

Newlands Hill Wind Farm Section 36 Application:

Planning & Sustainable Place Statement

November 2023



BELLTOWNPOWER

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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 Newlands Hill Wind Energy Hub Ltd (the Applicant) in relation to the proposed Newlands Hill Wind Energy Hub ('the Proposed Development') located in within the East Lothian Council (ELC) 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 ELC 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 planning policy framework and relevant material considerations.

1.2 The Applicant

- 1.2.1 The Applicant, Newlands Hill Wind Energy Hub Ltd, is an SPV wholly owned by Belltown Power UK Wind Ltd.
- 1.2.2 Belltown Power is an established, global clean energy developer, funder, constructor, and operator of renewable energy projects and is at the leading edge of renewable energy project development in the UK.
- 1.2.3 Belltown Power was founded in 2013 as a fully integrated UK renewable energy power company. With a team of highly experienced renewable energy professionals Belltown Power has successfully delivered over 200MW of now operating onshore wind, solar PV and hydro projects across Scotland, Wales and England.
- 1.2.4 The Applicant is committed to delivering quality renewable energy projects and playing its part in enabling the energy transition and combating the climate emergency. Belltown Power has over 1GW of unsubsidised UK wind and solar projects under development.
- 1.2.5 Belltown Power has managed several community benefit funds across their operational portfolio and has therefore gathered experience of how best to administer these funds effectively. The Applicant has developed an innovative community ownership model that offers a genuine route for the local community to secure equity in the Proposed Development. Belltown Power manages several educational programmes across the renewable asset portfolio. Education of the next generation on the importance of renewable technology is an integral part of the Belltown culture.

1.3 Site Location and Description

- 1.3.1 Chapter 2 (Site and Surrounding Context) of the EIA Report provides a detailed description of the Site and its geographic context. The Application Site ('Site') relates to two distinct parts, the Wind Farm Area ('WFA') and the route for Abnormal Indivisible Loads ('AIL Route').
- 1.3.2 The Site is located 6km southeast of Gifford and 11km southeast of Haddington on the northern edge of the Lammermuir Hills in East Lothian. The Site lies circa 1.5km from the Scottish Borders Council boundary at its closest point. The main WFA is located 6km southeast of Gifford.
- 1.3.3 Present landcover consists of an unenclosed mosaic grass and heather moorland on a plateau landform which is intersected by small streams in the southern portion of the Site. The Site is in use as an active grouse moor and for open grazing. The Site is open and treeless with a steep northwest facing slope at the north western Site boundary. Landform on the Site serves as a backdrop to the agricultural upland fringe to the north as viewed from lower areas of East Lothian toward the coast.
- 1.3.4 The Site lies within the Landscape Character Type: CT266 Plateau Moorland – Lothians. The East Lothian Special Landscape Areas Supplementary Planning Guidance (SPG) identifies the Site as being within three Special Landscape Areas (SLAs). The northwest part of the Site lies within the Lammer Law SLA; the southern part of the Site lies within the Lammermuir Moorland SLA, and the area to the east of the B6355 is identified as being within the Danskine to Whitecastle SLA.
- 1.3.5 The area to the south of the Site is comprised of open, sparsely settled moorland with some scattered farmsteads in valleys and occasional evidence of past historical human use including cairns, hillforts, and stone circles.
- 1.3.6 Several statutory designated sites for nature conservation with ecological interests are located within 10km of the Site, with the closest being Papana Water Site of Special Scientific Interest (SSSI) located c.1km north.
- 1.3.7 Much of the area within 15km of the Site is covered by landscape designations. These include Gardens and Designed Landscapes and SLAs within East Lothian, Scottish Borders and Midlothian. There are no National Scenic Areas or National Parks or areas of Wild Land within 25km of the Site. The nearest is the Eildon and Leaderfoot National Scenic Area located 25.3km to the south.
- 1.3.8 Several Core Paths run within the surrounding area of the Site with the closest being Core Paths 23, 24 c.650m to the southeast. Core Paths 21 and 20 are situated c.1.6km and c.2.0km to the east respectively at their closest points.
- 1.3.9 The B6355 dissects the Site and connects the village of Gifford (6km northwest) to Preston which lies approximately 23km southeast and then on to Duns which lies 31km southeast. The B6355 is the only B road that connects East Lothian to the Scottish Borders.
- 1.3.10 There are several existing and consented wind farms in the surrounding area. The nearest operational and consented sites are Fallago Rig approximately 2.2km to the south and Crystal Rig (I-IV) approximately 5km to the northeast.
- 1.3.11 A number of residential properties are situated in the surrounding area of the Site, mostly within clusters of properties.

1.4 The Proposed Development

- 1.4.1 The Proposed Development is described in detail in Chapter 4 (Proposed Development and Design Evolution) of the EIA Report. In summary, it will comprise:
- > 17 wind turbines of which 15 turbines with a maximum tip height of 200m and two turbines with a maximum tip height of 180m;
 - > A Site entrance on either side of the B6355 road, and access tracks including turning heads;
 - > Foundations at the base of each turbine;
 - > Crane hardstandings and setdown areas adjacent to each turbine location;
 - > A network of underground cables connecting the turbines to the on-site substation;
 - > An on-site control building and substation compound;
 - > A battery energy storage compound (BESS) including a BESS facility with a capacity of 136 MW;
 - > A permanent anemometer mast or LiDAR compound for wind monitoring;
 - > Temporary construction compounds, laydown areas including car parking;
 - > Temporary borrow pits to provide suitable rock for access tracks, turbine bases and hardstandings;
 - > Habitat Management and Enhancement Area;
 - > Access works to enable the passage of larger components (AIL's) to Site, and associated road construction works.
- 1.4.2 A directional micro-siting allowance of up to 75m is being sought in respect of each turbine and 50m in relation to 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.
- 1.4.3 Turbines with a height greater than 150m to blade tip require aviation lighting to comply with Civil Aviation Authority (CAA) requirements. As such, the Proposed Development will need to display accredited aviation safety lighting, which represents as visible red lights at night. In the interests of reducing the night time visual impact of a fully lit scheme, a reduced lighting scheme has been approved by the CAA.
- 1.4.4 Subject to the final procurement the output per turbine could be between 6 - 8 megawatts (MW) and the total generating capacity of the Proposed Development could be up to 136 MW.
- 1.4.5 The construction of the Proposed Development is planned to be undertaken over a period of approximately 18 months, subject to award of consent and subsequent award of construction contract.
- 1.4.6 The Applicant has received a grid connection offer for the Proposed Development from the network operator, Scottish Power Transmission, including an indicative grid connection method. The point of connection is located at Fallago Rigg Substation. The grid connection works will be subject to a separate application for consent by SP Energy Networks.

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 (Status of Development Plan) 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 that may apply.
- 1.5.4 The Applicant does not hold a generation licence or exemption under the 1989 Act and therefore the statutory duties set out in paragraph 3 of Schedule 9 to the 1989 Act do not currently 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) 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 the Applicant has provided sufficient information to enable them to address their duties under sub-paragraph 3(1)(a) of Schedule 9 to the 1989 Act. The duty on the Scottish Ministers is to have regard to the desirability of matters specified in Schedule 9. Schedule 9 is not a development management test.
- 1.5.7 In considering the overall statutory and regulatory framework within which the Proposed Development should 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 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 when National Planning Framework 4 (NPF4) came into force and with the publication of the new Onshore Wind Policy Statement (OWPS).
- 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 statutory Development Plan. The appraisal highlights policy differences with the former national planning policy and where there are incompatibilities between new national planning policies and those of the LDP.
- 1.6.3 This Statement 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 reference to the new Onshore Wind Policy Statement and the Scottish Government's Draft Energy Strategy and Just Transition Plan;
 - > **Chapter 3** describes the benefits of the Proposed Development;
 - > **Chapter 4** appraises the Proposed Development against the most up to date element of the Development Plan, namely the relevant provisions of NPF4;

- > **Chapter 5** appraises the Proposed Development against the relevant provisions of the Local Development Plan and related guidance; and
- > **Chapter 6** presents examines the planning balance and presents overall conclusions.

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, and for onshore wind specifically 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)

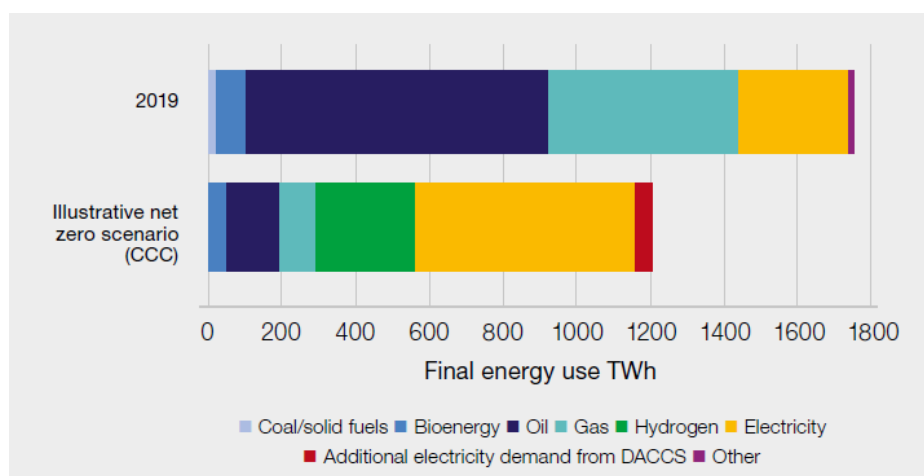
2.3.9 The Energy White Paper 'Powering our Net Zero Future' was published on 14 December 2020 represents a sea change in UK policy and highlights the importance of renewable electricity.

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”*. (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.

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

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.

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 its 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”*.
- 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.*

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.

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 Onshore Wind Sector Deal was finalised and published in September 2023 and is referenced further below.

- 2.5.23 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.
- 2.5.24 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.”*
- 2.5.25 The onshore wind Sector Deal has therefore still to be developed but it is clear that will be shared commitment between Government and industry to develop onshore wind as a key sector of the economy.
- 2.5.26 The Scottish Government states at paragraph 2.4.4 of the OWPS that *“given the scale and pace of delivery needed, we are committed to starting work on the Sector Deal immediately”*.

Balancing Environmental Considerations and Benefits

- 2.5.27 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.

- 2.5.28 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)
- 2.5.29 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.
- 2.5.30 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"*.
- 2.5.31 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.
- 2.5.32 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 2022¹¹ landscape sensitivity guidance.
- 2.5.33 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

- 2.5.34 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"*.
- 2.5.35 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.
- 2.5.36 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.

Battery Storage

- 2.5.37 The OWPS makes specific reference to battery storage at Section 8.4 (Security of Supply and Storage Potential) and it states (paragraph 8.4.1) that the Scottish Government believes that:

¹¹ NatureScot, Landscape Sensitivity Assessment Guidance (2022).

“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”.

2.5.38 At paragraph 8.4.5 the OWPS states that there has been an increase on onshore wind development co-located with battery storage facilities and:

“as we continue to progress towards the decarbonisation of our energy system, battery storage will be more and more prevalent. On site battery storage not only reduces pressures from the grid, but enables more locally focused energy provision, and reduces costs to consumers.

The Scottish Government will continue to support the co-location of both battery storage and hydrogen production facilities with onshore wind developments to help balance electricity demand and supply, add resilience to the energy system and support the production of renewable hydrogen to meet our future demands.”

OWPS Conclusions

2.5.39 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”*.
- > 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)

2.5.40 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...”*.

2.5.41 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”.*

Recognition of the role of Battery Storage

2.6.8 The Draft Strategy reiterates the support for energy storage set out in NPF4 (page 130). It states that:

“Batteries can be combined to provide energy storage: In a domestic setting supporting the energy efficiency of individual homes; In communities and neighbourhoods, supporting the energy efficiency of the local low energy network; In strategic locations and through aggregating a large number of fixed and vehicle batteries to support regional energy and grid balancing a high energy network”.

2.6.9 Furthermore, it adds:

“Utility scale battery storage offers fast responding, dispatchable power when required. As of September 2021, only 124 MW of the total 864 MW of energy storage was provided by Battery Energy Storage Systems (BESS) capacity installed in Scotland. However, there is a further 2.1GW that has secured planning permission. Typically, these systems use lithium-ion technology, and only contain energy to dispatch full power continuously for a short number of hours. They also provide a number of ancillary services required to maintain stability within the electricity networks”. (Page 130)

2.6.10 The Draft Strategy further recognises the potential contribution BESS can make to achieving Net Zero in summarising the key areas where it is considered that the UK Government needs to take action to support the delivery of the strategy with particular regard to energy system flexibility stating:

“We urge the UK Government to make ancillary markets more accessible for Battery Energy Storage Systems (BESS) and other low carbon technologies ahead of fossil fuel powered alternatives”.

2.7 The Onshore Wind Sector Deal

2.7.1 The Onshore Wind Sector Deal (the ‘Sector Deal’) for Scotland was finalised in September 2023. It sets out a series of key measures which will support the Scottish Government in reaching its target of 20 GW of onshore wind by 2030. It describes how the Scottish Government, and the onshore wind sector will work together to deliver onshore wind farms quickly, sustainably and to the benefit of local communities and with the overall objective of attaining Scotland’s net zero target.

2.7.2 The foreword sets out that:

“The Government is committed to working with developers and stakeholders, understanding the operational barriers to delivering onshore wind projects and setting out processes to help reduce them. We also commit to speeding up consenting decisions, working with planning authorities and statutory consultees to increase skills and resources, as well as streamlining approaches.

Jointly, we will work together on ensuring a balance is struck between onshore wind and the impacts on land use and the environment. We will collaborate to enable information to be collected and shared from monitoring and evidence purposes, and we jointly want to capitalise on the unique opportunity for Scotland to become a world leader in decommissioning, re-manufacturing and recycling of onshore wind assets.”

2.7.3 It further adds that:

“The Sector Deal is more than just a document; it is a testament to our determination, a celebration of our potential, and a promise to future generations. Let us work together to usher in an era where innovation, sustainability, and prosperity converge, as we power Scotland’s greener future through the boundless energy of onshore wind.”

- 2.7.4 The matters within the Sector Deal to be actioned by a collaborative approach and also by specific actions from the sector and Government relate to:
- > Supply chain, skills and the circular economy;
 - > Community and benefits;
 - > Land use and the environment;
 - > Planning;
 - > Legislative and regulatory actions; and
 - > Technical actions.
- 2.7.5 In terms of land use and the environment, the Sector Deal sets out that NPF4 Policy 1 makes it clear that significant weight needs to be given to the global climate and nature crisis and that “New onshore wind projects in Scotland will enhance biodiversity and optimise land use and environmental benefits” (page 11).
- 2.7.6 It further adds that:
- “Balancing the need for more wind farms with the safeguards defined in NPF4 will be a crucial aspect of achieving the 2030 onshore wind ambition. Scotland will continue to be a world leader in responsible onshore wind development, demonstrating how onshore wind can co-exist with a diversity of species, sensitive habitats, peatland, carbon rich soils and forestry, ensuring positive outcomes for the climate and nature.”*
- 2.7.7 In terms of planning, a key matter is that there is an ambition to reduce the time it takes to determine Section 36 applications. The Sector Deal also states (page 13) in relation to planning that:
- “The ambition of 20 GW of installed onshore wind capacity by 2030 will require a significant number of new sites, the repowering and extension of existing sites and the realisation of unbuilt consented sites. Meeting this ambition will require the determination of applications to be made much more quickly than in recent years.”*
- 2.8 Conclusions on the Renewable Energy Policy & Legislative Framework**
- 2.8.1 The Applicant’s position is that the Proposed Development is strongly supported by the current renewable energy policy and legislative framework.
- 2.8.2 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.
- 2.8.3 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.
- 2.8.4 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.

- 2.8.5 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.
- 2.8.6 Overall, the Draft Energy Strategy forms part of the new policy approach alongside the new OWPS, the recent Onshore Wind Sector Deal 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. The Benefits of the Proposed Development

3.1 The Benefits of the Proposed Development

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

Renewable Generation and Emissions Savings

- > With an overall installed capacity up to 136 MW, 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 generate enough power to supply approximately 127,726 average Scottish households.
- > The Proposed Development would result in an estimated carbon saving of approximately 7,583,748 tCO₂e over its 40-year operational life (fossil fuel mix basis). This illustrates a positive net impact through contributing significantly towards the reduction of GHGs from energy production.
- > It is expected to take 0.8 years for the carbon loss during wind farm construction (including through turbine manufacture and construction of foundations) to be ‘paid back’ by the carbon saved through generating electricity from a renewable energy source, leaving 39.2 years of clean carbon saving electricity generation.

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 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.

Battery Storage

- > In Scotland in particular, there is, as explained in the previous Chapter, very strong support for renewable generation, which is inherently intermittent. The BESS element of the Proposed Development (up to 136 MW) would therefore help to smooth over peaks and troughs in electricity supply, being able to respond at short notice to requests from National Grid to inject power to the grid such as during periods when renewable sources are not generating, are constrained off, or fossil fuel plants are unexpectedly offline. There is a clear requirement to balance the peaks and troughs associated with electricity supply and demand, to manage the strain on the transmission and distribution networks.
- > The development would be able to respond at short notice to requests from National Grid to balance the network, such as periods when renewable sources are not generating, and backup sources are required to counteract the intermittency of renewable sources such as wind energy. The flexibility and support for existing renewable sources is vital to ensure further use and deployment of renewable energy sources throughout Scotland. The benefits of co-locating wind energy generation and BESS has been set out in the previous Chapter with reference to the OWPS and the Draft Energy Strategy and Just Transition Plan.

Economic & Community Socio-Economic Benefits

- 3.1.2 The Proposed Development would support jobs during construction and during operation across the East Lothian and Scottish economies. Overall, the socio-economic effects of the capital investment and employment would be beneficial.
- 3.1.3 The Proposed Development offers an opportunity to generate economic impact regionally and nationally while driving the delivery of a more sustainable economy in Scotland. Newlands Hill Wind Energy Hub could deliver a series of economic benefits during the phases of construction and development and following operations. In particular, it has been estimated that during its construction and development, Newlands Hill Wind Energy Hub could generate:
- > £9.9 million Gross Value Added (GVA) and 137 years of employment in East Lothian; and
 - > £53.4 million GVA and 809 years of employment in Scotland.
- 3.1.4 During its operations and maintenance, each year Newlands Hill Wind Energy Hub could generate:
- > £0.9 million GVA and 11 jobs in East Lothian; and
 - > £2.5 million GVA and 29 jobs across Scotland.
- 3.1.5 Other socio-economic benefits will include:
- > Newlands Hill Wind Energy Hub will also contribute to public finances through the payment of non-domestic rates, which could amount to £1.3 million each year or £51.4 million over its expected 40-year operational life. This will support the funding of local public services in the context of challenging public sector finances.

- > The Applicant has demonstrated commitment to maximising beneficial effects for the local community by actively engaging with residents and developing a bespoke community benefit package. The Applicant has entered a legally binding Memorandum of Understanding (MOU) with the local community, committing to an offering of £5,000 per annum per installed MW, expected to be worth £22.4m over the operational lifetime of the Proposed Development.
- > The local area will also have the opportunity to take part in the Applicant's Electricity Discount Scheme, which will utilise approximately 80% of the community benefit offering each year to reduce the household energy bills of the community. Through the resulting increase in household spending, this scheme could generate £0.1m GVA and two jobs in East Lothian and £0.2m GVA and four jobs across Scotland. It should be noted that the majority of survey respondents at consultation events chose discounted electricity for nearby households as their preferred use of these funds.
- > Local economic development would also be supported through the offer of shared ownership. Belltown Power UK Wind Limited offers local communities 1% of ownership for free and supports their ability to buy an additional 4% at cost, thereby providing the local community an opportunity to own a meaningful part of the development without needing to invest any of their own money. By providing the local community the opportunity to be invested in the project, the returns generated from Newlands Hill Wind Energy Hub could support local ambitions.
- > The Applicant has also committed to prioritise local companies in the provision of contracts associated with the Proposed Development. In this regard suppliers who are located within the local area will be guaranteed contracts during the construction and development and operational phases when their bid is within 10% of the lowest bid and they meet the necessary requirements for the work. This could maximise the economic content that is sourced locally and strengthen the local renewable sector, resulting in more high skilled and well paid jobs in the area.
- > The local area will also have the opportunity to take part in the Belltown Power Education Programme, providing local schools with access to site visits and educational resources, encouraging local young people to seek out a career in STEM sectors and engage with the opportunities created by renewable energy to tackle climate change.

3.1.6 The development of Newlands Hill Wind Energy Hub can make a significant contribution to Scotland's economic strategy, which is now being driven by climate change commitments and deliver a range of local economic and community benefits, without any adverse effects on other aspects of the economy such as tourism.

Biodiversity

- 3.1.7 Various biodiversity enhancements are proposed, as set out in the proposed Outline Habitat Management and Enhancement Plan (Outline HMEP) and as described in Chapter 4 below.
- 3.1.8 The Outline HMEP (EIA Report Technical Appendix 9.5, Volume 4) has been developed and provides a mechanism to reduce adverse environmental effects and also to provide significant enhancements for important ecological features and biodiversity in general. This will be achieved by increasing habitat heterogeneity, connectedness and condition and will seek to achieve a minimum of ≥45 ha of habitat creation and enhancement at the site. It also seeks to establish additional hedgerow creation of c.500m, with additional enhancement and connectivity along the AIL route, subject to rights being secured.
- 3.1.9 As such the Outline HMEP will positively contribute to the enhancement of local biodiversity within the site, resulting in a no overall negative impact over the lifetime of the Proposed Development, as well as substantial improvements in the extent, quality and connectedness of habitats of biodiversity importance locally.

4. Appraisal against NPF4

4.1 Introduction

- 4.1.1 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.
- 4.1.2 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".*
- 4.1.3 It adds:
- "As soon as practicable after the National Planning Framework as revised has been adopted, the Scottish Ministers are to publish it."*
- 4.1.4 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.
- 4.1.5 NPF4 came into force at 9am on 13 February 2023.
- 4.1.6 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.
- 4.1.7 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.

4.2 Development Management

- 4.2.1 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.
- 4.2.2 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.
- 4.2.3 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 East Lothian Local Plan (2018).
- 4.2.4 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.

4.2.5 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.”

4.2.6 In this case, the Local Plan was adopted in 2018. 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 these elements of the Development Plan. This is examined further below.

4.2.7 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. In this case, there is no relevant emerging LDP.

4.2.8 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.

4.3 How NPF4 is to be used

4.3.1 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.”

4.3.2 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.”

4.3.3 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).

4.3.4 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.

4.3.5 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”*.

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.

4.4 The National Spatial Strategy – Delivery of Sustainable Places

- 4.4.1 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.”*
- 4.4.2 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.
- 4.4.3 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”.
- 4.4.4 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.”*
- 4.4.5 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).
- 4.4.6 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.”*
- 4.4.7 Six National Developments (NDs) support the delivery of sustainable places, one being ‘Strategic Renewable Electricity Generation and Transmission Infrastructure’.
- 4.4.8 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”.*

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

- 4.4.9 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."*
- 4.4.10 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.

4.5 National Developments

Overview

- 4.5.1 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".*
- 4.5.2 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".*
- 4.5.3 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”

- 4.5.4 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."*

- 4.5.5 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."*
- 4.5.6 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 offshore 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)*
- 4.5.7 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.
- 4.5.8 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.
- 4.5.9 The Proposed Development would provide renewable generation and would make a meaningful contribution to targets within this key timescale and that is a very important consideration.
- 4.6 National Planning Policy**
- 4.6.1 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.
- 4.6.2 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".*
- 4.6.3 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.

4.6.4 These policies are addressed below.

4.6.5 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)

4.6.6 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".

4.7 NPF4 Policy 1: Tackling the Climate and Nature Crisis

Policy 1 & Principles

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

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

4.7.3 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 make a positive contribution by helping to attain its outcome of Net Zero.

4.7.4 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."

4.7.5 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. The Proposed Development's contribution is positive and therefore the significant weight in this case is for the proposal.

4.7.6 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

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

4.8 NPF4 Policy 11: Energy**Policy 11 & Principles**

- 4.8.1 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."*
- 4.8.2 Policy Outcomes are identified as: *"expansion of renewable, low carbon and zero emission technologies"*.
- 4.8.3 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”.

- 4.8.4 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.
- 4.8.5 The wording of Policy 11 Paragraph (a)(i) makes it clear that the policy supports new wind farms and paragraph (vii) provides clear support for proposals including co-location of the wind farms and energy storage technology.

Differences with Scottish Planning Policy

- 4.8.6 **Paragraph a) of Policy 11** states a position of express “support” for wind farm development.
- 4.8.7 The 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”. There is no longer any ‘spatial framework’ approach. This is a fundamental shift in 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

4.8.8 **Paragraph c) of Policy 11** requires socio-economic benefits to be maximised, rather than just taken into account.

4.8.9 The Proposed Development would support jobs during construction and during operation across the Scottish economy. The detailed wider socio-economic and community benefits have been set out in Chapter 3 above covering:

- > the socio-economic effects of the capital investment, employment and GVA to the economy (short term during construction, long term during operation).
- > A bespoke community benefit package;
- > An Electricity Discount Scheme;
- > A Shared Ownership offer;
- > An initiative which would enable the prioritisation of local companies in the provision of construction related contracts for the Proposed Development; and
- > The opportunity for the local area to participate in the Belltown Power Education Programme.

4.8.10 **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.

4.8.11 **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

4.8.12 As set out in the EIA Report Chapter 7 (Landscape and Visual Impact) a full landscape and visual impact assessment (LVIA) has been undertaken and careful consideration has been given to the visual effects of the Proposed Development from settlements and individual dwellings.

4.8.13 It is explained in Chapter 7 that a detailed Residential Visual Amenity Assessment (RVAA) was undertaken, and this is contained in Appendix 7.5 of the EIA Report.

- 4.8.14 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.
- 4.8.15 All properties within approximately 2.5km of the proposed turbines have been considered. 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.
- 4.8.16 There are 14 residential properties within the 2.5km RVAA study area that are shown by ZTV studies to have potential visibility of the Proposed Development.
- 4.8.17 The RVAA explains that taking account of the orientation of properties and surrounding vegetation and terrain, only two of the homes were identified for more detailed evaluation. The remaining properties would be fully or predominantly screened in summer with potential for filtered views mainly in winter with a slight or negligible magnitude of change predicted.
- 4.8.18 The properties known as Mill House (c.2.3km northwest) and Park Cottage Park Cottage (c.2.4km northwest) were included within the detailed assessment in order to identify if the change would be of such magnitude that it may breach the residential visual amenity threshold. From the properties investigated in more detail, views of the turbines from Mill House would be partly screened by garden vegetation, nearby woodland and trees and the orientation of the rear façade in relation to the Site and the adjoining wing of the house and nearby garage. The magnitude of change at this property was judged to be substantial/moderate and insufficient to breach the RVAA threshold.
- 4.8.19 The view from the gardens and rear façade of Park Cottage are oriented towards the Site and would include open views towards the turbines. Effects were judged to give rise to a substantial magnitude of change but taking into account distance and the sense of separation provided by slightly higher ground to the rear of the house, the Proposed Development is judged to not be 'overbearing' or 'overwhelming' such that the RVAA threshold would be exceeded.

Noise and Shadow Flicker

- 4.8.20 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.
- 4.8.21 Noise is addressed in Chapter 12 (Noise) of the EIA Report.
- 4.8.22 The assessment states that operational noise impacts have been assessed in line with ETSU-R-97, *The Assessment and Rating of Noise from Wind Farms*, and the associated guidance provided by the Institute of Acoustics (IOA) document, *A Good Practice Guide to the Application of ETSU-R-97 for the Assessment and Rating of Wind Turbine Noise*.
- 4.8.23 Predicted operational noise levels have been compared with relevant noise limits for the Proposed Development acting both individually and in combination with other wind farms scoped in for cumulative assessment in the vicinity. Such noise levels meet the relevant noise limits discussed and agreed with the ELC, and therefore operational wind farm noise effects are determined to be not significant.
- 4.8.24 Operational noise from the substation and proposed BESS was scoped out of the assessment as noise from these will not be audible at noise sensitive receptor locations due to the separation distances. Noise from substation and BESS is therefore considered to be not significant.

- 4.8.25 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.
- 4.8.26 Shadow flicker is addressed in Appendix 16.1 of the EIA Report.
- 4.8.27 As set out within the Scottish Government's Online Renewables Planning Advice regarding Onshore Wind Turbines (May 2014):
- “Under certain combinations of geographical position, time of day and time of year, the sun may pass behind the rotor and cast a shadow over neighbouring properties. When the blades rotate, the shadow flicks on and off; the effect is known as shadow flicker. It occurs only within buildings where the flicker appears through a narrow window opening.” The advice goes on to state “In most cases however, where separation is provided between wind turbines and nearby dwellings (as a general rule 10 rotor diameters), shadow flicker should not be a problem.”*
- 4.8.28 A study area of 11 times the rotor diameter (1,782 m) has been used for the assessment. The properties that lie within the study area include:
- > Darent House, a financially involved property to the north of the Site on the B6355; and
 - > 1 and 2 Mayshiel Farm Cottage and Blackmountain Farm to the southeast of the Site near Mayshiel.
- 4.8.29 Effects on these properties are judged to be negligible (and not significant) and are not considered further with the exception of Darent House.
- 4.8.30 In terms of Darent House, the assessment explains that shadow flicker effects from turbines 5 and 16 would theoretically exceed 30 hours (though would be approximately 14 hours taking account of prevailing weather conditions) and could exceed more than 30 minutes per day. It would arise on winter mornings, affecting a single window which faces south with a fairly direct view to turbine 16 between the trees around the property and an oblique view to turbine 5. This property is however financially involved, and any mitigation measures required by the property owner would be agreed.
- 4.8.31 Mitigation for shadow flicker is typically provided by automatic wind turbine shutdown to either prevent shadow flicker or reduce it to an acceptable limit; or for instance through the provision of blinds to the affected windows. Effects can only occur under specific conditions and in practice turbine shutdown may not be required if the weather at the time of predicted effects is not clear and sunny or if the rotor is not facing a dwelling (due to the wind direction).
- 4.8.32 As the potential for effects arises at a financially involved property, it is considered that a proportionate response would be to investigate and if necessary, provide suitable mitigation only in the event of a complaint.

Landscape and Visual Considerations

- 4.8.33 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.

Overview of Design Considerations

- 4.8.34 As set out in Chapter 2 of the EIA Report (Site, Surroundings and Design Evolution) and in the Design Statement, the design of the Proposed Development has progressed through various layout iterations.

The various design review stages are described in detail. The changes resulted in the proposed development layout which is assessed within the EIA Report.

Landscape Character

- 4.8.35 A detailed assessment of effects upon landscape character types (LCTs) is set out in the LVIA. Significant adverse effects on landscape character would arise within LCT 266: 'Plateau Moorland – Lothians' and LCT 269: 'Upland Fringes – Lothians', which both host parts of the WFA.
- 4.8.36 Effects on other character types would be not significant as a result of the presence of existing wind farms within the nearby uplands being a stronger influence on character or there being limited potential visibility of the Proposed Development. It is important to note that it is explained in the LVIA that the changes to landscape character which would give rise to these significant effects would be contained within a localised area extending up to 2km from the turbines within the Plateau Moorland and up to 5km from the turbines within the Upland Fringes.

Locally Designated Landscapes

- 4.8.37 The LVIA explains that there are various locally designated landscapes located within the 20km detailed LVIA study area as follows:
- > Lammermuir Moorland SLA (0km, contains part of the WFA);
 - > Danskin to Whitecastle SLA (0km, contains part of the WFA);
 - > Lammer Law, Hopes to Yester SLA (0km, contains part of the WFA);
 - > Whiteadder SLA (0.9km southeast);
 - > Lammermuir Hills SLA (2.5km, south);
 - > Whittinghame to Deuchrie SLA (3.8km, north);
 - > Linplum SLA (6.1km, northwest);
 - > Traprain and Tyne Valley SLA (7.5km, north);
 - > Morham SLA (7.7km, northwest);
 - > Bolton SLA (8.3km, northwest);
 - > Clerkington and Tyne Walk SLA (10.3km, northwest);
 - > Humbie Headwaters SLA (10.4km, west);
 - > Samuelston SLA (11.3km, northwest);
 - > Belhaven Bay SLA (11.7km, north);
 - > Garleton Hills SLA (12.2km, northwest).
- 4.8.38 Significant effects would occur on the designated special qualities of the Lammermuir Moorland SLA and the Lammer Law, Hopes to Yester SLA. Both SLAs host part of the Proposed Development and broadly coincide with the areas of significant effects on landscape character and views as recorded in the LVIA.
- 4.8.39 The LVIA should be referred to for its detail, however a summary of the effects in relation to the three SLAs which contain part of the WFA is provided below.

- 4.8.40 **Lammermuir Moorland SLA** (0km, contains part of the WFA) – this SLA extends across the moors to the northeast, southwest and southeast of the WFA, excluding the existing wind farms and the area around Whiteadder Reservoir which is within a separate SLA. The turbines would be widely visible in the open moorland and from most of the SLA except localised valleys and the west and southeast peripheries of the SLA.
- 4.8.41 Considering these effects together, effects on the special qualities of the Lammermuir Moorland SLA would give rise to a substantial/moderate magnitude of change to qualities of high/medium sensitivity and effects would be major/moderate, adverse and significant.
- 4.8.42 **Danskine to Whitecastle SLA** (0km, contains part of the WFA) – this SLA extends north and northwest of the WFA, encompassing the open moorland immediately north and descending across the transitional and increasingly vegetated landscape of the Lammermuir fringe, extending to meet the southern end of the Whittingehame valley. The ZTV illustrates widespread potential visibility across the open moorland which becomes increasingly fragmented by undulating topography and woodland as the land drops away to the north.
- 4.8.43 The Statement of Importance and the Special Qualities of the SLA primarily relate to the lowland and transitional farmland, incised valleys and settlement with the valued aspects of the upland area in the south of the SLA relating to its role in providing the setting of the lowland areas. Considering the effects together, effects on the special qualities of the Danskine to Whitecastle SLA would give rise to a moderate magnitude of change to qualities of medium sensitivity and effects would be moderate, adverse and not significant.
- 4.8.44 **Lammer Law, Hopes to Yester SLA** (0km, contains part of the WFA) – this SLA encompasses the uplands between Lammer Law in the southwest and the B6355 in the northeast. The southeastern boundary is marked by the ridgeline that runs across Newlands Hill, Bleak Law and Harestone Hill and to the northwest the SLA also encompasses the transitional farmland extending to Stobshiel, Newton Hall and the southern part of the Yester Estate. Visibility would be intermittent as a result of undulating terrain and limited to more elevated areas in the central and southwestern parts of the SLA while it may be more widespread over the lower lying transitional farmland, albeit fragmented by the more extensive woodland and vegetation cover.
- 4.8.45 Considered together, there would be a moderate magnitude of change to qualities of high/medium sensitivity within the Lammer Law, Hopes to Yester SLA. Effects would be major/moderate, adverse and significant. For both of these SLAs, these significant effects would also give rise to significant effects on the integrity of the designations taking into account the specific qualities affected, the degree to which those would be affected and the geographic extent of the effects

Visual Effects

- 4.8.46 The LVIA addresses the likely visibility of the Proposed Development in detail in relation to key visual receptors. The different types of groups assessed encompass local residents; people using key routes such as roads; cycle ways, people within accessible or recreational landscapes; people using Core Paths; or people visiting key viewpoints. In dealing with areas of settlement, Core Paths and local roads, receptors are grouped into areas where effects might be expected to be broadly similar, or areas which share particular factors in common.
- 4.8.47 The LVIA includes a detailed assessment of visual effects from a series of 19 predetermined Viewpoint locations.
- 4.8.48 The assessment states that significant effects on views would occur in the Lammermuir Hills within 5km of the WFA where there would be open and close proximity views of the Proposed Development although in areas within or adjacent to existing wind farms the scale of effects would be markedly lessened given the existing influence of wind turbines on views.
- 4.8.49 Significant effects on views would also occur at Gifford and Yester; while there would be no notable views from the village itself, views of the Proposed Development would be more

frequent from roads and recreational routes in its immediate vicinity and localised across parts of the Yester Estate.

The Effects of Aviation Lighting

- 4.8.50 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.
- 4.8.51 An assessment of the night-time landscape and visual effects of the Proposed Development that would result from proposed aviation lighting forms part of the LVIA. Details of this night-time assessment, including the approach taken to the assessment and the baseline conditions are set out in the LVIA.
- 4.8.52 Through consultation with the CAA a reduced lighting scheme has been agreed which will comprise a single¹⁵ 2,000 candela steady red light mounted on the nacelles of turbines 1, 10, 12, 13, 15, 16 and 17. Mid-mast lights will not be required.
- 4.8.53 In addition to the reduced number of visible aviation lights agreed, the lights fitted would be capable of being dimmed to 10% of peak intensity when visibility around the Proposed Development exceeds 5km, i.e. in clear conditions the lights would operate at markedly reduced intensity.
- 4.8.54 At night, visual effects arising from the proposed aviation lighting would be not significant given the nearby presence of similar aviation lights on some of the consented Crystal Rig IV turbines within the same upland area and the wider settlement lighting present across the Lothian Plain in the northern part of the LVIA study area.

Cumulative Effects

- 4.8.55 As part of the LVIA cumulative effects have been considered with all operational, consented, and proposed wind farms within 25km of the Site. The only nearby wind farm currently in planning that would give rise to notable cumulative effects with the Proposed Development is Dunside. Ditcher Law is more distant, beyond Fallago Rid wind farm and not considered likely to give rise to cumulative effects with the Proposed Development. There is also one nearby site currently at the scoping stage, known as Longcroft, that has been considered in detail within the assessment. There would be no notable effects with Longcroft given the existing presence of Fallago Rig wind farm directly between Longcroft and the Proposed Development; and the main areas of potential visibility of Longcroft and the Proposed Development being markedly different.
- 4.8.56 In scenarios including Dunside, there would be a slight reduction in effects on nearby designated areas to the south (Whiteadder SLA and Lammermuir Hills SLA) arising from the addition of the Proposed Development given the existing influence of Dunside on the designated qualities of these areas. No notable changes would arise to the significant effects of the Proposed Development in cumulative development scenarios. Cumulative night-time effects with aviation proposed aviation lighting on Dunside have also been considered and would be no different to the night-time effects of the Proposed Development alone.

Public Access

- 4.8.57 The LVIA has addressed visual amenity considerations in relation to public access and recreation. Specific recreational receptors include the Hillfoots Trail (5.1km northwest), National Cycle Network (NCN) Route 76 (10.1km northwest) and NCN Route 196 (10.8km northwest). Whilst there would therefore be some visibility of the Proposed Development from some walking and recreational routes, these are not considered to be unacceptable.

¹⁵ An additional light is required to be fitted to each turbine to act as an alternate should the main light fail but would not be illuminated in normal usage.

4.8.58 Furthermore, no issues would arise in terms of any access route being obstructed either in the construction or operational period of the Proposed Development.

Aviation, Defence Interests and Telecommunications

4.8.59 Chapter 14 (Aviation and Telecommunications) of the EIA Report addresses aviation, radar and telecommunication matters. The assessment has been 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. The aviation assessment established that:

- > the minimum altitudes of a number of the Instrument Flight Procedures for Edinburgh Airport will require upward revision;
- > the Proposed Development may cause false plots and reduced probability of detection on the Brizlee Wood air defence radar;
- > the turbines may present a hazard to low flying aircraft.

4.8.60 Following application of mitigation, the residual effects of the Proposed Development on aviation will be negligible and not significant. Appropriate mitigation measures have been agreed with Edinburgh Airport, the Ministry of Defence (MoD) and the CAA and will be secured through planning conditions.

4.8.61 The Proposed Development is not anticipated to have any effects on telecommunications infrastructure.

Impacts on Road Traffic and Trunk Roads

4.8.62 Chapter 13 (Access and Transport) of the EIA Report addresses access, traffic and transport.

4.8.63 Access to the Site for abnormal indivisible loads (such as blades, hub, nacelle, and tower sections) would be from the port of origin (which is likely to be the Port of Blyth via the A1 and would approach the Site from the north). The Site would be accessed using new, purpose-built access junctions from the B6355 accessing both sections (east and west) of the Site.

4.8.64 The access junctions will provide access to the Site for abnormal loads associated with the turbine deliveries, as well as access for Heavy Goods Vehicles (HGVs) delivering construction materials and general site traffic.

4.8.65 The assessment sets out that the Proposed Development will lead to increased traffic volumes on the B6355 and B6370 and Eastfield Road during the construction and decommissioning phase. This increase will be temporary and will only occur during the construction and decommissioning phase, however for the purposes of this assessment the effects of the construction phase are assessed as the worst-case scenario, as decommissioning will have a lesser effect.

4.8.66 Prior to the implementation of mitigation, a major / moderate and significant effect could be expected on users of the B6355, B6370 and Eastfield Road, while a minor and not significant effect could be expected to be experienced by residents along the B6355, B6370 and Eastfield Road.

4.8.67 However, with the implementation of appropriate mitigation, no significant long lasting residual effects are anticipated in respect of traffic and transport issues. The residual effects on users of the B6355, B6370 and Eastfield Road are assessed to be minor and not significant and the residual effects on residents along the B6355, B6370 and Eastfield Road are assessed to be minor / negligible and not significant. As the effects will occur during the construction phase only, they are temporary and reversible.

- 4.8.68 Therefore, the assessment concludes that with the implementation of appropriate mitigation, no significant residual effects are anticipated in respect of traffic and transport. The effects arising can be satisfactorily addressed by way of standard planning conditions.

Historic Environment

- 4.8.69 Chapter 8 (Cultural Heritage) 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.
- 4.8.70 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).
- 4.8.71 In summary, overall, the assessment concludes that there would be no significant adverse effects in relation to heritage assets.

Hydrology, the Water Environment and Flood Risk

- 4.8.72 Chapter 11 (Soils, Geology and the Water Environment) 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.
- 4.8.73 There are three watercourses within the Wind Farm Area (WFA), with two of these being small tributaries of the Faseny Water to the south of the WFA and a tributary of Park Burn in the west. The assessment states that none of these watercourses would be directly impacted by the Proposed Development.
- 4.8.74 The assessment explains that there are localised areas of peat overlying bedrock in the southern and eastern Site area. The Carbon and Peatland 2016 Map indicates that the Site is likely to host a combination of peat soils with degraded habitats (Class 5) on the higher ground and gentler slopes, and peaty gleyed podzols (Class 4) and humic iron rich podzols on the lower and steeper slopes. Degraded habitats are likely to have resulted from the heavy management of the peat and organic soils for grouse, with extensive patterning associated with muirburn across the majority of the Site. As a result, there are no nationally important carbon-rich soils identified within the Site.
- 4.8.75 A comprehensive peat depth survey confirms deep peat (>0.5m) on the hill summits, locally up to 2.8m in depth and averaging 0.35m across the 358 sample locations. These peat deposits are relatively discrete.
- 4.8.76 The assessment concludes that with standard and additional mitigation implemented, no significant residual effects are predicted in relation to peat, geology and the water environment. It should be noted that peat matters were scoped out of the EIA with the agreement of SEPA.
- 4.8.77 Mitigation measures will 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.

BiodiversityOrnithology

- 4.8.78 Chapter 10 (Ornithology) 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.
- 4.8.79 The Site does not form part of any statutory designated site for nature conservation with qualifying ornithological interests but lies within connectivity distances for pink-footed goose populations of the Firth of Forth, Fala Flow and Greenlaw Moor Special Protection Areas (SPAs).
- 4.8.80 The assessment explains that baseline desk studies and field surveys have established the Site and adjacent habitats are used by foraging and breeding raptors including merlin, peregrine and short-eared owl and support an assemblage of moorland breeding birds, including ground nesting waders, typical of the locale and habitats present.
- 4.8.81 Collision mortality risks have been estimated for pink-footed goose, lapwing, golden plover, curlew, snipe, hen harrier, red kite, short-eared owl, merlin and peregrine using the NatureScot Collision Risk Model (CRM). Collision mortality risks are predicted as being low or negligible for all species.
- 4.8.82 The assessment concludes that the Proposed Development would not result in an adverse effect upon integrity of any European site, designated for ornithological interests.
- 4.8.83 Embedded mitigation and pre-construction checks (as directed by an appointed suitably qualified Ecological Clerk of Works (ECoW) would enable the protection of breeding birds during construction works.
- 4.8.84 In addition to habitat reinstatement following the cessation of construction works, the Proposed Development also provides a clear opportunity to deliver substantial long-term beneficial habitat enhancement measures, away from operational infrastructure, including the management of wet grassland to benefit breeding waders.
- 4.8.85 No significant residual effects upon any IOFs are therefore predicted to occur, as a result of the Proposed Development alone or in combination with any other wind farm development.

Ecology

- 4.8.86 Chapter 9 (Ecology) of the EIA Report addresses ecology and the potential significant effects on important ecological features (IEFs) associated with the construction, operation and decommissioning of the Proposed Development.
- 4.8.87 The assessment is based upon comprehensive baseline data, comprising ecological field surveys of important and legally protected ecological features and desk study information. Ecology surveys carried out consisted of Phase 1 habitat surveys, National Vegetation Classification (NVC) surveys, protected terrestrial mammal surveys, bat surveys, and fish habitat surveys.
- 4.8.88 The WFA supports areas of Annex 1 habitat (predominantly heath and wet modified bog), protected mammals (otter and mountain hare), limited suitable fish habitat, and a bat species assemblage of 'Low' to 'Low/Medium Site Risk'. The AIL Route predominantly follows the existing road network through mixed lowland farmland, bordered in places by hedges, occasional mature trees and blocks of woodland (broadleaf, conifer and mixed). Habitats surrounding the AIL Route are suitable for a range of protected species including bats, otters, badgers and reptiles.
- 4.8.89 Mitigation measures embedded in the Proposed Development, and so taken into account in the assessment of impacts, include avoidance (mitigation by scheme design), and good practice measures. This includes:

- > a CEMP;
- > Pre-clearance and Construction Surveys;
- > Species Protection Plans;
- > a Habitat Management and Enhancement Plan (HMEP); and
- > appointment of an ECoW to oversee the implementation of the ecology mitigation measures and habitat enhancement opportunities.

4.8.90 Following the application of the standard mitigation no significant adverse direct and/or indirect effects on ecological features as a result of the Proposed Development are anticipated, with significant benefits expected to be delivered by the HMEP.

4.8.91 Overall, no significant adverse residual effects of either construction or operation have been identified in relation to ecological interests. The proposed biodiversity enhancement measures to be delivered by the HEMP are also referenced below with regard to NPF4 Policy 3 (Biodiversity).

Balancing the Contribution of a Development and Conclusions on Policy 11

4.8.92 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 subject to design mitigation, they should generally be acceptable.

4.8.93 The Proposed Development is considered to be acceptable in relation to all of Policy 11's environmental and technical topic criteria.

4.8.94 The second last paragraph **of Paragraph e) of Policy 11** is expressly clear that in considering any identified impacts of developments, that 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.

4.8.95 The "contributions" are 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.

4.8.96 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 up to 136 MW, with the exact capacity depending on the model and type of turbine selected.
- > The Proposed Development would result in an estimated carbon saving of approximately 7,583,748 tCO₂e over its 40-year operational life¹⁶. This illustrates a positive net impact through contributing significantly towards the reduction of GHGs from energy production.

4.8.97 The scale of the energy output and emissions savings are of national importance.

¹⁶ As set out in Chapter 15 (Carbon and Climate) in the EIA Report).

4.9 NPF4 Policy 3: Biodiversity

Policy 3 & Principles

- 4.9.1 In summary, there are no unacceptable 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.
- 4.9.2 **Policy 3** requires developments to wherever feasible, provide nature-based solutions that have been integrated and made best use of and for significant biodiversity enhancements to be provided.
- 4.9.3 It should be noted that Policy 3 does not provide any guidance on how ‘significant 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.*
- 4.9.4 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. The Scottish Government also issued a draft Biodiversity Strategy in December 2022. However it does not contain national biodiversity targets – these are to be prepared on a statutory basis later in 2023 and will be subject to a Bill in Parliament.
- 4.9.5 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.
- 4.9.6 NPF4 Policy 3 Biodiversity is specifically recognised as one such policy area where final guidance is not yet available. The Chief Planner letter 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)
- ### The application of Policy 3
- 4.9.7 Notwithstanding the lack of policy guidance at the present time, in terms of environmental benefit, there will also be a permanent enhancement delivered through the Applicant’s proposed enhancements to the natural habitat:
- 4.9.8 The EIA Report sets out that significant beneficial effects are considered likely as a result of the delivery and implementation of the HMEP.
- 4.9.9 It is explained in Chapter 9 (Ecology) of the EIA Report that suitable habitat creation and enhancement proposals have been developed making reference both to the character and condition of the habitats present at the site, species known to be present at and in the wider area surrounding the Proposed Development and also to wider objectives for biodiversity at a regional level.
- 4.9.10 As explained earlier, a proposed Outline HMEP (Technical Appendix 9.5, Volume 4) has been developed and provides a mechanism to reduce adverse environmental effects and also to provide significant enhancements for important ecological features and biodiversity in

general. This will be achieved by increasing habitat heterogeneity, connectedness and condition and will seek to achieve a minimum of ≥ 45 ha of habitat creation and enhancement at the site. It also seeks to establish additional hedgerow creation of c.500m, with additional enhancement and connectivity along the AIL route, subject to rights being secured.

- 4.9.11 In addition, the buffer of wind farm infrastructure in which no burning will be undertaken for the lifetime of the wind farm is expected to further significantly benefit biodiversity at the site, by slowing or halting the drying and modification of the upland moorland habitats present, including wet modified bog, and allowing recovery of various moorland plant and faunal species which are negatively impacted by muirburn. Muirburn significantly favours heather, and acid grassland in the early post-burn stages, and so decreases habitat heterogeneity and biodiversity overall. There would be a cessation of muirburn over an approximate 492 ha area for the lifetime of the Proposed Development.
- 4.9.12 Given the lack of significant adverse effects of the Proposed Development, and the scale of the habitat enhancements proposed, the Proposed Development will demonstrably deliver significant positive effects, and strengthen nature networks and the connections between them so they are in a demonstrably better state than without intervention consistent with the provisions of Policy 3.
- 4.9.13 It is 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 (as amended). The purpose of net zero is to protect biodiversity and the earlier it can be achieved, the greater the benefits to biodiversity.

4.10 NPF4 Policy 4: Natural Places

Policy 4 & Principles

- 4.10.1 **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.
- 4.10.2 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.”*
- 4.10.3 There are no national landscape interests that would be affected by the Proposed Development.
- 4.10.4 **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”.*

- 4.10.5 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*”.
- 4.10.6 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

- 4.10.7 As explained above in the context of NPF4 Policy 11 (Energy), the EIA Report contains an assessment of the effects of the Proposed Development in relation to Local Landscape Areas which in this case relate to SLA designations. As explained above in the context of NPF4 Policy 11, there would be some localised significant effects in relation to the SLAs in which the WFA is located.
- 4.10.8 It is explained in the LVIA that Significant effects would occur on the designated special qualities of the Lammermuir Moorland SLA and the Lammer Law, Hopes to Yester SLA. Both SLAs host part of the Proposed Development and broadly coincide with the areas of significant effects on landscape character and views noted above. For both of these SLAs, these significant effects would also give rise to significant effects on the integrity of the designations taking into account the specific qualities affected, the degree to which those would be affected and the geographic extent of the effects.
- 4.10.9 The Proposed Development would however result in benefits of national importance therefore the effects arising in relation to the special qualities of the SLAs are outweighed allowing the development to be supported. The Proposed Development is considered to be in accordance with Policy 4.

4.11 NPF4 Policy 5: Soils

Policy 5 & Principles

- 4.11.1 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

- 4.11.2 Chapter 11 (Soils, Geology and the water Environment) of the EIA Report assesses the potential impacts of the Proposed Development on geology, hydrogeology and peat.

- 4.11.3 In terms of peat and soils, 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 being of negligible significance.
- 4.11.4 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.
- 4.11.5 The Proposed Development is considered to be in accordance with Policy 5.

4.12 NPF4 Policy 6: Forestry, Woodland and Trees

Policy 6 & Principles

- 4.12.1 The policy intent is to protect and expand forests, woodland and trees. It states that development proposals that enhance, expand and improve woodland and tree cover will be supported.
- 4.12.2 **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.”*
- 4.12.3 **Policy 6 Paragraph c)** states that:
- “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”.*

The application of Policy 6

- 4.12.4 Woodland is referenced in Chapter 9 (Ecology) of the EIA Report. Woodland was scoped out of the EIA assessment and there would be minimal impact on woodland in relation to the AIL transport route.
- 4.12.5 The Proposed Development is therefore considered to be in accordance with Policy 6.

4.13 NPF4 Policy 7: Historic Assets and Places

Policy 7 & Principles

- 4.13.1 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).
- 4.13.2 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 l)** 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

- 4.13.3 The assessment set out in Chapter 8 (Archaeology and Cultural Heritage) of the EIA Report 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 have all been considered.
- 4.13.4 A desk-based baseline assessment was undertaken to identify known heritage assets and the potential for currently unrecorded assets to be present within the Site, as well as assets in the wider landscape which may be impacted by the Proposed Development through changes to their setting. A final list of receptors was agreed with Historic Environment Scotland (HES), Scottish Borders Council (SBC), and ELC.
- 4.13.5 The assessment of effects has considered potential direct/indirect physical impacts related to construction of the Proposed Development on the fabric of a heritage asset and impacts on the setting of a heritage asset that could affect its cultural significance.
- 4.13.6 The assessment explains that there are 42 known heritage assets of low – medium importance located within the Site boundary (which includes 29 within the Inner Study Area (ISA), and 13 that are located along the 19km Abnormal Indivisible Load (AIL) access route from the A1). The assessment sets out that appropriate mitigation can address potential effects that could arise in relation to these assets.
- 4.13.7 Archaeological monitoring is likely to be required over some or all construction groundworks for the Proposed Development. The scope and nature of additional mitigation will be outlined in a written scheme of investigation (WSI) and agreed with ELC in advance of construction.
- 4.13.8 The assessment states that following implementation of the proposed programme of archaeological mitigation of construction phase impacts there will be no residual physical effects on heritage assets.

- 4.13.9 A Stage 1 Setting Assessment found the potential for effects through changes within their setting on the cultural significance of one Inventory GDL (which contains one Scheduled Monument, three Category A Listed Buildings and five Category B Listed Buildings), one Inventory GDL (the setting for a Category A Listed Building), seven Scheduled Monuments, one Conservation Area, one further Category A Listed Building, and one Category B Listed Building as a result of the operation of the Proposed Development. Following consultation, it was agreed that these 22 heritage assets, identified for detailed assessment be assessed as eight assets/asset groupings.
- 4.13.10 In respect of the setting of heritage assets, the assessment states that:
- > No additional mitigation is proposed and therefore residual negligible and not significant adverse operational effects are predicted upon Scheduled Monuments SM740 Kingside Hill, stone circle; SM4423 Johnsleugh, stone setting 1790 m SW of ('Crow Stones'); SM4423 Johnsleugh, stone setting 1105 m SSW of ('Nine Stones'); and SM4423 Johnsleugh, stone setting 1360 m SSW of ('Kingside Burn Setting').
 - > Residual adverse minor and not significant operational effects are predicted upon Inventory GDL, GDL388 Yester House; Category A Listed Buildings LB14693 Yester House and LB1417 Bolton Muir with Entrance Court; Category B Listed Building LB7346 Baro House with Boundary Walls, Gates and Gatepiers; and Scheduled Monuments SM745 Black Castle, fort, Newlands; SM5794 Park, fort 800m SE of; SM5795 Park, fort 900m SSE of; and SM747 Green Castle, fort, Newlands.
- 4.13.11 No significant cumulative cultural heritage effects have been identified. Overall, no significant residual effects upon cultural heritage have been identified in the EIA process.
- 4.13.12 The Proposed Development would not unacceptably affect the fabric or setting of any Listed Buildings, or the integrity of the setting of any GDL or Scheduled Monument. The Proposed Development is considered to be in accordance with Policy 7.
- 4.14 Conclusions on NPF4 Appraisal: Sustainable Place**
- 4.14.1 The Proposed Development is considered to be acceptable in relation to all of Policy 11's environmental and technical topic criteria.
- 4.14.2 A key point within Policy 11 (Energy) is that any identified impacts have to be weighed against a development's specific contribution to meeting targets – which attracts significant positive weight in this case.
- 4.14.3 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.
- 4.14.4 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.
- 4.14.5 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.
- 4.14.6 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.
- 4.14.7 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).

- 4.14.8 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.
- 4.14.9 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)
- 4.14.10 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.

5. Appraisal against the Local Development Plan

5.1 Introduction

5.1.1 The other elements of the statutory Development Plan covering the Site comprises the East Lothian LDP (adopted September 2018).

5.1.2 This Chapter does not present a detailed assessment of the Proposed Development as that has been covered in Chapter 3 of this Statement against the policy provisions of NPF4.

5.2 The Lead LDP Policy

5.2.1 Policy WD3 (All Wind Turbines) is the key or 'lead' LDP policy for the assessment of onshore wind farm developments. The policy contains a number of criteria which generally address the environmental topics that are referred to in other policies within the LDP and the topics are also already covered by the provisions of NPF4 Policy 11 which has been considered in the previous Chapter.

5.2.2 Policy WD3 is as follows:

"Applications for freestanding wind turbine development will be supported subject to Policies WD1 and WD2 and provided the impact of turbines, access tracks, and any other ancillary development is acceptable in terms of the following considerations:

- a) cumulative issues with other development;*
- b) impact on communities or individual dwellings;*
- c) landscape and/or visual impacts;*
- d) impacts on natural and cultural heritage assets including their settings where relevant;*
- e) impact on tourism or recreation;*
- f) impact on the recreational value of public access routes;*
- g) impacts on aviation, defence interests, seismological monitoring;*
- h) impacts on the water environment, including drinking water quality;*
- i) impact on telecommunications and broadcasting installations, especially transmission links;*
- j) the 'carbon calculator' must have been completed;*
- k) feasible and acceptable routes and proposals for accommodating any abnormal loads and mitigating impact on road network;*
- l) feasible and acceptable connection to the electricity grid, were relevant;*
- m) the generating potential of an area of strategic capacity would not be undermined; and*
- n) there is no adverse effect on the integrity of European sites either alone or in combination with other projects and plans.*

The economic impact of proposals including local and community socio-economic benefit, the scale of contribution to renewable energy targets, and effect on greenhouse gas emissions will be taken into consideration as appropriate."

5.2.3

In addition, paragraph 4.81 of the LDP also states that all wind farm proposals require to be considered against a number of factors:

“as detailed below, in addition to Policies WD1 or WD2 and other relevant plan policies, to ensure their impact will be acceptable:

a) Cumulative impacts with other development;

b) Impacts on communities or individual dwellings, including from visual impact (including where wind turbine (s) would become dominant or overbearing in views from principal rooms of dwellings, or be present in such number, size or proximity that it is likely that a dwelling would become widely regarded as an unattractive place in which to live) noise, shadow flicker, or any other residential amenity issues;

c) Landscape and visual impacts, including on the setting of settlements, the coast, important public views to or from settlements, long distance views, and views identified in the Landscape Character Area review or the Statement of Importance for Special Landscape Areas. For turbines of 20m or over, the Council expects landscape and visual impacts to be assessed in accord with SNH guidance ‘Visual Representation of Wind Farms (December 2014)’. The design and colour of turbines must minimise visual intrusion and logos on them will be unacceptable. Information on landscape capacity and sensitivity and likely landscape issues is set out in the Landscape Capacity Study for Wind Turbine Development in East Lothian as supplemented;

d) Impacts on natural and cultural heritage assets including their settings where relevant;

e) Impacts on tourism or recreation, including on golf courses, the coast, and key landmark features including North Berwick and Traprain Laws and the Garleton Hills or Lammermuir skyline;

f) Impact on the recreational value of public access routes;

g) Impacts on aviation, defence interests, seismological monitoring and telecommunications and broadcasting installations, especially transmission links;

h) Impacts on the water environment, including drinking water quality;

i) The ‘carbon calculator’ must have been completed to assess the impact of development on carbon rich or peat soils so the effects on greenhouse gas emissions can be taken into consideration as appropriate;

j) Where abnormal loads will be required on the road network in relation to the proposal, a route must be agreed, and a Traffic Management Plan and mitigation strategy should be agreed with the Council at the time of application; and

k) Where the development is intended to be connected to the electricity grid, a feasible and acceptable route must be included at the time of application, where relevant such as for EIA projects or where consent is required;

l) Proposals within an Area of Strategic Capacity should maximise the generating potential of the site while recognising the landscape and other constraints.”

5.2.4

It is important to highlight any conflicts between the provisions of LDP Policy WD3 and those of NPF4. In this regard, Policy WD3 refers to policies WD1 and WD2. Policy WD2 is of no relevance, as it relates to smaller scale wind turbine development under 42m in height to blade tip. Policy WD1 (Wind Farms) states that wind farms will be assessed against the Spatial Framework for wind farms and with regard to areas of strategic capacity. This is a conflict with NPF4, as the Spatial Framework approach to onshore wind development management was contained within the former SPP and is no longer referenced within the spatial planning approach, or any policy provision within NPF4.

- 5.2.5 In addition, criterion e) of Policy WD3 refers to impact on tourism. The matter of tourism as a development management consideration was referenced in SPP but is not now contained within NPF4 Policy 11 (Energy).
- 5.2.6 In terms of the additional factors listed at Paragraph 4.81 of the LDP to take into account with regard to wind energy development, many of these are already reflected in the range of topic criteria within Policy WD3. Within this list, a further matter of conflict with NPF4 is criterion k), which states that a feasible and acceptable route for the grid connection must be included at the time of application “*where relevant such as for EIA projects or where consent is required*”. This is not a requirement in NPF4. The grid connection for the Proposed Development would be the subject of a separate consenting process in due course.
- 5.2.7 Based on the appraisal set out in Chapter 3 above with regard to the NPF4, it is considered that the landscape and visual and wider environmental effects that the Proposed Development would give rise to would not be unacceptable and would be in accordance with the relevant provisions of Policy WD3.

5.3 Other relevant Policies

- 5.3.1 The other policies of relevance in the LDP are summarised below in **Table 5.1** with brief comment added with regard to how the policies relate to those of NPF4, where relevant. Most of the policies below are covered by NPF4 Policy 11 (Energy) Paragraph e). In the Table below where it states that policies are ‘consistent’ with NPF4, this means that there are no identified conflicts or contradictions which would give rise to an incompatibility.

Table 5.1: LDP Policy Summaries

HwLDP Policy	Topic	Policy Summary
Policy WD4	Access Tracks	The policy requires access tracks serving wind turbines to be satisfactorily integrated into the landscape and for engineering works to be minimised including in relation to soil erosion, habitat and water bodies. The policy provisions are considered to be consistent with NPF4 and reflect the policy intent of NPF4 Policy 11 (Energy) and Policy 5 (Soils).
Policy WD6	Decommissioning and Site Restoration	The policy requires all wind turbines to be decommissioned and the site in question restored to an appropriate condition within an agreed timescale after the expiry of planning consent, or if a wind turbine fails to produce electricity for a continuous period of twelve months, unless otherwise agreed in writing with the Planning Authority. The policy is considered to be consistent with the provisions of NPF4 Policy 11 (Energy).
Policy DC9	Special Landscape Areas	The policy states that development within or affecting SLAs will only be permitted where such development would accord with the statement of importance and does not harm the special character of the area, or the public benefits of the development clearly outweigh any adverse impact and that the development is designed, sited and landscaped to minimise such adverse impact. The policy is considered to be consistent with NPF4 Policy 4 (Natural Places).
Policy NH1	Protection of Internationally Designated Sites	The policy relates to development proposals that would affect a Natura 2000 or Ramsar site and requires in certain cases, an Appropriate Assessment to be undertaken.

HwLDP Policy	Topic	Policy Summary
		The policy is considered to be consistent with NPF 4 Policy 4 (Natural Places).
Policy NH2	Protection of Sites of Special Scientific Interest and geological Conservation Review Sites	The policy relates to development that would adversely affect a Site of Special Scientific Interest or Geological Conservation Review site. The policy is consistent with NPF4 Policy 4 (Natural Places).
Policy NH3	Protection of Local Sites and Areas	The policy relates to development that would affect a local biodiversity site or local geodiversity site or any other local nature conservation site, as shown on the proposals map of the LDP. The policy provisions are considered to be consistent with NPF4 Policy 4 (Natural Places).
Policy NH4	European Protected Species	The policy relates to development proposals that may have an impact on European Protected Species. The policy approach is consistent with NPF4 Policy 4 (Natural Places).
Policy NH5	Biodiversity and Geodiversity Interests, including Nationally Protected Species	The policy relates to development proposals that would affect biodiversity and geodiversity interests, including nationally protected species. The policy provisions are consistent with NPF 4 Policy 4 (Natural Places) and Policy 3 (Biodiversity).
Policy NH7	Protecting Soils	The policy relates to development on prime quality agricultural land and carbon rich soils, such as peat. In relation to carbon rich soils, the policy approach requires applicants to demonstrate the effect that the development would have in relation to CO2 emissions as a result of its construction and operation. The policy provisions are considered to be consistent with NPF4 Policy 11 (Energy) and Policy 5 (Soils).
Policy NH8	Tress and Development	The policy states a strong presumption in favour of protecting East Lothian's woodland resources and requires trees or woodland that makes a significant positive contribution to the setting and amenity of an area to be incorporated into development. The policy also refers to circumstances in which woodland may be lost and requires development to be consistent with the Scottish Government's policy on Control of Woodland Removal. The policy also sets out that the loss of ancient woodland will not be supported. The policy provisions are considered to be consistent with NPF 4 Policy 6 (Forestry, Woodland and Trees).
Policy NH9	Water Environment	The policy requires development to protect and, where appropriate, enhance the water environment and states that proposals that would have a detrimental impact on the water environment will not be supported. The policy provisions are considered to be consistent with NPF 4 Policy 11 (Energy).

HwLDP Policy	Topic	Policy Summary
Policy NH11	Flood Risk	<p>The policy relates to flood risk and requires flood risk assessments in relation to certain proposals.</p> <p>The policy provisions are considered to be consistent with NPF4 Policy 22 (Flood Risk and Water Management).</p>
Policy NH13	Noise	<p>The policy states that the impact of noise will be taken into account when assessing relevant development proposals and that a noise impact assessment will be required in certain circumstances.</p> <p>The policy provisions are considered to be consistent with NPF 4 Policy 11 (Energy).</p>
Policy CH1	Public Listed Buildings	<p>The policy states that new development that harms the setting of a Listed building will not be permitted.</p> <p>The policy provisions are considered to be consistent with NPF4 Policy 7 (Historic Assets and Places).</p>
Policy CH2	Development Affecting Conservation Areas	<p>The policy states that all development proposals within or affecting a Conservation Area or its setting must be located and designed to preserve or enhance the special architectural or historic character or appearance of the Conservation Area.</p> <p>The policy provisions are considered to be consistent with NPF4 Policy 7 (Historic Assets and Places).</p>
Policy CH4	Scheduled Monuments and Archaeological Sites	<p>The policy requires that where a proposed development might affect a Scheduled Monument or archaeological site, that an assessment must be undertaken and made available to the planning authority. It adds that a development that adversely affects a Scheduled Monument or its setting will not be permitted. In terms of a site of regional or local archaeological interest, then development that would harm such a site or its setting will only be permitted in exceptional circumstances.</p> <p>The policy provision in relation to Scheduled Monuments is considered to be in conflict with NPF4 Policy 7 (Historic Assets and Places). Policy 7 Paragraph h) states that development proposals affecting Scheduled Monuments will only be supported where direct impacts are avoided, or where significant impacts on the integrity of the setting of a monument are avoided.</p> <p>However, NPF4 Policy 11 also allows for development to be supported in exceptional circumstances, which could justify the impact on a monument and its setting and where the impact or its setting have been minimised. The LDP Policy does not contain reference to the exceptional circumstances test.</p>
Policy CH6	Gardens and Designed Landscapes	<p>The policy states that development that would significantly harm the elements justifying designation of sites of national importance listed in the inventory of GDLs or sites of local or regional importance will not be permitted.</p> <p>The policy provisions are considered to be consistent with NPF4 Policy 7 (Historic Assets and Places).</p>

- 5.3.2 Many of the policy topics set out in the LDP policies are already encompassed within the relatively wide scope of the lead LDP policy, namely Policy WD3 (All Wind Turbines). It is considered that the Proposed Development would be in accordance with the relevant LDP policies and, insofar as there may be any conflict with LDP policies which are inconsistent the policy provisions of NPF4, then only limited weight should be attached to such LDP policies and the policies of NPF4 should prevail.

5.4 Conclusions on the LDP

- 5.4.1 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 LDP.
- 5.4.2 It is considered that the effects arising from the Proposed Development would not be unacceptable in terms of Policy WD3 or indeed other relevant policies within the LDP.
- 5.4.3 Insofar as there are other relevant policies within the LDP, they are considered to be generally consistent with those of NPF4 and given the appraisal set out above in Chapter 3, there would be no conflict with their terms. It is considered that the Proposed Development accords with the LDP when it is read as whole.

6. Conclusions

6.1 The Electricity Act 19189

- 6.1.1 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.
- 6.1.2 The information that is contained within the individual topic sections of the EIA Report therefore enables Scottish Ministers to be satisfied that the obligations under Schedule 9 are 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.

6.2 The Climate Crisis & Renewable Energy Policy Framework

- 6.2.1 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.
- 6.2.2 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 Act and in Scotland through the provisions of the Climate Change (Scotland) Act 2009 and the Climate Change (Emissions Reduction Targets) (Scotland) Act 2019.
- 6.2.3 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.
- 6.2.4 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.

6.3 The Planning Balance

- 6.3.1 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.
- 6.3.2 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.
- 6.3.3 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 Statement:

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

- > 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.

- 6.3.4 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.
- 6.3.5 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.
- 6.3.6 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 that they will not contribute to this ambition before 2030. The ‘window’ until the key date of 2030 for Scottish Government targets is also getting narrower.
- 6.3.7 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.*”

¹⁸ NPF4, page 2.

¹⁹ OWPS 2022, paragraph 1.1.2.

²⁰ Energy Strategy and Just Transition Plan, page 55

²¹ NPF4, page 103.

6.3.8 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.

6.3.9 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*" (original emphasis);

On this specific point it is relevant to take into account the Reporter's position on the target as referenced in the OWPS in the Meall Buidhe Appeal Decision Notice. The Reporter set out with regard to the OWPS at paragraph 87 of the Decision that:

"It also provides some further supporting detail on increasing 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 wind farms in Scotland in the period of around 8 years. This is clearly a challenging target and there is an acceptance in the Policy Statement of the consequent change in the landscape. I find this further supports my conclusion above in terms of consistency with relevant provisions of NPF4. This policy statement does not form part of the Development Plan but is a material consideration in this case."

- > NPF4 Policy 11 confirms that significant landscape and visual impacts are to be expected for some forms of renewable energy. Scottish Government policy, which forms 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 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.

6.3.10 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.

- 6.3.11 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.
- 6.3.12 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).
- 6.3.13 In considering the change to policy which has been introduced by NPF4, the conclusions of the Reporter in his supplementary Inquiry Report in relation to the Sanguhar II development are informative. At paragraph 4.5 of the Report (Overall Conclusions) the Reporter stated:
- "in paragraph 8.50 of my original report I found that, at the time of writing "...I do not consider that at this present time there has been a tangible shift in policy of a scale or nature which would be capable of being pivotal..." having reviewed the terms of NPF and the OWPS, I now consider that a tangible shift in planning policy has been made at the national level. In my view it is likely that this shift may be sufficient to result in some wind farm proposals, which would previously have been refused under the former policy regime, to potentially now be granted consent."* (underlining added)
- 6.3.14 In the Clashindarroch II²² Section 36 decision, the Reporter in the Supplementary IR with reference to the new policy position and with specific regard to 'changes to the balancing exercise' (paragraph 2.45) with reference to the OWPS stated that:
- "The new policy approach is clearly guiding decision makers towards supporting wind farm proposals that make a meaningful contribution to the onshore wind target, unless those adverse effects were of such significance that they would override the imperative for more onshore wind capacity. The natural consequence of this approach must lead to changes in the scale or extent of adverse effects that the decision maker might now deem to be acceptable."* (underlining added)
- 6.3.15 In addition, the Reporter stated at paragraph 2.51:
- "The balancing exercise is integral to the OWPS, NPF4 and the draft Scottish Energy Strategy and Just Transition Plan 2023 but the heightened priority of tackling climate change as expressed in the national and UK energy policy context must inevitably increase the weight given to those matters. Particularly now when NPF4 directs the decision maker to give significant weight to these matters within Policies 1 and 11."* (underlining added)
- 6.3.16 Furthermore, the Reporter added at paragraph 2.90 that "*The new policy expects me to give less importance to such [landscape and visual] effects in unprotected areas.*" (underlining added)

²² Clashindarroch II, Section 36 Decision dated 26 June 2023, Supplementary Report of Inquiry dated 3 March 2023 (Case Reference WIN-110-2).

6.3.17 In the Shepherds Rig²³ Section 36 case, the Reporters in their original Inquiry Report considered that the adverse effects of that development were such that it was contrary to national planning policy and the Development Plan, and a position of objection was recommended to the Scottish Ministers. However, in the Supplementary Report of Inquiry which considered the implications of NPF4 and the OWPS, the Reporters changed their position. At paragraph 3.14 of the Supplementary Report the Reporters stated:

“Taking into account all of the above, we recognise the urgent policy imperative in the OWPS and NPF to deliver additional installed wind farm capacity. These recently published policy statements demonstrate a significant strengthening of policy support for renewable energy development, to which the proposal would make an obvious contribution. In our original report, we found that the significant effects on the area’s recreational resources should be given significant weight, to the extent that they outweighed the aims of delivering renewable energy. In the updated policy context, we find that the proposal’s obvious contribution to renewable energy targets causes the benefits as a whole to now clearly outweigh the significant landscape and visual effects.”

6.3.18 The Reporter added at paragraph 3.4:

“National policy has a clear expectation that more renewable proposals may be granted consent, focusing down on a tighter set of circumstances under which proposals would not be supported.”

6.3.19 It is accepted that each individual application needs to be considered on its respective merits, however it is evident from these recent Section 36 decisions, that the Reporters have recognised that there has been a material and tangible shift in planning policy support for onshore wind development and that this has clear implications for the planning balance and changes the calculus regarding the scale and extent of adverse effects which may now be found acceptable.

6.3.20 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.

6.3.21 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.

6.4 Overall Conclusion

6.4.1 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.

6.4.2 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.

²³ Shepherd’s Rig, Section 36 Decision dated 21 August 2023, Supplementary Report of Inquiry dated 2 March 2023 (Case Reference WIN-170-2005).

- 6.4.3 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.

David Bell Planning Ltd
26 Alva Street
Edinburgh
EH2 4PY

dbplanning.co.uk

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