



**Shepherds' Rig Wind Farm**

**INFINERGY**

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## **Updated Planning Statement**

October 2019



*Cover image for illustrative purpose only*



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# 1. Introduction

## 1.1. Background

- 1.1.1. This document comprises the Updated Planning Statement for the proposed Shepherds' Rig Wind Farm prepared by Savills UK Limited on behalf of SETT Wind Development Limited (the Applicant). This Updated Planning Statement is submitted in support of additional environmental information (AEI) which considers the potential environmental impacts of the Revised Development.
- 1.1.2. The purpose of this Updated Planning Statement is to reconsider the findings of the planning policy appraisal set out in the Original Planning Statement where necessary, taking cognisance of the findings of the revised AEI and the Environmental Impact Assessment Report November 2018 (EIA-R). The Updated Planning Statement also addresses any developments in energy and planning policy that have occurred since the submission of the Section 36 application, concluding with an updated consideration of the planning balance and commenting on the extent to which these revised documents support the case for the Revised Development. There is no 'primacy' of the Development Plan in an application made under the Electricity Act 1989, as would be the case for an application under the Town and Country Planning (Scotland) Act 1997. Rather, weight can be attributed by the decision-maker to all material considerations including the various levels of national and local energy and planning related policy and guidance as deemed appropriate.
- 1.1.3. This Updated Planning Statement only considers those sections of the Original Planning Statement that have been altered as a result of the amendments included in the Revised Development. The original planning policy appraisal therefore remains relevant unless an updated assessment is presented in Sections 3, 4 and 5 of this document.
- 1.1.4. As set out in the Original Planning Statement, a decision on the Section 36 application under the 1989 Act is the principal decision to be made in this case. Schedule 9 to the 1989 Act requires the Applicant to "*have regard to the desirability of preserving natural beauty, of conserving flora, fauna and geological or physiographical features of special interest and of protecting sites, buildings and objects of architectural, historic or archaeological interest*". In summary, the provisions set out environmental features to which regard must be had in preparing the Section 36 application. There is also a requirement for the Applicant to "*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*" and that mitigation must also be considered. The Revised Development has been designed and sited in order to take full account of the Schedule 9 duties.

## 2. The Site, Revised Development and Design Changes

### 2.1. Site Description

- 2.1.1. The application boundary of the Shepherds' Rig Wind Farm site (hereafter referred to as the Site) remains unchanged from the original Section 36 application and EIA-R. The Site is located approximately 5km east of Carsphairn and 10km north of St John's Town of Dalry in Dumfries and Galloway. The border with the adjoining East Ayrshire Council is approximately 5 km from the northern Site boundary. The Site is approximately 751 hectares in area and primarily comprises commercial coniferous forestry with associated forestry tracks. Neighbouring land uses comprise further commercial forestry plantations and open moorland. The Site rises in elevation from approximately 200metres above ordnance datum (AOD) along Dry Burn in the southern section of the Site to 400m AOD at Craigengillan Hill in the northern part of the Site.
- 2.1.2. There are several operational wind farms within the local area surrounding the Site, including Windy Standard I and II, located approximately 5km to the north. Afton Wind Farm is located slightly further afield than the Windy Standard Wind Farms, approximately 6km to the north of the Site. Table 2.1 of the AEI provides further details on other wind farm schemes in the wider area around the Site.
- 2.1.3. The Site is not located within or near to any national landscape designations, the closest being the Fleet Valley National Scenic Area (NSA) located approximately 25km to the south. Part of the Site is located within the Galloway Hills Regional Scenic Area (RSA) as shown by AEI Figure 8.4. As this Figure also shows, within East Ayrshire the Sensitive Landscape Area is located approximately 5km to the north of the Site.
- 2.1.4. The closest ecological designation to the Site is the Cleugh Site of Special Scientific Interest (SSSI), located approximately 3.5km south of the Site. There is only one statutory designated site for ornithological interests with 20km of the Site, the Loch Ken and River Dee Marshes Special Protection Area (SPA), which is located approximately 13km to the south. The SPA supports wintering populations of Greenland white-fronted goose and greylag goose.
- 2.1.5. There are no conservation areas or category A Listed Buildings within 5km of the Site and there are no inventoried Battlefields, Gardens and Designed Landscapes (GDL) or World Heritage Sites within 15km of the Site. There are five Category B Listed Buildings within 5km of the Site, the closest being Smittons Bridge which is located to the south-east of the Site. There is one Scheduled Monument within the Site boundary at Craigengillan Cairn, located approximately 470m from the nearest turbine while there are other Scheduled Monuments located outside the Site at Stroanfreggan Craig Fort (approximately 1.4km south east of the Site) and Stroanfreggan Bridge Cairn, approximately 2.1km to the south east. Dundough Castle is located further afield, approximately 3.8km from the Site.
- 2.1.6. The nearest residential property to the Site is located approximately 770m away at Craigengillan Cottage with a number of other scattered individual properties within 2km of the nearest turbines.

2.1.7. The Southern Upland Way passes to the east of the Site, approximately 1km at its closest point. The Galloway Forest Park, a recreation based designation, is located approximately 12km to the west of the Site and the Dark Skies Park core area is also located a similar distance away, also to the west. The Merrick Wild Land Area (WLA) is located approximately 20km to the west, beyond the Rhinns of Kells.

## **2.2. The Revised Development**

2.2.1. Section 2 of the Original Planning Statement provides details of the proposed Shepherds' Rig Wind Farm as originally designed. The Proposed Development originally comprised the construction, 25-years operation and subsequent decommissioning of up to 19 turbines, 17 with a maximum height to blade tip of 149.9m and two with a maximum height to blade tip of 125m, expected to have an installed generating capacity of around 84.6 megawatts (MW), comprising 78.6MW associated with the wind turbines in addition to a 6MW battery storage facility. Each wind turbine was stated to have a maximum output of 4.2MW, except turbines 1 and 3 which would have a maximum output of 3.6MW due to their shorter tip heights.

2.2.2. The changes to the Proposed Development have been made in response to a holding objection by the Scottish Environment Protection Agency (SEPA) in relation to the positioning of 7 turbines within areas of deep peat on the original submission layout. In addition the layout was amended as a result of an objection by Historic Environment Scotland (HES) relating to the Proposed Development having the potential for an adverse impact on Scheduled Monuments Craigengillan Cairn and Stroanfreggan Craig Fort.

2.2.3. Through further discussion with both SEPA and HES, the Applicant took the decision to address the matters underpinning these objections, rather than provide further justification for the original layout. As a result, the locations of T4, T6, T8, T9, T10, T13 and T16 have been adjusted where possible out of areas of deep peat. T7 and T11 were deleted to minimise effects upon the Scheduled Monuments along with the re-siting of T9 further west.

2.2.4. The main changes to the Revised Development are as follows:

- Deletion of T7 and T11 and re-siting of T9 approximately 120m to the west, primarily to reduce impacts on Craigengillan Cairn and Stroanfreggan Craig Fort Scheduled Monuments;
- Deletion of the track sections leading to T9 and T11 and the re-alignment of the track following the deletion of T7 to increase separation from Craigengillan Cairn; and
- Re-siting of the following turbines on the western side of the layout to position them in shallower peat: T4; T6; T8; T10; T13 and T16. In most cases, the turbines have been re-located along the original track alignment resulting in minimal changes to the track alignment.

2.2.5. The generating capacity of the Revised Development is 70.2MW plus the 6MW battery storage facility. This has the potential to displace approximately 1.76 million tCO<sub>2e</sub> that would otherwise be emitted from a fossil fuel mix of electricity.

2.2.6. The proposed site access arrangements remain unchanged. As a result of the deletion of two turbines and the reconfiguration of other aspects of the Revised Development, the

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requirement for associated ancillary infrastructure has also reduced, as follows:

- The total development land take is amended from 24.5 ha to 15.83 ha;
- The net loss of forestry is reduced from 61.1 ha to 53.4 ha;
- The required track length is marginally reduced from 11km to just under 11km;
- The estimated rock volume required during construction comes down from 80,750 m<sup>3</sup> to 71,025m<sup>3</sup>; and
- The number of water crossings required is amended from 9 to 10 (4 of these being upgrades to existing crossings).

2.2.7. The evolution of the layout and the reasons behind the changes that have been made are fully explained in Chapter 3 of the AEI and illustrated on AEI Figures 3.1 – 3.3. The physical changes to the Revised Development are fully explained in Chapter 4 of the AEI and illustrated on AEI Figure 4.1.

### 3. Energy Policy Considerations

#### 3.1. Introduction

- 3.1.1. Since publication of the Original Planning Statement there have been a number of changes in national energy policy that are important context to consideration of the Revised Development. During 2019 there has been a shift of focus both socially and politically towards the realities of climate change, the effects of this on our environment and the requirement to act in order to both stop and reverse the effects of climate change where possible.
- 3.1.2. Scotland's Climate Change Secretary Roseanna Cunningham declared a 'climate emergency' in Spring 2019<sup>1</sup> followed closely by the UK Parliament approving a motion in early May to declare an environment and climate emergency. In the intervening months since this declaration was made the Scottish Government have pledged to act to bring about transformative change. The issue of climate change, the requirement to reduce carbon emissions and ultimately to safeguard our environment and resources for future generations is being placed at the centre of Scottish Government policy (as noted below). Clearly energy generation is an integral part of all our economic and social activities and although clean, renewable energy generation is already a success story for Scotland in many respects, there is a driving need to build on this further as a central element in tackling climate change and its effects.
- 3.1.3. In response to the Scottish Government's action, various local authorities also made their own declarations of climate emergency, including Dumfries and Galloway Council.
- 3.1.4. The following update on policy documents published in recent months demonstrates the political will to respond to the state of climate emergency. Specifically drawn out below are those elements of these documents that relate to renewable energy generation and which materially enhance the need case for further wind farm development such as that being proposed.

#### 3.2. Net Zero, The UKs contribution to stopping global warming – Committee on Climate Change (CCC) (May 2019)

- 3.2.1. This recent publication<sup>2</sup> from the CCC follows on from the publication of the IPCC report in October 2018. It sends out an equally urgent message regarding the need to take urgent action to tackle climate change and notes the crucial role the renewable energy sector has to play in facing up to these challenges.
- 3.2.2. The UK currently has a target to achieve an 80% reduction in greenhouse gas emissions by 2050, compared to 1990 levels. The CCC was commissioned by the Governments of the UK, Scotland and Wales to provide updated advice on these emissions targets, including the possibility of setting a new 'net zero' target. The contents of the report provide a stark

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<sup>1</sup> Scotland's Response: Climate Change Secretary Roseanna Cunningham's Statement, <https://www.gov.scot/publications/global-climate-emergency-scotlands-response-climate-change-secretary-roseanna-cunninghams-statement/>

<sup>2</sup> CCC (2019) 'Net Zero – The UK's contribution to stopping global warming'



assessment of the risks posed by climate change and conclude that achieving net zero greenhouse gas emissions across the UK (as opposed to an 80% reduction) by 2050 is "necessary, feasible and cost-effective" (see Foreword).

- 3.2.3. As far as renewable energy is concerned, the report considers that its contribution will need to quadruple by 2050. In Chapter 3 of the report, the CCC notes that "a large scale shift in investment towards low-carbon technologies is needed and emissions need to stop rising and to start reducing rapidly". It continues and notes that "renewable power is now as cheap as or cheaper than fossil fuels in most parts of the world".
- 3.2.4. Chapter 5 of the report 'Reaching net-zero emissions in the UK', considers that with a well-designed policy framework in place, it is technically feasible to reduce emissions to net-zero by 2050, but it will be highly challenging. Reducing emissions from electricity generation is identified as a key step in the journey to net-zero and the report notes on page 145 that "renewable energy could be four times today's levels, requiring a sustained and increased build out between now and 2050 complemented by firm low-carbon power options such as nuclear power and CCS".
- 3.2.5. In this context, the Revised Development can make a significant contribution to local efforts to decarbonise the UK energy system and help with wider efforts to achieve net-zero emissions. It is therefore a significant material consideration in support of this Section 36 application.

### **3.3. Climate Change (Emissions Reductions Targets) (Scotland) Act 2019**

- 3.3.1. Following on from the CCC report, the Scottish Government has just introduced a new Climate Change Act with even more ambitious targets than those contained in the 2009 Act, and in doing so, Scotland will become one of the first countries to legislate support for the aims of the Paris Agreement.
- 3.3.2. The Climate Change Act 2019 seeks to amend only those parts of the 2009 Act that relate to emission reduction targets and associated reporting duties. The detailed proposals and policies for delivering against targets are to be set out in the current and future Climate Change Plans.
- 3.3.3. In line with advice from the CCC in 2 May 2019, the Scottish Government lodged amendments to the Climate Change Bill to set a target date of 2045 for reaching net-zero emissions. The amendments to the Bill also raised the ambition of the 2030 and 2040 targets to 70% and 90% emissions reductions respectively. The Scottish Parliament's Environment Committee voted in favour of these targets at Stage 2 on 18 June 2019. The Climate Change Bill was passed in September 2019 and subsequently received Royal Assent on 31<sup>st</sup> October 2019.
- 3.3.4. The CCC's advice is that Scotland can now achieve net-zero by 2045, provided that the UK-wide ambition is also increased - to net-zero by 2050 - and action is taken in reserved policy areas. This culminates in Scotland having the most stringent statutory targets in the world and our contribution to climate change will end, definitively, within a generation.
- 3.3.5. The ambitious targets set by the Climate Change Act 2019 demonstrate the political

commitment in Scotland to addressing the causes and effects of climate change. To achieve these targets the Scottish Government will need to ensure that all potential opportunities are realised to assist in lowering emissions.

- 3.3.6. Energy generation is clearly an area where there is more that can be done to lower emissions further, through the increased generation of renewable energy and the continued reduction in reliance on fossil fuels. This has been recognised previously in the publication of the Scottish Government's Onshore Wind Policy Statement and the Scottish Energy Strategy (both 2017) and as discussed in the Original Planning Statement. Onshore wind generation is now the cheapest form of large scale renewable energy generation and whilst the costs associated with onshore wind continue to fall, it could become set to be the cheapest form of power generation. Both the economic and environmental aspects of onshore wind energy generation are therefore attractive in relation to reduced cost to consumers and low carbon energy generation respectively.
- 3.3.7. The full impact of the Climate Change Act 2019 and how it will influence policy and targets in other areas, such as planning, will become clearer over the coming months and years. Projects such as Shepherd's Rig Wind Farm are an important part of assisting to build on the success of onshore wind in Scotland further and striving toward meeting the 2045 net-zero carbon emissions target.

#### **3.4. Protecting Scotland's Future: The Government's Programme for Scotland 2019-20**

- 3.4.1. In response to the declaration of a 'Climate Emergency' in Scotland, and the UK as a whole, the 'Programme for Government'<sup>3</sup> published on 3<sup>rd</sup> September 2019 sets out actions that will be taken to end Scotland's contribution to global climate change.
- 3.4.2. The recently established Climate Emergency Response Group has noted 12 specific requests to which the Programme for Government responded. One such request is for the completion of plans for how renewable electricity is generated in order to reach net zero. Page 37 of the Programme for Government confirms that the Scottish Government's next Energy Statement will set out the extent to which renewable and low carbon energy generation will need to be combined in order to meet net zero and that this will subsequently be monitored on an annual basis. This will ultimately form part of a wider review of targets and policies to inform the updated Climate Change Plan.
- 3.4.3. Again in relation to projects such as Shepherd's Rig Wind Farm, the further development of renewable energy generation will inevitably form an integral part of the Scottish Government's continued response to the climate emergency via their Programme for Government and in their next Energy Statement. It is important that whilst these Government documents continue to be published and evolve in order to meet new targets the planning system continues to focus on the importance of facilitating the transition to a low carbon economy including the expansion of renewable energy generation.

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<sup>3</sup> <https://www.gov.scot/publications/protecting-scotlands-future-governments-programme-scotland-2019-20/>

- 3.4.4. Page 39 of the Government's Programme further states that the global climate emergency necessitates consideration of more radical planning policy options. This is expected to begin via engagement in the drafting of the fourth National Planning Framework later in 2019.

### **3.5. Conclusions on energy policy considerations**

- 3.5.1. The Original Planning Statement highlighted the clear view from energy policy documents that the onshore wind sector has a vital role to play in helping to deliver Scotland's longer-term climate change targets while also helping to reduce the costs of electricity generation. The development in energy policy over the last year since the Original Planning Statement was produced is marked. The climate emergency declaration is arguably the single most important matter which should now affect the political landscape and policy-making. The Revised Development can help deliver on both the objectives of the wider energy policy context (as set out on the Original Planning Statement) as well as the new targets set by recent energy policy changes as set out above. The enshrinement in law of net-zero carbon emissions by 2045 demands even greater attention to be given to our methods of energy generation. Developing a renewable energy facility using a proven technology and one of the lowest cost forms of power generation, including non-renewables, is a key part of this national energy policy focus.
- 3.5.2. Importantly, these new national energy documents do not represent a 'business as usual' approach to renewable energy developments. The IPCC Report, the CCC Report and the subsequent Programme for Government, as well as the Climate Change Act 2019, all intensify the spotlight on the requirement for action in reducing carbon emissions. The Climate Change Act 2019 underlines Scotland's commitment to action through the adoption of some of the most stringent targets in the world. Such commitment at legislative level similarly demands commitment at all levels of decision-making. Renewable energy projects must be a fundamental part of this process. Otherwise, it is difficult to see how the Scottish Government's targets will be achieved. The CCC report recognises that reducing emissions from electricity generation is identified as a key step in the journey to net-zero and that this will require a sustained and increased build out of renewable energy development between now and 2050. The Revised Development can assist in achieving this with the potential to displace approximately 1.76 million tCO<sub>2</sub>e that would otherwise be emitted from a fossil fuel mix of electricity.

## 4. National Planning Policy & Guidance

### 4.1. Introduction

- 4.1.1. This section of the Updated Planning Statement reconsiders the relevance of Scottish Planning Policy in the context of the Revised Development. In addition the Historic Environment Policy for Scotland published in April 2019 is considered in reference to the AEI.

### 4.2. Scottish Planning Policy (2014)

- 4.2.1. The Original Planning Statement provided detailed commentary in relation to Scottish Planning Policy (SPP), which remains valid in the context of the Revised Development.
- 4.2.2. It is however worth reiterating here that SPP is clear in stating as a policy principle on page 9 that there is a '*presumption in favour of development that contributes to sustainable development*' and that this is a material consideration in the determination of planning proposals. The Original Planning Statement concluded that this '*presumption in favour*' was a key material consideration in the determination of the proposal. Now however, as a result of the climate emergency declaration in particular, this element of SPP is even more relevant and gives sharp focus to the requirement of decision-makers to consider proposals that contribute to sustainable development.
- 4.2.3. SPP is also clear in supporting and enabling '*the right development in the right place*' by balancing the costs and benefits of a proposal over the longer term (paragraph 28). The reduced environmental impacts as a result of the Revised Development, which are described later in this statement, underline this conclusion.
- 4.2.4. SPP also sets out the approach to be taken to spatial frameworks through the Group 1, 2 and 3 descriptions. As will be described later below in the Development Plan section, the previous Dumfries and Galloway Local Development Plan (2014) contained an Interim Spatial Framework, as part of Policy IN2, through which the Proposed Development was assessed in the Original Planning Statement. The Interim Spatial Framework was prepared pre-SPP and therefore was not entirely compliant with the SPP Spatial Framework Table 1 (page 39). The newly adopted Dumfries and Galloway Local Development Plan 2 amends the Spatial Framework to be more consistent with the terms of SPP. Whereas the Interim Spatial Framework indicated that the Site was mainly within an area of potential for wind farm development and partially within an area of significant protection, the newly adopted Spatial Framework indicates that the Council consider the Site to be wholly within a Group 3 area where wind farm development is likely to be acceptable. This assists in emphasising that the Revised Development is consistent with the policy aims of SPP.

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### **4.3. Historic Environment Policy for Scotland (2019)**

- 4.3.1. The Historic Environment Policy for Scotland<sup>4</sup> (HEPS) sets out policies for the historic environment, provides greater policy direction for Historic Environment Scotland and provides a policy framework to inform the work of organisations that have a role and interest in managing the historic environment. HEPS is a material consideration which should be taken account of whenever a planning decision will affect the historic environment. Pages 10 and 11 illustrate the challenges and opportunities facing the historic environment including climate change and the effort required to mitigate and adapt to its effects.
- 4.3.2. AEI Chapter 11 describes how the HEPS has been considered in relation to the Revised Development.

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<sup>4</sup> Historic Environment Scotland (2019), Historic Environment Policy for Scotland

## 5. Development Plan Assessment

### 5.1. Introduction

- 5.1.1. As already stated in Section 1, the Development Plan does not form the primary basis upon which the application will be determined. The Development Plan will be an important material consideration in the determination of the application, however there is no legislative requirement for the Section 36 application to be determined in accordance with the provisions of the Development Plan.
- 5.1.2. At the time of the original submission in December 2018 the statutory Development Plan comprised the Dumfries and Galloway Local Development Plan (LDP) (September 2014). The Original Planning Statement considered the Proposed Development against the relevant LDP policies and drew conclusions as to the extent to which the Revised Development was consistent with the Development Plan as a whole.
- 5.1.3. At the time of submission in December 2018 the LDP review process was ongoing. The Dumfries and Galloway Council Local Development Plan 2 (LDP2) was adopted on 3<sup>rd</sup> October 2019. Relevant policies of the LDP2 are identified in Chapter 5 of the AEI. Many of the relevant policies in the LDP2 are very similar to their equivalent policies in the previous LDP (2014). This Updated Planning Statement considers the Revised Development against individual planning policies, specifically where these policies differ significantly from the previously considered LDP (2014) policies and where changes that have occurred as a result of the revisions to the Revised Development alter the assessment in relation to LDP2 policies.
- 5.1.4. In making a decision on the application, the Scottish Ministers will also consider UK and Scottish Government energy policy and guidance and SPP as stated in the Original Planning Statement and as set out in the preceding sections 3 and 4 of this Updated Planning Statement. Due weight will also be given to responses from statutory consultees.

### 5.2. Dumfries and Galloway Local Development Plan 2 (LDP2) (October 2019)

- 5.2.1. The majority of the assessment contained in this Updated Planning Statement focuses upon the contents of Policy IN2 as this is a wind energy specific LDP2 Policy. However, other policies are discussed too where their objectives are not already covered by Policy IN2.

#### **Policy IN1 – Renewable Energy**

- 5.2.2. The preamble to Policy IN1 confirms that it provides a 'general framework' for the assessment of all forms of renewable energy with wind energy dealt with separately under Policy IN2, discussed below. Policy IN1 confirms that the Council '*will support*' proposals for renewable energy developments, which are located, sited and designed appropriately. The policy lists a number of considerations against which the acceptability of a proposal will be assessed. These considerations include landscape and visual impact, cumulative impact, impact on local communities and residential amenity, impacts on the natural and historic environment and impacts on forestry and tourism.

- 5.2.3. The intention of Policy IN1 remains very similar to the previous IN1 included in the LDP (2014). Some additional policy wording in IN1 now emphasises the assessment of visual impact and cumulative impacts as well as impacts on community and residential amenity. In addition the new Policy IN1 highlights that assessment of proposals will consider the scale of contribution to renewable energy targets, the effect on greenhouse gas emissions and net economic impact (employment and business/supply chain opportunities). This is a significant addition to Policy IN1 in the context of the recent climate emergency declaration in Scotland and Dumfries and Galloway.
- 5.2.4. As per the Original Planning Statement, in general, it is considered that the Revised Development can draw support in principle from Policy IN1, provided that the detailed assessment of the Revised Development against the criteria of Policy IN2 is judged to be acceptable. In this regard, it is noted that Policy IN1 states that 'acceptability' will be determined through an assessment of the details of a proposal including its benefits and the extent to which environmental and cumulative impacts can be addressed satisfactorily. The Revised Development can draw further support from Policy IN1 in the context of the contribution to renewable energy targets and the subsequent effect on greenhouse gas emissions.

### **Policy IN2 – Wind Energy**

- 5.2.5. Policy IN2 is the principal LDP2 policy against which the Revised Development requires to be assessed. The Policy sets out a number of sub-headings under which applications for wind energy developments need to be assessed. Matters to be considered range from technical issues such as aviation to landscape and visual impacts as well as the benefits of the project for renewable energy targets and on a social-economic level. Given the broad range of issues covered by Policy IN2, there is overlap with other topic specific policies in the LDP2 to the extent that these other policies sometimes duplicate matters contained within the wind energy specific Policy IN2. Where other LDP2 policies refer to matters already considered under the commentary on Policy IN2, cross reference is made to this policy assessment to avoid duplication of commentary.
- 5.2.6. One differing element in the new version of Policy IN2 is that within the landscape and visual impact criteria there is now no stated requirement for proposals to address guidance contained within the Dumfries and Galloway Windfarm Landscape Capacity Study (DGWLCS). Rather in LDP2 the Spatial Framework is given more prominence with mention of the need to interpret it in conjunction with supplementary guidance and the appended DGWLCS.
- 5.2.7. Policy IN2 states that wind energy proposals that are located, sited and designed appropriately will be supported. Proposals will be assessed against a number of considerations in order to establish their acceptability.
- 5.2.8. The Revised Development is assessed against the various considerations of Policy IN2 criteria in the following paragraphs. Where the assessment of the Revised Development against Policy IN2 of LDP2 remains valid in the context of the Original Planning Statement then no duplicate assessment has been done. Where this is the case then this is stated clearly.
- 5.2.9. Policy IN2 notes that *'acceptability will be determined through an assessment of the details*

*of the proposal including its benefits and the extent to which environmental and cumulative impacts can be satisfactorily addressed'. It is therefore for a decision maker to consider a proposal in the round and to balance factors in favour of and against a proposal before arriving at a conclusion on whether a proposal complies with IN2.*

## **Policy IN2 – Assessment Considerations**

### **(i) Renewable Energy Benefits**

5.2.10. The Revised Development has a maximum generating output of 70.2 MW from the proposed turbines and 76.2 MW in conjunction with the 6 MW storage facility. Policy IN2 refers to the opportunity to include storage in energy projects, which the Revised Development does. Although the generating capacity of the Revised Development has reduced slightly (given the removal of two turbines), this still represents a significant contribution to renewable energy generation targets, particularly in the context of the net-zero targets. The preceding sections of this Updated Planning Statement underline the significant changes in national energy policy over the past year. The stringent targets set by the Scottish Government require a concerted approach to increasing the supply of renewable energy provision and the Revised Development has the ability to contribute to this.

5.2.11. Chapter 21 of the AEI updates the carbon savings predicted for the lifetime of the Revised Development. The AEI confirms at Table 21.1 that the Revised Development is anticipated to have associated carbon savings of 146,734 tCO<sub>2</sub> per year for 25 years in comparison to coal fired generation and 40,444 tCO<sub>2</sub> per year for 25 years in comparison to grid mix generation. The carbon payback period is calculated at 2.4 years. The CO<sub>2</sub> emissions for the operational lifetime beyond the 2.4 years would result in a net benefit of the Revised Development reducing climate change.

### **(ii) Socio-Economic benefits**

5.2.12. Chapter 17 of the AEI sets out the potential effects of the Revised Development for local economic activity and job creation. Tables 17.2 and 17.3 provide details for both the construction period and the operational period respectively. It is anticipated that for Dumfries and Galloway the construction period impact will be £16.8 million and 150 job years, whilst for the rest of Scotland this would reach £46 million and 425 job years. Chapter 17 goes on to state that the Revised Development could contribute £794,000 every year to public finances and £19.8 million over the 25-year lifetime of the wind farm.

5.2.13. In addition the Revised Development is expected to contribute £351,000 of annual community benefit payments, totalling £8.8 million over the wind farm's lifetime.

5.2.14. Although the AEI does not assess these financial and employment impacts as significant, they do represent a positive contribution to the local and wider Scottish economy which would not emerge if the Revised Development were to be unsuccessful. The Council has recognised the importance of considering these matters in the new version of Policy IN2 in LDP2. Scottish Ministers are able to consider the relevance of these positive benefits in their decision-making, in weighing up the other aspects of development plan policy alongside the renewable energy, socio-economic benefits and other material considerations.



(iii) Landscape and visual impacts

- 5.2.15. The landscape and visual impacts of the Revised Development were assessed in detail within the Original Planning Statement. Chapter 8 of the AEI concludes that the effects on landscape and visual amenity associated with the Revised Development remain unchanged from the conclusions of the EIA-R (November 2018). In this case the commentary within the Original Planning Statement for landscape and visual impacts remains valid.
- 5.2.16. Although there continue to be significant effects, the deletion of two turbines and micro-siting of seven others is found to be beneficial in comparison to the Proposed Development. For example, Table 8.3 of the AEI confirms that at Viewpoint 11 (East Arndarroch) the omission of turbines 7 and 11 reduces the visibility of the array to the east and the micro-siting of other turbines has optimised the spacing of turbines from this view. Overall there is a reduction in impact at Viewpoint 11 although the magnitude of change is still assessed as high and the effect as moderate and significant. There are other viewpoints listed in Table 8.3 which similarly highlight the benefits of the Revised Development without the conclusions of the LVIA being altered.
- 5.2.17. Overall the assessment of landscape and visual matters under Policy IN2 in the Original Planning Statement remains unchanged in the conclusion that the Revised Development can be positively considered under the terms of landscape considerations of Policy IN2. This conclusion is enhanced by the recognised benefits to some viewpoints as detailed in Table 8.3 of the AEI.

(iv) Cumulative Impact

- 5.2.18. There have been some changes to the cumulative situation since the EIA-R was produced in November 2018. These changes are detailed in section 8.5 of the AEI and include a number of wind farm projects that have been withdrawn or dismissed at appeal and others that have become 'in planning' schemes. The EIA-R Chapter 8 considered the cumulative effects under three different scenarios. The Original Planning Statement considered each of these scenarios in turn within the context of Policy IN2 (non-landscape and visual impacts were considered where appropriate under subsequent LDP policies), as follows:-
- Scenario 1 – assumes that other consented (but as yet unbuilt) wind farms are operational;
  - Scenario 2 – extends Scenario 1 further to assume that all schemes in planning are also operational with the exception of Longburn (located to the east of the Site); and
  - Scenario 3 – assumes all schemes in planning are operational, including Longburn.
- 5.2.19. Section 8.5 of the AEI describes the changes that have occurred in each of these scenarios as a consequence of the updated cumulative picture. The changes to the cumulative schemes mean that only scenarios 1 and 2 remain relevant to the cumulative assessment (as Longburn has been dismissed at appeal). For each of the two cumulative scenarios, the AEI considers effects upon landscape character, visual effects, sequential effects and finally effects upon the Galloway Hills RSA.
- 5.2.20. For Scenario 1, the consented schemes now include Glenshimmeroch Wind Farm,

approximately 5km to the south-east of the Shepherd's Rig Site. Where the previous assessment of Scenario 1 concluded that there were no significant cumulative landscape or visual effects from the Proposed Development, this conclusion has altered in the assessment of the Revised Development in the AEI. Specifically the addition of Glenshimmeroch Wind Farm leads to the revised conclusion in the AEI that there will be a combined high magnitude of change on part of the landscape character type 18A – Foothills with Forest landscape. In considering the totality of landscape effect, the assessment in the AEI now concludes that localised significant effects on landscape character types 18A and 19A will occur. This conclusion however is not as a direct result of the Revised Development, rather it is the introduction of turbines further south within the landscape.

- 5.2.21. The consideration of the cumulative effects, under Scenario 1, on the RSA does not alter substantially in the AEI. Although the addition of Glenshimmeroch Wind Farm does increase the potential for cumulative effects on the RSA, there is no change to the assessment of cumulative effects on the RSA as a result of the Revised Development. In respect of the Revised Development, there are no additional significant effects anticipated. Similarly in relation to visual amenity, the addition of Glenshimmeroch Wind Farm does increase the cumulative effect of wind farm development at a number of the high peaks and hill top locations, however these effects would occur in the absence of the Revised Development. The introduction of Glenshimmeroch Wind Farm increases the visibility of wind farms from the Southern Upland Way, however although Chapter 8 of the AEI states that including the Revised Development in the wind farms visible from the footpath would increase the totality of effects both in successive views with other wind farms and in combination with other wind farms, no additional significant effects over and above those assessed for the Revised Development in its own right are predicted. The same conclusion is reached within the AEI for sequential cumulative effects on other routes, that no additional significant effects over and above those assessed for the Revised Development in its own right are predicted.
- 5.2.22. In conclusion, for Scenario 1 there are no additional significant effects anticipated. The addition of Glenshimmeroch Wind Farm to the cumulative picture does increase the visibility of turbines from some receptors but this does not produce any additional significant cumulative effects overall.
- 5.2.23. For Scenario 2, the assessment concludes that for cumulative landscape effects, effects on the RSA, visual amenity effects and sequential cumulative effects there will not be any additional significant effects in the context of the updated cumulative picture and the Revised Development. The conclusions of the EIA-R in this regard remain the same.
- 5.2.24. Overall, therefore, there are no significant cumulative landscape or visual effects identified for the Scenario 2 assessment in respect of the Revised Development.

(v) Impact on local communities

- 5.2.25. This part of Policy IN2 requires an assessment of proposals on communities and local amenity taking account of matters relating to noise, shadow flicker, visual dominance and the potential for associated mitigation. Each topic was dealt with in detail in the Original Planning Statement. A brief update is provided below to confirm the position of the AEI in relation to each of these elements.

*Noise*

- 5.2.26. The Revised Development does not alter the previous conclusions of the EIA-R in relation to noise. The AEI confirms that no specific additional mitigation for operational noise is required and no significant operational noise effects are predicted at any noise sensitive property. Predicted noise levels are calculated to be below the apportioned limits and no significant cumulative noise effects are predicted.
- 5.2.27. In relation to noise during construction there is no change to the previous conclusion in the EIA-R that this can be controlled through working hours, good practice and managed through a planning condition.

*Shadow Flicker*

- 5.2.28. Effects from shadow flicker associated with the Revised Development, as considered in Chapter 18 of the AEI, are considered not significant. This represents no change in the conclusions drawn in the EIA-R.

*Visual dominance*

- 5.2.29. The AEI revisits the Residential Visual Amenity Study (RVAS) in Chapter 8. Table 8.5 of the AEI details the distance between the nearest visible turbine of the Revised Development and residential properties within 2km. The Revised Development brings some minor changes to the views expected from these properties, however the AEI confirms that the minor adjustments do not result in any change to the conclusions of the RVAS within the EIA-R. Some significant effects at these properties are identified but the views would not result in the properties becoming unpleasant places to live.
- 5.2.30. Carsphairn is the closest settlement to the Site, located approximately 5km away. Due to this separation distance, the EIA-R considered that there would be no concerns with regards to visual dominance on settlements, and this remains the case for the Revised Development.

*Socio-economic benefits*

- 5.2.31. The Original Planning Statement noted the various potential socio-economic benefits that are associated with Shepherds' Rig Wind Farm. The Revised Development and the AEI Chapter 17 do not alter the conclusions from the EIA Report on these matters.
- 5.2.32. As AEI Tables 17.2 and 17.3 demonstrate, some positive (albeit not significant) impacts could arise in terms of local economic impact due the construction and operational phase of the Revised Development. These factors are material to determination of the Section 36 application and have been discussed in the Original Planning Statement and earlier in this Updated Planning Statement. These positive benefits need to be considered in assessing the 'acceptability' of the Proposed Development in relation to Policy IN2 of LDP2 and more widely in the overall planning balance.

(vi) Impact on Infrastructure

5.2.33. This criterion of Policy IN2 was not previously included in the LDP (2014). Its inclusion is aimed at identifying the extent to which traffic as a result of the Revised Development could impact on road traffic, trunk roads and telecommunications. The AEI confirms at Chapter 15 that there were no changes to the effects predicted on traffic and transport in respect of the Revised Development, which remain not significant.

5.2.34. The topic specific policies mentioned later refer also to traffic and transportation matters. Chapter 19 of the AEI confirms that there are no effects on telecommunications, which remains unchanged from the EIA-R.

(vii) Impact on Aviation and Defence Interests

5.2.35. AEI Chapter 16 considers aviation interests. The EIA-R previously identified a requirement to ensure that there were no effects on nearby low flying Tactical Training Area 20 (MOD) via an appropriately worded planning condition. The AEI continues this same conclusion and there are no changes to the anticipated effects on aviation as a result of the Revised Development.

5.2.36. Radar mitigation has been agreed with NATS, to provide a 'single cell blank' for the Great Dun Fell Radar. It is anticipated that this will remain the case for the revised layout.

(viii) Other Impacts and considerations

5.2.37. This final element of Policy IN2 requires consideration of other factors under the additional subject headings of biodiversity, woodland, carbon-rich soils, hydrology and water environment and flood risk, the historic environment, cultural heritage, tourism and recreation and public access. With the exception of commentary on tourism and recreational interests, these matters have already been discussed or are discussed in the following commentary on topic specific LDP2 policies and have been addressed in the Original Planning Statement. Only where the Revised Development requires further commentary on these matters is this provided in the following sections relating to topic specific policies.

- Natural and historic environment – impacts upon landscape character have already been discussed in relation to Policy IN2. Impacts upon ecology and ornithology are considered under the 'biodiversity' commentary below while commentary on the historic environment is set out as per the bullet point below;
- Cultural Heritage – see subsequent assessment under Policies HE1 – HE3 and HE4;
- Biodiversity – biodiversity interests were considered in detail within the Original Planning Statement. LDP2 policies NE4, NE5 and NE6 remain very similar to their previous LDP (2014) counterparts (NE3, NE4 and NE5 in the previous LDP) and as such the original policy assessment remains valid in respect of the Revised Development.
- Forest and woodlands – see subsequent assessment under Policies NE7 – NE8.

5.2.38. In relation to tourism and recreation, Chapter 17 of the AEI confirms that there is no difference to the assessment of the Revised Development in this respect and that the commentary from Chapter 17 of the EIA-R concluding that there are no significant effects identified remains valid.

*Biodiversity (ecology)*

- 5.2.39. The Original Planning Statement provided detailed commentary in relation to this topic, which remains valid. AEI Chapter 9 states conclusively that the effects on ecology associated with the Revised Development are not considered to be significant, representing no change from the conclusions previously drawn in the EIA-R.

*Biodiversity (ornithology)*

- 5.2.40. The Original Planning Statement provided detailed commentary in relation to this topic, which remains valid. AEI Chapter 10 states conclusively that the effects on ornithology associated with the Revised Development are not considered to be significant, representing no change from the conclusions previously drawn in the EIA-R.

**Policy IN2 – Wind Energy Spatial Framework**

- 5.2.41. Policy IN2 highlights also the Spatial Framework Map (Map 8) that should be used for providing strategic guidance for wind farm development. The Wind Energy Spatial Framework sets out areas where wind farms will not be acceptable (Group 1), areas of significant protection (Group 2) and areas with potential for wind farm development (Group 3). The Spatial Framework should be read in conjunction with supplementary guidance and the Dumfries and Galloway Wind Farm Landscape Capacity Study.
- 5.2.42. The Spatial Framework relates to all developments of one or more turbines over 20m to blade tip. Map 8 in the LDP2 is reproduced on the following page as Figure 1, with the proposed wind turbines shown for context. The Spatial Framework demonstrates that the Revised Development is located wholly within a Group 3 'Area with potential for wind farm development'. This is a change from the previous assessment of the Proposed Development against the Interim Spatial Framework in LDP (2014) where most of the turbines were located within an area defined as having 'greatest potential' for large wind turbines. Three of the turbines were located just outside this zoning but none were located within any areas defined as 'areas requiring significant protection'.
- 5.2.43. It is clear therefore that the Site is now wholly situated in an area of Dumfries and Galloway considered to offer potential for wind farm development (Group 3), according to the LDP2 Spatial Framework and defined by SPP as areas where 'wind farms are likely to be acceptable'. This is testament to the Applicant's considered approach to site selection and while it is recognised that a more detailed assessment of the individual merits of an application is required, the Applicant concurs with the commentary preceding Policy IN2 (Table 5) that 'wind farms are likely to be acceptable' in Group 3 areas subject to detailed consideration against LDP policies.

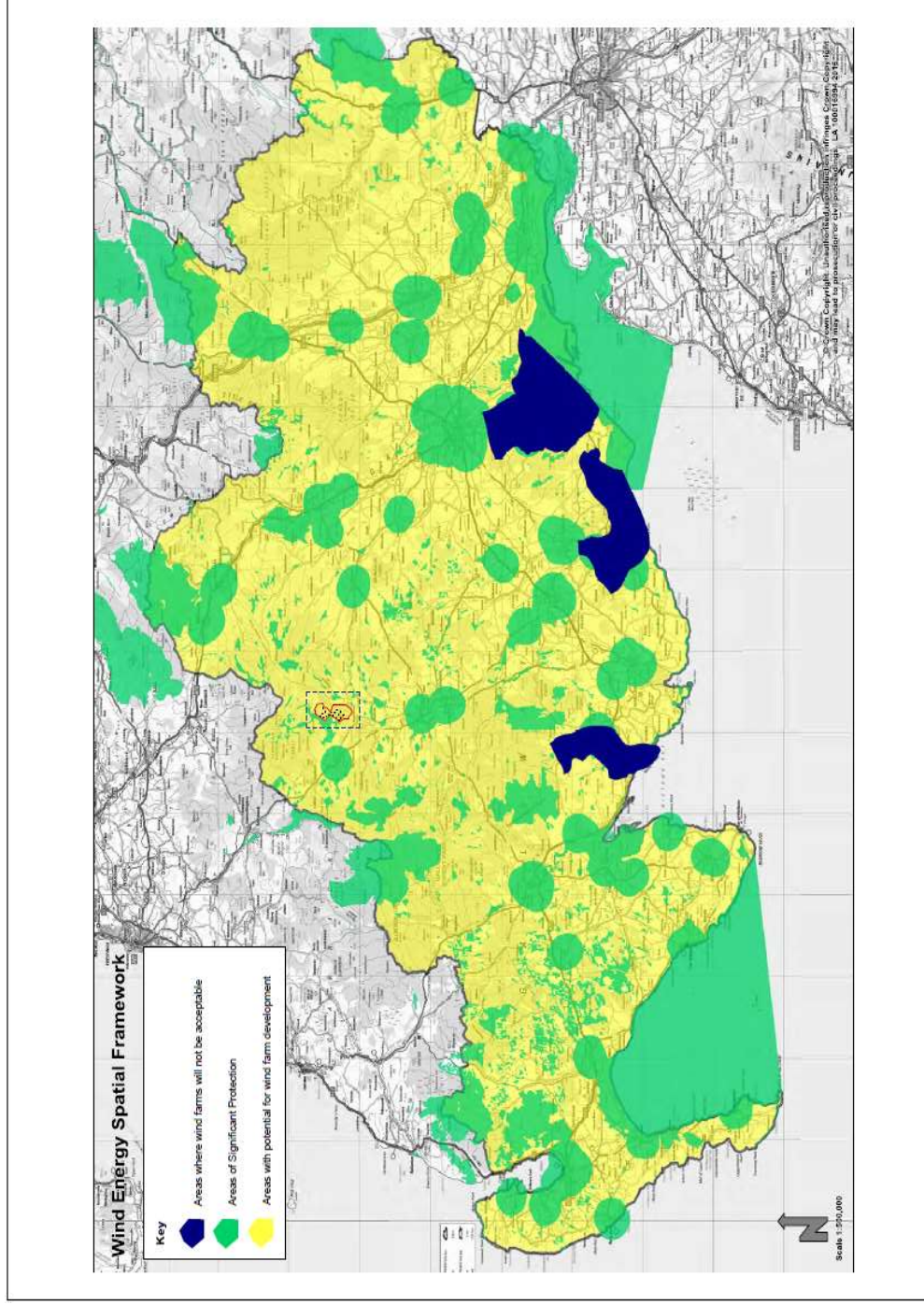
*Conclusions on Policy IN2*

- 5.2.44. Policy IN2 is wide in scope and sets the various environmental and technical considerations that need to be addressed in considering wind energy applications. The LDP2 Policy IN2 does not significantly differ from the previous Policy IN2 in the LDP (2014), although as mentioned earlier the criteria relating to compliance with the DGWLCS is removed in the newly adopted

version. The content of the AEI also confirms that for the majority of issues covered by Policy IN2 the appraisal in respect of the Revised Development does not differ from that set out in the Original Planning Statement.

- 5.2.45. As the Original Planning Statement set out, the Proposed Development (as assessed in the EIA-R) gave rise to significant environmental effects upon some interests including landscape character, visual impacts and the visual amenity of a small number of residential properties. The Revised Development does not give rise to any additional significant effects. In some instances previously identified significant effects, particularly in relation to cultural heritage, have been reduced as a result of the Revised Development. The details of this are set out under the subsequent topic by topic policy assessment.
- 5.2.46. In addition, the location of the Site relative to the Wind Energy Spatial Framework is an important aspect to consider. As Figure 1 demonstrates, the Site is located in an area with potential for wind farm development in Dumfries and Galloway and this is a significant material factor in support of the application. In broad spatial terms, the Site is now recognised as being wholly within a Group 3 area under the terms of the newly adopted spatial framework in LDP2, a point on which the Applicant draws considerable support.
- 5.2.47. When all criteria are considered, it is concluded that the Revised Development does comply with the terms of Policy IN2. Some significant environmental effects are acknowledged but these are considered acceptable in the wider planning balance and do not lead to a conflict with Policy IN2.

Figure 1



**KEY**  
 Site Boundary and Proposed  
 Turbine Locations

**SOURCE**  
 Durfries and Galloway Council  
 Local Development Plan 2  
 October 2019  
 Map 8 - Spatial Framework



Rev	Date	By	Note
B	14.11.19	BK	Extract inserted
A	03.11.19	PH	Line weight altered

**Revised Development  
 overlaid onto Spatial Framework  
 Shepherd's Rig wind farm**

Client: Infinergy REV: B  
 Drawn By: VR Approved By: DT  
 DRWG No.: P17-1037-300  
 Date: 31/10/2019  
 Scale: 1:500000 @ A3



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### **Overarching Policies**

- 5.2.48. Policy OP1 'Development Considerations' sets out a range of key considerations that the Council will take into account when assessing applications irrespective of land use. Policy OP1 in LDP2 does not vary materially from that in the previous LDP and for that reason it has not been considered again here in detail. The commentary in relation to this policy in the Original Planning Statement remains valid.
- 5.2.49. Policy OP1 contains criteria relevant to the assessment of proposals in relation to the historic environment (relevant to the Revised Development), however this topic is covered in detail relating to the Revised Development in those LDP2 policies specific to the historic environment below.

### **Ornithology**

- 5.2.50. There are no significant effects upon bird species arising as a result of the Revised Development. The policy commentary in relation to LDP2 (Policy NE4) does not therefore vary from that in the Original Planning Statement and the previous LDP.

### **Cultural Heritage**

- 5.2.51. AEI Chapter 11 'Cultural Heritage' presents an assessment of the potential effects of the Revised Development on the historic environment and cultural heritage. It is relevant in the context of this Updated Planning Statement to consider the Revised Development in respect of the LDP2 policies relating to the historic environment (HE1, HE2, HE3 and HE4) as noted below. Although the LDP2 policies do not differ substantially from their equivalent LDP policies, the Revised Development does require the policy assessment to be revisited for this in the context of the anticipated effects. One of the main reasons for the Site redesign was to address comments made by HES and to ensure that the Revised Development incorporated changes to accommodate HES's views, specifically in relation to Scheduled Monuments.
- 5.2.52. The AEI assessment considered designated assets such as Scheduled Monuments, Listed Buildings and Conservation Areas as well as undesignated assets, some of which may be recorded in the Historic Environment Records (HERs) or Sites and Monuments Records (SMRs).
- 5.2.53. The assessment considered potential direct and indirect impacts (e.g. those that may affect setting) and considered the construction, operational and decommissioning phases. Potential impacts were considered within a Core Archaeological Area which corresponds to the extent of the Site plus a 1km boundary as well as a 10km study area for the consideration of impacts upon setting.
- 5.2.54. There are no Conservation Areas within the 10km study area and therefore potential impacts upon Conservation Areas were not considered in the AEI. As such, LDP2 Policy HE2 'Conservation Areas' is not considered relevant. Similarly, there are no Inventoried Gardens and Designed Landscapes within the Core Archaeological Area or the 10km study area and as such LDP2 Policy HE6 'Gardens and Designed Landscapes' is not considered relevant.



- 5.2.55. There are a number of Listed Buildings, Scheduled Monuments and identified Archaeologically Sensitive Areas (ASAs) within 10km of the Site and Policies HE1 'Listed Buildings', HE3 'Archaeology' and HE4 'Archaeologically Sensitive Areas' are of relevance.
- 5.2.56. Within the 10km Study Area, there are 37 Listed Buildings of which 11 are considered to be potentially indirectly affected by the Revised Development. There are no Listed Buildings within the Site and therefore the AEI was concerned with assessing potential impacts upon the setting of these receptors only. Policy HE1 states that in considering proposals that may affect the setting of a Listed Building, a number of criteria will require to be satisfied and that the use proposed is '*appropriate to the character and appearance of the listed building and its setting*'.
- 5.2.57. The AEI concludes that there are no predicted significant effects from the Revised Development on Listed Buildings and so it is concluded that there is no conflict with Policy HE1.
- 5.2.58. Modifications made both to delete turbines and the redesign of the remaining turbines, to produce the Revised Development, have been made with the intention of reducing potential effects on the setting of Scheduled Monuments. The assessment of cultural heritage matters below focuses on where these improvements have been made. Other commentary in relation to cultural heritage and historic environment policies remain valid within the Original Planning Statement.
- 5.2.59. AEI Chapter 11 confirms that there are three Scheduled Monuments (Stroanfreggan Bridge Cairn - 1043, Stroanfreggan Craig fort 1095 and Craigengillan Cairn 2238) within the Core Archaeological Study Area, one of which is located within the Site, Craigengillan Cairn (2238) located approximately 437m from the nearest turbine (T9) (previously the closest turbine was 125m from this Scheduled Monument). Although T9 is the closest turbine to the Craigengillan Cairn, as noted in the paragraph below, it is not within the key views from the cairn to the south-east and east. Stroanfreggan Bridge Cairn and Stroanfreggan Craig fort are located approximately 2.1km and 1.4km from the Site respectively. Stroanfreggan Bridge Cairn is not considered further here as the previous assessment of this in the EIA-R has not altered and this was not an asset that was commented upon by HES in their consultation response.
- 5.2.60. The AEI identifies that no turbines, or other development infrastructure, will appear in the key views south-east and east from the Craigengillan cairn. Six turbines (T12, T14, T15 and T17 to T19) will be visible south of the cairn. The closest of these will be T12, 946 m from the edge of the scheduled area. The views south-east and east from the cairn will remain open and unobstructed, and the view south will remain largely open, albeit with some turbines visible at its western periphery. AEI Chapter 11 confirms that it will remain possible to understand and appreciate the contribution made to cultural significance by these views and continues to conclude that operational impacts upon the setting of Craigengillan Cairn will be adverse and low in magnitude and therefore not significant.
- 5.2.61. The EIA-R previously acknowledged that views of turbines would result in a considerable change in setting of the Craigengillan cairn, resulting in a significant impact. This resulted in the EIA-R suggesting a programme of planting using native species around the Cairn to

recreate its existing setting. Consistent with the requirements of Policy HE3, the Applicant has given consideration to the significance and value of Craigengillan Cairn in the AEI and comments made by HES in response to the Proposed Development and the Revised Development has specifically taken account of this in the redesign.

- 5.2.62. Stroanfreggan Craig fort (SM1095) and Little Auchrae farmstead (MDG11404) lie within the vicinity of the site. In respect of these two features, T7 and T11 have been deleted, and seven other turbines have been relocated. This has reduced effects upon views from and towards both heritage assets. AEI Chapter 11 concludes that operational effects upon Stroanfreggan Craig fort, and Little Auchrae farmstead, will be adverse, and negligible in magnitude, resulting in an effect of negligible significance. In summary therefore the Revised Development has reduced the anticipated minor and moderate, significant effects to negligible and therefore not significant. This directly addresses the comments from HES and ensures compliance with Policy HE4.
- 5.2.63. The cumulative assessment set out in EIA-R Chapter 11 identified potential cumulative effects arising from the possible construction of Longburn Wind Farm. In May 2019, Longburn was refused planning permission on appeal (PPA-170-219) and is no longer a material consideration in the assessment of cumulative effects upon the cultural heritage baseline. AEI Chapter 11 confirms that no significant cumulative effects will occur as a result of the Revised Development.
- 5.2.64. LDP2 Policy HE4 states that the Council will support development that safeguards the character, archaeological interest and setting of ASAs. As AEI Figure 11.2 shows, there are three ASAs within the 10km Study Area. Stroanfreggan ASA is located to the immediate west of the Site and is denoted as having several sites as being of national importance. These features include the remains of clearance cairns, a cairn, a burnt mound, a medieval farmstead and field system. Assessments of these features in the EIA-R acknowledged that there would be visibility of the turbines and that the original Proposed Development would have introduced a strong industrial element into the landscape; albeit that for each receptor within the ASA, effects were considered as being not significant with the exception of Little Auchrae/Scalloch. This feature represents a medieval farmstead and field system which is located approximately 900m from Turbine 11. The original Proposed Development was assessed as changing the character of the landscape in which this asset is situated leading to a moderate and therefore significant effect.
- 5.2.65. In cultural heritage terms the Revised Development represents a tangible improvement, particularly the deletion of T7 and T11 which were previously the closest (T7) and most visible turbines from Craigengillan cairn (SM2238). The changes are considered successful in reducing the significance of operational effects upon the heritage assets assessed in this AEI. In relation to Policies HE3 and HE4 the Revised Development can be considered favourably and compliant with the aims of both policies.

### **Forestry and Woodland**

- 5.2.66. The Revised Development requires the felling of some commercial forest plantation to make way for the wind turbines and associated infrastructure, although the amount of felling required is reduced in the context of the Revised Development. Policies NE7 'Forestry and

Woodland' and NE8 'Trees and Development' are relevant to the Revised Development due to the forest felling proposed and also because of the need to ensure compensatory planting is provided to compensate for the net loss of the total wooded area, when compared to the baseline restocking plan.

- 5.2.67. As a result of the Revised Development, the area of stocked woodland decreases by 53.4 ha (as presented in Chapter 7 of the AEI). This is a reduction of 7.7 ha from the 61.1 ha of woodland loss associated with the Proposed Development presented in the EIA-R. As such, there remains a requirement for compensatory planting. Felling required for the construction of the Revised Development is 39.4 ha, representing a reduction of 15.7 ha from the 55.1 ha that would have been required under the original Proposed Development.
- 5.2.68. As such there is no change in the acknowledgement that off-site compensatory planting will be required to ensure that this net on Site loss of woodland is replaced and the Applicant is committed to undertaking this compensatory planting and will liaise with the Council and Forestry Commission Scotland (FCS) to agree the most appropriate location for and composition of this planting to ensure it delivers not only the required area of tree planting but that the species mix is appropriate to the area, seeks to maximise ecological benefits and where appropriate seeks to deliver recreational benefits too. In this respect the Revised Development is able to comply with policy and the relevant commentary in the Original Planning Statement and the Applicant remains committed to delivering a compensatory planting scheme in line with relevant planning conditions or through a legal agreement.

### **Transport**

- 5.2.69. The effects of the traffic generation associated with the Revised Development are set out in AEI Chapter 15. The Revised Development is predicted to result in a lower overall number of traffic movements, as a result of the reduced volume of construction materials required to be delivered during construction and the reduced felling required. Therefore, all effects in relation to Traffic and Transport of the Revised Development remain not significant. The relevant commentary in the Original Planning Statement therefore remains valid.

### **The Water Environment**

- 5.2.70. Various subsections of Policies IN2 and OP1 refer to the need to consider impacts upon the water environment. Policies NE11 and NE12 of LDP2, similarly to the previous LDP policies, seek to specifically protect the water environment from the adverse effects of development proposals, including the avoidance of culverts if possible.
- 5.2.71. The Revised Development removes one watercourse crossing at Craigengillan Burn and adds two watercourse crossings: one further upstream on Craigengillan Burn and one at an unnamed tributary of Craigengillan Burn. Chapter 13 of the AEI concludes that the potential effects associated with watercourse crossings (impediments to flow) would remain negligible and not significant as per the EIA Regulations, thus compliant with LDP2 policy.
- 5.2.72. Policy IN7 'Flooding and Development' is also relevant to this topic and this Policy states that the avoidance principle is the most sustainable form of flood management. The Policy also confirms that where a proposal could lead to an unacceptable flood risk, then it will not be

permitted. Conclusions in the Original Planning Statement in relation to flood risk remain valid, that the Revised Development is not at risk of flooding and is unlikely to contribute to the displacement of pluvial flood water. As such, it is considered that the Revised Development is consistent with the aims and objectives of Policy IN7.

- 5.2.73. Policy IN8 is also relevant and this states that sustainable drainage systems (SuDS) will be required for all proposals as a means of treating water and managing flow rates. Consistent with this Policy, the Revised Development incorporates SuDS to attenuate run-off (as was previously the case with the Proposed Development).

### **Peat**

- 5.2.74. Policies NE14 'Carbon Rich Soil' and NE15 'Protection and Restoration of Peat Deposits as Carbon Sinks' recognise the role that natural carbon sinks play in retaining carbon dioxide. Policy NE14 requires disturbance to carbon rich soils to be minimised. Policy NE15 seeks to safeguard and protect peat deposits not already subject to protection under nature conservation designations. The Policy does not seek to prevent development in areas of peat deposits, and it specifically notes that in relation to renewable energy developments these will be supported where it can be demonstrated (using the Scottish Government's carbon calculator) that the balance of advantage in terms of climate change lies in favour of the development proceeding.
- 5.2.75. The original Proposed Development was assessed as having a moderate effect, without mitigation, in relation to peat disturbance, therefore significant. With mitigation such as micro-siting out of deep peat and implementation of imbedded mitigation in line with best practice measures, the effect was reduced to low and therefore not significant. However, the changes proposed in the Revised Development result in less disturbance of peat with the location of turbines and associated infrastructure being mainly outwith deep peat areas. This is with the exception of three turbines which had limited re-location potential due to other pertinent environmental constraints. Therefore, due to the removal of two turbines, re-location of five turbines to thin peat and re-location of two turbines to thinner peat, the Revised Development is considered to result in a potential minor effect which is not significant with regards to peat disturbance. The updated Peat Management Plan (AEI Appendix 12.1) documents the peat excavation and reuse volume calculations for the Revised Development.
- 5.2.76. As regards the carbon balance assessment, the Carbon Calculator notes that approximately 9,369 tCO<sub>2</sub>e would be released from organic soil matter during construction. When other emissions are calculated as a result of the manufacture of turbines, a carbon payback period of at best 0.7 years is predicted when compared to a coal mix generation and at worst 2.4 years when compared to a grid mix generation.

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**Wind Energy Development: Development Management Considerations, Supplementary Guidance, June 2017**

- 5.2.77. The above SG is statutory SG which originally formed part of the previous LDP (2014). Although the SG has been revised recently, it has not yet been adopted to form part of the LDP2. Therefore the 2017 SG remains valid and part of LDP2.
- 5.2.78. The purpose of the SG is to provide further detail on the criteria contained in Part 1 of LDP Policy IN2 'Wind Energy'. The SG provides detailed commentary on the range of development management considerations that will need to be assessed in the determination of wind energy proposals all of which have already been discussed in detail either in relation to Policy IN2 or topic specific LDP policies. There is therefore no need to revisit these considerations in detail again here and overall conclusions about the extent of compliance with the Development Plan are set out below.
- 5.2.79. The Capacity Study (an appendix to the SG) and its commentary on the scope for additional wind turbines development is discussed previously in relation to Policy IN2 and also in EIA-R Chapter 8. It is, however, worth briefly noting that in Table 4, the Capacity Study identified LCT19a (where most of the turbines are located), as being one of only 5 LCTs across Dumfries and Galloway which *'are likely to be suitable for larger turbines'* and were then taken forward for detailed sensitivity assessments for the very large typology (over 150m to tip height). Clearly, the individual merits of an application need to be considered on a case by case basis, but this acknowledgment in the Capacity Study coupled with the location of this site in a Group 3 area within the Spatial Framework combine to illustrate that the Site is situated in a part of Dumfries and Galloway suitable, in principle, for a development of this nature and scale. This ties in with the SPP requirement to *'achieve the right development in the right place'*.
- 5.2.80. A revised Wind Energy Supplementary Guidance Document has been produced to support LDP2. The revised SG, however, has not yet been adopted. Some commentary on the draft SG is included under Section 6 of this report.

**Development Plan Conclusions**

- 5.2.81. Policy IN2 'Wind Energy' is the most relevant LDP2 policy in assessing the AEI. As a consultee, rather than the determining body for this application, the contents of policy IN2 will no doubt heavily influence the Council's consultation response.
- 5.2.82. This Updated Planning Statement has established that the Site is located within an area described as having potential for wind farm development in the Spatial Framework that forms part of Policy IN2. SPP describes such Group 3 areas as areas where wind farm development is likely to be acceptable. While this does not mean that all wind farm applications in these areas will be approved it is a significant factor to consider when balancing the benefits and environmental impacts in coming to conclusions about the overall 'acceptability' of the Revised Development.
- 5.2.83. The assessment of the Revised Development against the detailed policy criteria of Policy IN2

and other LDP2 policies has been undertaken in relation to specific technical and environmental issues which have changed as a result of the modifications in the Revised Development. The findings of the Original Planning Statement remain valid for a substantial part of the Revised Development and this document confirms where these areas of policy assessment remain unchanged. Overall the changes incorporated in to the Revised Development result in fewer significant environmental impacts, specifically in relation to cultural heritage and peat disturbance.

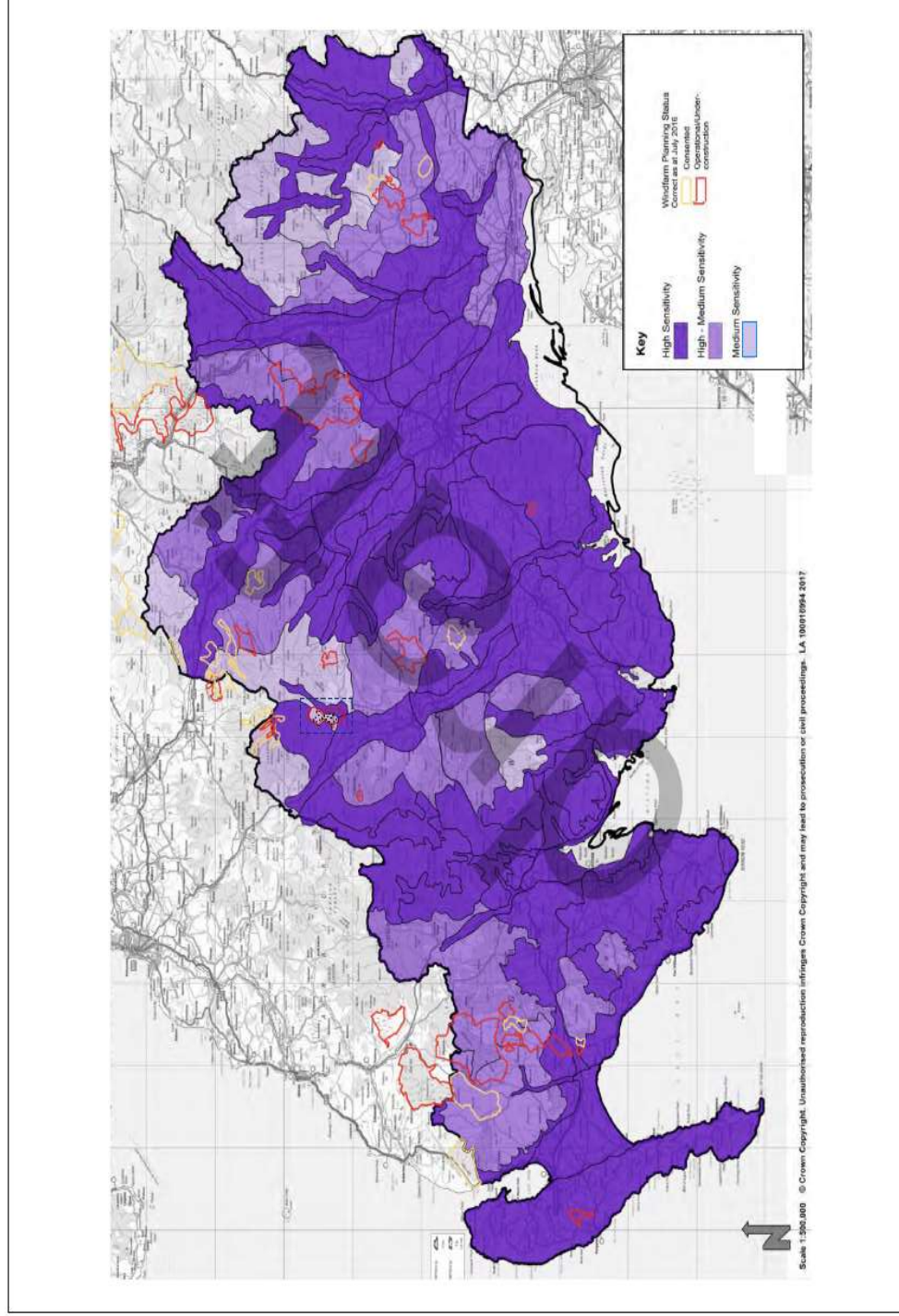
- 5.2.84. As is set out in the policy assessment above, the amendments made to the Site design for the Revised Development have reduced the anticipated effects for some cultural heritage assets from moderate, significant to negligible and therefore not significant. Also in relation to peat disturbance the reduction in turbine numbers and the relocation of infrastructure has reduced the volume of peat required to be disturbed which results in a potential minor effect which is not significant. In both of these areas therefore the Revised Development has been evolved to ensure further compliance with LDP2 policy requirements as well as addressing comments from statutory consultees (HES and SEPA).
- 5.2.85. Of substantial significance are the ongoing moves by the Scottish Government to address the declaration of a climate emergency. These very recent statements on the challenges posed by climate change and the need to take urgent action are of particular relevance to the Revised Development. The key benefit of the Revised Development relates to the significant and positive contribution it will make to Scottish Government GHG reduction and renewable energy targets which include the generation of up to 76.2MW of renewable electricity, including the integration of a battery storage facility to improve operational efficiency of the wind turbines and the displacement of approximately 1.76 million tCO<sub>2</sub>e that would otherwise be emitted from a fossil fuel mix of electricity. These significant benefits must be considered in drawing conclusions about the overall 'acceptability' as required by policies IN1 and IN2.
- 5.2.86. When all material factors are considered, the balance of the assessment falls in favour of the Revised Development because identified impacts are not considered to be 'unacceptable' and it is concluded that the Revised Development does comply with the Development Plan as a whole.
- 5.2.87. In the context of this Section 36 application, the Development Plan is one material consideration to be balanced in the decision-making process along with national energy and planning policy and guidance, albeit one which carries significant weight. It is necessary also to consider what other considerations are material to an assessment of the Revised Development and what weight can be given to each before an overall conclusion can be drawn about the wider acceptability of the Revised Development. Recent changes in the national energy and planning context have been set out in the earlier Sections 3 and 4 of this Statement. The following Section 6 notes other considerations which may influence the decision-making process.

## 6. Other Considerations

### 6.1. Wind Energy Development – Development Management Considerations – Draft Supplementary Guidance, January 2018

- 6.1.1. As part of LDP2, the Council has prepared an updated draft SG that is intended to provide further context to the two draft LDP2 policies on renewable energy and wind, Policies IN1 and IN2. This draft SG has not yet been formally adopted by the Council and therefore has the same status as was reported in the Original Planning Statement. The Draft SG notes in Section 2 that in some areas, the potential for further development is constrained due to cumulative effects. No part of the region is considered completely constraint free, and this includes Group 3 areas (which includes the Site). The draft SG notes that there may be ways to mitigate constraints such that development is acceptable. The SG also notes that each proposal will need to be considered on its own merits in light of the circumstances prevailing at the time of determination. As outlined earlier in this statement, national energy policy is evolving rapidly in Scotland to tackle the declaration of climate emergency. It would therefore be expected that the new SG will reflect this changed emphasis in support for meeting increased targets with particular reference to achieving net-zero emissions by 2045.
- 6.1.2. The draft SG deals with the same range of development management considerations as covered by LDP Policy IN2 and the current SG and there is no need to revisit these issues again here. Where the draft SG differs from the adopted SG is in relation to the inclusion of updated maps showing landscape and visual sensitivity across Dumfries & Galloway to varying scales of wind turbines. Map 4 relates to the large turbine typology (defined in the draft SG as turbines between 80-150m to blade tip) and it therefore relates to the same scale of turbines as the Revised Development.
- 6.1.3. It is acknowledged that the sensitivity maps are in draft format only but it is worth noting that the turbines are located in an area defined as being of 'medium sensitivity' to this scale of turbine, the least sensitive category across the whole Dumfries & Galloway area. An extract of Map 4 from the draft SG is set out in the Map overleaf as Figure 2, with the turbines included in the insert.

Figure 2



**KEY**

**SOURCE**  
 Dumfries and Galloway Council  
 Local Development Plan 2  
 January 2018  
 Map 4: Landscape and Visual  
 Sensitivity for 'Large' typology  
 Turbines (80-150m tip-to-tip)



Rev	Date	By	Note

**Revised Development overlaid onto map of Landscape and Visual Sensitivity for 'Large' typology Turbines (80-150m tip-to-tip)**

Shepherds' Rig wind farm

Client: Infringer  
 REV:  
 DRWG No: P17-1037.301 Approved by: FH  
 Drawn by: TH  
 Date: 18/11/2019  
 Scale: 1:500,000 @ A3



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## 7. The Planning Balance and Conclusions

- 7.1.1. This Updated Planning Statement supports AEI submitted following an application to Scottish Ministers for Section 36 consent and deemed planning permission to construct and operate the proposed Shepherds' Rig Wind Farm. This Updated Planning Statement provides an assessment of the Revised Development against relevant energy policy, national planning policy, local planning policy and associated SG and other material considerations but only where such documents have been updated since the submission of the original application and where the planning assessment differs from the conclusions drawn in the Original Planning Statement as a result of changes to the Revised Development. This Updated Planning Statement should therefore be read in conjunction with the Original Planning Statement. Whilst there is no 'primacy' of the Development Plan in an application made under the 1989 Act, as would be the case for an application under the 1997 Act, our updated assessment concludes that the Revised Development is consistent with LDP2. Notwithstanding, weight can be attributed by the decision-maker to a range of considerations including the various levels of national and local energy and planning related policy and guidance, as deemed appropriate.
- 7.1.2. During 2019, and following submission of the original application, the requirement to tackle climate change has rapidly become a more pressing social and political issue. The declaration of a climate emergency by the Scottish Government and the UK Government heightens not only awareness of this issue but the pressing need to tackle it. Individual Council areas within Scotland have also separately taken the decision to declare a climate emergency, including Dumfries and Galloway Council. The Climate Change Act 2019 sets out ambitious targets including to reach net-zero emissions by 2045 as well as raising the ambition of the 2030 and 2040 targets to 70% and 90% emissions reductions respectively. These targets are now enshrined in legislation and the full impact of the Climate Change Act 2019 will be unveiled through the coming months in relation to further action in areas such as planning and energy generation.
- 7.1.3. The IPCC publication (October 2018) brought the issues associated with global warming, which we all face, into sharp focus. According to the IPCC, As far as renewable energy is concerned, the report considers that its contribution will need to quadruple by 2050. In Chapter 3 of the CCC report, it is noted that "*a large scale shift in investment towards low-carbon technologies is needed and emissions need to stop rising and to start reducing rapidly*".
- 7.1.4. Chapter 5 of the report 'Reaching net-zero emissions in the UK', considers that with a well-designed policy framework in place, it is technically feasible to reduce emissions to net-zero by 2050, but it will be highly challenging. Reducing emissions from electricity generation is identified as a key step in the journey to net-zero and the report notes on page 145 that "*renewable energy could be four times today's levels, requiring a sustained and increased build out between now and 2050 complemented by firm low-carbon power options such as nuclear power and CCS*".
- 7.1.5. In this context, the Revised Development can make a significant contribution to local efforts

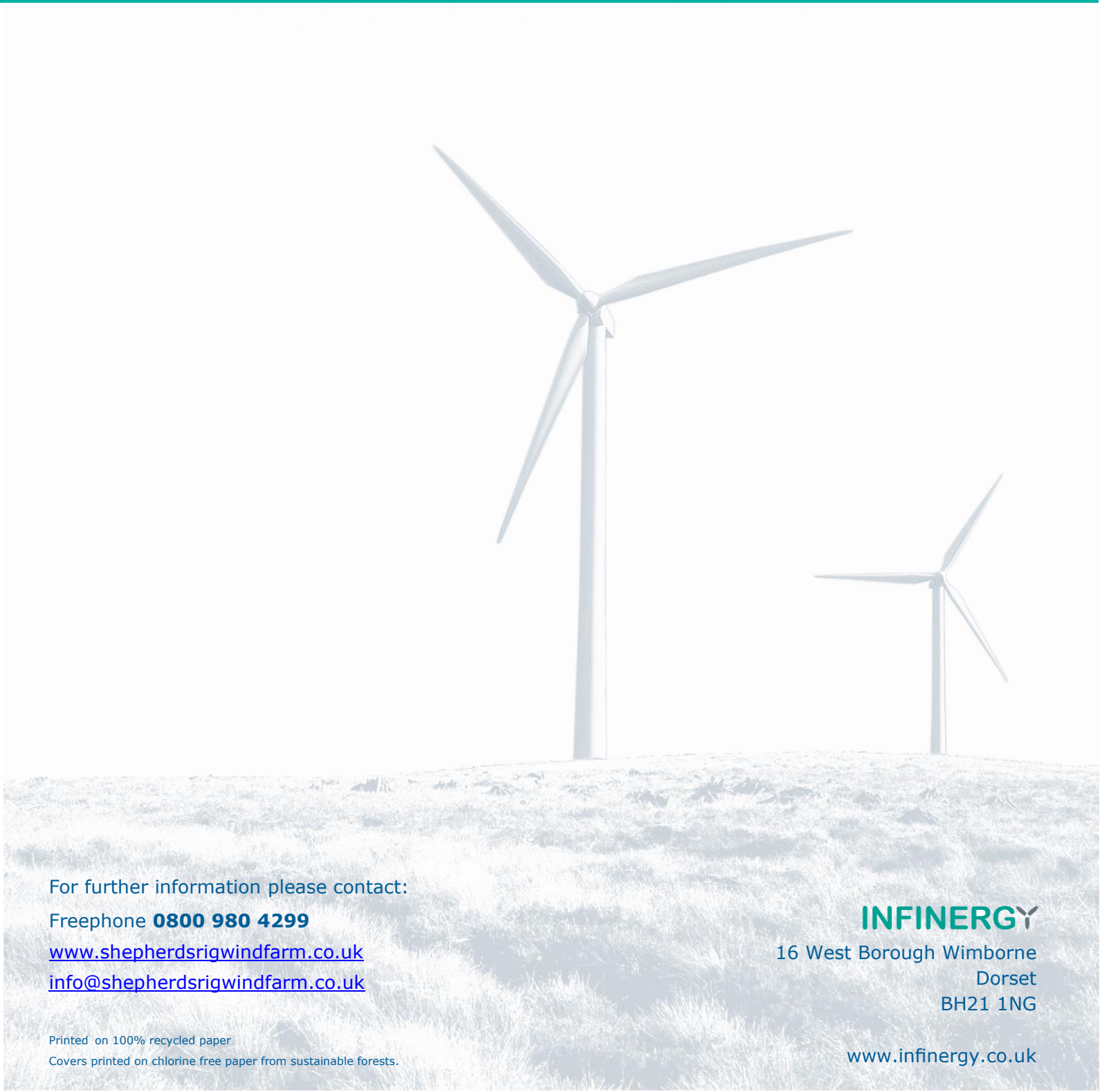
to decarbonise the UK energy system and help with wider efforts to achieve net-zero emissions. It is therefore a significant material consideration in support of this Section 36 application.

- 7.1.6. There is no doubt therefore, that the Revised Development is clearly strongly supported in principle by national energy policy and indeed by national planning policy. For the reasons discussed in this Updated Planning Statement, and the Original Planning Statement, the Revised Development draws considerable support from the presumption in favour of development that contributes to sustainable development, as set out in SPP. If anything, the presumption in favour case has been strengthened by the reduced environmental impacts associated with the Revised Development, the 'need' case has been materially strengthened as a result of the declaration of climate emergency and also the newly adopted Dumfries and Galloway Spatial Framework which identifies the Site wholly within a Group 3 area.
- 7.1.7. This Updated Planning Statement confirms that amendments made to the Site design have reduced the anticipated effects of the Revised Development in relation to both cultural heritage and the disturbance of peat on site. Through an iterative and considered approach to the number and layout of the turbines and associated infrastructure, these impacts have been avoided and further reduced where possible. Some residual effects will remain; however, very few forms of development are impact free and this is certainly the case with commercial scale wind energy developments which often give rise to significant effects. On this point, the Revised Development is really no different from other wind energy proposals across Scotland.
- 7.1.8. Overall, therefore, while some adverse effects would arise as a result of the Revised Development, these are not so geographically widespread or of a scale and magnitude that they significantly and demonstrably outweigh the benefits, as evidenced by the detailed policy assessments in the Original Planning Statement and in this Updated Planning Statement. Those assessments clearly demonstrate that the Revised Development is supported by SPP, NPF3 and relevant LDP2 policies taking account of the range of environmental and socio-economic benefits associated with the Revised Development.
- 7.1.9. What is significantly in favour of the Revised Development is the location of the Site within a location identified as having potential for wind energy development (Group 3) in the Spatial Framework associated with LDP2. Table 5 in LDP2, preceding policy IN2 and the Spatial Framework, sets out the SPP definition of Group status, confirming that Group 3 sites are likely to be acceptable for wind farm development.
- 7.1.10. In addition, it is important to recognise that the Revised Development would also give rise to positive economic benefits in the form of direct and indirect employment opportunities, both within Dumfries and Galloway and further afield in Scotland. The majority of these jobs would be focused on the construction phase but longer term jobs would be created too. In addition there would an increase in local spend, including in relation to accommodation for construction workers. Importantly, SPP makes it clear that the net economic impact of a proposal is a relevant matter to consider in the application assessment process.
- 7.1.11. The main benefits of the Revised Development are, however, considered to be environmental. Not only will the Revised Development have the ability to generate up to around 76.2MW of

clean, renewable energy but in doing so it will displace approximately 1.76 million tCO<sub>2</sub>e over the proposed 25-year operational life of the Proposed Development. In short, this is exactly the type of development required to help deliver on the urgent action required as a result of the climate emergency declaration, the targets of the new Climate Change Act 2019 and in the IPCC report if we are to seriously tackle global warming. The Revised Development can assist in wider efforts to de-carbonise the electricity generation sector by 2030, and make a wider contribution to the recent Scottish Government aspirations for a future '*renewables-dominant power system*', providing greater security over energy supplies and contributing to the expected increase in demand for electricity likely to arise in the future as a result of the electrification of heat and transport.

- 7.1.12. A decision on the application under the 1989 Act is the principal decision to be made in this case. Schedule 9 to the 1989 Act deals with preservation of amenity. In summary, the provisions set out a number of environmental features to which regard must be had and that mitigation must also be considered. The Revised Development has been redesigned and sited in order to take full account of Schedule 9 duties including doing what is reasonable in order to mitigate any environmental effects and having regard to the desirability of preserving environmental features. In addition, the Revised Development responds to comments from statutory consultees such as SEPA and HES.
- 7.1.13. Taking account of alterations to the Revised Development, changes in energy policy, GHG targets, the contents of LDP2, in particular the Group 3 status of the Site in the Spatial Framework, it is considered that there is further planning and energy policy support compared to that set out in the Original Planning Statement. Indeed further support from the LDP2 policy position clearly demonstrates that the Proposed Development is considered to be the '*right development in the right place*', and accords with the terms of SPP. This context affirms the position that Section 36 consent and deemed planning consent should be granted for the Revised Development.





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