proposed Developments OBEMP, as detailed in Appendix 6.6 and outlined below in the context of NPF4 Policy 3 (Biodiversity).

Balancing the Contribution of a Development and Conclusions on Policy 11

- 3.8.91 Part e(ii) of Policy 11 makes it clear and recognises that in terms of significant landscape and visual impacts, such impacts are to be expected for some forms of renewable energy. This is a very different starting point compared to the position in SPP and there is a very clear steer that significant effects are to be expected, and where localised and/or where appropriate design mitigation has been applied, they should generally be acceptable.

- 3.8.92 The Proposed Development is considered to be acceptable in relation to all of Policy 11's environmental and technical topic criteria.
- 3.8.93 The second last paragraph **of Paragraph e) of Policy 11** is clear that in considering any identified impacts of developments, significant weight must be placed on the contribution of the proposal to renewable energy generation targets and greenhouse gas emissions reduction targets. In particular, the Policy recognises that landscape and visual impacts are to be expected but provided they are localised and / or appropriate design mitigation has been applied, they are likely to be considered acceptable.
- 3.8.94 The contribution to renewable energy contribution targets is inextricably related to the scale of a proposed development and policy recognises that any identified impacts must be assessed in the context of these contributions.
- 3.8.95 In terms of contribution to targets, as a national development, the proposal would contribute as follows:
- > The combined electrical output capacity from the wind turbine generators within the Proposed Development is currently estimated to be approximately 70 MW, with the exact capacity depending on the model and type of turbine selected. In addition, the BESS capacity is estimated at 20 MW.
 - > Taking account of the expected total CO₂ loss from the Carbon Calculator result, the Proposed Development would be expected to result in a saving of approximately 155,450 tCO₂ per annum, through displacement of carbon-emitting generation.
- 3.8.96 The scale of the energy output and emissions savings are of national importance.

3.9 NPF4 Policy 3: Biodiversity

Policy 3 & Principles

- 3.9.1 In summary, there are no significant effects arising in relation to biodiversity matters, nor in relation to nature conservation designations which NPF4 **Policies 3 and 4** (the latter in terms of designations – see below) respectively address.
- 3.9.2 **Policy 3** requires developments to contribute to the enhancement of biodiversity and if relevant, the restoration of degraded habitats and building and strengthening nature networks and the connections between them. Proposals should provide integrated nature-based solutions.
- 3.9.3 It should be noted that Policy 3 does not provide any guidance on how biodiversity enhancements will be measured and assessed, simply referring to “*best practice assessment methods*”. In addition, in relation to the relevant wording in Policy 3, the Explanatory Report (as noted, issued alongside Revised Draft NPF4) states:
- “The Scottish Government have commissioned research to explore options for developing a biodiversity metric or other tool, specifically for use in Scotland. This work is at early stages, we will work with NatureScot on a programme of engagement with stakeholders as this work progresses.*”
- 3.9.4 Therefore, exactly how enhancement is to be measured in the longer-term is to be the subject of further guidance, but timescale for the production of this is at present unclear. As per the Chief Planner Letter of 30 June 2023 this continues to be the position. The Scottish Government also issued a draft Biodiversity Strategy in December 2022 and a final draft in September 2023. However it does not contain national biodiversity targets.
- 3.9.5 The letter from the Chief Planner issued on 8th February 2023 provides guidance on the application of new policy where specific supporting guidance / parameters for assessment are not yet available to aid assessments.

- 3.9.6 NPF4 Policy 3 b Biodiversity is specifically recognised as one such policy area where final guidance is not yet available. The Chief Planner letter of February 2023 states:
- “recognising that currently there is not single accepted methodology for calculating and / or measuring biodiversity ‘enhancement’ – we have commissioned research to explore options for development a biodiversity metric or other tool, specifically for use in Scotland. There will be some proposals which will not give rise for opportunities to contribute to the enhancement of biodiversity, and it will be for the decision maker to take into account the policies in NPF4 as a whole, together with material considerations in each case”.* (underlining added)
- 3.9.7 NatureScot Guidance was issued in Summer 2023 in support of NPF4 Policy 3 (c). This states that the selection and design of enhancement measures will be a matter of judgment based on the circumstances of the individual case but should take into account a number of considerations. These considerations include:
- > The location of the development site and the opportunities for enhancing biodiversity;
 - > The character and scale of development;
 - > The requirements and cost of maintenance and future management of the measures proposed;
 - > The distinctiveness and scale of the biodiversity damaged or lost; and
 - > The time required to deliver biodiversity benefits and any risks or uncertainty in achieving this.

The application of Policy 3

- 3.9.8 Notwithstanding the lack of policy guidance at the present time, in terms of environmental benefit, there will also be a permanent enhancement to the site area through the Applicant’s proposed improvements to the natural habitat which are addressed in the Outline Biodiversity Enhancement Management Plan (OBEMP) as contained in Technical Appendix 6.6 of the EIA Report.
- 3.9.9 Within the OBEMP, it is explained that in terms of biodiversity net gain, the Scottish and Southern Energy Renewables (SSER) Biodiversity Net Gain (BNG) toolkit has been applied. This is a transparent and repeatable methodology and there is no reason not to use it for the purposes of demonstrating enhancement as required under NPF4, Policy 3(b).
- 3.9.10 The OBEMP is based on a number of identified ‘Search Areas’ for each respective habitat management and biodiversity enhancement proposal. These Search Areas are a starting point and will likely be refined following further specialist surveys and feedback from relevant consultees for the final Biodiversity Enhancement Management Plan (BEMP). The OBEMP demonstrates measures to be implemented to restore, conserve and enhance biodiversity and the Applicant is committed to delivering significant biodiversity enhancement.
- 3.9.11 In summary the OBEMP includes the following proposals:
- > 89.94 ha of peatland restoration/enhancement in Search Area A, likely primarily delivered through drain blocking and removal of self-seeding conifer trees;
 - > 15.05 ha of woodland enhancement (including enhancement of ancient woodland) and 96.36 ha of native broadleaved woodland creation (via planting) in Search Area B. The ancient woodland at Barr Wood will primarily be enhanced through enrichment planting, soil translocation, deadwood creation from trees requiring felling for Site Access construction and future management;
 - > Restoration of qualifying grassland habitats within the Auchenreoch Glen SSSI (Search Area C, 12.19 ha) through the removal and management of encroaching bracken;
 - > 7.25 ha of native mixed scrub creation/enhancement in Search Area D, via planting; and

- > Creation of approximately 2,000m of new native species-rich hedgerows in Search Area E.
- > As part of the OBEMP a Biodiversity Net Gain (BNG) assessment was undertaken using a BNG metric in order to demonstrate the measures proposed for the creation and enhancement of habitats would result in an increase in the biodiversity value of the Site post construction – a net gain of 13.3%. The BNG metric was applied to the Proposed Development’s baseline habitats, considered predicted habitat losses, and the habitat creation and enhancement measures as proposed in the OBEMP. The BNG metric indicates that following construction, BEMP implementation and subsequent habitat management, the Proposed Development would compensate for predicted habitat and biodiversity losses and provide enhancement that would result in an increase and net gain for biodiversity of 7.4% over and above the baseline and pre-development value.
- > The detailed and final BEMP, with updated BNG metric, would be agreed with the WDC and NatureScot in advance of construction and would ensure the Proposed Development secures significant biodiversity enhancements through restoring degraded habitats and strengthening nature networks.

3.9.12 The proposals would therefore result in the Site, from a biodiversity perspective, being in a “*demonstrably better state*” than without intervention, consistent with the provisions of Policy 3.

3.9.13 It is also important to keep in mind that the greatest threat to biodiversity is climate change. The principal and essential benefit of the Proposed Development is a significant contribution of renewable energy, to facilitate the earliest possible decarbonisation of the energy system and the achievement of “net zero” no later than 2045, in accordance with the objectives of the Climate Change (Scotland) Act 2009. The purpose of net zero is to protect biodiversity and the earlier it can be achieved, the greater the benefits to biodiversity.

3.10 NPF4 Policy 4: Natural Places

Policy 4 & Principles

3.10.1 **Policy 4, Paragraph c)** deals with national landscape designations and has a similar approach in relation to the former SPP in terms of how a proposal that affects a National Park or NSA should be addressed.

3.10.2 Policy 4, Part c) states that:

“Development proposals that will affect the National Park or National Scenic Area..... will only be supported where:

- > *the objectives of designation and the overall integrity of the areas will not be compromised; or*
- > *any significant adverse effects on the qualities for which the area has been designated are clearly outweighed by social, environmental or economic benefits of national importance.”*

3.10.3 The Loch Lomond and the Trossachs National Park (LLTNP) is a minimum of approximately 1.9km to the north of the nearest turbine in the Proposed Development and the Loch Lomond NSA is a minimum of approximately 3.7km north.

3.10.4 The assessment of effects on LLTNP and Loch Lomond National Scenic Area (NSA) is based on the effects that the Proposed Development would have on its Special Landscape Qualities (SLQs).

- 3.10.5 In these terms, in relation to LLTNP and the Loch Lomond NSA, it is set out in the LVIA that it is considered that the “*objectives of designation and the overall integrity of the areas will not be compromised*” by the Proposed Development, for the reasons described below:
- > The Proposed Development lies outwith LLTNP and the NSA and would have no direct effects on its physical attributes, so that all effects would be perceived only. This ensures that SLQs that are dependent upon physical attributes of the NSA – of which there are a number - would not be affected by the Proposed Development.
 - > While visibility of the Proposed Development may affect the SLQs that are reliant on the perceived qualities of LLTNP and the NSA, the assessment of effects has indicated that other than two SLQs, the effects would be not significant.
 - > The Proposed Development would have a negligible effect on 17 SLQs, a low effect on 10 SLQs and a medium-low effect on three. In the context of the 30 relevant SLQs of LLTNP and NSA, this represents a very limited effect overall.
 - > The two significant effects that are assessed are on SLQs that apply only to the ‘Loch Lomond’ area of LLTNP rather than ‘general’ SLQs. These effects would therefore not apply to the full extent of LLTNP but to the Loch Lomond area only.
 - > The Zone of Theoretical Visibility (ZTV) referred to in the LVIA ZTV indicates that theoretical visibility of the Proposed Development from LLTNP and the NSA is restricted to limited parts, with the majority of both areas, and especially the large area of LLTNP, having no visibility of the Proposed Development. This ensures that effects would be localised and very extensive areas of both designations would remain unaffected.
 - > The nature of the NSA and the Loch Lomond area of LLTNP is an enclosed loch-based landscape, which is inherently contained and focussed on the waterbody and its surroundings that are included in the designated areas. While external influences are relevant to the characterisation of the landscape, the introverted nature of the designated areas ensures that they would retain integrity despite the addition of the external feature of the Proposed Development, which is peripheral to the key focus of the landscape.
 - > The Proposed Development would be seen in the least remarkable and eye-catching part of the setting to Loch Lomond, where landform is seen as relatively uniform, large-scale and simple. It is this context that the Proposed Development would affect, ensuring that the dramatic scenery that surrounds the other aspects of the loch would remain unaffected.
 - > The highest “*risk of damage/loss to SLQ*” as assessed in the LVIA is ‘medium-low’, which, when combined with a high sensitivity, can lead to an effect that is significant or not significant. In this case the medium-low level of “*risk of damage/loss to SLQ*” has been assessed to have a significant effect on two of the SLQs. It is explained in the LVIA that these are borderline significant effects as this level of effect can be assessed as significant or not significant.
- 3.10.6 In summary, the adverse effects on the special qualities of the National Park identified within the assessment are judged not to undermine the objectives for its protection, and the overall integrity of the Park would not be compromised by the introduction of the Proposed Development.
- 3.10.7 **Policy 4, Paragraph d)** deals with local landscape designations and contains a different policy approach to that which was contained within the former SPP. Policy 4 is as follows:
- “*Development proposals that affect a site designated as ...a local landscape area in the LDP will only be supported where:*
- > *Development will not have significant adverse effects on the integrity of the area or the qualities for which it has been identified; or*

- > *Any significant adverse effects on the integrity of the area are clearly outweighed by social, environmental or economic benefits of at least local importance*".

- 3.10.8 The policy now follows a similar construct to that which deals with national level designations. The first limb of the policy refers to significant effects on the "integrity" of the area or "the qualities for which it has been identified".
- 3.10.9 The policy set out in the second limb of NPF4 Policy 4, Part d) provides that development proposals that affect a site designated as a local landscape area will only be supported where any significant adverse effects on the integrity of the area are clearly outweighed by social, environmental or economic benefits of at least local importance. It must be noted that:
- > this is a new policy provision, reflecting the wider NPF4 policy that adverse effects (including adverse landscape and visual effects outside of a National Park or National Scenic Area) must be balanced against the benefits of a proposed development;
 - > the second limb is independent of the first ("or") and is to be applied where a decision-maker concludes that a proposed development will have significant adverse effects on the integrity of a local designation;
 - > NPF4, Policy 4, Part d) now expressly includes a balancing mechanism ("*clearly outweighed by social, environmental or economic benefits*") and sets out the threshold to be used ("*of at least local importance*").

The application of Policy 4

- 3.10.10 As explained above in the context of NPF4 Policy 11, the EIA Report also sets out an assessment of the effects of the Proposed Development in relation to local landscape designations.
- 3.10.11 It is concluded in the LVIA that in terms of the Kilpatrick Hills LLA, the Proposed Development would have "*...significant adverse effects on the integrity of the area or the qualities for which it has been identified*". This would arise as a result of the significant effects on the landscape character of parts of the LLA and the effects on SLQs of the LLA.
- 3.10.12 It is explained in the LVIA that theoretical visibility of the Proposed Development from the LLA is variable, and extensive parts of the LLA, particularly its southern and eastern areas, will gain no or negligible visibility and influence of the Proposed Development. This ensures that while the Proposed Development would have *significant adverse effects on the integrity of the area* its influence would be found primarily in the north-western part of the LLA.
- 3.10.13 It is considered that these effects are outweighed by the social, environmental or economic benefits of the Proposed Development which would be of national importance.
- 3.10.14 The Proposed Development is considered to be in accordance with Policy 4.

3.11 NPF4 Policy 5: Soils

Policy 5 & Principles

- 3.11.1 In terms of soils, **Policy 5** states that where development on peatland or carbon rich soils or priority peatland habitat is proposed, a detailed site-specific assessment is required to identify baseline, likely effects and net effects. The policy intent is to protect carbon rich soils, restore peatlands and minimise disturbance to soils from development. This is very similar to the policy position that was in SPP; however, a key difference is that renewable energy proposals are one of the types of development expressly envisaged to be acceptable in principle on peatlands (Paragraph c).

The application of Policy 5

- 3.11.2 Chapter 8 of the EIA Report assesses the potential impacts of the Proposed Development on geology, hydrogeology and peat.
- 3.11.3 In terms of peat and soils, that the disturbance of peat and soils as a result of the construction of the Proposed Development can be minimised and the peat deposits safeguarded. Peat is recognised as a high sensitivity resource. With the identified safeguards and proposed good practice methodologies, the potential impact on deposits of soil and peat is assessed in the EIA as negligible.
- 3.11.4 As explained above with regard to NPF4 Policy 11, the Applicant has proposed an appropriate design, mitigation and restoration approach to peatland resources. Appropriate planning conditions can be attached to a grant of consent in relation to peatland and carbon rich soil matters. Peatland restoration is a key element of the OBEMP.
- 3.11.5 The Proposed Development is considered to be in accordance with Policy 5.

3.12 NPF4 Policy 6: Forestry, Woodland and Trees

Policy 6 & Principles

- 3.12.1 The policy intent is to protect and expand forests, woodland and trees. The policy outcomes are that existing woodlands and trees are protected and cover is expanded and that woodlands and trees on development sites are sustainably managed.
- 3.12.2 Policy 6 Paragraph a) states that development proposals that enhance, expand and improve woodland and tree cover will be supported.
- 3.12.3 **Policy 6 Paragraph b)** states that *“development proposals will not be supported where they will result in:*
- “i. Any loss of ancient woodlands, ancient and veteran trees, or adverse impact on their ecological condition;*
 - ii. Adverse impacts on native woodlands, hedgerow and individual trees of high biodiversity value, or identified for protection in the Forestry and Woodland Strategy;*
 - iii. Fragmenting or severing woodland habitats, unless appropriate mitigation measures are identified and implemented in line with the mitigation hierarchy;*
 - Iv. Conflict with Restocking Direction, Remedial Notice or Registered Notice to Comply issued by Scottish Forestry.”*
- 3.12.4 **Policy 6 Paragraph c)** states:
- “Development proposals involving woodland removal will only be supported where they will achieve significant and clearly defined additional public benefits in accordance with relevant Scottish Government policy on woodland removal. Where woodland is removed, compensatory planting will most likely be expected to be delivered”.*
- 3.12.5 Policy 6 Paragraph d) states:
- “Development proposals on sites which include an area of existing woodland or land identified in the Forestry and Woodland Strategy as being suitable for woodland creation will only be supported where the enhancement and improvement of woodlands and the planting of new trees on the site (in accordance with Forestry and Woodland Strategy) are integrated into the design.”*

The application of Policy 6

- 3.12.6 Forestry is addressed in the EIA Report at Technical Appendix 14.1 of the EIA Report.

- 3.12.7 The assessment examines the potential impact on trees and woodland. None of the proposed turbine locations or other elements of infrastructure are within woodland except a short section of the proposed access route that will pass through Barr Wood, part of the Vale of Leven (East) Tree Preservation Order (TPO No DCC 2) and recorded on the Ancient Woodland Inventory (AWI) as Long-Established Woodland of Plantation Origin 2b (LEPO 2b).
- 3.12.8 It is explained in the assessment that the access track will impact upon a small area (approximately 0.06ha) of woodland resulting in the felling of a maximum number of 28 mature/semi-mature beech hedgerow trees and three mature Downy Birch to facilitate construction of the track, some of which are already partially windblown and/or suffering from extensive decay.
- 3.12.9 A scoping opinion response was received from Scottish Forestry (16th May 2022) which stated the need to explain how the Scottish Government's Policy on the Control of Woodland Removal ("CoWRP") would be adopted to safeguard native woodland habitats on the site whilst highlighting the potential to expand native woodland components with an aim of connecting fragmenting habitats.
- 3.12.10 The Proposed Development will result in the removal of a small area of AWI woodland and therefore must be assessed against the requirements of the Scottish Government's Control of Woodland Removal Policy (2009) (CoWRP). There is no other woodland removal as part of the Proposed Development.
- 3.12.11 There is a strong presumption against woodland removal within the CoWRP and Policy 6 of NPF 4 for woodland recorded on the AWI including LEPO if they have a significant biodiversity interest or well established semi-natural priority woodland sites.
- 3.12.12 The Native Woodland Survey of Scotland (NWSS) identifies the area of Barr Wood to be impacted by the proposed development as native woodland with Upland Oakwood being the dominant habitat. It is explained in the assessment however that this is not a true reflection of Barr Wood.
- 3.12.13 Within the NWSS, Barr Wood has been included within the adjacent and more extensive Murroch Glen woodland which has a far more diverse woodland structure and species composition compared to Barr Wood which has few semi-natural characteristics and is representative of a woodland in decline.
- 3.12.14 This lack of significant biodiversity interest indicates more flexibility for woodland removal within the CoWRP and with appropriate compensatory planting the proposed removal will be acceptable within the requirements of the policy.
- 3.12.15 The proposed OBEMP contains several environmental improvement measures including the potential for up to 111ha of new native woodland and other measures including enrichment planting and the creation of deadwood habitats, using the trunks of the trees to be felled.
- 3.12.16 The proposed OBEMP works to be secured through a planning condition will significantly expand the native woodland resource locally whilst also creating new and enhancing existing forest habitat networks.
- 3.12.17 It is considered that whilst there is some conflict with Policy 6 Paragraph b) in relation to loss of a small area of ancient woodland and veteran trees, there are specific measures proposed as part of the OBEMP to improve the wider Barr Wood AWI and wide-ranging benefits arising from woodland mitigation works which would outweigh the loss of the 0.06 ha of AWI.
- 3.12.18 Compensatory planting will be secured by a condition and a Compensatory Planting Plan (CPP) will be developed as part of the OBEMP.

3.13 NPF4 Policy 7: Historic Assets and Places

Policy 7 & Principles

- 3.13.1 Finally, in terms of **Policy 7** which deals with Historic Assets and Places, the policy is very similar to that which was in SPP (paragraph 145).
- 3.13.2 The intent of the policy is to protect and enhance the historic environment, assets and places and to enable positive change. Key parts of the policy include the following:
- > **Paragraph c)** states that “*development proposals affecting the setting of a Listed building should preserve its character, and its special architectural or historic interest*”.
 - > **Paragraph d)** states that “*development proposals in or affecting Conservation Areas will only be supported where the character and appearance of the Conservation Area and its setting is preserved or enhanced*”.
 - > **Paragraph h)** states that “*development proposals affecting Scheduled Monuments will only be supported where:*
 - i) *direct impact on the Scheduled Monument are avoided;*
 - ii) *significant adverse impacts on the integrity of the setting of the Scheduled Monument are avoided; or*
 - iii) *exceptional circumstances have been demonstrated to justify the impact on a Scheduled Monument and its setting and impact on the monument or its setting have been minimised.*
 - > **Paragraph I)** states that “*development proposals affecting nationally important Gardens and Designed Landscapes will be supported where they protect, preserve or enhance their cultural significance, character and integrity and where proposals will not significantly impact on important views to, from and within the site or its setting*”.
 - > **Paragraph o)** states that “*non designated historic environment assets, places and their setting should be protected and preserved in situ wherever feasible. Where there is potential for non-designated buried archaeological remains to exist below a site, developers will provide an evaluation of the archaeological resource at an early stage so that planning authorities can assess impact*”.

The application of Policy 7

- 3.13.3 Again, impact on historic environment is addressed above in the context of NPF4 Policy 11. The assessment has considered the presence of cultural heritage assets which may be affected by the Proposed Development. The potential effects on the identified assets, mitigation measures for protecting known heritage assets during construction, and the residual effect of the Proposed Development has all been considered.
- 3.13.4 The assessment refers to both an Inner Study Area (ISA) and an Outer Study Area (OSA). The ISA corresponds with the land within the Site boundary itself and the OSA extends to various distances beyond the Site, depending on the relative importance of heritage receptors. The assessment also considers the potential for unknown heritage assets within the ISA.
- 3.13.5 The assessment deals with the potential for direct impact on heritage assets and also in particular, examines the potential effects in relation to the setting of heritage assets.
- 3.13.6 The assessment explains that all heritage assets have settings, however, in some cases, the setting may contribute very little to an asset’s significance, or only certain elements of the setting may be relevant. The assessment also notes that NPF4 does not define the term ‘integrity’ in the context of Policy 7, Paragraph h), therefore, for the purposes of the

assessment, it is acknowledged that Historic Environment Scotland (HES) recommend that the following definition for the concept of integrity of setting is used, namely “*changes to factors of setting that contribute to cultural significance such that the understanding, appreciation and experience of an asset are not adequately retained will affect the integrity of setting*”.¹⁵

3.13.7 Overall, the assessment concludes that there would be no significant adverse effects in relation to heritage assets. The Proposed Development would not unacceptably affect the fabric or setting of any Listed Buildings, or the integrity of the setting of any Scheduled Monuments. The Proposed Development is considered to be in accordance with Policy 7.

3.14 Conclusions on NPF4 Appraisal: Sustainable Place

- 3.14.1 The Proposed Development is considered to be acceptable when assessed against Policy 11 (Energy).
- 3.14.2 A key point within Policy 11 is that any identified impacts have to be weighed against a development’s specific contribution to meeting targets – which attracts significant weight.
- 3.14.3 Significant weight is *also* afforded in relation to Policy 1 (Tackling the climate and nature crises). This policy direction fundamentally alters the planning balance compared to the position that was set out in in NPF3 and SPP.
- 3.14.4 The term “tackling” the respective crises in Policy 1 is also important – this means that decision makers should ensure an urgent and positive response to these issues and take positive action.
- 3.14.5 The National Spatial Strategy set out in NPF4 is intended to support the delivery of three types of ‘place’ in Scotland: namely, Sustainable, Liveable and Productive places.
- 3.14.6 Eighteen National Developments are identified to support the strategy and they are to be “focus for delivery” (NPF4 page 4). National Development 3 (strategic renewable electricity generation and transmission infrastructure) is one of six National Developments which support the delivery of Sustainable Places.
- 3.14.7 Sustainable Places are primarily concerned with dealing with the climate crisis, and this issue is seen as a fundamental threat to the capacity of the natural environment to provide the services and amenities relied on, including clean air, water and food (NPF4, page 6).
- 3.14.8 In order to deliver Sustainable Places, NPF4 makes it clear that there must be significant progress in achieving net zero emissions by 2030 in order to hit the overall target of net zero by 2045.
- 3.14.9 Furthermore, it sets out that meeting the Government’s climate ambition will require a rapid transformation across all sectors of the economy and society and that this means ensuring “*the right development happens in the right place*”. (Page 7)
- 3.14.10 In a development management context, this is to be achieved by the application of NPF4 policies which are to be read as a whole. The policy appraisal contained in this Statement has demonstrated that the Proposed Development would accord with NPF4 when it is read as a whole, and as a consequence, the proposal is considered to be the right one in the right location and one which will contribute to Scotland being a Sustainable Place.

¹⁵ EIA Report Chapter 10, Paragraph 10.2.19

4. Appraisal against the Local Development Plan

4.1 Introduction

- 4.1.1 The other element of the statutory Development Plan covering the Site comprises the West Dunbartonshire Local Plan which was adopted in March 2010.
- 4.1.2 In terms of a replacement plan, the West Dunbartonshire Local Development Plan 2 (LDP2) was submitted to the Scottish Ministers for adoption on 26 August 2020. On 18 December 2020, the Scottish Government issued a Direction that the new plan should not be adopted unless specified modifications relating to housing matters are made. It is understood that the Council is continuing to address that Direction. In the interim period, NPF4 has also come into force.
- 4.1.3 Therefore, at the present time the adopted Local Plan remains that dated March 2010. Its contents are therefore considerably out of date in light of the provisions of NPF4 which as explained, now makes up part of the statutory Development Plan.
- 4.1.4 Although LDP2 is the Council's most up to date policy position and is afforded significant weight in the assessment and determination of planning applications, it is not yet part of the statutory Development Plan and its policies have to a large extent now been overtaken by those within NPF4.
- 4.1.5 Relevant policies from the Local Plan are referenced below together with the renewable energy policy within LDP2.
- 4.1.6 This Chapter does not present a detailed assessment of the Proposed Development as that has been covered in Chapter 3 above against the policy provisions of NPF4.

4.2 Local Development Plan Policies

- 4.2.1 The policies of relevance in the Local Plan are summarised below in **Table 4.1** together with comments as to whether there are considered to be any conflicts or contradictions with the equivalent topic policy provisions of NPF4. Most of the policies below are covered by NPF4 Policy 11 (Energy) Paragraph e).

Table 4.1: LDP Policy Summaries and consideration against NPF4

Local Plan Policy	Summary	Comment re NPF4
WC1 Wider Countryside	The policy states that development will not be supported unless it is for agriculture or leisure uses suited to the countryside, or unless it relates to development having a specific locational need. The policy requires development not to have an adverse impact on landscape character or in relation to wider natural heritage.	The policy is in conflict with NPF4 for Policy 11 (Energy) which supports the deployment of onshore wind and other renewable technologies in principle in all locations outwith National Parks and NSAs. Furthermore, Policy 11 anticipates that there will be some adverse impacts in relation to landscape and visual resources arising from some development.
RSA1 Regional Scenic Areas	The policy states that the Council will conserve the high quality landscape of the Kilpatrick Hills and that there will be a general presumption against proposals for development that would have an adverse	The policy is in conflict with NPF4 Policy 4 (Natural Places) with regard to development proposals that affect sites designated as a local landscape area.

Local Plan Policy	Summary	Comment re NPF4
	<p>impact on the landscape quality, character, visual amenity or nature conservation value of the area.</p>	<p>The policy has no balancing provision.</p> <p>Any impacts arising from a proposal would also need to be considered in the context of significant weight being placed on the contribution of a proposal, as per NPF4 Policy 11.</p>
<p>SUS1 Sustainable Development</p>	<p>The policy states that the Council will pursue a sustainable approach to development and transportation by seeking to maintain and enhance the quality of the environment within the Plan area. The policy states that all development should seek to conserve and enhance environmental resources and ensure environmental impact is minimised.</p>	<p>Insofar as the policy seeks to achieve sustainable development and to ensure acceptable impacts arise in relation to environmental resources, it is consistent with the policy provisions of NPF4. However, it will not be possible for all renewable energy development to conserve and enhance environmental resources, in particular in relation to landscape impacts. Therefore, with regard to that matter there is a conflict with NPF4 Policy 11.</p>
<p>GD1 Development Control</p>	<p>The policy requires all development to be of a high quality design and to respect the character and amenity of the area in which it is located. Proposals are to be assessed against various criteria including layout and design, historic environment considerations, flood risk, water environment, traffic, roads and parking and availability of community facilities.</p>	<p>No conflict or contradiction.</p>
<p>T4 Accessibility to New Development</p>	<p>The policy requires Transport Assessment to be prepared in relation to significant travel generating proposals and reference is made to the need for development to conform to design and construction standards as required by the Council.</p>	<p>No conflict or contradiction.</p>
<p>E1 Biodiversity Duty</p>	<p>The policy states that the Council when exercising its planning function, will further the conservation of biodiversity.</p>	<p>No conflict or contradiction.</p>
<p>E2A International Nature Conservation Sites</p>	<p>The policy states that development likely to have a significant effect on a Natura 2000 site will be subject to an appropriate assessment.</p>	<p>No conflict or contradiction.</p>
<p>E2B National Nature Conservation Sites (Sites of Special Scientific Interest)</p>	<p>The policy states development affecting a SSSI will only be permitted where an appraisal demonstrates that the objectives of the designated area and overall integrity would not be compromised, or any significant adverse effects on the qualities for which the area has been designated are clearly outweighed by social or economic benefits of national importance.</p>	<p>No conflict or contradiction.</p>

Local Plan Policy	Summary	Comment re NPF4
E3A Local Nature Conservation Sites	The policy states that the Council will seek to maintain and enhance environmental resources by the protection of habitats, species and natural features. Reference is made to local nature conservation sites and wildlife corridors, ancient and semi natural and long-established woodlands. The policy encourages the creation of new habitat and states that proposals should not have an adverse effect on the integrity or character of a local nature conservation site.	The policy approach is consistent with NPF4 Policy 3 (Biodiversity) however, there is some conflict with NPF4 Policy 4 given there is no balancing provision within the policy allowing for the consideration of benefits in relation to any predicted adverse effects on a local nature conservation site.
E5 Development Affecting Trees	The policy states that new development proposed on sites with or adjacent to existing trees or woodland will be assessed in accordance with best practice and that such resources need to be taken into account in the design process.	No conflict or contradiction.
BE1 Conservation Areas	The policy states that the Council will seek to ensure that no works adversely affect the appearance and character of Conservation Areas.	No conflict or contradiction.
BE2 Listed Buildings	The policy states that Council aims to ensure that in relation to works affecting a Listed building or its setting, its appearance, character and setting is not adversely affected.	No conflict or contradiction.
BE5 Scheduled Ancient Monuments and other Archaeological Sites	The policy states that the Council will resist any development proposals that would have an adverse impact on or effect the setting of a Scheduled Monument or other nationally or locally important archaeological sites. The policy adds that development that would affect feature or their setting, will be considered against the benefits of the development outweighing the archaeological interest.	The policy is broadly consistent with the provisions of NPF4, however, the policy approach set out within NPF4 Policy 7 (Historic Assets and Places) set specific development management tests.
BE7 Gardens and Designed Landscapes	The policy states that development affecting Gardens and Designed Landscapes shall protect, preserve and enhance such resources and shall not impact adversely upon their character including important views from and within them, or in relation to the site or setting of component features which contribute to their value.	No conflict or contradiction.
DC3 Aircraft Safeguarding Zone	The policy states that within the Safeguarding Zone for Glasgow airport, development which adversely affects the operational integrity or safety of the airport will not normally be permitted.	No conflict or contradiction.
DC6 Renewable Energy	The policy states that renewable energy development will be permitted where it can be established without unacceptable detriment to the landscape, natural and built heritage, sport and recreational	The policy is broadly consistent with the criteria set out in NPF4 Policy 11, however, the provisions in Policy 11 are more extensive and contain a specific provision which requires the benefit of a development to be

Local Plan Policy	Summary	Comment re NPF4
	interests and local amenity. The policy contains a number of criteria as follows: <ul style="list-style-type: none"> > Visual impact and effect on landscape character including landscape quality of the Kilpatrick Hills RSA and role and function of the Green Belt; > Nature conservation interests including statutory designated areas, species and habitats; > The historic environment and its setting, including Scheduled Ancient Monuments, Conservation Areas and Listed buildings; > Noise, odour, traffic, broadcast interference and other impact upon the amenity of local communities; > the cumulative impact of development. 	balanced against the predicted impacts. Given there is no balancing provision within the Local Plan policy it is considered to be in conflict with Policy 11 of NPF4.
F1 Flood Protection	The policy states that the Council will resist development that is likely to increase the risk of flooding locally or elsewhere within the relevant catchment and in relation to development located in a functional floodplain.	No conflict or contradiction.

LDP2: Policy RE1 ‘Renewable Energy Development’

4.2.2 As explained above, LDP2 (August 2020) is not yet the adopted LDP for the area however it does contain a more up to date renewable energy policy compared to that contained within the adopted Local Plan of 2010. Policy RE1 ‘Renewable Energy Development’: states:

“Renewable energy development in the form of new build development, infrastructure or retrofit projects will be supported in stand-alone locations and as integral parts of new and existing developments, where it can be demonstrated that there will be no unacceptable significant adverse impacts on all of the development management criteria set out in paragraph 169 of Scottish Planning Policy, but the scale of its proposal and its compatibility with the surrounding area are appropriate, and that all other relevant policies are met.”

4.2.3 Policy RE1 is in conflict with NPF4 Policy 11 given it makes specific reference to the now revoked SPP and it does not contain a specific balancing provisions to allow for the consideration of benefits – specifically a development proposal’s contribution to Scottish Government targets.

4.3 Conclusions on the LDP

4.3.1 The relevant development management considerations have been addressed above (Chapter 3) in the context of NPF4 Policy 11 and are not repeated with reference to the Local Plan or the emerging LDP2.

4.3.2 Based on the summary comparison appraisal above, between the policies of the Local Plan and those of NPF4, it is considered that there is conflict between Local Plan policies WC1, RSA1, SUS1, E3A and DC6 and the provisions of NPF4. This is not surprising given the Local Plan is over 10 years old. In addition, the renewable energy policy in the emerging LDP2 is in conflict with the provisions of NPF4.

- 4.3.3 As set out in Chapter 3 above, a key new statutory provision is that in the event of any incompatibility between a policy provision of NPF4 and a provision of an LDP, then whichever of them is the later in date will prevail.
- 4.3.4 Although there would be some non-accordance with some policies of the Local Plan (WC1 and RSA1) the weight to be afforded to these policies is very limited given the identified conflicts of the policy provisions with those of NPF4.

5. Conclusions

5.1 The Electricity Act 19189

5.1.1 Paragraph 3 of Schedule 9 to the 1989 Act provides a specific statutory requirement on the Scottish Ministers to have regard to various matters when considering development proposals for consent under section 36 of the 1989 Act.

5.1.2 The information that is contained within the individual topic sections of the EIA Report therefore enables Scottish Ministers to be satisfied that their obligations under Schedule 9 can be met and that suitable mitigation has been identified. It is also considered that the detailed work undertaken in the formulation of the EIA overall has confirmed and provides confidence that the Proposed Development would be undertaken in an environmentally acceptable manner.

5.2 The Benefits of the Proposed Development

5.2.1 This section summarises the benefits that would arise from the Proposed Development.

Renewable Generation and Emissions Savings

- > With an overall installed capacity in the region of 70 MW of onshore wind and 20 MW of battery storage, the Proposed Development would make a valuable and nationally important contribution to the attainment of the UK and Scottish Government policies of encouraging renewable energy developments; and in turn contribute to the achievement of UK and Scottish Government targets. As explained, there is now a distinct shift in policy emphasis from the displacement of higher carbon electricity generation to extending the use of electricity as the critical energy response to the Climate Emergency.
- > The UK legally binding target of net zero GHG emissions by 2050 and the Scottish Government target of a 75% reduction of such emissions by 2030 and net zero by the earlier date of 2045 are major challenges. The Scottish Government has made it clear that onshore wind plays a vital and indeed “mission critical” role in the attainment of future targets in relation to helping to combat the crisis of global heating.
- > The earlier that steps towards decarbonisation are introduced, the greater their contribution to limiting climate change. The Proposed Development’s delivery of renewable capacity in the near term will have a disproportionately higher benefit than the same capacity delivered later.
- > The Proposed Development would result in an estimated carbon saving of approximately 155,450 tCO₂per annum¹⁶. This illustrates a positive net impact through contributing significantly towards the reduction of GHGs from energy production.

Security of Supply

- > The British Energy Security Strategy has been referenced. It provides an increase to the requirements for both the scale and the urgency of delivery of new low carbon generation capacity, by refocussing the requirement for low-carbon power for reasons of national security of supply and affordability, as well as for decarbonisation.
- > Onshore wind is a proven technology which will deliver significant benefits to consumers through decarbonisation, security of supply and affordability.
- > The development, if consented, would provide a valuable contribution to security of supply for Scotland and for the wider Great Britain (GB) area. Consenting the

¹⁶ Fossil Fuel Mix basis as set out in EIA Report Technical Appendix 14.2.

development, would contribute to an adequate and dependable Scottish and GB generation mix, through enabling the generation of more low carbon power from indigenous and renewable resources, and would enable the development to make a significant contribution to Scottish and wider UK energy security and decarbonisation needs.

Economic & Community Socio-Economic Benefits

- > The Proposed Development would support jobs during construction and during operation across the Scottish economy. Overall, the socio-economic effects of the capital investment, employment and GVA to the economy would be beneficial (short term during construction, long term during operation).
- > Chapter 12 of the EIA Report addresses socio-economic effect and they have been set out in detail above in the context of NPF4 Policy 11.
- > The Proposed Development will also provide a Community Benefit Fund. This comprises an offer of £5,000 per MW per annum in community investment for the local economy, which would be approximately £0.4m million annually, or approximately £14.4 million over the 40-year operational lifetime of the Proposed Development.
- > The community benefit fund would be distributed to support projects across the communities living in proximity of the Proposed Development.
- > Many of these communities are in deprived areas and would benefit from funding to support economic and social initiatives. The fund could also be used to leverage further investments in the community. The Applicant would work with local communities to identify strategic priorities for this funding.
- > It would also generate direct impacts, such as employment, in these communities. By applying the turnover per job ratio for volunteer organisations (Scottish Council of Voluntary Organisations, 2018), it was possible to estimate that the community benefit fund could support up to six jobs each year.
- > There are further measures which the Applicant is considering in order to maximise local economic opportunities. These include initiatives around maximising the role of local suppliers, providing information on contract opportunities and holding ‘meet the developer’ events.

Biodiversity

- > Biodiversity enhancements are proposed, as set out in the proposed OBEMP and as described in Chapter 3 above.

5.3 The Climate Crisis & Renewable Energy Policy Framework

5.3.1 The urgent need for onshore wind has been set out: a large increase in the deployment of this renewable energy technology is supported through a number of policy documents and by Scottish Government commitments – most recently expressed in the new OWPS and in NPF4.

5.3.2 Onshore wind was already viewed and described as “vital” to the attainment of targets in 2017. This imperative has only increased since a ‘climate emergency’ was declared by the Scottish First Minister in April 2019, in line with the recommendations made by the CCC (2019) ‘net zero’ publication¹⁷. Furthermore, the drive to attain net zero emissions is now legally binding at the UK and Scottish Government levels by way of amendments to the 2008

¹⁷ CCC, Net Zero, The UK’s contribution to stopping global warming (May, 2019).

Act and in Scotland through the provisions of the Climate Change (Scotland) Act 2009 and the Climate Change (Emissions Reduction Targets) (Scotland) Act 2019.

5.3.3 Achieving net zero is a legal requirement, and the Scottish Government has recognised, most recently in the new OWPS, that a very substantial quantity of new onshore wind is required to meet the legal emissions reduction requirement by 2030 – namely a minimum of 20GW of operational capacity. Deployment of more onshore wind is described as being “mission critical for meeting our climate targets” in the OWPS.

5.3.4 The nationally important benefits of the Proposed Development have been set out in the context of the current Climate Emergency – they would help address the issue of global heating and very challenging ‘net zero’ targets and contribute to improving security of supply.

5.4 The Planning Balance

5.4.1 In NPF4 there is a clear recognition that climate change must become a primary guiding principle for all plans and decisions. Significant weight is to be given to the Climate Emergency and the contribution of individual developments to tackling climate change.

5.4.2 The revised OWPS was published in December 2022. NPF4 came into force on 13 February 2023. Both are up to date statements of Scottish Government policy, directly applicable to determination of this application. Both should be afforded very considerable weight in decision-making.

5.4.3 NPF4 and the OWPS are unambiguous as regards the policy imperative to combat climate change, the crucial role of further onshore wind in doing so, and the scale and urgency of onshore wind deployment required. As described in this Planning & Sustainable Place Statement:

- > The global climate emergency and the nature crisis are the foundations for the NPF4 Spatial Strategy as a whole. The twin global climate and nature crises are “*at the heart of our vision for a future Scotland*” so that “*the decisions we make today will be in the long-term interest of our country*”¹⁸. The policy position, and the priority afforded to combatting the Climate Emergency, is different to that which was set out in NPF3 and SPP;
- > NPF4 Policy 1 (Tackling the climate and nature crises) directs decision-makers to give significant weight to the global Climate Emergency in all decisions. This is a radical departure from the usual approach to policy and weight, and clearly denotes a step change in planning policy response to climate change. The matter of weight is no longer left entirely to the discretion of the decision maker; and
- > Both NPF4 and the OWPS are clear that further onshore wind development, of scale and utilising modern, larger turbines, has a crucial role in combatting climate change, transitioning to a net zero Scotland and ensuring security of energy supply. NPF4 Policy 11 (Energy) strongly supports proposals for all forms of renewable, low-carbon and zero emissions technologies, including onshore wind farms.

5.4.4 It is important to fully recognise both the scale and urgency of the challenge set out in these documents, and the required response from decision-makers. NPF4 is clear that significant progress must be made by 2030 requiring, as set out in the OWPS, that “*we must now go further and faster than before. We expect the next decade to see a substantial increase in demand for electricity to support net zero delivery across all sectors, including heat, transport and industrial processes*”¹⁹.

¹⁸ NPF4, page 2.

¹⁹ OWPS 2022, paragraph 1.1.2.

- 5.4.5 Publication of the OWPS followed and cross-refers to NPF4 and, for the first time, sets an onshore wind target: a Scottish Government ambition for a minimum of 20GW of installed onshore wind capacity by 2030. New policy therefore supports an increase in the installed capacity of onshore wind in Scotland by a minimum amount equivalent to about 130% of the entire installed capacity of all current operational onshore wind farms in Scotland in a period of less than ten years. This is also embedded in the Scottish Government's consultative draft Energy Strategy and Just Transition Plan, together with the commitment to "**place the climate and nature at the centre of our planning system**"²⁰ (original emphasis) in line with the NPF4.
- 5.4.6 By any measure, the identified need for delivery of this additional capacity is a massive challenge requiring an urgent and positive response. As noted above, unless projects are in the planning system now, there is a high likelihood is that they cannot contribute to this ambition before 2030. The 'window' until the key date of 2030 for Scottish Government targets is also getting narrower.
- 5.4.7 This change in policy is also seen in the designation of individual renewable development applications as National Developments. National Developments are significant developments of national importance that will help to deliver the spatial strategy. As the Statement of Need for Strategic Renewable Electricity Generation and Transmission Infrastructure explains²¹ "A large and rapid increase in electricity generation from renewable sources will be essential for Scotland to meet its net zero emissions targets."
- 5.4.8 The recognition of National Development relates to the attainment of Government renewable generation and emission reduction targets. Moreover, it relates to the importance of developing electricity supplies which are not dependent on volatile international markets and are located within the UK's national boundaries. The urgency for an electricity system which is self-reliant and not reliant on fossil fuels is now enormous, in order to protect consumers from high and volatile energy prices. Moreover, such a system would reduce opportunities for destructive geopolitical intrusion into national electricity supplies and this matter has grown in importance in recent months.
- 5.4.9 Other policy support for development of large-scale wind farms and the deployment of larger turbines is found in NPF4 and the OWPS:
- > In addition to the cross-cutting NPF4 Policy 1, NPF Policy 11 directs that in considering the identified impacts of an onshore wind proposal significant weight will be placed on the contribution of the proposal to renewable energy generation targets and on greenhouse gas emissions reduction targets;
 - > The OWPS expressly recognises that meeting the ambition of a minimum installed capacity of 20GW of onshore wind in Scotland by 2030 will require taller and more efficient turbines and that this will change the landscape;
 - > NPF4 Policy 11 confirms that significant landscape and visual impacts are to be expected for some forms of renewable energy. Scottish Government policy, which will form part of the Development Plan, is that where such impacts are localised and / or appropriate design mitigation has been applied, they will generally be considered to be acceptable. Notably, policy recognises that significant landscape and visual effects are inevitable and generally acceptable;
 - > NPF4 Policy 4 (Natural Places) provides in principle support for wind farm development in all locations with the exception of National Parks and NSAs unless the conditions in NPF4 Policy 4 Paragraph c) are met;
 - > NPF4, Policy 4, Part d) specifically relates to a proposed development that may adversely affect the integrity of a local landscape designation. It provides that

²⁰ Energy Strategy and Just Transition Plan, page 55

²¹ NPF4, page 103.

development will be supported where significant adverse effects on the integrity of the area are clearly outweighed by social, environmental or economic benefits of at least local importance. This policy provision is engaged with regard to the Kilpatrick Hills LLA.

- 5.4.10 The Applicant has gone to considerable lengths to ensure a satisfactory layout, design and composition for the Proposed Development. In short, appropriate design mitigation has been applied.
- 5.4.11 NPF4 and the OWPS require that the decision-maker must also identify and weigh the adverse effects of a proposed development. The way that decision makers can recognise the strengthening policy imperative and the increased weight that should be given to the benefits of the Proposed Development is by giving stronger weight in the planning balance to the seriousness and importance of energy policy related considerations and the contribution of the proposed development in meeting green energy targets.
- 5.4.12 It is considered that this approach is very clearly reflected and articulated in NPF4 and the OWPS (subject to Scottish Government policy now expressly stating that significant weight will be given to the global climate and nature crises and a proposed development's contribution towards meeting targets). Moreover, Section 3.6 of the OWPS states that the criteria for assessing proposals (in NPF4) have been updated "*including **stronger weight being afforded to the contribution of the development to the climate emergency***". (emphasis added).
- 5.4.13 In this case, the Proposed Development is one of national importance that will help to deliver the national Spatial Strategy set out in NPF4. The Proposed Development would make a valuable and near-term contribution to help Scotland and the UK attain Net Zero, security of supply and related socio-economic objectives. Specifically, the Proposed Development would contribute to the interim 2030 emissions reduction target. It is submitted that very substantial weight should be given to this contribution when weighing the need for the development and its identified effects within the planning balance.
- 5.4.14 The effects of the Proposed Development, including how relevant effects listed in NPF4 Policy 11 Paragraph (e) have been addressed, as detailed in the supporting information to the application. In terms of Policy 11, in considering the identified impacts of the Proposed Development significant weight must be placed on its nationally important contribution to renewable energy generation and greenhouse gas emissions reduction targets.

5.5 Overall Conclusion

- 5.5.1 The policy set out in NPF4 and the OWPS requires a rebalancing of the consenting of onshore wind developments in response to the challenges of tackling the climate and nature crises. Having regard to the weight to be ascribed to the important benefits of the Proposed Development it is considered that the benefits that would result clearly outweigh its adverse effects.
- 5.5.2 The up-to-date policy set out in NPF4 and the OWPS and the policy being consulted upon in the draft Energy Strategy provide strong and increased support for the grant of consent.
- 5.5.3 The conclusion is that the Proposed Development would be consistent with all relevant policies of the Development Plan, and with the Development Plan when read as a whole insofar as that is a relevant matter in a Section 36 application.

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