Longcroft Wind Farm

Renewable Energy Systems Ltd.

Planning Statement

November 2023

Contents

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1 Introduction

1.1 Background

1.1.1 Renewable Energy Systems (RES) Ltd (hereafter referred to as 'the applicant') is applying to Scottish Ministers for Section 36 (S36) consent and deemed planning permission, under the terms of the Electricity Act 1989 (as amended), for permission to construct, operate and decommission Longcroft Wind Farm (hereafter referred to as the 'proposed development'), on land located in the south-west of the Lammermuir Hills, approximately 8.5 km north of Lauder within the Scottish Borders.

1.1.2 The S36 Application is supported by an Environmental Impact Assessment Report (EIAR) as required by The Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017 (herein referred to as 'the EIA Regs').

1.1.3 This Planning Statement has been authored by Fraser Blackwood (BA Hons, MSc, MRTPI), with overview by Steven Black (MSc, MRTPI) and presents an assessment of the proposed development against relevant planning, energy and climate change policy with due regard given to the provisions of the statutory Development Plan for the Scottish Borders, national energy and planning policy, and other relevant material considerations.

1.1.4 The Planning Statement is supplementary to, and should be read in conjunction with, the EIA Report submitted with the S36 Application and cross-references information contained in the EIA Report, where relevant.

1.2 The Applicant

1.2.1 RES is the world's largest independent renewable energy company active in onshore and offshore wind, solar, energy storage and transmission and distribution. At the forefront of the industry for over 40 years, RES has delivered more than 23 GW of renewable energy projects across the globe and supports an operational asset portfolio of 10 GW worldwide for a large client base. RES employs more than 2,500 people and is active in 14 countries working across onshore and offshore wind, solar, energy storage, green hydrogen and transmission and distribution.

1.2.2 From its Glasgow office RES has been developing, constructing and operating windfarms in Scotland since 1993. RES has developed and/or built 21 wind farms in Scotland with a total generation capacity of 597MW and has most recently finished constructing Blary Hill Wind Farm in Argyll and Bute. The Applicant has the necessary knowledge and experience in renewable energy to develop and deliver the proposed development.

1.3 The Application Site

1.3.1 The proposed development is located north-east of the A697, approximately 8.5 km north-east of Lauder in the Scottish Borders (from approximate centre point of the site). The site is within the administrative boundary of Scottish Borders Council. **Figure 1.1 (EIAR Volume 2a)** presents a general context for the location of the site within the Scottish Borders and **Figure 1.2 (EIAR Volume 2a)** presents the extents of the site.

1.3.2 The site is centred on Ordnance Survey grid reference E 355000, N 656000 and covers an area of approximately 1,290 ha with wind turbines occupying hills locally known as Hogs Law, Hunt Law, Peat

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Law and Riddel Law. The site is currently used predominately for hunting sport and sheep and cattle grazing.

1.3.3 The Whalplaw Burn passes through the centre of the site, which flows into Cleekhimin Burn and onwards into Leader Water, ultimately flowing into the River Tweed. The A68 and A697 pass to the west and south-west of the site. To the north and east lie the Lammermuir Hills.

1.3.4 The site is located to the south-west of the operational Fallago Rig Wind Farm, which comprises 48 wind turbines up to 125 m in height. Fallago Rig Wind Farm became fully operational in May 2013.

1.4 Proposed Development

1.4.1 A detailed description of the proposed development is outlined in **Chapter 3: Proposed Development Description (EIAR Volume 1)**. In summary however, it will comprise:

- Up to 19 three-bladed horizontal axis wind turbines of up to 220 m tip height. The wind turbines would be nominally rated at 6.6 MW;
- At each wind turbine, associated low to medium voltage transformers and related switchgear;
- Wind turbine foundations;
- Hardstand areas for erection cranes at each wind turbine location;
- A network of access tracks including watercourse crossings, passing places, turning heads and site entrance from the D124;
- Borrow pits (dependent on availability of stone within the site);
- A substation compound containing electrical infrastructure, control building, welfare facilities and a communications mast;
- A battery energy storage system (BESS), rated at 50 MW and associated compound;
- A transfer station;
- Public road widening along sections of D124;
- A network of buried electrical and communication cables;
- A temporary construction compounds;
- Signage; and,
- A habitat management and biodiversity enhancement.

1.4.2 The proposed development is expected to operate for up to 50 years following which decommissioning of the wind turbines and other infrastructure would be undertaken as required.

1.4.3 The proposed development would most likely be connected at Gala North Substation, a new substation to be located approximately 12 km south-west of the proposed development. The final grid connection route and associated consents will be subject to a separate consenting procedure and are not considered further in this Planning Statement.

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1.5 Site Selection and Design

1.5.1 **Chapter 2: Design Evolution and Alternatives (EIAR Volume 1)** provides a description of the site selection process and design strategies that were adopted in arriving at the final layout of the proposed development.

1.5.2 In summary however, the applicant utilised a sophisticated Geographic Information System (GIS) model for site selection which seeks to mirror planning, environmental, technical and commercial constraints. With due consideration of technical, land use, design and environmental parameters such as wind speed, proximity to housing, natural and built heritage and slope constraint, the applicant was able to analyse the GIS system and identify this site as being capable of facilitating onshore wind energy in principle.

1.5.3 Once the site was identified as being potentially capable of facilitating development, key issues and constraints for consideration in the design process were established through a combination of desk-based research, extensive field survey and consultation through the EIA scoping process. The design process considered the following key issues and constraints:

- landscape designations and visual amenity;
- archaeological and cultural heritage assets;
- sensitive fauna;
- sensitive habitats;
- watercourses, private water supplies and sensitive surface water features;
- topography and ground conditions;
- public road accessibility;
- recreational and tourist routes;
- proximity of residential properties;
- aviation and defence constraints; and,
- presence of utilities.

1.5.4 Information in respect of the survey work to identify various key issues and constraints and how they have contributed to the layout design has been investigated in greater detail in the technical chapters of the **EIAR (Chapters 6 to 14, Volume 1)**.

1.5.5 The key issues and constraints gleamed from the assessments within the technical chapters has allowed for the siting and design of the proposed development within the site. This allowed the applicant to facilitate effective mitigation, with potentially significant effects avoided or minimised as far as reasonably practicable through the design process.

1.5.6 The design evolution was also informed by extensive public consultation which was undertaken early in the project inception phase. The **Pre-Application Consultation (PAC) Report** (October 2023) which is submitted in support of the S36 application explains how and when the community were consulted and how this consultation has shaped the finalised approach to development.

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1.5.7 In summary, the site selection process has been robust and has sought to balance technical requirements with land use and environmental constraints and opportunities from the outset. Furthermore, the proposed development has been carefully considered from a design, layout and access perspective, accounting for key technical and environmental constraints alongside ongoing engagement with key stakeholders.

1.5.8 The final layout is the result of several design iterations which has allowed the layout and size of the proposed development to evolve, ultimately optimising energy yield and maximising contribution towards renewable energy generation targets, whilst minimising environmental impacts. Overall, potential significant effects have been avoided or minimised as far as reasonably practicable through the design process.

1.6 Consenting Route

The Electricity Act

1.6.1 The proposed development is classified as a generating station, which requires consent from Scottish Ministers to operate under S36 of the Electricity Act 1989 as it will have a capacity of more than 50 MW.

1.6.2 The following Schedules of the Electricity Act 1989 are also applicable:

Schedule 8

- Sets out the key requirements for an application for consent. This includes that a site map should be provided, illustrating the location of where any generating station is proposed (see **Figures 1.1, 1.2 and 1.3 (EIAR Volume 2a))**;
- Ensures that the relevant planning authority will be involved in the application for consent (in this instance, Scottish Borders Council (SBC)). Notice is served to the planning authority as part of the application process and an opportunity is provided for them to submit their appraisal of the project; and,
- Provision is also given to other consultees and members of the public to submit comments on a proposal.

Schedule 9 (3)

- States that applications for S36 consent will be considered with regard to *"the desirability of preserving natural beauty, of conserving flora, fauna and geological or physiographical features of special interest and of protecting sites, buildings and objects of architectural, historic or archaeological interest";* and,
- *"[The applicant] shall do what he reasonably can to mitigate any effect which the proposals would have on the natural beauty of the countryside or on any such flora, fauna, features, sites, buildings or objects".*

1.6.3 These topics are referred to in detail through the EIA Report and as part of this Planning Statement.

1.6.4 This consent application has been prepared in accordance with the requirements of the Electricity Act 1989 and is submitted to the Energy Consents Unit (ECU) of the Scottish Government.

Town and Country Planning Act

1.6.5 Section 57(2) of the Town and Country Planning (Scotland) Act 1997 ('the Planning Act'), as amended by the Planning etc., (Scotland) Act 2006 and the Planning (Scotland) Act 2019 states that Scottish

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Ministers can, on granting S36 consent, give a direction for planning permission to be deemed granted (subject to any conditions specified in the direction). This S36 Application to Scottish Ministers therefore also requests a direction for deemed planning permission.

1.6.6 Due to the regulatory consenting process for S36 applications, the Planning Act is not fully engaged beyond Section 57(2) and therefore primacy is not given to, for example, the Local Development Plan (LDP) (Section 25) or Pre-Application Consultation (PAC) (Sections 35A-C).

1.6.7 Nevertheless, the LDP is a material consideration for Scottish Ministers who take the response from the planning authority into account when determining S36 applications. In addition, PAC has taken place for the proposed development as detailed in the submitted PAC Report (October 2023).

1.6.8 Note, the statutory development plan at the submission of the S36 Application comprises the following documents:

- National Planning Framework 4 (NPF4).
- Scottish Borders Local Development Plan (LDP) (2016) (the 'adopted LDP'); and,
- Relevant Supplementary Guidance.

1.6.9 It should be noted that the Scottish Borders Local Development Plan (LDP) 2 ('LDP2') and all unresolved representations were submitted to the Scottish Government for Examination in July 2022. On 7th July 2023, the Report of Examination was published and made a number of recommendations for modifications to LDP2. Subsequently, SBC approved the LDP2 with modifications on 28th-September 2023.

1.6.10 While the LDP2 is yet to be formally adopted, it does represent the most up-to-date and settled policy position of the SBC and subject to administrative procedures is expected to be adopted during the S36 decision-making process.

1.6.11 For the avoidance of doubt therefore, this Planning Statement assesses the proposed development against the adopted LDP, but also considers the policy provisions contained within LDP 2 as this should be afforded significant weight in the determination process owing to it's status as a settled land use policy position within SBC and the associated relationship with NPF4.

1.7 Development of National Status

1.7.1 Unlike NPF3 and Scottish Planning Policy (SPP), NPF4 forms part of the statutory Development Plan. Therefore, NPF4 along with LDP policy now provides the primary policy framework to inform decision making on developments on this scale and nature.

1.7.2 Within NPF4, onshore electricity generation from renewables over 50 MW is now classed as national development. As such the principle of development is established.

1.7.3 It is also highlighted that climate change response commitments sit at the heart of NPF4, which makes it clear that Scotland must make significant progress by 2030 in order to achieve net zero emissions target by 2045. The document also provides clear support for continued renewables provision, confirming that "*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*".

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1.7.4 In light of the above, it would be reasonable to expect that the material weight afforded to the need for the development in the context of the climate emergency and the proposal's national development status would be increased, albeit the associated planning balance will still guide decision-making.

1.8 Purpose and Structure of the Planning Statement

1.8.1 Considering the above and in line with the ECU's Good Practice Guidance (2013), the purpose of this Planning Statement is to describe how the proposed development responds to local and national planning policy. Furthermore, the Planning Statement considers and assesses the proposed development against the context of national and international energy and climate legislation, performance, targets, and guidance.

1.8.2 This Planning Statement is structured as follows:

- **Chapter 2** provides an assessment of the need for onshore wind energy, considering national and international energy and climate legislation, policy, and guidance.
- **Chapter 3** provides an assessment of the proposed development against the statutory development plan and associated supplementary guidance.
- **Chapter 4** presents the conclusions of the assessment and highlights the overall benefits of the proposed development.

1.8.3 The Planning Statement draws on the findings of and should be read in conjunction with the associated EIAR and the various drawings and plans which are included as part of the S36 application consent package. The EIAR and other relevant accompanying documents will be referenced throughout where they provide more detailed information that is not essential to repeat for the purposes of this Planning Statement.

1.9 Summary of Benefits

1.9.1 The are numerous benefits of the proposed development which are deemed to be an important consideration in the overall planning balance and assessment of environmental effects in the context of the Scottish Ministers duties under Schedule 9 of the Electricity Act.

1.9.2 The benefits can be summarised as follows:

- The annual generation from the proposed wind turbines, based on an anticipated 46.4% capacity factor, is estimated at approximately 509[1] gigawatt-hours (GWh). The proposed wind turbines will therefore supply renewable electricity equivalent to the approximate annual domestic needs of up to 145,256 average UK households[2].
- The proposed grid connection date is expected to be 2030, meaning that the proposed development can make a swift and direct contribution to clean energy targets, responding to the

[1] For example, using a 46.4% capacity factor, figures are derived as follows: 125.4MW × 8,760 hours/year × 0.464 (capacity factor) = 509,705MWh.
[2] Calculated using the most recent statistics from the Department of Business, Energy and Industrial Strategy (BEIS) showing that annual GB average domestic household consumption is 3,509kWh (as of December 2022, updated annually).

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Climate Change (Emissions Reduction Targets) (Scotland) Act 2019 interim targets discussed in chapter 2 below.

- Each unit of renewable electricity transmitted will displace a unit of conventionally generated electricity, therefore displacing carbon dioxide (CO_2) emissions. It is estimated that the proposed wind turbines will displace approximately 215,151[3] tonnes of CO_2 emissions per year, or 10,757,550 tonnes over the anticipated 50-year lifespan of the proposed development.
- The proposed development is expected to take around 12 months (1.0 years) to repay the carbon exchange to the atmosphere (the CO_2 debt) through construction and manufacture. Beyond this period the proposed development would then be contributing to CO_2 reduction and progress toward the related national targets.
- The proposed development responds directly to the aspirations of NPF4 by contributing to addressing the climate and nature crisis through the generation of clean renewable energy and reducing reliance on fossil fuels.
- As detailed in the Outline Biodiversity Enhancement and Restoration Plan (BERP) (**Technical Appendix 8.6 (EIAR Volume 3)**) significant biodiversity enhancement measures are proposed as part of the proposed development. This will also include a net gain to the local bird communities, including in areas more than 500m from the proposed wind turbines.
- The proposed development is predicted to deliver approximately £5.3 million of inward investment to the area in the form of jobs, employment, and use of local services during the development, construction and first year of operation.
- In addition, more than £1.3 million in business rates will be payable each year to SBC during operation.
- The applicant is committed to exploring practical routes to shared ownership of the proposed development, which could allow financial capital to be directly invested into improving the local area, possibly through community enhancements or improving skills and training, which could have a lasting benefit beyond the lifespan of the proposed development.

1.9.3 In addition to the above, a community benefit package will also be established to support the communities who host, and are closest to the proposed development. The applicant takes a tailored approach and consult with the local community, both pre-planning and post-consent (should the proposed development be granted planning permission), to gain an understanding of the local priorities and to seek suggestions for projects that will help to secure long-term economic, social and environmental benefits for the area. This approach ensures the community benefits package that is delivered is aligned with the priorities of the local community. For instance, the package could include RES' Local Electricity Discount Scheme (LEDS) or provide funding for projects that sit outside the parameters of a traditional application-based fund. Should the proposed development receive consent, the area of benefit will be determined in consultation with locally elected representatives from the closest communities.

[3] Based on the current grid-mix of the UK electricity grid.

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1.9.4 Overall, the proposed development responds to directly to the current Climate Emergency by providing a clean and secure source of energy to the grid. Given the relatively limited environmental effects identified through the EIA process, on balance is to be considered appropriate development in the right location and delivers a number of environmental, social and economic benefits at both a local and national context which should carry significant weight in the determination process.

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2 The Need for Onshore Wind

2.1 Introduction

2.1.1 As previously discussed, NPF4 recognises the proposed development as nationally significant and confirms support for the principle of renewable energy schemes over 50 MW. Notwithstanding this, it is important to recognise Scotland's commitment to the development of renewable energy, including onshore wind through wider energy policy and legislation at national and domestic levels.

2.1.2 This chapter explains the energy and climate change policy, strategy and legislation that should be considered as an important material consideration that requires to be weighed in the decision-making balance for the proposed development. The energy and climate change policy and legislative framework set the 'Needs Case', which is ultimately aimed at addressing the impacts of climate change through renewable energy generation in a sustainable manner, whilst also maintaining energy security.

2.1.3 The legislative and policy background discussed in this chapter has underpinned the EIA process and as such, it can be assumed that the outcomes of the EIA have been framed within the context of the current 'climate emergency' which is explained further throughout this Planning Statement.

2.1.4 This Planning Statement will seek to focus purely on the most crucial policy, strategy and legislation relevant to demonstrating the need for continuing the enhancement of Scotland's sustainable onshore wind resource. The key matters relevant to demonstrating the need for the proposed development are demonstrated by considering:

- The renewed urgency in climate change policy and strategy and the 'Climate Emergency' context in Scotland;
- Climate and Energy Policy in Scotland; and,
- Progress and performance against climate change and energy targets in Scotland.

2.1.5 A 'Summary of Position' section is included at the end of this chapter.

2.2 The Renewed Urgency in Climate Change Strategy

The Conference of Parties (COP) 21 UN Paris Agreement (2015)

2.2.1 The Paris Agreement (12th December 2015) sets out (page 2) "*with serious concern*" the need to hold the increase in global average temperature to *"well below 2°C*" above pre-industrial levels and to pursue "*efforts to limit the temperature increase to 1.5°C".* In order to achieve this long-term temperature target, the Agreement states "*parties aim to reach global peaking of greenhouse gas emissions as soon as possible*". The document also includes a ratcheting mechanism on climate action, with countries having to communicate nationally determined contributions to reducing global emissions.

The Conference of Parties (COP) 26 Glasgow Climate Pact (2021)

2.2.2 COP 26 took place in Glasgow in November 2021 and concluded with every Party, representing almost 200 countries, agreeing the Glasgow Climate Pact which seeks to drive action on climate change across the following key themes:

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- Mitigation - reducing emissions;
- Adaptation - helping those already impacted by climate change;
- Finance - enabling countries to deliver on their climate goals; and
- Collaboration - working together to deliver even greater action.

2.2.3 Critically, the Glasgow Climate Pact finalised the 'Paris Rulebook' which fully operationalises the Paris Agreement originally agreed in 2015. The Paris Rulebook sets out the detailed rules and systems to underpin the delivery of the Paris Agreement in order to meet the aspiration to limit future temperature increases to 1.5°C. According to President Alok Sharma (MP) The Glasgow Climate Pact has "*kept 1.5 degrees alive. But, its pulse is weak and it will only survive if we keep our promises and translate commitments into rapid action*".

2.2.4 For the first time, COP 26 also agreed a position on phasing down unabated coal power, in turn promoting the further development of clean energy.

2.2.5 The outcomes of COP 26 therefore reflect the national policy position discussed below in that immediate and robust action is required in order to meet the global climate emergency.

Intergovernmental Panel on Climate Change (IPCC)

2.2.6 In April 2016, the IPPC published a 'Special Report on the impacts of global warming of 1.5°C above pre-industrial levels and related global greenhouse gas emission pathways (SR1.5)' in response to an invitation contained in the UN Paris Agreement.

2.2.7 The SR1.5 Report concludes that human-induced warming reached approximately 1°C above pre-industrial levels in 2017 and at the present rate, global temperatures would reach 1.5°C around 2040. Actions are recommended to reduce emissions are referenced throughout the SR1.5 Report and these include, for example, phasing out coal in the energy sector and increasing the amount of energy produced from renewable sources.

2.2.8 The IPCC continue to assess and report on the science under-pining climate change. In their most recent report, 'AR6 Synthesis Report: Climate Change 2023' it is stated in the Summary for Policymakers that "*Limiting human-caused global warming requires net zero carbon emissions*" (B.5). A number of 'mitigation pathways' are discussed and this includes "*transitioning from fossil fuels without carbon capture and storage to very low or zero carbon energy sources such as renewables…*"(B.6.3).

The Climate Change Committee and Net Zero Monitoring

2.2.9 The Climate Change Committee (CCC) published its landmark report entitled 'Net Zero – UK's Contribution to Stopping Global Warming' in May 2019. The report responded to requests from the Governments of the UK, Wales and Scotland, asking the CCC to reassess the UK's long-term carbon emissions targets.

2.2.10 The Foreword of the report (page 8) sets out that the CCC has "*reviewed the latest scientific evidence on climate change, including last year's [Intergovernmental Panel on Climate Change] IPCC special report on global warming of 1.5 ^{0}C and considered the appropriate role of the UK in the global challenge to limit future temperature increases*". It adds, "*Net Zero is a more fundamental aim than previous targets. By reducing emissions produced in the UK to zero, we also end our contribution to rising global temperatures".*

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2.2.11 The Foreword also sets out that "*we must now increase our ambition to tackle climate change. The science demands it; the evidence is before you; we must start at once; there is no time to lose*". This emphasises the urgent nature of the response required to address the UK's contribution to global climate change.

2.2.12 Specific to Scotland, the report recognises that "*Scotland has proportionately greater potential for emissions removal than the UK overall and can credibly adopt a more ambitious target. It should aim for net zero greenhouse gas emissions by 2045. Interim targets should be set for Scottish emissions reductions (relatively to 1990) of 70% by 2030 and 90% by 2040".*

2.2.13 In June 2023, the CCC published their latest Report to the UK Parliament entitled 'Progress in reducing emissions'. In the Foreword (page 8) Lord Deben, Chair of the CCC states that "*Our confidence in the achievement of the UK's 2030 target and the Fifth and Sixth Carbon Budgets has markedly declined from last year. Leadership is required to broaden the national effort to every corner of our economy. That means investing now in low-carbon industries to deliver lasting economic benefits to the UK*".

2.2.14 The Foreword also re-enforces that the transition to net zero will necessitate "*unambiguous commitment to fossil fuel phase out, accepting that global reserves are already too great*".

2.2.15 With specific respect to the implementation of renewables, the Report acknowledges (page 20) that "*Renewable electricity capacity increased in 2022, but not at the rate required to meet the Government's stretching targets, particularly for solar deployment. Given short lead-times, rapid deployment of onshore wind and solar could have helped to mitigate dependence on imported gas during the fossil fuel crisis*".

2.2.16 In terms of key messages, the Report also outlines (page 14) 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 giving full regard to the imperative of net zero*".

Scotland's Climate Emergency

2.2.17 In April 2019 Scotland became one of the first nations in the world to declare a state of 'Climate Emergency', a step which seeks to place climate change at the heart of all policy decisions and recognise that a system-wide approach is required to address the actions needed to transition to a low carbon economy. At the SNP Conference of April 2019, former Scottish First Minister Nicola Sturgeon declared, "*As First Minister of Scotland, I am declaring that there is a climate emergency. And Scotland will live up to our responsibility to tackle it."*

2.2.18 The Scottish Government subsequently made amendments to the Climate Change (Scotland) Act 2009 in the form of the Climate Change (Emissions Reduction Targets) (Scotland) Act 2019 to set a net zero emissions target for 2045. This amended and increased the targets for 2030 (to 75% reduction) and 2040 (to 90% reduction). The independent UK Committee on Climate Change advised that these targets represent a high ambition contribution to the UN Paris Agreement aims, including limiting warming to 1.5°C.

2.2.19 The Scottish Government's Programme for 2023, 'Equality, Opportunity, Community', published in September 2023 reinforces net zero commitments in building a fair, green and growing economy, stating "*a just transition to net zero s at the heart of our approach. Scotland is at the forefront of the clean energy transition and our green jobs revolution is well underway*" (p.10). It also re-enforces a commitment to the continued deployment of clean energy stating "*responding to the climate crisis is a fundamental priority for this government. Scaling up renewables is central to our strategy and that is*

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why we will establish a sector deal with the onshore wind industry to help deliver our onshore wind ambition, maximising the benefits for Scotland's economy and communities" (p11).

2.3 Climate Change and Energy Policy

2.3.1 Guided by international and UK-wide legislation and policy, the Scottish Government has set national policy to address the climate emergency and increase the amount of energy produced by renewables and therefore address the threat of climate change. This is further illustrated through Table 2-1 below.

Table 2-1 – Overview of National Policy and Legislation

Policy, Strategy or Legislation	Targets and Key Messages Relevant to the Proposed Development
The Climate Change (Emissions Reduction Targets) (Scotland) Act 2019	Reduce greenhouse gas emissions by 75% to 2030, 90% by 2040 and to Net Zero by 2045.
Climate Change Plan (CCP) (2018) and 2020 Update.	The 2018 Climate Change Plan states unequivocally in the introduction that: "***Climate change is one of the greatest global threats we face. Scotland must play its part to achieve the ambitions set out in the Paris Agreement, which mandates concerted, global action to deal with the threat***." The CCP committed to reducing Scotland's electricity grid intensity to below 50g CO_2 per kilowatt hour. It was envisaged that this would be powered by a high penetration of renewables, aided by a range of flexible and responsive technologies. The 2018 CCP also established that by 2032 Scotland's energy supply would be secure and flexible, with a system robust against fluctuations and interruptions to supply. The 2020 CCP Update seeks to increase renewable generation substantially between 2020 and 2032, stating: "***Renewable generation will increase substantially between now and 2032, and we expect to see the development of between 11 and 16 GW of capacity during this period, helping to decarbonise our transport and heating energy demand.***" Overall, the CCP and associated Update strives to meet climate change targets set out in legislation, but seeks to do it in a way that benefits the whole of Scotland. The 2020 Update specifically notes that the transition can realise green jobs, a better environment and a healthy economy that supports the country's wellbeing.
Scottish Energy Strategy (SES) (2017) and associated Position Statement (2021)	The 2017 SES sets a 2050 vision for energy in Scotland as: ***"a flourishing, competitive local and national energy sector, delivering secure, affordable, clean energy for Scotland's households, communities and businesses".*** The strategy also contains new whole system targets for 2030 as follows: - • The equivalent of 50 % of the energy for Scotland's heat, transport and electricity consumption to be supplied from renewable sources; and,

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Policy, Strategy or Legislation	Targets and Key Messages Relevant to the Proposed Development
	• An increase by 30 % in the productivity of energy use across the Scottish economy. The commitment to deployment of renewables in the 2017 SES is also explicit, stating: "***Renewable and low carbon solutions – we will continue to champion and explore the potential of Scotland's huge renewable energy resource, and its ability to meet our local and national heat, transport and electricity needs – helping to achieve our ambitious emissions reduction targets***". In 2021, the Scottish Government published 'Scotland's Energy Strategy Position Statement'. With respect to onshore wind, Ministers make it clear through the Position Statement that: ***"The potential remains for much more renewable capacity and development across Scotland….the continued growth of Scotland's renewable energy industry is fundamental to enabling us to achieve our ambition of creating sustainable jobs as we transition to net zero. The Scottish Government is committed to supporting the increase of onshore wind in the right places to help meet the target of Net Zero"***
Scotland's Draft Energy Strategy and Just Transition Plan (January 2023) Note this will ultimately place the SES discussed above, upon adoption.	The Scottish Government consulted on the Draft Energy Strategy and Just Transition Plan between January and May 2023. The draft Plan sets a vision for Scotland's energy system to 2045 and a route map of ambitions and actions that will guide decision-making and policy support over the course of this decade. The plan seeks to transform the way Scotland generates, transports, and uses energy in order to deliver maximum benefits to Scotland from its the vast renewable energy resource. The document 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, generates economic opportunities, and builds a just transition."*** The Draft Energy Strategy and Just Transition Plan also sets out key ambitions for Scotland's energy future including a commitment on the deployment of at least 20 GW of installed onshore wind by 2030. Based on the fact that Scotland had approximately 8GW of installed capacity in June 2022, this target therefore requires 12 GW of additional onshore wind by 2030 which aligns with targets in the Onshore Wind Policy Statement (2022), discussed further below.
Onshore Wind Policy Statement (OWPS) (2022)	The OWPS was published in December 2022 and sets an overall ambition to deploy a minimum of 20 GW of installed onshore wind capacity in Scotland by 2030 following extensive consultation with stakeholders. As discussed above, this requires an additional 12 GW of capacity to be delivered over the next 8 years. The Ministerial foreword states, "***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***."

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Policy, Strategy or Legislation	Targets and Key Messages Relevant to the Proposed Development
	"***Scotland has been a frontrunner in onshore wind … onshore wind will be key to ensuring our 2030 targets are met… By acting now, we can set Scotland on a pathway to meeting our ambitious climate change targets in a way that is aligned to the needs of our citizens, supports a just transition and delivers opportunities for all***."
Onshore Wind Sector Deal (September 2023)	The onshore wind sector deal sets out commitments from the Scottish Government and the onshore wind industry to deliver upon a collective ambition of 20 GW of onshore wind in Scotland by 2030 whilst delivering maximum benefit to Scotland. The Deal seeks to continue renewables deployment which "***safeguards our natural heritage while delivering clean, affordable energy to power our lives and industries***". In addition and crucially, the deal "***emphasises inclusivity and equity ensuring that the benefits of our onshore wind revolution are shared by all***".

2.4 Progress and Performance in Onshore Wind

2.4.1 It is clear from that above that renewable energy and onshore wind specifically does represent an important part of the strategy to respond to the current Climate Emergency. In this respect, it is useful to consider how much progress has been made towards achieving the Scottish Government targets of a minimum of 20 GW of installed onshore wind capacity by 2030 and therefore an additional 12 GW of capacity over the next 8 years, based on the fact that Scotland had approximately 8GW of installed capacity in June 2022 (see Table 2-1 above)

2.4.2 The Scottish Government Onshore Wind Sector Deal discussed above does recognise the importance of more closely monitoring the expected pipeline of new onshore wind projects expected between 2023 and 2030, stating: "*This analysis will include when these developments are likely to be submitted for Section 36 consent or planning permission, the likely geographic distribution of development between planning authorities, and the potential MW scale of development. We will update this pipeline at least bi-annually to enable Government and statutory consultees to plan ahead for the resources that will be required to process applications*".

2.4.3 The Scottish Government's Q2 2023 Quarterly Report[4] of key facts and trends relating to energy in Scotland was published in September 2023 and confirms that as of June 2023, 477 renewable electricity projects with a capacity of 23.0 GW are in the pipeline. 4.2 GW of these are under construction, most of which are offshore wind farms off the Moray Firth.

2.4.4 Specifically with respect to onshore wind, the Quarterly Report highlights that there is presently 1.6 GW of energy potential under construction and 4.1 GW consented and awaiting construction.. If those schemes with planning consent are all deployed, this would provide approximately 5.7 GW of additional capacity, taking overall deployed capacity, with the 8GW capacity already delivered, to approximately 13.7 GW which is still some way short of the 20 GW target.

2.4.5 While there is a further 7.3 GW of potential in the planning system, it is important to note Page 6 of the Onshore Wind Policy Statement which states that "*Developments in the planning/consenting process have not yet been considered and given permission to proceed. Some of these projects will receive*

[4] https://www.gov.scot/publications/energy-statistics-for-scotland-q2-2023/pages/renewable-electricity-capacity/

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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". In addition, it is unreasonable to expect this planning pipeline capacity to all come forward at this scale, as many schemes may not attain consent or may become unviable.

2.4.6 Overall therefore, while progress has been made with respect to the deployment of onshore renewable energy in Scotland, there is still a way to go in reaching the targets. Notwithstanding this position, even if the target was to be achieved, the Scottish Government has made clear that their targets do not represent a cap on the installation of further renewable electricity capacity. It is clear therefore that there is still a requirement to deploy additional clean energy resource to meet our energy and climate change objectives and it is important the right development comes forward in the right places in order to achieve this. As detailed in the Development Plan chapter below, the proposed development does offer significant additional energy capacity without unduly compromising associated land use or the environment and as a result responds favourably to local and national planning policy.

2.5 Scottish Borders Climate Emergency

2.5.1 On 25 September 2020, SBC declared a climate emergency. In order to set out a clear plan of action to reduce emissions of greenhouse gases within the region, SBC approved its Climate Change Route Map on 17th June 2021. This sets a strategic direction for SBC and its partners and communities in the region, to move forward to a net zero emissions economy by 2045 in line with the national target set by the Scottish Government. The Climate Change Route Map defines a whole Borders collaborative approach to the achievement of SBC's net zero emissions target, within which the generation of renewable energy in place of the burning of fossil fuels will play a leading and significant role.

2.5.2 The Route Map recognises that "*renewable and low carbon energy will provide the foundation of Scotland's future energy system, offering the Scottish Borders opportunities for economic and industrial growth*" and sets a specific objective to "*support development of the whole renewables industry through its planning and economic policies*".

2.6 Responding to the Nature Crisis

2.6.1 As discussed further in chapter 3 below, National Planning Framework (NPF) 4, the Scottish Government's long-term spatial strategy and land-use policy attaches significant weight to not only the climate emergency, but also the nature crises.

2.6.2 In December 2022, the Scottish Government also published the draft Biodiversity Strategy to 2045: Tackling the Nature Emergency. In the Ministerial Forward, the Scottish Government recognise that "*just like climate change, the loss of species and degradation of our natural environment is an existential threat to humanity. And just like climate change, the action needed is both urgent and transformative. That's why the Scottish Government is clear that this is an emergency that requires an emergency response*".

2.6.3 'Tackling the Nature Emergency' sets out the compelling evidence of long-standing global and Scottish biodiversity loss and sets out national Government goals for biodiversity: to be Nature Positive, halting biodiversity loss by 2030 and to have restored and regenerated biodiversity across the country by 2045.

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2.6.4 A consultation paper on Scotland's Strategic Framework for Biodiversity was published on 7th September 2023 and in the Ministerial Foreword recognises "*we are in the midst of a biodiversity crisis*". The consultation seeks view on a range of topics including the Scottish Biodiversity Strategy, the associated first 5-year action plan and the proposed Natural Environment Bill, a key element of which will likely be the introduction of legally binding nature restoration targets.

2.6.5 A set out in section 3.5 below, we are still in a transient policy context with regard to biodiversity and the implementation of the associated NPF 4 policies. Notwithstanding this, the direction of travel is clear and NPF 4 and the associated national Government strategies discussed above are unequivocal in support for development which delivers overall biodiversity net gain.

2.6.6 As discussed in Section 3.5 below, the proposed development offers significant biodiversity enhancement across a range of habitats, including targeting over 70.92ha of degraded peatland for restoration. It is clear therefore that the proposed development responds favourably to the clear national strategy for biodiversity enhancement as a key instrument in responding to the recognised nature crises.

2.7 Overall Conclusions on the Need for The Development

2.7.1 The UK and Scottish Government renewable energy policy documents, and associated renewable energy and climate change targets, all provide considerable support in favour of renewable energy development, and in particular onshore wind.

2.7.2 Since 2019, the UK and Scottish Governments have acted on the stark warnings issued by the CCC who had stated that by 2030 it would be too late to limit global heating to 1.5 degrees. In light of the progress report by the CCC the Scottish Government has reformed climate change legislation and stated unequivocally that action has to be quick and decisive.

2.7.3 Owing to the enactment of climate change legislation and the clear recognition in the Scottish Government's policy programme of the climate emergency that we are in; the need case for the proposed development must be considered a strong material consideration of significant weight.

2.7.4 The annual generation from the proposed wind turbines, based on an anticipated 46.4% capacity factor, is estimated at approximately 509 gigawatt-hours (GWh). The proposed wind turbines will therefore supply renewable electricity equivalent to the approximate annual domestic needs of up to 145,256 average UK households .

2.7.5 Each unit of renewable electricity transmitted will displace a unit of conventionally generated electricity, therefore displacing carbon dioxide (CO_2) emissions. It is estimated that the proposed wind turbines will displace approximately 215,151 tonnes of CO_2 emissions per year, or 10,757,550 tonnes over the anticipated 50-year lifespan of the proposed development.

2.7.6 While it is recognised that the proposed development must be sustainable and that potential environmental effects must not demonstrably outweigh the potential benefits, it is clear that significant weight must be attributed in favour of the proposed development's contribution to Scotland's established climate emergency.

2.7.7 The applicant's commitment to wider investment in the locality also responds to wider Government aspiration to recognise not only the clean energy gains of onshore wind, but also the economic and social benefits. The proposed development has been designed and developed in order to provide a

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sustainable response to climate challenges, ultimately contributing to overall national and international aspirations to achieve a climate neutral society.

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3 The Development Plan

3.1 Introduction

3.1.1 The statutory Development Plan currently covering the site comprises the following:

- National Planning Framework 4 (NPF4) (adopted on the 13th February 2023);
- Scottish Borders Local Development Plan (LDP) (2016) (the 'adopted LDP'); and,
- Relevant Supplementary Guidance, in particular the Renewable Energy Supplementary Guidance (July 2018) and the Climate Change Route Map 2021.

3.1.2 The status of LDP2 is discussed further in Section 1.6 of this Planning Statement. To re-iterate, this Planning Statement assesses the proposed development against the adopted LDP, but also considers the policy provisions contained within LDP2 as this should be afforded significant weight in the determination process owing to it's status as a settled land use policy position within SBC and it's associated relationship with NPF4.

3.1.3 It should also be noted that following the adoption of LDP2, it is SBC's intention to adopt the existing Renewable Energy Supplementary Guidance (July 2018) as Supplementary Planning Guidance and as a result it will no longer have the status of the Development Plan. The Report of Examination recommends that this Guidance "*may be used to assist in the assessment of renewable energy proposals. However, as the national policy context within which these were prepared has now been superseded, some aspects of the guidance will no longer be applicable. These documents will be of less relevance on matters where there are inconsistencies with NPF4 and the adopted Local Development Plan.*". For the avoidance of doubt, the site lies within an 'Area for potential for wind farm development' in the Wind Energy Spatial Framework (Figure 6).

3.1.4 The recent adoption of NPF4 and the embedding of this policy framework as part of the statutory Development Plan, means that in the event of conflict between an LDP and NPF4, then the most recent policy position will prevail. This has been clarified most recently in the Chief Planner letter: 'Transitional arrangements for National Planning Framework 4 - February 2023' published on 8th February 2023, which states that, "*in the event of any incompatibility between a provision of NPF and a provision of a Local Development Plan, whichever of them is the later in date is to prevail*".[5]

3.1.5 This section of the Planning Statement demonstrates how the proposed development responds to the overarching vision of the Development Plan and the relevant policies contained therein.

3.1.6 It considers the key policy themes across the Development Plan (including NPF 4), LDP2 and associated Supplementary Guidance and considers the proposed development against this policy criteria. Where there is a tension in policy objective, this is clearly identified and the approach to assessment justified.

3.1.7 Table 3 - 1 below summarises the key planning policies which have been considered throughout this Planning Statement.

[5] Chief Planner letter: transitional arrangements for National Planning Framework 4 - February 2023

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Table 3-1 NPF 4 and LDP Policies

NPF4 Policy	Adopted LDP Policy	LDP2 Policy
1. Tackling the climate and nature crises 11. Energy Criterion e) of Policy 11 provides a list of impacts which must be addressed. An assessment of the following policies is therefore included within discussion of Policy 11. 3. Biodiversity 4. Natural places 5. Soils 6. Forestry, woodland, and trees 7. Historic assets and places 22. Flood risk and water management 25. Community wealth building 29. Rural Development	Policy PMD1 'Sustainability' Policy ED9 'Renewable Energy Development' Policy EP3 'Local Biodiversity' Policy EP5 'Special Landscape Areas' Policy EP7 'Listed Buildings' Policy EP8 'Archaeology' Policy EP2 'National Nature Conservation and Protected Species' Policy EP3 'Local Biodiversity' Policy ED10 'Protection of Prime Quality Agricultural Land and Carbon Rich Soils' Policy EP13 'Trees, Woodlands, and Hedgerows' Policy EP15 'Development affecting the water environment'. Policy IS 5 Protection of Access Routes Policy IS 6 Road Adoption Standards Policy IS8 'Flooding'.	Policy PMD1 'Sustainability' Policy ED9 'Renewable Energy Development' Policy EP3 'Local Biodiversity and Geodiversity' Policy EP5 'Special Landscape Areas' Policy EP7 'Listed Buildings' Policy EP8 'Historic Environment Assets and Scheduled Monuments' Policy EP2 'National Nature Conservation and Protected Species' Policy EP3 'Local Biodiversity' Policy ED10 'Protection of Prime Quality Agricultural Land and Carbon Rich Soils' Policy EP13 'Trees, Woodlands, and Hedgerows' Policy EP15 'Development affecting the water environment'. Policy IS 5 Protection of Access Routes Policy IS 6 Road Adoption Standards Policy IS8 'Flooding'.

3.2 Principle of Development

Policy Position

3.2.1 **NPF4 Policy 1 Tackling the Climate and Nature Crises** states that significant weight will be given to the global climate and nature crises in all development proposals. **NPF4 Policy 11 Energy** supports all forms of renewable, low-carbon and zero emissions development proposals. NPF4 also classes onshore electricity generation from renewables of over 50 MW as a 'national development'. As such the principle of development is clearly established through NPF4.

3.2.2 NPF4 Policy 11 outlines a series of criteria (b-f) which provide a framework to consider the appropriateness of energy development. This criteria is reflected in the associated LDP2 policy.

3.2.3 In terms of overall aims, Key Outcome 10 of the adopted LDP seeks to deliver the area's "*full potential for electricity and heat from renewable sources, in line with national climate change targets, giving due regard to relevant environmental, community and cumulative impact considerations*".

3.2.4 LDP2 further stresses the importance of supporting renewables development, stating that "*there is a continuing need to reduce private vehicular travel and greenhouse gas emissions as well as energy consumption and waste arisings; and to support renewable energy opportunities where possible*" [emphasis added]. Furthermore, in the context of seeking to grow the economy (Chapter 5), LDP recognises the "*economic benefits that renewable energy development can bring*". With respect to Chapter 8 in relation to Delivering Sustainability and Climate Change agenda, LDP2 also highlights that "*The need to mitigate the causes of climate change and the need to adapt to its short- and long-term impacts should be taken into account in all decisions within the planning process. The generation*

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of energy from renewable sources and low carbon technologies can help reduce dependence on fossil fuels and reduce the output of harmful emissions".

3.2.5 **Adopted LDP Policy PMD1 Sustainability** and **LDP2 Policy PMD1** state that in determining planning applications, SBC will apply a number of sustainability principles which underpin all other policies and which developers will be expected to incorporate into developments. The following key principles are directly relevant to the proposed development:

a) The long term sustainable use and management of land.

b) The preservation of air and water quality.

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

d) The protection of built and cultural resources.

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

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

3.2.6 **Adopted LDP Policy ED9** aims to support renewable energy, to guide development to appropriate locations and to advise on the factors to be taken into account in considering proposals. The policy framework is largely based around Scottish Planning Policy (SPP) and the associated spatial framework which is now superseded by NPF4. The Policy also states that "*renewable energy developments will be approved provided that there are no relevant unacceptable significant adverse impacts or effects that cannot be satisfactorily mitigated*". If there are judged to be relevant significant adverse impacts or effects that cannot be mitigated, the development will only be approved if SBC is satisfied that the wider economic, environment and other benefits of the proposal outweigh the potential damage arising from it. The policy outlines a series of criteria against which development proposals will be considered and these are addressed throughout the topic-specific sections of this Planning Statement.

3.2.7 **LDP2 Policy ED9 Renewable Energy Development** recognises that NPF4 seeks to encourage local development plans to realise their area's full potential for electricity and heat from renewable resources. In response LDP2 seeks to be "*proactive in supporting a diverse range of renewable energy types*" and references the SBC's Climate Change Route Map (2021) as an important tool in achieving this.

3.2.8 The aim of Policy ED9 is to support renewable energy, to guide development to appropriate locations, and to advise on the factors to be taken into account in considering proposals. Policy ED9 states clearly that *"development proposals for all forms of renewables, low-carbon and zero emissions technologies will be support*ed". This includes wind farms. Development proposals will be assessed in accordance with NPF4 Policy 11 paragraphs b) to f) and other relevant provisions of NPF4.

Policy Assessment

3.2.9 The principle of the proposed development is established in planning policy terms through NPF4 being defined as a national development and through the associated balance applied through Policy 11. Support can also be drawn from Policy 1 Tackling the Climate and Nature Crisis, as the proposed development will contribute directly to this objective through production of clean energy and a reduced reliance on fossil fuels. In this regard, the carbon balance assessment presented in **Chapter 14: Aviation, Radar and Other Issues (EIAR Volume 1)** is relevant.

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3.2.10 The policy principles established in NPF4 are reflected in LDP2 and as such the proposed development can also draw support from forthcoming policy.

3.2.11 The adopted Policy ED9 primarily relies on the spatial framework established in Supplementary Guidance, along with the now superseded Scottish Planning Policy (SPP) to identify areas where wind farm developments may be acceptable. While the weight of this spatial approach is diminished through the adopted of NPF4 (and the LDP2 Report of Examination), it did inform the early site selection and project feasibility phases. In this regard, it should be noted that the site lies within an 'Area for potential for wind farm development' in the Wind Energy Spatial Framework (Figure 6) Supplementary Guidance.

3.2.12 Overall, therefore, despite now being superseded, the spatial framework approach promoted as part of SPP and reflected in the LDP Supplementary Guidance did inform the site selection and design process and has led the applicant to pursuing a development solution in this locality where renewables development is broadly supported, in principle.

3.2.13 The move away from a spatial framework allows for more scope to make judgements on the suitability of a site for commercial scale wind energy development based on site specific assessment and examination based on a range of environmental and technical topics. This has been undertaken within the EIAR and demonstrates the site is suitable for development of this scale in line with NPF4 and LDP2.

3.2.14 Overall, based on the LDP2 as modified and NPF 4, the principle of the proposed development is acceptable in this location subject to detailed considerations relating to natural and cultural heritage, landscape, hydrology and water, and amenity. These matters are examined in detail below under the relevant topic headings.

3.3 Landscape and Visual Amenity

Policy Position

3.3.1 **NPF4 Policy 4 Natural Places** states that development affecting a designated landscape area 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 adverse effects are outweighed by social, environmental or economic benefits of at least local importance. **Policy 11 Energy** highlights that landscape and visual 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 acceptable. **LDP2 Policy ED9 Renewable Energy Development** reflects the policy intent outlined in Policy 11 of NPF4.

3.3.2 **Adopted LDP Policy EP5 Special Landscape Areas**[6] (SLAs) and **LDP2 Policy EP5** aim to ensure that local areas of identified landscape quality are afforded adequate protection against inappropriate development and the potential maintenance and enhancement of the SLA is provided for. Specifically, the policy is clear that proposals that have a significant adverse impact will only be permitted where the landscape impact is clearly outweighed by social, environmental or economic benefits of national or local importance.

[6] Note Special Landscape Areas are referenced throughout this Planning Statement as 'Local Landscape Areas' as per the designation established by Nature Scot: https://www.nature.scot/professional-advice/protected-areas-and-species/protected-areas/local-designations/local-landscape-areas

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3.3.3 **Adopted LDP Policy ED9** requires appropriate consideration of landscape and visual impacts using the Landscape Capacity and Cumulative Impact (July 2013) as a starting point for a proposal. The following Landscape Capacity Studies are also considered material to the assessment of landscape and visual effects associated with the proposed development:

- Scottish Borders Council's Supplementary Guidance (SPG) on Renewable Energy (2018);
- Midlothian Council's 'Landscape Capacity Study for Wind Turbine Development in Midlothian' (2007); and,
- East Lothian Council's Landscape Capacity Study for Wind Turbine Development in East Lothian (2005).

3.3.4 Note that effects on the Upper Tweedale National Scenic Area (NSA) are scoped out of the EIA and as such adopted LDP Policy EP4 National Scenic Areas and the LDP2 equivalent are not considered further in this Planning Statement.

3.3.5 **Adopted LDP Policy HD3 Protection of Residential Amenity** and **LDP2 Policy HD3** state that development that is judged to have an adverse impact on the amenity of existing or proposed residential areas will not be permitted. Key criteria for consideration with respect to the proposed development comprises: the generation of traffic or noise and the level of visual impact.

Policy Assessment

3.3.6 **Chapter 6 Landscape and Visual Assessment (EIAR Volume 1)** considers the likely significant landscape and visual effects associated with the construction and operation of the proposed development. **Chapter 2: Design Evolution and Alternatives (EIAR Volume 1)** details the design process which has been undertaken in order to arrive at the proposed layout, with due consideration of landscape and visual effects.

3.3.7 It is recognised that construction activities will not give rise to significant landscape character or visual effects over and above those of the operational site. The primary effects arising will be from the wind turbines and this assessment therefore focusses on the operational effects and this forms the basis of this policy consideration.

3.3.8 It is accepted practice within landscape and visual assessment work that the extent of the study area for a development proposal is broadly defined by the visual envelope of the proposed development and the anticipated extent of visibility arising from the development itself, based on the Zone of Theoretical Visibility (ZTV) study. In this case a study area of 45 km from the proposed wind turbines has been deemed as being appropriate to cover all potentially material landscape and visual impacts. Consideration of landscape and visual effects are considered separately below.

Potential Landscape Effects

3.3.9 There are a number of landscape designations within the study area and this site itself forms part of the Lammermuir Hills Local Landscape Area (LLA). This was established through the SBC Supplementary Planning Guidance for Local Landscape Designations (August 2012).

3.3.10 The landscape assessment acknowledges that the proposed development is likely to become the dominant characteristic of the landscape within the site, particularly in the valleys where the sense of being located within a wind farm will be created. Due to the proximity of the existing Fallago Rig Wind Farm to the north-east, which already influences landscape character, effects from the proposed development will be reduced in this direction. Beyond these areas and up to approximately 5 km from

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the proposed development, it will become one of the key characteristics, giving the sense of being near a wind farm. As a result, whilst there will be localised large scale effects on the host Landscape Character Type, LCT90 – Dissected Plateau Moorland (incorporating the Lammermuir Hills SLA (LLA6)), no significant effects are identified on wider landscape character, including with due consideration of cumulative effects.

3.3.11 LLA6 is noted to include the open moorland of the main Lammermuir Plateau, from Lauderdale in the west to Abbey St Bathans in the east. It includes the Lammermuir plateau, the upper Whiteadder, Dirrington Laws and the fringes of upper Lauderdale. The designation statement lists the remote, wild qualities of the LLA, despite its managed nature, and highlights the openness which lend scenic value. It should be noted however, wind farms are listed as being prominent within the LLA and a force for change at present include: Dun Law I & II, Fallago Rig, Crystal Rig I, II & IV and Aikengall IIa wind farms are located within this LLA.

3.3.12 While significant effects on the LLA are identified through the EIA process, it is highlighted that the designation already facilitates renewable energy development and as such it is clear that the designation itself does not necessarily preclude development of an appropriate scale and nature.

3.3.13 This approach is further emphasised by NPF4 Policy 4 states that development proposal that affect a site designated as a local nature conservation site or landscape can be supported where:

- Development will not have significant adverse effects on the integrity of the area or the qualities for which it has been identified; or,
- Any significant adverse effects on the integrity of the area are clearly outweighed by social, environmental or economic benefits of at least local importance.

3.3.14 As detailed in chapter 2 of this Planning Statement , the proposed development is considered to be of national significance and the associated benefits discussed through EIA, particular in terms of the response to the current climate emergency and nature crisis can be deemed to be beyond local importance.

3.3.15 Overall, given the detailed site selection process, design considerations and mitigation measures proposed, it is clear that the applicant has made every effort to avoid significant effects on landscape character. While the effects on LLA6 are recognised, these are localised and on balance, it is considered that the proposed development accords with NPF4 and the associated LDP2 policy aspirations when considered as a whole.

Potential Visual Effects

3.3.16 The visual assessment is based around a number of key visual receptors comprising:

- 14 visual receptor groups (representing the different groups of peoples who may experience views of the development;
- Road and rail routes;
- Long distance walking routes;
- National, regional and local cycle routes; and,
- Specific viewpoints identified on OS Maps as being within the Zone of Visual Influence (ZVI).

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3.3.17 Onshore wind turbines of over 150m in height also require mandatory visible spectrum aviation lighting. A night time assessment of visible aviation lighting has also been undertaken, however no significant effects have been identified, either on a development-specific basis, or in terms of cumulative impact.

3.3.18 The outcome of the visual assessment determines that of the 14 visual receptor groups identified only the 'Lammermuir Hills around the site' group, is considered to be significantly impacted. In terms of cumulative effects, 2 visual receptor groups are considered to be significantly affected: 'Lammermuir Hills around the site' and 'Landscape and settlements along the A68 and A697 corridors'.

3.3.19 The only significant effects on recreational routes comprise impacts on the Southern Upland Way, when considered cumulatively with surrounding development.

3.3.20 Significant visual effects will also be present on the designated Lammermuir Hills Local Landscape Area (LLA6).

3.3.21 A specific assessment on residential amenity has also been considered through a specific residential visual amenity assessment (RVAA), whereby a total of 17 residential properties within the 2.5 km study area were considered. Of these properties, all but five have potential visibility of the proposed development and have been assessed in detail in the RVAA. The assessment concludes that for all of the properties within the RVAA study area the Residential Visual Amenity threshold will not be reached, and the effects will not be sufficiently "oppressive" or "overbearing" that any property will be rendered an unattractive place in which to live.

3.3.22 NPF4 Policy 11 e) states that landscape and visual impacts are to be expected for some forms of renewable energy. The policy also states that "*where impacts are localised and/ or appropriate design mitigation has been applied, they will generally be considered to be acceptable*".

3.3.23 As concluded through the EIAR and as specifically detailed in **Chapter 2: Design Evolution and Alternatives (EIAR Volume 1)**, the scale and form of the proposed development has been refined through a detailed and strategic design process to extract the maximum advantages in terms of carbon saving, clean energy production and local economic benefit. At the same time the proposed development has sought to minimise landscape and visual effects and it is clear that these have been localised as far as possible.

3.3.24 In addition to the policy assessment criteria established in Policy 11 (e) and critical in the consideration of the proposed development is the decision-making advice which states "*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*".

3.3.25 In this regard, the proposed development would make a valuable contribution to the achievement of the UK and Scottish Government 'whole system' targets to decarbonise energy consumption by increasing the zero-carbon energy yield. The proposed development provides a significant contribution to the provision of clean energy an equivalent increase in CO_2 reduction, making a valuable contribution to the Scottish Government's targets. This is considered particularly relevant in the context of the current Climate Emergency.

3.3.26 The proposed development extracts the maximum benefit from the site in line with the aspirations of NPF4 and has minimal impacts on the surrounding environment or landscape. Overall therefore, the proposed development can draw strong and significant support from NPF4 and LDP2. While the spatial strategy approach outlined in the adopted LDP is largely superseded with the implementation

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of NPF4, it is not considered that the proposed development conflicts with the overall aspirations of the associated policy framework established in the development plan.

3.4 Cultural Heritage

Policy Position

3.4.1 **NPF4 Policy 7 Historic Assets and Places** states that proposals with a potentially significant impact on historic assets or places will be accompanied by a cultural heritage assessment which should identify the likely visual or physical impact of any proposals for change, including cumulative effects and provide a sound basis for managing the impacts of change. Part (h) of this policy specifically references scheduled monuments, highlighting: "*Development proposals affecting scheduled monuments will only be supported where:*

i. direct impacts on the scheduled monument are avoided;

ii. significant adverse impacts on the integrity of the setting of a scheduled monument are avoided; or,

iii. exceptional circumstances have been demonstrated to justify the impact on a scheduled monument and its setting and impacts on the monument or its setting have been minimised".

3.4.2 The policy also provides policy advice in relation to specific heritage assets. **NPF4 Policy 11 Energy** states that the project design and mitigation of energy projects should demonstrate how impacts on the historic environment have been considered. **LDP2 Policy ED9 Renewable Energy Development** reflects the policy intent outlined in Policy 11 of NPF4.

3.4.3 **Adopted LDP Policy EP7 Listed Buildings** and **LDP2 Policy EP7** seek to support development proposals that conserve, protect, and enhance the character, integrity and setting of Listed Buildings.

3.4.4 **Adopted LDP Policy EP8 Archaeology** and **LDP2 LDP Policy EP8 Historic Environment Assets and Scheduled Monuments** seek to protect national archaeological sites, battlefields and regional or local historic environment assets. Development proposals which would destroy or adversely affect he appearance, fabric or setting of Scheduled Monuments will not be permitted unless the development offers substantial benefits and there are no reasonable alternatives.

Policy Assessment

3.4.5 **Chapter 7: Cultural Heritage and Archaeology (EIAR Volume 1)** assesses the potential effects of the construction and operation of the proposed development on heritage assets within this site and surrounding area.

3.4.6 The assessment has included consideration of all known designated and non-designated heritage assets within the site, all nationally significant heritage assets within 10 km of the wind turbines that fall within the Zone of Theoretical Visibility model (ZTV), and further nationally significant heritage assets beyond 10 km of the wind turbines identified in consultation with statutory consultees or by the assessment as having a setting sensitive to change to the distant landscape.

3.4.7 The historic development of the site and study area are discussed in the context of the wider region in order to predict the direct impact on any known or potential unknown archaeological remains within the site and indirect impacts on assets within the site and study area as appropriate. Measures

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necessary to safeguard or record any assets potentially affected by the proposed development are suggested.

3.4.8 There are two designated assets located within the site, comprising the following Schedule Monuments: Glenburnie, Fort (SM4473) and Longcroft Hill, Homestead (SM4480). A buffer of 500m around these assets has been embedded into the design to ensure that no direct physical impacts would occur.

3.4.9 Further to the application of mitigation, primarily in the form of an archaeological watching brief, moderate indirect impacts have been identified with regard to the following Scheduled Monuments:

- Addinston, Fort (SM362);
- Longcroft, Fort (SM372); and,
- Longcroft Hill, Homestead, (SM4480).

3.4.10 Moderate/Major indirect impact has been identified with regard to the following Scheduled Monument:

- Glenburnie, Fort (SM4473) Scheduled Monument.

3.4.11 These impacts are primarily related to the potential of reducing the ability to experience the inter-relationship between these assets, as together they contribute to the contextual characteristics of their significance as they enhance the understanding of the Iron Age landscape and the people that occupied this area's economy and society.

3.4.12 With due consideration of NPF4 Policy 7, it is clear that direct impact on Scheduled Monuments has been avoided as part of the proposed development. While significant indirect effects on 4 assets have been identified, it is clearly demonstrated through **Chapter 2: Design Evolution and Alternatives (EIAR Volume 1)** that the impact on these assets has been minimised as far as possible through design, informed by advice by Historic Environment Scotland (HES). This is explicitly highlighted in the reduction in number, and relocation of wind turbines away from these assets.

3.4.13 With regard to the consideration of 'exceptional circumstances' referenced in NPF4, it is clear that the climate emergency and national energy and carbon reduction targets should be afforded significant weight in the consideration of this definition. In this case in particular, given the significant contribution to clean energy provided by the proposed development, the relatively few adverse effects identified through the EIA process and the clear and strategic design iteration process which has minimised effects on key assets, it is considered on balance, that the over-riding need is justified and 'exceptional circumstances' have been demonstrated.

3.4.14 We would highlight Scottish Ministers recent decision on the erection of six wind turbines on Faray, Orkney (Planning reference: 21/240/TPPMAJ, Scottish Government Reference: CIN-330-001) which, in relation to an identified impact on the integrity of the setting of a schedule monument concludes, "*that the climate emergency, national energy and carbon reduction targets and the indirectly related needs case for an interconnector collectively represent sufficiently exceptional circumstances and imperative reasons of over-riding public need to justify this adverse effect*".

3.4.15 As a result of this and despite the recognised impacts, the proposed development is still deemed to accord with the Development Plan and associated LDP2 policy aspiration.

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3.5 Ecology

Policy Position

3.5.1 **NPF4 Policy 1 Tackling the Climate and Nature Crisis** recognises the global nature crisis and seeks to encourage, promote and facilitate development that addresses both the nature crises and climate emergency. Specifically, the policy states that in considering all development proposals "*significant weight will be given to the global climate and nature crisis*".

3.5.2 **NPF4 Policy 3** seeks to protect biodiversity, reverse biodiversity loss, deliver positive effects from development and strengthen nature networks. Section b) of the policy is of particular relevance, stating: "*Development proposals for national or major development, or for development that requires an Environmental Impact Assessment will only be supported where it can be demonstrated that the proposal will conserve, restore and enhance biodiversity, including nature networks so they are in a demonstrably better state than without intervention*".

3.5.3 **NPF4 Policy 4 Natural Places** confirms that development proposals which by virtue of type, location or scale will have an unacceptable impact on the natural environment, will not be supported. The Policy also seeks to ensure that development proposals that are likely to have an adverse effect on species protected by legislation will only be supported where the proposals meet the relevant statutory tests. **NPF4 Policy 11 Energy** states that the project design and mitigation of energy projects should demonstrate how impacts on biodiversity are addressed.

3.5.4 **LDP2 Policy ED9 Renewable Energy Development** reflects the policy intent outlined in Policy 11 of NPF4 and **adopted Policy ED9** lays out the criteria to which renewable energy development will be considered.

3.5.5 The River Tweed Special Area of Conservation (SAC) is located within the site. **Adopted LDP2 Policy EP1 International Nature Conservation Sites and Protected Species** and **LDP2 Policy EP1** state that Development proposals which will have a likely significant effect on a designated or proposed European site, which includes all Ramsar sites, are only permissible where an appropriate assessment has demonstrated that it will not adversely affect the integrity of the site.

3.5.6 The River Tweed Site of Special Scientific Interest (SSSI) is located within the site. **Adopted LDP Policy EP2 National Nature Conservation Sites and Protected Species** highlights that Development proposals which are likely to have a significant adverse effect on these assets will not be permitted unless the development will not adversely affect the integrity of the site, and the development offers substantial benefits. **LDP 2 Policy EP2** reflects this broad aspiration.

3.5.7 **Adopted Policy EP3: Local Biodiversity and LDP 2 Policy EP3: Local Biodiversity and Geodiversity** states that Development that would have an unacceptable adverse effect on Borders Notable Species and Habitats of Conservation Concern will be refused unless it can be demonstrated that the public benefits of the development clearly outweigh the value of the habitat for biodiversity conservation.

3.5.8 **LDP2 Policy EP13 Trees, Woodlands and Hedgerows** determines that SBC will refuse development that would cause the loss of or serious damage to the woodland resource unless the public benefits of the development clearly outweigh the loss of landscape, ecological, recreational, historical or shelter value.

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3.5.9 **Chapter 8: Terrestrial Ecology (EIAR Volume 1)** considers the current non-avian (excluding birds), nature conservation interest of the site and surrounding area. It goes on to assess the likely significant effects of the proposed development on important habitats and species and, where necessary, to describe proposed mitigation, compensation and enhancement measures. The assessment is supported by a series of field surveys including: habitat surveys, protected, priority and notable mammal species surveys, bat surveys and fish surveys.

3.5.10 As previously discussed, the site incorporates the River Tweed SSSI and SAC, which is designated for otter, Atlantic salmon, brook lamprey, river lamprey and sea and sea lamprey.

3.5.11 As detailed in **Chapter 2: Design Evolution and Alternatives (EIAR Volume 1)**, the layout of the proposed development has been designed to avoid areas of deeper peat as much as possible and this has reduced the habitat loss of more sensitive higher quality habitats such as blanket bog. With respect to wider ecology, a number of further embedded design mitigation measures have been applied, for example:

- The access track layout has been designed in order to maximise the use and upgrade of existing tracks as far as reasonably practicable. Where the levels of peat exceed 1 m in depth, adoption of floating access tracks will minimise disturbance of peat, where appropriate.
- New watercourse crossings have been avoided in the design of the access track layout as far as possible; however, there are 7 new watercourse crossings (5 existing track crossings) required for the proposed development.
- The layout has been designed to avoid areas of Annex 1 and priority habitat, including a 30m buffer where possible and relocation of wind turbines and infrastructure, in so far as possible, to avoid any impact on these areas. 8 small sections of access track remain that will account for a direct footprint of approximately 10m^2 < and indirect footprint of approximately 10m^2 considering the 30m buffer (as per NatureScot guidance).
- Following guidance outlined by (NatureScot, 2021)[7] calculations on the buffer size between wind turbine blade tip and the nearest woodland were estimated to be 95 m. This buffer should be maintained around the wind turbine locations.
- A 100 m micrositing tolerance for wind turbines and all other infrastructure would be applied to the proposed development enabling impacts on higher quality areas of habitat to be reduced or avoided.

3.5.12 Further mitigation is proposed in the form of a Construction and Environmental Management Plan (CEMP) which will provide full detail of good practice measures to be adopted during construction.

3.5.13 The proposed development footprint has avoided impact on woodland/forestry.

3.5.14 In terms of protected species, assessment has been carried out on bats and fish habitats. The only operational phase ecological impact identified was collision risk to bats and it is envisaged that this would be mitigated by preventing the wind turbine blades from turning when they are not operational at low wind speeds.

[7] 4 NatureScot. 2021. Bats and onshore wind turbines – survey, assessment and mitigation: https://www.nature.scot/doc/bats-and-onshorewind-turbines-survey-assessment-and-mitigation

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3.5.15 Table 8.8 of Chapter 8 details the predicted habitat loss of greater than local value. Five high sensitivity (EU Habitats Directive Annex 1) habitats would be affected by the proposed development: blanket bog (priority and non-priority peatland), wet heath/ blanket bog (priority and non-priority peatland) and marshy grassland (purple moor grass). In summary:

- Total loss of blanket bog (peat > 50 cm) is 1.62 ha;
- Total loss of peatland vegetation on carbon rich soil (peat < 50 cm) and other wetland (purple moor grass and rush pasture) is: 18.24 ha;
- Total loss of open dry habitats (grassland and heath) is: 30.34 ha;
- The loss of rivers and streams (natural stream bed only) in a worst-case scenario is estimated at: (<0.001 ha) 28 m^2; and,
- Loss (direct and indirect) of habitats of less than local value includes bracken (4.54 / 0.99 ha) largely due to borrow pits, other neutral grassland (0.64 / 0.74 ha), modified grassland (0.59 / 0.88 ha) and arable land (8.77 / 0.32 ha) due to off-site facilities, direct/ indirect loss. In total: 17.47 ha.

3.5.16 Overall, this is considered to be a relatively low impact given the scale and nature of the proposed development. Notwithstanding this, **Technical Appendix 8.6: Outline Biodiversity Enhancement and Restoration Plan (BERP) (EIAR Volume 3a)** details the biodiversity enhancement measures which the applicant is committed to for the following relevant features:

- Juniper;
- Wild pansy;
- Rock rose;
- Northern brown argus;
- Upland acid grassland;
- Upland calcareous grassland;
- Upland birchwoods;
- Upland dry heath;
- Blanket bog (priority and non-priority);
- Wet heath/blanket bog (priority and non-priority peatland);
- Purple moor grass and rush pasture;
- Rivers and streams (qualifying feature of River Tweed SAC);
- Otter (qualifying feature of River Tweed SAC);
- Mountain hare;
- Bats; and,
- Fish including Atlantic salmon and lamprey (qualifying features of River Tweed SAC).

3.5.17 Biodiversity enhancement will also include targeting around 70.92ha of degraded peatland restoration.

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3.5.18 In light of the robust design evolution process and with due consideration of the associated mitigation applied, there are not likely to be any significant impacts on ecology or protected species resulting from the proposed development.

3.5.19 The applicant recognises the fundamental importance of the growing nature crises as highlighted in NPF4 and appreciates the renewed policy emphasis which requires (Policy 3) that "*significant biodiversity enhancements are provided, in addition to any proposed mitigation*".

3.5.20 It should be noted that the Onshore Wind: Position Statement (OWPS) 2022 notes in Section 3.5 that the Scottish Government has consulted on a draft Scottish Biodiversity Strategy which sets out the evidence of biodiversity loss, and its links to climate change, alongside Ministers' high-level goals for biodiversity in Scotland: "*to halt biodiversity loss by 2030 and substantially restore biodiversity by 2045*". The new strategic framework for biodiversity, incorporating the Strategy to 2045 and Delivery Plan, is expected to be published in 2023 and as a result we are in a transitional phase in terms of the true implementation of Policy 3. This matter is confirmed in the Chief Planner Letter: Transitional Arrangements for NPF4 (February 2023) which states, "*we are committed to developing guidance to accompany wider NPF4 policy 3, and – recognising that currently there is no single accepted methodology for calculating and / or measuring biodiversity 'enhancement'*".

3.5.21 While this transient policy context should be considered with respect to the weight applied to Policy 3, it is highlighted that the habitat improvements to be delivered through the proposed development already demonstrate significant biodiversity enhancement. Overall, while the proposed development responds favourably to the provisions of Policy 3 of NPF4 as it stands, the applicant is committed to implementing habitat enhancement to further respond to the fundamental objective of NPF4 to tackle the climate emergency and nature crisis.

3.5.22 The proposed development is therefore considered to respond favourable to national and local Development Plan policy in relation to ecology and habitat.

3.6 Ornithology

Policy Position

3.6.1 **NPF 4 Policy 4 Natural Places** confirms that are likely to have an adverse effect on species protected by legislation will only be supported where the relevant statutory tests are met, stating "*The level of protection required by legislation must be factored into the planning and design of development, and potential impacts must be fully considered prior to the determination of any application*". **NPF4 Policy 11 Energy** states that the project design and mitigation of energy projects should demonstrate how impacts on birds are addressed.

3.6.2 **LDP2 Policy ED9 Renewable Energy Development** reflects the policy intent outlined in Policy 11 of NPF 4 and **adopted LDP Policy ED9** lays out the criteria to which renewable energy development will be considered, including consideration of natural heritage (including birds).

3.6.3 The aspirations of **adopted LDP Policy EP1 International Nature Conservation Sites and Protected Species** and **LDP 2 Policy EP1** as discussed in Section 3.5 above are also of relevance.

Policy Assessment

3.6.4 **Chapter 9: Ornithology (EIAR Volume 1)** considers the likely significant effects on ornithology associated with the construction and operation of the proposed development.

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3.6.5 A comprehensive range of bird surveys have been undertaken at the site between September 2021 and August 2023. This has included surveys over two full breeding seasons (2022 and 2023) and two winter periods (2021-22 and 2022-23). These surveys comprised:

- Year-round vantage point (VP) surveys to quantify bird flight activity;
- Breeding bird walkover mapping survey;
- Species-specific breeding bird surveys; and,
- Autumn / Winter walkover surveys.

3.6.6 There are two statutory designated nature conservation sites in the search area around the proposed development (5 km for nationally important SSSIs and 20 km for internationally important European Protected SPA and Ramsar Sites. These comprise:

- Fala Flow SPA/Ramsar/SSSI – 7.9 km north-west - designated for its internationally important wintering population of pink-footed geese. Blanket bog habitat is also a key feature of the SSSI.
- Greenlaw Moor SPA/Ramsar/SSSI – 16 km south-east - designated for its internationally important wintering population of pink-footed geese. The SSSI is also notified for its breeding bird assemblage (including golden plover, red grouse, short eared owl and black grouse), and active raised bog habitat.

3.6.7 The key issues for the assessment of potential ornithological effects relating to the proposed development are as follows:

- Direct loss of bird habitat through construction of the new access track;
- Disturbance of birds during construction and operation; and
- Collision risk to birds during operation.

3.6.8 The applicant has committed to a number of mitigation measures relating to potential effects on ornithology, including the production of a CEMP to the satisfaction of NatureScot and other relevant stakeholders, before construction commences. An outline CEMP is included as **Technical Appendix 3.1 (EIAR Volume 3a**).

3.6.9 A Breeding Bird Protection Plan (BBPP) and a Biodiversity Enhancement and Restoration Plan (BERP) will also be adopted and an Environmental Clerk of Works (ECoW) will be appointed to monitor the implementation of these.

3.6.10 The residual ornithological effects of the proposed development will be a non-significant with respect to the loss of a small amount of upland moorland habitat and a non-significant risk of disturbance and collision. Using evidence from existing wind farms, it is considered unlikely that there will be any long-term impact on the integrity of the study area's ornithological features, or the conservation status of the species found here. This includes the protected species associated with the Fala Flow and Greenlaw Moor designated sites.

3.6.11 The proposed development is considered to be in accordance with the relevant polices of the Development Plan as referenced above.

3.7 Geology, Hydrology and Hydrogeology

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Policy Position

3.7.1 **NPF4 Policy 11 Energy** states that the project design and mitigation of energy projects should demonstrate how impacts on hydrology, the water environment and flood risk are addressed. **Policy 22 Flood Risk and the Water Environment** aims to strengthen resilience to flood risk by promoting avoidance as a first principle and reducing the vulnerability of existing and future development to flooding.

3.7.2 **LDP2 Policy ED9 Renewable Energy Development** reflects the policy intent outlined in Policy 11 of NPF4 and **adopted Policy ED9** lays out the criteria to which renewable energy development will be considered.

3.7.3 **Adopted LDP Policy IS8 Flooding** determines that at all times, avoidance will be the first principle of managing flood risk. **LDP2 Policy IS8** reflect the primary policy framework laid out in Policy 22 of NPF4.

3.7.4 **Adopted LDP Policy EP15 Development Affecting the Water Environment** and **LDP2 Policy EP15** states that development proposals that seek to bring improvement to the quality of the water environment will be supported. Where a proposal would result in a significant adverse effect on the water environment through impact on its natural or physical characteristics, or its use for recreation or existing river engineering works, it will be refused.

3.7.5 **NPF4 Policy 5 Soils** demands that development proposals are design and constructed "*in accordance with the mitigation hierarchy by first avoiding and then minimising the amount of disturbance to soils on undeveloped land; and, in a manner that protects soil from damage including from compaction and erosion, and that minimises soil sealing*". Furthermore, development on peatland, carbon-rich soils and priority habitat will only be supported under limited circumstances, including: "*the generation of energy from renewable sources that optimises the contribution of the area to greenhouse gas emissions reduction targets*".

3.7.6 **Adopted LDP Policy ED10: Protection of Prime Quality Agricultural Land and Carbon Rich Soils** and **LDP2 Policy ED10** state that development, except proposals for renewable energy development, which results in the permanent loss of prime agricultural land, land of lesser quality that is culturally or locally important for primary use, or significant carbon rich soil reserves, particularly peat, will not be permitted, unless: a) the site is otherwise allocated within this local plan b) the development meets an established need and no other site is available c) the development is small scale and related to a rural business.

Policy Assessment

3.7.7 **Chapter 10: Geology, Hydrology and Hydrogeology (EIAR Volume 1)** considers the impacts of the proposed development with regard to geological, hydrological and hydrogeological, resources, including peat. This includes potential impacts on surface watercourses, groundwater, water abstractions, designated receptors and flood risk within the local area.

3.7.8 A Phase I peat depth survey was carried out in February 2023. This showed some areas of localised peat located across the site. To address the scoping response from SEPA, a phase II peat depth survey was completed in July-August 2023. This undertook targeted probing at proposed infrastructure locations which were in, or adjacent to areas which had been identified as having peat soils (>0.5 m) or where ecology data indicated potential peatland habitat, to delineate the extent of identified peat deposits across the site. **Figure 10.5 (EIAR Volume 2a)** shows that much of the site is absent from

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peat with localised deposit found in the north and east of the site. The design of the proposed development has ensured that areas of peat greater than 1 m have been avoided.

3.7.9 Chapter 10 of the EIAR also considers potential effects associated with flood risk, potential impacts on groundwater, private water supplies and public water supplies, as well as Ground Water Dependant Terrestrial Ecosystems (GWDTEs).

3.7.10 Subject to the implementation of good practice, primarily in the form of the adoption and implementation of an appropriate CEMP, no significant effects on the water environment or soils have been identified through the EIA process.

3.7.11 The EIAR is clear in demonstrating that the design proposed development has considered effects on the water environment from the outset. Furthermore, sensitive soils have been avoided in the first instance in line with the mitigation hierarchy outlined in Policy 5 of NPF4.

3.7.12 Given the scale of the proposed development and the significant contribution to clean energy provision, the minimal effects on the water environment, geology and soils highlights the robust and coordinated site selection and design iteration process.

3.8 Traffic, Transport and Access

Policy Position

3.8.1 **NPF4 Policy 11 Energy** states that the project design and mitigation of energy projects should demonstrate how impacts on impacts on road traffic and on adjacent trunk roads, including during construction, are addressed.

3.8.2 **LDP 2 Policy ED9 Renewable Energy Development** reflects the policy intent outlined in Policy 11 of NPF4 and **adopted LDP Policy ED9** lays out the criteria to which renewable energy development will be considered, including potential traffic and transport effects.

3.8.3 **Adopted LDP Policy IS5 Protection of Access Routes** and **LDP2 Policy IS5** state that Development that would have an adverse impact upon an access route available to the public will not be permitted unless a suitable diversion or appropriate alternative route, as agreed by SBC, can be provided by the developer. **Adopted LDP Policy IS6 Road Adoption Standards** and **LDP 2 Policy IS6** seeks to ensure that new roads, footpaths and cycleways within developments must be designed and constructed in accordance with SBC's adopted standards to secure Road Construction Consent, with the exception of development which can be served by a private access. Given the site will be serviced by a private access ,this policy is not considered further.

Policy Assessment

3.8.4 **Chapter 11: Transport and Traffic (EIA Volume 1)** has considered the traffic and transport impacts associated with the proposed development.

3.8.5 Access to the existing site area is taken from the D-Class Road, D124 which runs from its junction with the A697 to the south of Cleekhimin Bridge near Carfraemill. The road is a single carriageway road of varying width and approximately 1.77km in length. There are passing places located on the road, of varying standards. The road is maintained by SBC.

3.8.6 A review of SBC's Core Path network and the ScotWays Maps enclosed in the Scoping Response indicates that there are two Core Paths within the vicinity of the site: Core Path 194, located north-

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west of the site and Core Path 16, which runs through the eastern section of the site in a north-south direction. These are also recorded as Public Right of Ways (PRoWs) as BE/BE9/1 and BE/BE11/1, respectively, on the maps provided by ScotWays. A review of the Scottish Borders Oxton Longcroft Area map provided by SBC in the Scoping Response shows a number of "*other*" paths which are located within, and in the immediate vicinity of, the site boundary including OXCH/LMC/269/0007/1, OXCH/FG0/1, OXCH/FGO/2, OXCH/FGO/3, CREL/FGO/4, CREL/FGO/5, OXCH/FGO/4, CREL/FGO/6 and CREL/FGO/3.

3.8.7 There are limited pedestrian facilities in the immediate vicinity of the site, reflecting its rural nature. Those areas where pedestrian facilities are located are detailed below:

- There is a pedestrian footway on the southern side of the A697 at Carfraemill, running from the A68 Carfraemill Roundabout, for a distance of approximately 470 m; and,
- There is a pedestrian footway on the eastern side of the A68 at Carfraemill, running from the A68 Carfraemill Roundabout, for a distance of approximately 140 m.

3.8.8 Further away from the proposed development in the wider study area, there are pedestrian facilities within the larger settlements, including Lauder and Pathhead, where there are footways on one side or both sides of the carriageway. In addition, there are dedicated signal-controlled crossing points for pedestrians in both settlements.

3.8.9 The peak of construction activity is expected to occur in Month 8, when there will be 100 two-way HGV movements and 72 cars / LGV movements. These figures on average indicate approximately eight HGVs arriving and departing the site every hour during a typical 12-hour work day, during the peak period of construction activity.

3.8.10 A number of mitigation measures are proposed to minimise potential traffic and transport effects, these include:

- The implementation of an appropriate Construction Traffic Management Plan;
- Where necessary, an agreement to cover the cost of abnormal wear and tear on the public road network
- An Abnormal Indivisible Load (AIL) Transport Management Plan;
- Public information communications;
- The implementation of convoy system during construction.

3.8.11 No potential operational traffic and transport issues have been identified.

3.8.12 In terms of impact on outdoor access during construction, consideration has been given to pedestrians, cyclists and horse riders alike due to potential interactions between construction traffic and users of the paths. Users of the Core Paths / PRoWs / Paths will be separated from construction traffic through the use of barriers and other features to be approved in discussion with SBC. Crossing points would be provided where required, with path users having right of way. Appropriate provision has also been made for horse riders.

3.8.13 An outline Outdoor Access Management Plan (OAMP) is presented in **Technical Appendix 3.4 (EIAR Volume 3a)**. Overall it is determined through the EIA process that there will be no long-lasting

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detrimental transport or access issues are associated with the construction or operational phases of the proposed development.

3.8.14 The proposed development has considered traffic and transport impacts throughout the design of the development to ensure no significant effects from a traffic, transport or outdoor access perspective are predicted. The proposed development is therefore considered to be commensurate with the associated policy framework discussed above.

3.9 Noise and Amenity

Policy Position

3.9.1 **NPF4 Policy 11 Energy** requires that project and design and mitigation should demonstrate how impacts on communities and individual dwellings, including residential amenity, visual impacts, noise and shadow flicker are addressed.

3.9.2 **LDP2 Policy ED9 Renewable Energy Development** reflects the policy intent outlined in Policy 11 of NPF 4 and **adopted LDP Policy ED9** lays out the criteria to which renewable energy development will be considered, including potential impacts on communities and residential dwellings.

3.9.3 **Adopted LDP Policy HD3 Protection of Residential Amenity** and **LDP2 Policy HD3** state that development that is judged to have an adverse impact on the amenity of existing or proposed residential areas will not be permitted. Key criteria for consideration with respect to the proposed development comprises: the generation of traffic or noise and the level of visual impact.

Policy Assessment

3.9.4 **Chapter 12: Acoustic Assessment (EIAR Volume 1)** considers the potential construction and operational noise impacts of the proposed development by comparing predicted operational noise levels with noise limits derived from the baseline noise measurements**. Chapter 14: Aviation, Radar and Other Issues (EIAR Volume 1)** considers potential effects on sensitive receptors from shadow flicker (and reflected light).

3.9.5 Noise and vibration during the construction and decommissioning of the proposed development may well be audible and/or perceptible to people residing in the area, but the levels would be below established noise limits and planning requirements in this respect due to the large distances between the proposed development and the surrounding residential properties. Where construction noise relating to the provision of access to the site, including the upgrade of public roads and their use thereof, is expected to occur in close proximity to residential properties, enhanced mitigation measures would be adopted to reduce noise and vibration where necessary. The impacts resulting from blasting at borrow pits are only considered in terms of the steps to limit any resulting impact through appropriate blast design and best practice, which also involves keeping residents informed as to planned blasting activities, with no significant impacts being expected.

3.9.6 With regards to operational noise, the acoustic assessment demonstrates that predicted noise levels at residential properties do not exceed the derived noise limits. This should not be interpreted to mean that wind farm operational noise would be inaudible (or masked by background noise) under all conditions, but that the levels of noise are acceptable under ETSU-R-97 and associated guidance.
In terms of shadow flicker, it should be noted that the analysis was carried out on all properties within 2000 m of any wind turbine, as required through SBC Supplementary Guidance on Renewable Energy (2018). An addition 100 m distance was included to account for potential future micrositing. Within this parameter, of the 10 properties identified, 2 are assessed as having a potential impact in terms of

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shadow flicker, namely: The Howe (81.3 hours of flicker per year) and Longcroft Farm (18.7 hours of flicker per year).

3.9.7 While this is not considered to be significant when weighted against the overall benefits of the proposed development, where necessary, appropriate mitigation can be employed to shut down individual wind turbines during periods when shadow flicker could theoretically occur.

3.9.8 The proposed development will not cause a material reduction to amenity owing to reflected light.

3.9.9 **Technical Appendix 11.7 – Suggested Planning Conditions (EIAR Volume 3)** provides a number of suggested planning conditions which will ensure mitigation measures are appropriately controlled through construction and operation.

3.9.10 Overall, it can be demonstrated that there is limited effects on surrounding residential amenity as a result of the proposed development, either through shadow flicker or noise. As detailed in Section 1.5 of this Planning Statement, the site selection process has been robust and has sought to balance technical requirements with land use and environmental constraints and opportunities from the outset. Furthermore, the proposed development has been carefully considered from a design, layout and access perspective, accounting for key technical and environmental constraints, including proximity to sensitive residential receptors.

3.9.11 Due to the robust site selection and design evolution process, impacts on residential amenity has been appropriately protected and as such the proposed development responds favourably to the related Development Plan policy.

3.10 Socio-Economics

Policy Position

3.10.1 **NPF4 Policy 11 Energy** states that "*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*". Furthermore, it should be demonstrated that *"public access, including impact on long distance walking and cycling routes and scenic routes"* are appropriately considered and impacts addressed.

3.10.2 **NPF 4 Policy 29 Rural Development** seeks to "*encourage rural economic activity, innovation and diversification whilst ensuring that the distinctive character of the rural area and the service function of small towns, natural assets and cultural heritage are safeguarded and enhanced*".

3.10.3 **LDP2 Policy ED9 Renewable Energy Development** reflects the policy intent outlined in Policy 11 of NPF4 and **adopted LDP Policy ED9** lays out the criteria to which renewable energy development will be considered, including net economic impact, including local and community socio-economic benefits.

3.10.4 While there is no other specific adopted LDP or LDP2 policy relevant to the socio-economic effects of renewable energy provision, it should be noted that in the context of seeking to grow the economy (Chapter 5), LDP2 recognises the "*economic benefits that renewable energy development can bring*".

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3.10.5 **Chapter 13: Socio-Economics, Tourism and Recreation (EIAR Volume 1)** considers the likely significant effects (LSE) that the proposed development may have on the socio-economics, tourism and recreation of the area/ region surrounding the site.

3.10.6 In terms of socio-economic impact, it is clear that the proposed development will deliver a series of economic benefits during the construction and operational phases. In order to consider how net economic impact is maximised, the assessment considers three distinct study areas: the local Wider Study Area (WSA) (Scottish Borders Council region), the regional WSA (Scotland), and the national WSA (the UK).

3.10.7 In terms of the predicted 16-month construction programme, it is anticipated that the additional boost to the local WSA employment is the equivalent of 64 jobs. In 2021 there were an estimated 53,000 jobs located within the Scottish Borders local authority area. The temporary addition of 64 net jobs to this total would increase the number of jobs by around 0.12%. While this is not considered significant in EIA terms it does demonstrate a significant additive employment opportunity in the locality and reflects the intent of the applicant to maximise the economic outcomes of the proposed development.

3.10.8 In terms of output, a net additional annual total of £4.4 million of gross value add (GVA) per annum is predicted to be generated by the proposed development in the local WSA economy during the construction phase. The equivalent predicted annual total for Scotland is £17.5 million and for the UK it is £39.6 million. As of 2021, the estimated annual value of output generated within the Scottish Borders local authority area was approximately £2.56 billion. The temporary augmentation of the local WSA economy by £4.4 million net would increase the size of the local WSA economy by around 0.17%. Again, while this is not considered significant in EIA terms it does represent a substantial investment in the locality.

3.10.9 During operation, it is expected that there is likely to be an additional 19 to 24 indirect jobs created by operational and maintenance supply chain effects associated with the located within the local WSA. When the various additionality factors are taken into account, the effect would be expected to lie in the range 21-29 net additional jobs.

3.10.10 In addition to the expected employment effects, more than £1.3million in business rates would be payable each year to the SBC during the operation of the proposed development.

3.10.11 While Policy 11 of NPF 4 does not necessarily require effects on tourism to be considered as part of renewable energy provision, it is predicted that local businesses, such as food and drink businesses and, to a lesser extent due to the location, accommodation businesses, may experience beneficial impacts during construction due to use by construction workers. This would reduce through the operational phase. Adverse effects on tourism during construction is predicted to be limited to construction traffic and overall this is not assessed as being a significant impact.

3.10.12 Potential effects on a number of recreational assets have been considered through the EIA process including local community facilities, core paths and walking networks. An outline Outdoor Access Management Plan (OAMP), included in **Technical Appendix 3.4(EIAR Volume 3),** sets out the mitigation for impacted paths during construction, as well as any potential enhancements during the operation of the proposed development. Recreationally, with mitigation in place, the amenity of the usage would be reduced temporarily during construction. However, across the lifetime of the proposed development the mitigation offered through the OAMP, such as signage promoting access, path improvements and linkages of the routes, would result in a recreational benefit, forming a larger recreational path network throughout the site.

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3.10.13 Overall, it is evident that the proposed development will result in net economic benefit and the applicant is committed to maximising socio-economic benefits associated with local job creation and supply chain opportunities in line with NPF4 and LDP policy. The enhancement of the existing path network as demonstrated in the OAMP will have a beneficial effect on recreational amenity and no "*long distance walking routes, cycling routes or scenic routes"* will be affected. Indeed, no significant effects have been identified with respect to tourism during operation or construction.

3.10.14 As a result, the proposed development is considered to accord with the above noted polices insofar as they relate to socio-economic, tourism and recreation. Indeed, the proposed development can draw support from the net economic benefits that are predicted and the associated aspiration to maximise economic and social benefit. The proposed development will also contribute to the viability, sustainability and diversity of the local, rural community, responding directly to Policy 29 of NPF 4.

3.10.15 The proposed development also therefore draws support from the Scottish Borders Climate Change Route Map which recognises that "*renewable and low carbon energy will provide the foundation of Scotland's future energy system, offering the Scottish Borders opportunities for economic and industrial growth*".

3.11 Aviation

Policy Position

3.11.1 **NPF4 Policy 11 Energy** requires that project design and mitigation should demonstrate how impacts on aviation and defence interests including seismological recording, as well as telecommunications and broadcasting installations are addressed.

3.11.2 **LDP2 Policy ED9 Renewable Energy Development** reflects the policy intent outlined in Policy 11 of NPF4 and **adopted LDP Policy ED9** lays out the criteria to which renewable energy development will be considered. This includes aviation and defence interests and seismological recording, telecommunications and broadcasting installations.

Policy Assessment

3.11.3 **Chapter 14: Aviation, Radar and Other Issues (EIAR Volume 1)** considers the potential effects on aviation (including radar and defence), television and telecommunications interests.

3.11.4 In terms of aviation, the EIA identifies that the proposed development has the potential to impact the Ministry of Defence (MOD) radar at Brizlee Woodand the NATS En Route Ltd (NERL) radar at Great Dun Fell, plus Kincardine and Edinburgh radars. In both cases it is expected that the impact can be mitigated with a suitable mitigation scheme that could be secured through an appropriately worded suspensive planning condition. Infrared lighting will be agreed with the Defence Infrastructure Organisation (DIO) for the MOD low flying requirements and a visible lighting scheme has been agreed with the Civil Aviation Authority (CAA).

3.11.5 The EIAR also confirms that the proposed development does not directly affect any fixed link telecommunication interest and no other effects on other television or radio communication networks have been identified.

3.11.6 It has been clearly demonstrated that the proposed development has been designed with due consideration of potential effects on aviation, television and telecommunications. Appropriate mitigation has been implemented to offset any potential significant effects on radar and as such the

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proposed development is considered to be commensurate with the relevant policies as identified above with respect aviation and telecommunications matters.

3.12 Summary of Development Plan Assessment

3.12.1 Residual significant adverse landscape and visual effects have been identified through the EIA and significant residual effects have been identified on four Schedule Monuments. Overall, however, these effects are generally localised and limited in nature given the scale and location of the proposed development and have been minimised through an iterative design approach and embedded design mitigation.

3.12.2 While the spatial framework approach established in the adopted LDP is somewhat diminished with the adoption of NPF4 and the revocation of SPP, it is still clear that the site is capable of facilitating development of this scale and nature and given the relatively few significant effects identified, on balance, it is considered that the proposed development is commensurate with the associated adopted LDP policies.

3.12.3 The scale of the proposed development, in excess of 50 MW, gives it national status within NPF4. Policy 11 (e) of NPF4 requires that in considering the impact set out, significant weight will be placed on the contribution of the proposal to renewable energy generation targets and on greenhouse gas emissions reduction targets. As a national development in excess of 50MW this part of the policy is considered to be engaged with significant weight afforded to the generation targets.

3.12.4 THE NPF4 Statement of Need notes that *"a large and rapid increase in electricity generation from renewable sources will be essential for Scotland to meet its net zero emissions targets"*. It further goes on *"Additional electricity generation from renewables…of scale is fundamental to achieving a net zero economy and supports improved network resilience in rural and island areas." .* The proposed development can draw significant support from NPF4 is this regard, and this taken with the limited significant environmental effects predicted, for a development if this scale, is an important consideration and one which points in favour of the proposed development.

3.12.5 Furthermore, the proposed development results in a range of benefits, environmental, social and economic, as set out in this Planning Statement, including a significant increase in the renewable energy contribution and the CO_2 emissions savings. These elements are to be given weight in the consideration a number of Development Plan policies.

3.12.6 Overall it is concluded that the limited impacts identified would not significantly and demonstrably outweigh the benefits.

3.12.7 In light of this and with due consideration to the overall benefits, it is considered that on balance the proposed development accords with the overall aspirations of the adopted LDP, NPF4 and LDP2 and indeed can draw significant support from this policy framework.

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4 Summary and Conclusions

4.1.1 The benefits of the proposed development have been set out in full in section 1.9 of this Planning Statement. These benefits are considered to be important material considerations in the determination of the S36 application.

4.1.2 The contribution the proposed development will make to Scottish Government and UK energy targets to decarbonise energy consumption through the production of clean renewable energy is at the forefront of these benefits. This is particularly relevant to the policy premise set out in Policy 11 of NPF4, which specifically states in terms of decision-making that, "*significant weight will be placed on the contribution of the proposal to renewable energy generation targets and on greenhouse gas emissions reduction targets*".

4.1.3 In addition however, the net economic contribution to the local and national economy and the biodiversity enhancement measures which the applicant is committed to should also weigh significantly and favourably in support of the proposed development.

4.1.4 The local community benefit fund will provide further direct benefits at the local level within those communities where the proposed development will be located and this will be targeted to meet the needs of those communities.

4.2 The Renewable Energy Framework

4.2.1 Given the scale of the proposed development, it would clearly make a valuable contribution to the attainment of renewable energy and electricity targets at both the Scottish and UK levels on a site which is considered capable and suitable of accommodating an onshore wind farm, particularly in the context of the minimal significant adverse effects predicted.

4.2.2 This in turn will ultimately make a valuable contribution in responding to the recognised Climate Emergency in Scotland.

4.2.3 Beyond the specific renewable energy targets, it is important to remember that these are not capped, and as the Scottish Government set out in its Energy Generation Policy Statement "*it is as much about the value and importance of the journey as it is about the destination*". The Government's position is that Scotland "*can and must exploit its huge renewables potential to the fullest possible extent …".* The proposed development achieves that objective, in a way that results in acceptable environmental effects.

4.2.4 Reference has been made to very recent Scottish Government publications, namely the Climate Change Plan, the Draft Energy Strategy and Just Transition Plan, and the Onshore Wind Policy Statement 2022. These documents, amongst other relevant matters, make it very clear that "*securing a route to market for onshore wind of all scales is a priority of the Scottish Government".*

4.3 National Development Status

4.3.1 The scale of the proposed development, in excess of 50 MW, gives it national status within NPF4. The NPF4 Statement of Need notes that *"a large and rapid increase in electricity generation from renewable sources will be essential for Scotland to meet its net zero emissions targets"*. It further goes on *"Additional electricity generation from renewables…of scale is fundamental to achieving a net zero economy and supports improved network resilience in rural and island areas."* The proposed

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development can draw significant support from NPF4 is this regard, and this taken with the limited significant environmental effects predicted, for a development of this scale, is an important consideration and one which points in favour of the scheme.

4.4 The Development Plan

4.4.1 Appropriate regard has been given to, in so far as relevant, the Development Plan in the evaluation of proposed development. Whilst recognising the potential landscape, visual and heritage effects overall, the proposed development is considered to comply with the Development Plan.

4.5 Overall Conclusions

4.5.1 The proposed development is the result of careful design considerations and a comprehensive EIA. The overall conclusion is that the proposed development satisfies the relevant duties of the Electricity Act, while also taking into account other policy considerations including those which are relevant in the Development Plan. On this basis, it is respectfully recommended that consent is granted under S36 of the Electricity Act with a direction that deemed planning permission should be granted.

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