

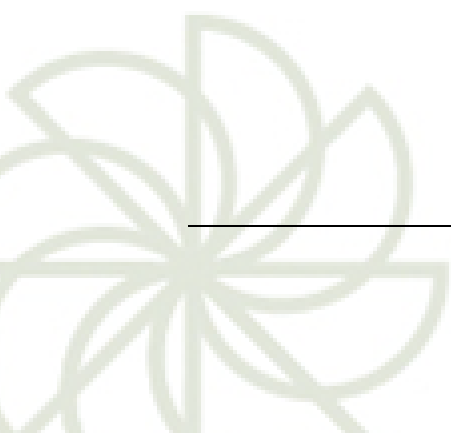
Chapter 4: Planning Policy

Tables

Table 6.1- CCC's Emissions Target Adjustment Recommendations to the Scottish Government

Abbreviations

Abbreviation	Description
AR6	Sixth Assessment Report
CCC	The Climate Change Committee
CCPu	Update to the Climate Change Plan
DGLDP2	Dumfries and Galloway Local Development Plan 2
EIAR	Environmental Impact Assessment Report
ESJTP	Energy Strategy and Just Transition Plan
GW	Gigawatt
IPCC	Intergovernmental Panel on Climate Change
LDP2	Local Development Plan 2
LDP3	Local Development Plan 3
MW	Megawatt
NPF3	National Planning Framework 3
NPF4	National Planning Framework 4
OWPS	Onshore Wind Policy Statement
SPP	Scottish Planning Policy
SYR	Synthesis Report



Chapter 4: Planning Policy

4.1 Introduction

This chapter provides a summary of the relevant planning and renewable energy policies, as its primary aim is to set out the context in which the Proposed Development will be considered.

The Applicant, Drumbuie Renewables, is seeking planning permission under the Town and Country Planning (Scotland) Act (as amended) 1997 for the construction and operation of the Proposed Development.

As stipulated by regulation 2(1) of Schedule 1 (Major Developments) of the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations of 2009, a major electricity generation development is classed as a development over 20 megawatts (MW). The Proposed Development is comprised of three wind turbines, with a combined installed capacity of less than 20MW, thus it falls outwith of the regulation 2(1) criteria and is not classed as a major development.

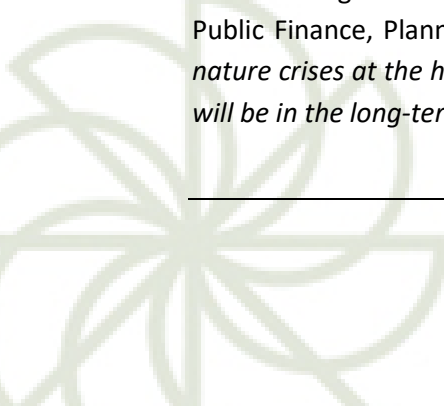
Overall, this chapter highlights the centrality of the climate crisis to planning and renewable energy policy. In April 2019, the Scottish Parliament declared a 'Climate Emergency'. Under the Climate Change (Emissions Reductions Targets) (Scotland) Act 2019, the Scottish Government set a target date for reaching net zero emissions as 2045. Achieving this will require a distinct acceleration of the expansion of renewable energy technologies in Scotland.

First, Scottish national planning policy will be assessed. Then, further on the chapter will cover other salient policy documents, alongside reports from the Climate Change Committee (CCC) who monitor emissions reductions progress and provide advice. Then, Scottish local planning policy will be assessed. The chapter concludes that there is unequivocal support for onshore wind and renewable energy is enshrined in applicable policy and, crucially, that there is a distinct need for this development.

4.2 The National Planning Framework 4

The National Planning Framework 4 (NPF4) was approved by Scottish Ministers by 88 votes to 30 in January 2023, and it was officially adopted on the 13th of February 2023. Having been adopted, it now replaces the National Planning Framework 3 (NPF3) and Scottish Planning Policy (SPP), becoming the pre-eminent piece of planning policy. NPF4 is now part of the statutory Development Plan alongside the Local Development Plans (LDPs) in Scotland, in this case the Dumfries and Galloway Local Development Plan 2 (DGLDP2).

Underpinning the Scottish Government's approach to planning policy is the assertion that we are facing a dual global climate emergency and a nature crisis, one which requires net zero emissions by 2045 to mitigate the effects of climate change. In the Ministerial Foreword to NPF4, the Minister for Public Finance, Planning and Community Wealth, states that *"putting the twin global climate and nature crises at the heart of our vision for a future Scotland will ensure the decisions we make today will be in the long-term interest of our country"*.



Part 1 of NPF4 details the National Spatial Strategy for Scotland to 2045. As NPF4 guides what infrastructure should go where, there are 6 overarching Spatial Principles to help deliver the Scottish Government's plans:

- 🌀 Just transition
- 🌀 Conserving and recycling assets
- 🌀 Local living
- 🌀 Compact urban growth
- 🌀 Rebalanced development
- 🌀 Rural revitalisation.

NPF4 also aims to deliver three categories of 'places' with future development. These 'places' will reduce emissions, promote health and wellbeing, and increase biodiversity. They are as follows:

- 🌀 Sustainable places
- 🌀 Liveable places
- 🌀 Productive places.

Scotland's spatial strategy for 'sustainable places' argues that, by 2030, significant progress must be made towards net zero emissions by 2045. The infrastructure plans outlined under the strategy for 'sustainable places' are national developments, including the Strategic Renewable Electricity Generation and Transmission Infrastructure development.

In Annex B of NPF4, there is a Statement of Need relating to this specific national development. The Statement of Need reiterates that *"large and rapid increase in electricity generation from renewable sources will be essential for Scotland to meet its net zero emissions targets"* with *"new capacity helping to decarbonise heat, transport and industrial energy demand"*. Overall, these additional projects will *"likely have an overall net positive impact on achieving national greenhouse gas emissions reductions targets"*.

Part 2 of NPF4, National Planning Policy, lists the policy principles, policy intent, and policy outcomes. The policies aim to foster a supportive policy framework for the creation of sustainable places *"where we reduce emissions, restore and better connect biodiversity"*. The policies which are relevant to the Proposed Development are:

- 🌀 Policy 1: Tackling the climate and nature crises
 - 🌀 Policy 2: Climate mitigation and adaptation
 - 🌀 Policy 3: Biodiversity
 - 🌀 Policy 4: Natural places
 - 🌀 Policy 5: Soils
 - 🌀 Policy 7: Historic assets and places
 - 🌀 Policy 11: Energy.
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Policy 1 ('Tackling the climate and nature crises') states that *"when considering all development proposals significant weight will be given to the global climate and nature crises"*. Policy 1 is connected to all other policies within NPF4, and it represents a fundamental change in the planning balance compared to the policy positions of the now superseded NPF3 and SPP. Policy 1 instructs decision-makers to pay heed to the weight of the climate crisis.

Policy 2 ('Climate mitigation and adaptation') is also connected to all other NPF4 policies. It encourages that any new developments minimise emissions to the greatest degree. Part a) of Policy 2 states that *"development proposals will be sited and designed to minimise lifecycle greenhouse gas emissions as far as possible"*.

Policy 3 ('Biodiversity') aims to enhance biodiversity and deliver nature-based solutions to Scotland's biodiversity issues. NPF4 urges developments to restore and enhance biodiversity, for example through extensive mitigation and subsequent habitat restoration and habitat connectivity. Policy 3, in part b, recommends that *"local community benefits of the biodiversity and/or nature networks"* should be taken into consideration for national or major developments; this will bolster nature education and enjoyment in the host communities around these developments.





Policy 4 ('Natural places') intends to *"protect, restore and enhance natural assets"* whilst also growing their *"essential benefits"*. Part d) states that *"development proposals that affect a site designated as... a local landscape area in the LDP will only be supported where... any significant adverse effects on the integrity of the area are clearly outweighed by social, environmental or economic benefits of at least local importance"*. The introduction of this balance, where significant effects can be clearly outweighed, is crucial.

Policy 5 ('Soils') promotes minimal disruption to carbon-rich soils and peatlands. This policy aims to ensure that Scotland's *"soils are healthy and provide essential ecosystem services for nature, people and our economy"*. Part c) expressly supports the construction of development proposals relating to the generation of energy from renewable sources on peatland, carbon-rich soils and priority peatland habitat that optimise the contribution of the area to greenhouse gas emissions reduction targets.

Policy 7 ('Historic assets and places') aims to facilitate the protection, enhancement, and regeneration of historic environment assets and places. Development proposals should assess their impact on the cultural significance of a historic asset or place, especially if it is suspected that the proposed development will have a significant impact.

Policy 11 ('Energy') is a fundamental policy within NPF4, relating to the acceleration of renewable energy generation in Scotland. The ultimate policy outcome is the *"expansion of renewable, low-carbon and zero emissions technologies"*.

Part a) of Policy 11 states that *"development proposals for all forms of renewable, low-carbon and zero emissions technologies will be supported"*. These development proposals include:

-  Wind farms including repowering, extending, expanding and extending the life of existing wind farms
 -  Enabling works, such as grid transmission and distribution infrastructure
 -  Energy storage, such as battery storage and pumped storage hydro
 -  Small scale renewable energy generation technology
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- ☼ Solar arrays
- ☼ Proposals associated with negative emissions technologies and carbon capture
- ☼ Proposals including co-location of these technologies.

This support for renewable energy is explicit and unequivocal. In part c) of Policy 11, it states that proposals will 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, there is a recognition that, whilst landscape and visual impacts are expected, “*significant weight will be placed on the contribution of the proposal to renewable energy generation targets and on greenhouse gas emissions reductions targets.*”

4.3 The Onshore Wind Policy Statement

Officially adopted in December 2022, the Onshore Wind Policy Statement (OWPS) is a statement of Scottish Government policy in relation to onshore wind developments and is a significant material consideration in the determination of applications for onshore wind developments.

The OWPS covers a range of topics, including:

- ☼ The Scottish Government’s ambitions and aspirations for onshore wind, and how they aim to achieve them
- ☼ How the benefits of onshore wind can be maximised, yet balanced alongside environmental and other considerations
- ☼ The community benefits associated with onshore wind
- ☼ Technical considerations.

The OWPS advocates for a full, accelerated transition to a low-carbon energy system, achieving a ‘Just Transition to Net Zero’ by 2045. It is stated in Chapter 1 that Scotland is a “*frontrunner in onshore wind*”, with 9 gigawatts (GW) in operational onshore capacity. Paragraph 1.1.4 sets out the Scottish Government’s ambition to increase this operational capacity, through the maintenance of a supportive policy framework.

Paragraph 1.3.2 sets a concrete ambition of “*a minimum installed capacity of 20 GW of onshore wind in Scotland by 2030*”. This is a significant target, one that will require deployment of an additional 12 GW of onshore wind by 2030 if it is to be reached. This will result in a rapid decarbonisation of Scotland’s energy system.

Chapter 2 details how Scotland will deliver their onshore wind ambition. To begin, it is stated, in paragraph 2.1.1, that the Scottish Government will seek to maximise the economic and social benefits of a just transition, through a collaborative approach across industry, government, and communities.

In Chapter 3, ‘Environmental Considerations: Achieving Balance and Maximising Benefits’, achieving net zero emissions by 2045 remains a principal concern. In this chapter, issues of shared land use, peat and carbon-rich soils, forestry, biodiversity, landscape and visual amenity and NPF4, and noise are discussed. Paragraph 3.1.2. states that a balance must be struck between accelerating the deployment of renewable energy and maximising economic and environmental benefits available for Scotland.

Section 3.6, 'Landscape & Visual Amenity and National Planning Framework 4', again reiterates the necessity for Scotland to reach the legislated emissions reductions targets, with particular and concrete mention to the accelerated deployment of onshore wind which must occur before 2030. Paragraph 3.6.1 states that taller, more efficient turbines are required to make the 20 GW target attainable, and that this will "*change the landscape*".

The OWPS includes significant detail on how the acceleration of onshore wind deployment in Scotland will bolster Scotland's economy and jobs market. Paragraph 5.1.5 states that "*onshore wind already provides significant support to local economies across Scotland*", whilst paragraph 5.2.1 details Scotland's well-established energy supply chain and skilled jobs market, which the onshore wind sector can continue to support whilst the Scottish Government devises new manufacturing supply chain opportunities.

4.4 Draft Energy Strategy and Just Transition Plan

In January 2023, the Cabinet Secretary for Net Zero, Energy and Transport, Michael Matheson MSP, and the Minister for Just Transition, Fair Work and Employment, Richard Lochhead MSP, published the Draft Energy Strategy and Just Transition Plan (ESJTP) for consultation. The ESJTP aims to facilitate the delivery of a resilient net zero energy system, one powered by clean energy.

For Scotland to be a "*renewable powerhouse*", the Scottish Government will "*significantly scale up renewable energy production, including on and offshore wind power, renewable hydrogen, marine energy, solar and hydro*", whilst also maximising the "*community and economic benefits*" for Scotland's businesses, workers, and citizens. A complete net zero energy system will make Scotland more robust and able to cope with global energy shocks or energy crises.

A salient target at the centre of the ESJTP, is the deployment of more than 20 GW of additional on and offshore wind capacity, which includes a specific ambition to deliver 12 GW of onshore wind by 2030. Alongside this, the ESJTP set out an ambition for the Scottish Government to develop an Onshore Wind Sector Deal with representatives of the onshore wind industry. This deal was finalised and signed in September 2023 at the Scottish Onshore Wind Conference in Edinburgh. The sector deal details the actions which must be implemented in order to secure the additional onshore wind capacity.

Scotland leads the way in onshore wind development. With almost 9 GW of onshore wind currently installed in Scotland, delivering a further 12 GW of onshore wind capacity by 2030 is more than a 122% increase. To elaborate on how this increase will be delivered, the ESJTP points to the recently published Onshore Wind Policy Statement, a document which was assessed in Section 3 of this Policy Chapter.

4.5 The Climate Change Committee's Reports

Since November 2020, the Climate Change Committee (CCC) has published multiple reports. In December 2020, the Scottish Government published their Update to the Climate Change Plan [2018-2032] (CCPu), titled 'Securing a Green Recovery on a Path to Net Zero'. The CCPu presents that over 90% of Scotland's electricity comes from renewables, however this achievement must be scaled up to further prioritise renewables as the country makes a wider move towards decarbonisation of other sectors.

A pathway to 2032 is set out by the Scottish Government. As they hope to achieve a 75% reduction in emissions by 2030, there is a focus on prioritising new onshore wind capacity and reviewing the energy consenting process to ensure a smooth transition to renewables for all energy needs. In December 2021, the CCC published their 10th annual Progress Report to the Scottish Parliament. The report argued that “*promises have not yet turned into action*”, as Scotland’s climate targets for 2030 and 2045 (a 75% reduction in emissions and an 100% reduction respectively) will be unachievable without significant effort and political transparency.

In December 2022, the CCC published the 2022 Report to Scottish Parliament, titled ‘Progress in reducing emissions in Scotland’, which assessed Scotland’s latest progress in emissions reductions. The December 2022 report assesses Scotland’s 2022/23 Programme for Government and, in terms of climate policy, presents the fact that there is an aim of 12 GW of onshore wind by 2030 in Scotland. Without onshore wind, and without significant changes to policy and government engagement, the CCC believe that it is unlikely that the emissions reductions targets will be achieved.

Crucially, the CCC recommends several adjustments to the ambitious climate targets Scotland hopes to achieve, in the hope of reinforcing the integrity of Scotland’s climate framework. Slightly adjusting the targets, the CCC claims, will make them significantly more achievable, in line with a new calculating methodology to be introduced in 2023. The table below (Table 1) shows a comparison between the current legislated targets, and the advisory adjusted targets recommended by the CCC in December 2022.

Table 1: CCC’s Emissions Target Adjustment Recommendations to the Scottish Government.

Year	Current Target	Recommended Target
2021	57.9%	51.1%
2022	59.8%	53.8%
2023	61.7%	56.4%
2024	63.6%	59.1%
2025	65.5%	61.7%
2026	67.4%	64.4%
2027	69.3%	67.0%
2028	71.2%	69.7%
2029	73.1%	72.3%

Source: CCC analysis, Scottish Government.

4.6 The Dumfries and Galloway Local Development Plan 2

The Dumfries and Galloway Local Development Plan 2 (DGLDP2) was adopted on 3rd October 2019. The Local Plan covers the whole Dumfries and Galloway Council administrative area and is a key material consideration in the determination of applications at this time.

The key policies in the DGLDP2 include:

 Policy IN1 (‘Renewable Energy’)

- ☼ IN2 ('Wind Energy')
- ☼ Map 8 ('Wind Energy Spatial Framework'), which identifies the proposed development site as an *"area with potential for wind farm development"*.

Policy IN1 ('Renewable Energy') states that Dumfries and Galloway Council *"will support development proposals for all renewable energy generation and/or storage which are located, sited, and designed appropriately"*. This will be determined through an *"assessment of the details of the proposal including its benefits and the extent to which its environmental and cumulative impacts can be satisfactorily addressed"*. The acceptability of the proposals will be assessed against a myriad of considerations, including:

- ☼ Landscape and visual impact;
- ☼ Cumulative impact;
- ☼ Impact on local communities and individual dwellings, including visual impact, residential amenity, noise and shadow flicker;
- ☼ The impact on natural and historic environment (including cultural heritage and biodiversity);
- ☼ The impact on forestry and woodlands;
- ☼ The impact on tourism, recreational interests and public access.

Policy IN2 ('Wind Energy') is understandably of particular relevance. Paragraph 4.108 states that Policy IN2 sets out *"the issues that will be taken into account for all specific proposals"*. Furthermore, paragraph 4.109 details the capacity of different landscapes to accommodate wind energy proposals. Policy IN2 primarily recognises that the Council will support wind energy proposals that are located, sited and designed appropriately.

In assessing the acceptability of wind energy proposals, the development proposals will be assessed against the following criteria:

- ☼ Renewable energy benefits e.g. the scale of contribution to renewable energy generation targets and opportunities for energy storage
- ☼ Socio-economic benefits e.g. local and community benefits in the form of jobs, employment, and supply chain opportunities
- ☼ Landscape and visual impacts in relation to the capacity of the landscape to accommodate wind energy, and that the design and scale of the proposal is appropriate to its setting
- ☼ Cumulative impact
- ☼ Impact on local communities and residential dwellings, e.g. impacts on residents and local amenity, noise, shadow flicker, and the mitigation proposals associated with these impacts
- ☼ Impact on infrastructure
- ☼ Impact on aviation and defence constraints
- ☼ And a myriad of other considerations e.g. impacts on biodiversity, heritage, tourism, forests and woodland, carbon-rich soils, and hydrology.

The policies in the DGLDP2 which are relevant to this proposal include:

- ☼ Policy OP1: Development Considerations
- ☼ Policy OP3: Developer Contributions
- ☼ Policy ED2: Business Development & Diversification of Rural Areas
- ☼ Policy ED9: Tourism
- ☼ Policy ED11: Dark Skies
- ☼ Policy HE1: Listed Buildings
- ☼ Policy HE2: Conservation Areas
- ☼ Policy HE3: Archaeology
- ☼ Policy HE6: Gardens and Designed Landscapes
- ☼ Policy NE5: Species of International Importance
- ☼ Policy NE6: Sites of National Importance for Biodiversity and Geodiversity
- ☼ Policy NE8: Trees and Development
- ☼ Policy NE11: Supporting the Water Environment
- ☼ Policy NE12: Protection of Water Margins
- ☼ Policy NE14: Carbon Rich Soil
- ☼ Policy CF4: Access Routes
- ☼ Policy IN1: Renewable Energy
- ☼ Policy IN2: Wind Energy
- ☼ Policy IN8: Surface Water Drainage and Sustainable Drainage Systems (SuDS)
- ☼ Policy T1: Transport Infrastructure
- ☼ Policy T2: Location of Development/Accessibility
- ☼ Map 8: Wind Energy Spatial Framework
- ☼ Dumfries and Galloway Council Local Development Plan Supplementary Guidance – Historic Built Environment
- ☼ Dumfries and Galloway Council Local Development Plan 2 Supplementary Guidance – Part 1 Wind Energy Development: Development Management Considerations Appendix 'C' Dumfries and Galloway Wind Farm Landscape Capacity Study.

Dumfries and Galloway Council are currently in the process of preparing the next Dumfries and Galloway Local Development Plan (LDP3). The future LDP3 will look ahead to the upcoming decades for Dumfries and Galloway. As NPF4 is now adopted, Dumfries and Galloway Council have 5 years to adopt LDP3.

4.7 Other policy considerations

In recent years, international political conversation and multi-level policymaking has revolved around combatting climate change, and slowing the rate of rising temperatures which pose such a risk to the globe.

The 2015 Paris Agreement is an international treaty on climate change, and it has been ratified by the EU and 194 states across the globe. In March 2023, the International Panel on Climate Change (IPCC) published the final instalment of their sixth Assessment Report (AR6) which details the progress made towards achieving the aims of the Paris Agreement.

The AR6 report warns of the dangers of ‘climate overshoot’, which is where global warming increases past the ideal 1.5°C limit set out in the Paris Agreement of 2015. The IPCC outlines “*multiple opportunities for scaling up climate action*”, with wind and solar technologies highlighted as key high-confidence options to scale-up clean energy and reduce our reliance on damaging fossil fuels. Without these options, the IPCC warns, the worst climate change scenarios have a higher chance of occurring, putting our future in jeopardy.

4.8 Conclusion

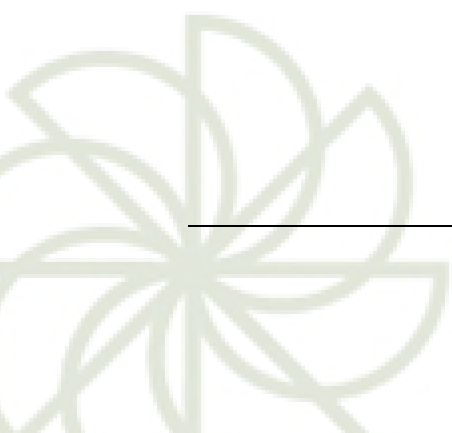
To conclude, the Applicant submits that there is unequivocal support for renewable energy at international, national, and local policy levels. Some key conclusions include:

- ☼ Achieving net zero, and tackling global climate change, is central to the Scottish Government’s planning policy, and it is stated that onshore wind and other green technologies will continue to play a central role.
- ☼ The Scottish Government aim to reach 20 GW of installed onshore wind capacity by 2030.
- ☼ It is recognised in the now adopted NPF4 and OWPS that significant weight is to be placed on the climate emergency when making development decisions.

NPF4 sets out the vision and direction of development to 2030, 2045, and beyond, setting the planning balance in favour of renewable energy and more specifically onshore wind. Tackling the climate emergency is a central focus of NPF4, which is a stark departure from previous planning policy in Scotland.

There is an explicit assertion of support for wind farm development in Policy 11, ‘Energy’, of the approved NPF4 that reads “*development proposals for all forms of renewable, low-carbon and zero emissions technologies will be supported*”. This is a stronger indication of support than the Draft NPF4 which stated that these developments “*should be supported in principle*”. This change will help secure an increased deployment of onshore wind, to help Scotland reach its target of 20 GW of installed onshore wind by 2030.

Achieving international and national emissions reductions targets, on the advice of the CCC, requires increased and accelerated action. Transitioning to clean, green technologies for our energy is crucial; the Applicant submits that whilst Herds Hill Wind Farm will make a small but vital contribution to achieving Scotland’s net zero emissions target, it is an important delivery of clean, green electricity direct to an industrial business which employs local people and should therefore be supported.



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