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Planning Statement

Windburn Wind Farm

Windburn Wind Farm Limited

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Making Sustainability Happen

Revision Record

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Executive Summary

Introduction

Windburn Wind Farm Limited (the applicant), proposes to install and operate up to 13 wind turbines at up to 149.9m blade tip height, with associated infrastructure (the proposed development) on land (the site) in the Ochil hills, approximately 2.9km north of the settlement of Alva. This Planning Statement has been prepared on behalf of the applicant to accompany an application under Section 36 of the Electricity Act 1989 for consent to construct and operate the proposed development, and for deemed planning permission under S57(2) of the Town and Country Planning (Scotland) Act 1997.

The proposed development would have generating capacity in the region of 65MW, with an additional approximately 35MW of battery storage. The applicant holds a grid connection contract for 75MW of export and has made submissions to the National Energy System Operator (NESO) to enable a 2030 connection which will contribute to the UK Government's Clean Power 2030 Action Plan (DESNZ, 2024).

Site Selection and Proposed Layout

The location for Windburn Wind Farm has been selected for a number of reasons. It benefits from high wind speeds, is located outwith any statutory environmental designations, and turbines are located in excess of 2.5km from the nearest residential property and even further from the closest nearby settlements, whilst also being within 20km of larger settlements such as Stirling and Alloa (relatively close proximity to areas of demand for electricity).

The iterative design process of the proposed development, took into account the findings of the EIA, and attempted to reduce any potential negative effects where possible. This has taken the form of (amongst other things) a reduction in the wind turbine blade tip heights proposed, a reduction in the number of wind turbines proposed, and various iterations of onsite access tracks and crane pad alignment.

Policy and Targets

Both UK and Scottish Government legislation and energy policy have, for some considerable time, provided a strong commitment to renewable energy (including onshore wind) and a reduction in greenhouse gas emissions in order to seek to tackle climate change, enhance security of electricity supply and to reduce costs to the consumer. In terms of climate change there is now growing consensus on both the severity of the consequences of global warming, and also the challenges that Scotland and the UK as a whole face in meeting current climate change commitments and targets. With the recent scrapping of the interim 2030 emissions reduction targets in Scotland, due to these being considered unachievable, it is becoming apparent that the scale and urgency with which action is being taken with regards climate change emissions needs to be increased. The UK Government is in the process of enabling fundamental changes to the grid connection and development process which will also lead to less reliance on imported gas for generation and potentially lower electricity prices for the consumer.

Consenting Regime

As the proposed development is for a generating station with capacity in excess of 50MW the application is made under Section 36 of the Electricity Act 1989, rather than the Town and Country Planning (Scotland) Act 1997. This means that, although important to consider, the Development Plan does not hold the same weight in the decision making process. Instead, the applicant, and Scottish Ministers, have obligations under Schedule 9 of the Electricity Act 1989 requiring regard to certain environmental matters when formulating development proposals, including the desirability of preserving natural beauty, conserving listed natural heritage interests and protecting sites, buildings and objects of architectural



and historical interest. This Planning Statement, alongside the submitted Environmental Impact Assessment Report, demonstrates how the applicant has had regard to these relevant environmental matters.

Summary of Benefits

In terms of the benefits of the proposed development there are several, ranging from contributing to renewable energy targets to providing economic benefits for the local community, Scotland and the UK.

The proposed development would have generating capacity in the region of 65MW, with an additional approximately 35MW of battery storage. The proposed development would produce an average of approximately 227,760 Megawatt hours (MWh) of electricity annually (based on a site derived capacity factor of 40%). This equates to the electricity consumed by approximately 70,317 average UK households¹. The project could potentially connect as part of the CP30 Action Plan.

If consented, the proposed development is predicted, during the construction phase, to generate approximately £4.7 million of Gross Value Added (GVA) for the local area (Clackmannanshire, Perth and Kinross and Stirling Council areas), and a further £11.8 million GVA to the wider Scottish economy. The construction phase of the proposed development is predicted to support (directly and indirectly) approximately 64 full time equivalent jobs locally (across the local area), and a further 202 full time equivalent jobs across Scotland. The operational phase of the proposed development is predicted to support (directly and indirectly) approximately 64 for support (directly and indirectly) up to 17 full time equivalent jobs locally (across the local area).

The Scottish Government's carbon calculator (offline version) indicates that the proposed development will pay back the carbon emissions associated with its construction, operation and decommissioning in approximately 1.3 years (assuming replacement of a fossil fuel mix of electricity generation).

The proposed development also includes proposals for habitat restoration and biodiversity enhancements through blanket bog restoration which are committed to via an outline Habitat Management Plan (HMP). This restoration and enhancement would see an area 251.31ha of active blanket bog restoration.

Conclusions

It is submitted that the proposed development would provide significant climate change and renewable energy benefits as well as positive socio-economic benefits at a local and national level. Significant weight should also be given to the legally binding emissions reduction targets and net zero related pronouncements when determining applications, with the need case for renewable energy developments made abundantly clear through local and national policy, targets and law.

The proposal for which consent is being sought is therefore considered, on balance, to be acceptable in relation to Schedule 9 of the Electricity Act 1989 and other key material considerations, when the likely residual significant effects (landscape and visual amenity only) are weighed against the anticipated positive benefits of the proposed development. It is therefore concluded that the planning balance lies firmly in favour of the proposed development.

¹ Calculated using the most recent statistics from Department of Energy Security and Net Zero (DESNZ) showing that annual GB average domestic household consumption is 3,239kWh (as of January 2024).



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1.0 Introduction

1.1 The Application

- 1. This Planning Statement has been prepared on behalf of Windburn Wind Farm Limited to accompany an application under Section 36 of the Electricity Act 1989 for the construction and operation of a wind farm (herein after referred to as the 'proposed development') located in the western Ochil Hills. The proposed development includes up to 13 wind turbines, with blade tip heights up to 149.9m, with a generating capacity of approximately 65MW, and approximately 35MW of battery storage, together with associated infrastructure. The application site (herein after referred to as 'the site') is within the planning authority of both Clackmannanshire, and Perth & Kinross Councils. The proposed development would be known as Windburn Wind Farm and would be centred on National Grid Reference (NGR) NN 87737 02889, as shown on **Figure 1**.
- 2. In addition to the application for consent in terms of section 36 of the Electricity Act, a request is also being made that a direction be issued under section 57(2) of the Town and Country Planning (Scotland) Act 1997 that planning permission be deemed to be granted.
- 3. The proposed development constitutes a Schedule 2 development under the Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017. An EIA has been carried out and the application is accompanied by an Environmental Impact Assessment (EIA) Report. This Planning Statement does not form part of the EIA Report. However, reference is made to the conclusions of the EIA Report in assessing the acceptability of the proposed development in relation to the planning policy framework and other relevant material considerations.

1.2 The Applicant

- 4. The applicant is Windburn Wind Farm Limited (herein after referred to as 'the applicant'), which is part of a joint venture between Wind2 Limited (Wind2) and companies managed by Octopus Energy Generation.
- 5. The founders of Wind2, together with the Wind2 team, have a substantial track record in the successful development of onshore wind throughout the UK being responsible for the delivery of approximately 1 GW of renewable energy through their involvement with RDC Partners and West Coast Energy, sold to ENGIE in 2014. Wind2 is working on the development of a number of subsidy free renewable energy projects throughout the UK, and is committed to investing in Scotland with personnel based in offices in Edinburgh and in Cromarty the Black Isle.
- 6. Octopus Energy Generation are one of Europe's largest investors in renewables, managing approximately £6.8 billion of assets, the majority of which is green energy generation across twenty countries. Octopus Energy Generation operate solar and wind projects across the UK.

1.3 **Purpose of this Planning Statement**

7. The purpose of this Planning Statement is to explain the legislative framework within which the proposed development requires to be considered. In doing so, material considerations that are relevant to the determination of this Section 36 application are



identified and then assessed. The intention of this Planning Statement is to assist the decision maker (and the relevant planning authorities when responding to the decision maker) to reach an informed opinion regarding the planning balance and acceptability of the proposed development.

- 8. This Planning Statement is structured as follows:
 - Section 2 sets out the location of the site and its surroundings;
 - Section 3 provides an overview of the proposed development;
 - Section 4 summarises the benefits of the proposed development;
 - Section 5 summarises the legislative context for the determination of section 36 applications;
 - Section 6 sets out the key renewable energy and climate change legislation and policies relevant to the proposed development;
 - Section 7 identifies the relevant Development Plan policies (including national planning policy) and provides an assessment of the proposed development against the relevant policies; and
 - Section 8 weighs up the planning case for the proposed development and provides concluding remarks on the overall acceptability of the proposals having regard to all material factors.

2.0 The Site and Surroundings

2.1.1 The Site

- 9. The site is located in the Ochil Hills, across the administrative boundaries of both Clackmannanshire Council and Perth & Kinross Council (**Figure 1**).
- 10. The site area, which measures approximately 1,474ha, is currently utilised for livestock grazing, small amounts of forestry plantation, and recreational uses (hill walkers, runners, cyclists etc.). The site also includes a section of the Sheriffmuir road (C468) up to where it joins the A9, in order to allow for widening and other improvements which would facilitate abnormal loads and other HGV's using it to access the main part (turbine developable area) of the site.
- 11. The site is characterised by sloping expanses of moorland at typical elevations of between 142m-677m Above Ordnance Datum (AOD). There are several hills within the site boundary, with the tallest being Ben Buck at 679m AOD. The proposed turbine locations are situated on ground with an elevation of up to approximately 555m AOD, therefore avoiding the highest slopes present within the site. The site is intersected by a number of small tributaries, the majority of which flow into the Allan Water or the River Devon
- 12. There are no statutory environmental designated sites located within the site application boundary.
- 13. The site is located within the Ochil Hills Local Landscape Area (LLA) and the Ochils Special Landscape Area designations. The former being within Perth and Kinross, and the latter being in Clackmannanshire.
- 14. There is one Core Path (BLFD/118) that passes through the site, across a section of the Sheriffmuir road included within the site application boundary. There is also a Public Right of Way (Tillicoultry to Blackford Row) which passes just within the application boundary, adjacent to the Upper Glendevon Reservoir.
- 15. There is a candidate Local Nature Conservation Site (Alva Moss) located within the site application boundary.

2.1.2 The Surroundings

- 16. The following are the closest (within 2km) statutory environmental designated sites to the site application boundary:
 - Carsebreck and Rhynd Lochs Site of Special Scientific Interest (SSSI) approximately 900m north of the site boundary, which consists of three shallow reservoirs of open water and the large raised bog of Shelforkie Moss;
 - South Tayside Goose Roosts Special Protection Area (SPA) approximately 900m north of the site boundary, designated for the lochs providing roost sites for internationally important numbers of wintering geese and for nationally important numbers of nesting ducks;
 - South Tayside Goose Roosts RAMSAR approximately 900m north of the site boundary, designated for its wetlands;



- Shelforkie Moss Special Area of Conservation (SAC) approximately 1.6km north west of the site boundary, designated for bog-moss Sphagnum magellanicum and S. cuspidatum pools;
- Craig Leith and Myreton Hill SSSI approximately 1.8km south east of the site boundary, which is known to support a breeding colony of northern brown argus (Aricia Artaxerxes) butterfly;
- 17. The following are the closest (within 2km) statutory cultural heritage designated sites to the site application boundary:
 - East Biggs Hut Circles Scheduled Monument (SM7586) approximately 970m south of the site boundary;
 - Banheath Farmstead Scheduled Monument (SM7595) approximately 1.18km north of the site boundary at its closest point; and
 - Whitestone Range Scheduled Monument (SM10929) approximately 1.7km west of the site boundary.
- 18. The immediate surrounding area is rural in nature, with no occupied residential properties located within approximately 2.5km of the proposed turbines. There are, however, several settlements in the wider surrounding area. To the north of the site, in Perth & Kinross, are the settlements of Blackford (approximately 600m from the site boundary and approximately 5.1km from the nearest proposed wind turbine) and Greenloaning (approximately 2.9km from the site boundary, and approximately 5.6km from the nearest proposed wind turbine). To the south of the site, in Clackmannanshire, are the towns of Alva (approximately 2.9km from the site boundary, and approximately 3.1km from the nearest proposed wind turbine), Menstrie (approximately 3.1km from the site boundary, and approximately 3.8km from the site boundary, and approximately 4.4km from the site boundary, and approximately 4.4km from the nearest proposed wind turbine).
- 19. The operational Burnfoot Hill (13 turbines up to 102m tip height), Burnfoot East (3 turbines up to 135m tip height), Burnfoot North (2 turbines up to 102m tip height), and Rhodders (6 turbines up to 102m tip height) wind farms are located immediately to the east of the site (closest turbines within 1km of the proposed turbines).

3.0 Overview of the Proposed Development

- 20. The proposed development would comprise the following principal components:
 - 13 wind turbines, with a maximum blade tip height of up to 149.9m;
 - 13 wind turbine foundations;
 - Hard standings adjacent to each wind turbine, including crane pads;
 - Underground electrical cabling;
 - A substation control building and compound (including battery storage);
 - New internal tracks (including watercourse crossings and floated track) and upgrading of an existing road (Sheriffmuir road);
 - Two borrow pits; and
 - Three temporary construction compounds.
- 21. The layout of the proposed development is shown on **Figure 2**. It is requested that the precise locations of the proposed wind turbines and ancillary infrastructure may be microsited within a 50m radius from the positions shown on **Figure 2**. This micrositing is requested in order to allow a degree of flexibility to take into account localised ground conditions and other environmental constraints which may be identified during post consent survey works. A micrositing planning condition requiring all micrositing of infrastructure (including wind turbines) to be within a 50m radius from the positions shown on **Figure 2** is proposed. **Appendix 02** to this Planning Statement contains a list of the ECU's standard planning conditions for onshore wind farm development, as well as any amendments proposed by the applicant.

3.1 Wind Turbines

- 22. A range of wind turbine models may be suitable for the site, and the final choice of turbine model would be selected through a competitive procurement process. As there is an uncertainty relating to which wind turbine model would be used at the time of construction, this application requests a reasonable degree of flexibility for the permissible dimensions of the turbine. However, based upon a maximum blade tip height of 149.9m, it is anticipated that the installed nominal capacity of each wind turbine will be approximately 4.8MW.
- 23. As the proposed wind turbines are under 150m to blade tip height, it is expected that no visible aviation lighting will be required, with only infrared aviation lighting being required.

3.2 Ancillary Infrastructure

- 24. Turbine foundation construction design will be finalised at the detailed design engineering stage following selection of the final wind turbine to be used for construction.
- 25. A crane hardstanding of approximately 41.5m x 36m x 1m will be required adjacent to each wind turbine, to provide a stable base for construction and crane erection activities. These crane hardstanding areas will be permanently retained for maintenance operations. The crane hardstanding would also include a number of



smaller, temporary, crane boom support pads alongside the access track, going back potentially a further 76m from the edge of the main crane hardstanding area.

- 26. For the access route to connect to the site infrastructure, a total of approximately 18.3km of access track/road will be required. This will comprise approximately 14.54km of new track (of which approximately 1.68km would be floated track), and approximately 3.76km of existing road which will require to be upgraded. This will require the formation of two new watercourse crossings.
- 27. The electricity produced by the wind turbines will be fed by underground cables, to a substation control building (located within the substation compound) at NGR NN 86227 06321. The proposed substation compound would be approximately 100m x 75m and the proposed substation control building would measure approximately 16m(w) x 30m(l) x 8m(h).
- 28. There is 35MW of battery storage proposed, which would sit within the substation compound adjacent to the Sheriffmuir road. The battery storage units would measure approximately 12m (I) x 5m (w) x 4m (h) and include ancillary equipment such as inverters.

3.3 Construction Phase

- 29. It is anticipated that construction activities for the proposed development would take approximately 24 months.
- 30. The proposed site access and delivery route for construction traffic is anticipated to be from the A9 (it is proposed that all construction vehicles follow a 'left in and left out' only directive when turning off of and onto the A9) and then Sheriffmuir road. Abnormal Loads are anticipated to be delivered from the Port of Rosyth, via the M90, A9 and Sheriffmuir road as shown in **Figure 3**.

3.4 Grid

31. It is anticipated that the proposed development would connect into the Braco West Substation, to the north west of the site. The grid connection route does not form part of this application and will instead be subject to a separate Section 37 application for consent under Section 37 of the 1989 Act.

3.5 Operational Phase

32. Although it is increasingly considered that there is no operational need to limit the lifetime of onshore wind development, consent in this instance is being sought for a period of 40 years.

3.6 Decommissioning and Site Restoration

33. At the end of its operational life, it is anticipated that the proposed development would be decommissioned in accordance with a Decommissioning and Restoration Plan (DRP) which would be submitted to the Planning Authorities for approval prior to decommissioning. Alternatively, a new application could be made to extend its operational life. Providing there has been no approval to extend the operational life, it is expected that the proposed development would be decommissioned in line with the approved DRP.

4.0 Benefits of the Proposed Development

4.1 Renewable Energy Generation

- 34. The proposed wind turbines would have an anticipated nominal capacity of approximately 65MW. The annual generation from the wind turbines is therefore estimated at approximately 227,760 Megawatt hours (MWh) based on a site derived capacity factor of 40%.
- 35. Based upon this predicted annual electricity generation figure and the most recent energy statistics provided by the Department of Energy Security and Net Zero² which identify that average UK domestic household consumption is 3,239 kilowatt hours per annum, it is estimated that the proposed development will supply renewable electricity equivalent to the current annual domestic needs of approximately 70,317 UK households, which would be approximately 74.5% of the current energy requirements of the approximately 94,377 homes across Perth and Kinross, and Clackmannanshire.
- 36. The Scottish Ministers are legally bound through the Climate Change (Scotland) Act 2009 to reduce carbon emissions to net zero by 2045. The proposed development would reduce greenhouse gas emissions through replacing fossil fuel generation. On the basis of anticipated renewable energy generation output presented above, it is submitted that the proposed development would make a substantial contribution towards climate change targets.
- 37. The sooner that steps towards the decarbonisation of the energy supply are introduced, the greater their contribution to limiting climate change will be. Delivery of renewable energy capacity in the near term (through infrastructure such as the proposed development) will have a disproportionately higher benefit than the same capacity delivered later.

4.2 Carbon Payback

- 38. The length of time a wind turbine needs to be in operation before it has, by displacing fossil fuel energy generation, avoided as much carbon dioxide as was released in its lifecycle is known as the carbon payback period.
- 39. A carbon balance assessment has been undertaken for the proposed development using the offline version of the Scottish Government's carbon calculator for wind farms. The methodology used for the carbon calculator includes a range of factors that account for carbon losses including:
 - turbine lifecycle (e.g. manufacture, construction and decommissioning);
 - backup power generation when the wind turbines cannot generate energy;
 - reducing carbon fixing potential from peat loss;
 - soil organic matter from peat losses; and

² Department of Energy Security and Net Zero (DESNZ) showing that annual GB average domestic household consumption is 3,239kWh (as of January 2024).



- dissolved organic carbon and particulate organic carbon leaching from changes in drainage in peat.
- 40. The methodology also includes the following range of factors that account for carbon savings including:
 - improvement of degraded bogs;
 - · restoration of peat from excavations; and
 - removal of drainage from foundations and hardstanding.
- 41. The anticipated carbon emissions and payback period calculations for the proposed development are presented in **Table 3-1**. The table presents three scenarios, with the first scenario being the expected scenario, which uses impact factors that are considered to be the most likely for the proposed development. Two further (minimum and maximum) scenarios are also presented that use a wide range of factors that test the sensitivity of expected predictions to input variations.

Table 3-1: Anticipated Carbon Emissions / Payback Period

Results	Exp.	Min.	Max.
Net emissions of carbon dioxide (t CO2 eq.) (total CO2 emitted due to wind farm construction minus the CO2 reductions due to site improvements)	130,209	46,557	145,675
Carbon Payback Time			
Coal-fired electricity generation (years)	0.6	0.22	0.7
Grid-mix of electricity generation (years)	2.8	1.0	3.1
Fossil fuel - mix of electricity generation (years)	1.3	0.47	1.5
Ratio of CO2 eq. emissions to power generation (g/kWh) (TARGET ratio by 2030 (electricity generation) < 50g/kWh)	14	5	16

- 42. As identified in the above table, the proposed development is expected to result in the emission of approximately 130,209 tonnes of CO₂, with the estimated carbon payback period under the expected scenario being approximately 1.3 years. This would lead to substantial net carbon savings over the operational lifespan of the development. This positive aspect of the proposed development is, amongst other things, a result of the layout of the proposed development largely avoiding deposits of deep peat and from the proposed peatland restoration that will be undertaken.
- 43. The potential savings in CO₂ emissions due to the proposed development replacing other electricity sources over the lifetime of the wind turbines (assumed to be 40 years for the purpose of the carbon calculator) are approximately:
 - 215,233 tonnes of CO2 per year over coal-fired electricity (approximately 8.6 million tonnes assuming a 40 year lifetime for the purposes of the carbon calculator);
 - 47,146 tonnes of CO2 per year over grid-mix of electricity (approximately 1.8 million tonnes assuming a 40 year lifetime for the purposes of the carbon calculator); and

• 99,531 tonnes of CO2 per year over a fossil fuel mix of electricity (3.9 million tonnes assuming a 40 year lifetime for the purposes of the carbon calculator).

4.3 Security of Supply

- 44. The British Energy Security Strategy (2022) was published by the UK Government on 7 April 2022. The Strategy focuses on the security of the UK energy supply, with the strategy targeting an expanded role for both domestic nuclear energy and renewable energy.
- 45. The British Energy Security Strategy aims for an increase in both the scale and urgency of delivery of new low carbon energy generation capacity, for reasons of national security (of energy supply) and affordability, as well as for decarbonisation.
- 46. If consented, the proposed development would provide a domestic source of renewable energy for both Scotland and for the United Kingdom. Consenting the proposed development would contribute to meeting the aims of the British Energy Security Strategy.

4.4 Socio-Economic Benefit

- 47. The overall expenditure to construct the proposed development is anticipated to be approximately £117 million. In terms of employment during the construction and operational stages, this investment creates a number of economic opportunities for local and national businesses. The Socio-economics, Tourism, Recreation and Land Use Chapter of the EIA Report (Chapter 13) identifies that the construction of the proposed development will directly support an estimated 68 person-years of new temporary jobs (gross employment) locally and a further 166 person-years within Scotland during the 24 month construction period. The local economy would be expected to be boosted by approximately £4.7 million of net Gross Value Added (GVA) and the Scottish economy by a further approximately £11.8 million GVA during the construction of the proposed development.
- 48. Once operational, a permanent workforce would be required to operate and maintain the proposed development. Based on experience of proposed and completed onshore wind farm projects of a comparable size and in similar locations elsewhere in Scotland, it is estimated that there is likely to be between three and five permanent direct jobs created by the proposed development during its operational phase.
- 49. It is anticipated that a wide selection of supply chain businesses could expect to benefit from the investment in the local and Scottish economies. This may include services such as ground and road maintenance, catering, building trades and plant hire. The applicant is committed to employing good practice measures with regard to maximising local procurement and would adopt established good practice measures such as 'Meet the Developer/Contractor Days' prior to construction, aimed specifically at small to medium enterprises, to discuss the types of contracts being let during construction and operation. It is also considered likely that the proposed development would operate in combination with other renewable energy projects in the area to encourage the development of relevant skills and longer term business opportunities.

4.5 Biodiversity Enhancement: Peatland Restoration and Habitat Management

- 50. A Habitat Management Plan (HMP) will be produced for the proposed development. The overall purpose of the HMP will be to implement positive land management for the benefit of landscape and nature conservation which will mitigate any adverse impacts that the proposed development may have. In addition to purely mitigating any adverse impacts, the applicant is committed to enhancing the nature conservation and landscape value of the site.
- 51. At the centre of the HMP for the proposed development will be proposals for blanket bog and wet heath restoration. An outline HMP is included in **Technical Appendix 8.4** of the EIA Report, which outlines the proposals for approximately 251.31ha of active blanket bog restoration, and approximately 360.59 of blanket bog restoration through grazing management (compared to 53.45ha lost as a result of the proposed development).
- 52. Once the proposed blanket bog and wet heath restoration has succeeded, it is considered that it would result in a net positive impact and likely net gain in biodiversity.

4.6 Public Access and Outdoor Recreation

- 53. The applicant is committed to maintaining and enhancing recreational and public access opportunities at the site. During construction of the proposed development there may need to be closures and diversions of roads and walking routes, however these would be temporary and the public kept informed.
- 54. As a result of the proposed development, an informal walking route (including a large circular route if considering the nearby Core Path network) would be created by linking the wind farm access track to the top of the existing path that runs alongside Glenwinnel Burn.
- 55. The indicative alignment of this potential walking route is shown on **Figure 13.4a-b** of the EIA Report. Informal agreement with the landowner for this walking route has been agreed.

4.7 Community Benefit and Shared Ownership

- 56. The applicant is committed to offering a package of benefits to communities local to the proposed development. In addition, the applicant is also proposing to offer local communities the option to invest in the proposed development.
- 57. The applicant would look to explore potential models for part community share ownership of the proposed development, whereby the local communities would have the opportunity to invest into the project.in line with the Scottish Government's Good Practice Principles.
- 58. In addition to the potential shared ownership opportunity, should the proposed development gain consent, a Community Benefit Fund would be made available. This will be offered on the basis of a payment per MW of installed capacity at the Scottish



Government recommended rate at the time of commissioning the proposed development. At present the recommended rate is £5,000 per MW. Based on a capacity of 65MW, the proposed 13 wind turbines would contribute £325,000 to community benefit funds per annum; and £13 million over the 40 year life of the proposed development.

- 59. It is expected that any proposed income streams from these community benefit payments and profit from any community investment in the project could be used to support community projects within the local area. Local communities would be empowered to choose how the money is spent.
- 60. Benefits would accrue from the scale and nature of the proposed income streams associated with the proposed development and could have a lasting positive effect on access to resources, improvement to local amenities and the quality of life of local residents as well as economic benefits. The long-term nature of the income would allow the community to plan ahead, to draw in other sources of match funding to maximise the benefits and investment projects could be designed to match local priorities.

5.0 Legislative Context

5.1 Section 36 of the Electricity Act 1989

- 61. As the proposed development is for a generating station in excess of 50MW, the application for consent under section 36 of the Electricity Act 1989 and deemed planning permission is made to the Scottish Ministers.
- 62. The applicant has had regard to prescribed environmental matters when formulating its proposals for the proposed development. It has had regard to the desirability of preserving natural beauty, conserving listed natural heritage interests and to protecting sites, buildings and objects of architectural and historical interest. It must also do what it reasonably can to mitigate any effects of the proposed development on these matters and it must avoid, so far as possible, causing injury to fisheries or fish stocks in any waters.
- 63. The EIA process undertaken for the proposed development has considered all of the environmental matters set out in Schedule 9, paragraph 3(1)(a). Indeed, the EIA process has a broader topic range than that contained in the aforementioned sub-paragraph. Furthermore, where significant effects are found as part of the EIA process, appropriate mitigation is proposed. This includes embedded mitigation which is integral to the design and specific mitigation measures which have been identified. The EIA Report sets out in detail how the applicant has approached the design of the scheme, how careful consideration has been given throughout that process to the matters that are listed in sub-paragraph 3(1)(a), and how the applicant has done all that they reasonably can to mitigate effects.
- 64. Schedule 9 of the Electricity Act 1989 also imposes duties upon the Scottish Ministers when considering the application for the proposed development. They are obliged to have regard to desirability of preserving natural beauty, conserving listed natural heritage interests and to protecting sites, buildings and objects of architectural and historical interest. They must also have regard to the extent to which the applicant has done all they reasonably can to mitigate any effects on those receptors, and avoid so far as possible causing injury to fisheries or to the stock of fish in any waters. Again, the Scottish Ministers can be satisfied that the EIA process has been undertaken appropriately and addresses these matters comprehensively.
- 65. In terms of determinations under section 36, there are no specific statutory presumptions that apply. As identified above, there are considerations which have to be taken into account and dealt with under Schedule 9. Other relevant considerations that must be taken into account include international decarbonisation obligations and commitments, United Kingdom and Scottish climate change and energy policy, the relevant provisions of the Development Plan (including National Planning Framework 4) and the views of statutory consultees and interested parties. All of these matters are material and should be taken into account in the decision-making process is a matter for the decision maker, though guidance on the weight that the applicant considers should be afforded to these considerations is provided in this Planning Statement.
- 66. In the case of section 36 applications, it is important to note that the role of the Development Plan is not the same as in the case of a planning application made under the Town and Country Planning (Scotland) Act 1997. The test set out in Section 25 of



the Town and Country Planning (Scotland) Act 1997, which provides that development must accord with the terms of the Development Plan unless material considerations indicate otherwise, is not engaged in the case of a section 36 application. Whilst for such an application the Development Plan does not have primacy in the decisionmaking process, it may nonetheless be a material consideration in respect of determination of the application.

6.0 Climate Change and Renewable Energy

6.1 Introduction

- 67. The Electricity Act 1989 provisions detailed above are the primary statutory considerations in determining applications submitted under this Act. Nonetheless, Scottish Ministers must have regard to any material UK and Scottish Government energy, climate policy and legislative provisions, in addition to national planning policy and advice, in determining a section 36 application.
- 68. The framework of international agreements, obligations, legally binding targets and climate change advisory reports is the foundation upon which national energy policy is based. This sets out the need case for renewable energy which provides strong support for onshore wind in principle. In addition, NPF4 (discussed in Section 7.2 below) sets out, in policy, that decision makers must give significant weight to the global climate emergency and nature crises.
- 69. **Appendix 01** sets out a summary of the relevant historical international and national climate change and renewable energy context, as well as the current emissions reduction legislative framework. **Table 6-1** provides an overview of the some of the key international and UK commitments.

Commitment / Agreement	Detail	
Climate Change Act 2008	The UK was committed under the Climate Change Act 2008 to reducing net greenhouse gas emissions by at least 80% from 1990 levels by 2050.	
The Paris Agreement (2016)	195 countries (including the UK) adopted a universal, legally binding global climate deal, known as the Paris Agreement. The Paris Agreement sets out a global action plan towards climate neutrality, with the aims of stopping the increase in global average temperature to well below 2°C above pre-industrial levels and to pursue efforts to limit global warming to 1.5°C.	
Glasgow Climate Pact (2021)	197 countries (including the UK) agree to a new climate deal called the 'Glasgow Climate Pact' which strives to keep cutting emissions until they reach net-zero by 2050. All countries also agreed to speed up the pace of climate action this decade and to revisit and strengthen their current emissions targets to 2030.	
Climate Change Act 2008 (2050 Target Amendment) Order 2019	The UK legislated the following targets as a result of the 2019 Committee on Climate Change report: 'Net Zero: the UK's Contribution to Stopping Global Warming'.	
	• UK overall: a new tougher emissions target of net zero greenhouse gases by 2050, ending the UK's contribution to global warming within 30 years. This would replace the previous target of an 80% reduction by 2050 from a 1990 baseline.	
	• A net zero greenhouse gases target for 2050 would deliver on the commitment that the UK made by signing the Paris Agreement.	

Table 6-1: Key International and UK Climate Change Commitments

70. As shown in **Table 6-1** and **Appendix 01** the international and UK climate change and renewable energy context is focused on reducing emissions and achieving 'net zero' in order to limit global warming. Increasing the speed of the shift towards renewable energy (including onshore wind) remains a critical element of achieving these aims. The following sections (6.2 to 6.9) will focus on the key Scottish climate change and renewable energy policies, strategies and legislation, as well as looking at the progress towards the carbon reduction / renewable energy production targets relevant to the proposed development.

6.2 Scottish Energy Strategy 2017 (SES)

- 71. The SES was published in December 2017, in the context of lower greenhouse gas emissions targets set initially under the Climate Change (Scotland) Act 2009. The SES sets out the Scottish Government vision for the future energy system in Scotland for the period through to 2050. The SES identifies that Scotland's long-term climate change targets will require the near complete decarbonisation of our energy system by 2050, with renewable energy meeting a significant share of our needs.
- 72. The SES set a target for the equivalent of 50% of the energy for Scotland's heat, transport and electricity consumption to be supplied from renewable sources by 2030. This 50% target roughly equates to of 17GW of installed capacity in 2030. In addition to setting energy targets, the SES also sets out six strategic priorities These include:
 - "System security and flexibility we should have the capacity, the connections, the flexibility and resilience necessary to maintain secure and reliable supplies of energy to all of Scotland's homes and businesses as our energy transition takes place.
 - Renewable and low carbon solutions we will continue to champion and explore the potential of Scotland's huge renewable energy resource, and its ability to meet our local and national heat, transport and electricity needs – helping to achieve our ambitious emissions reduction targets."
- 73. The SES advises that onshore wind energy development is essential to Scotland's transformation to a fully decarbonised energy system by 2050 and brings opportunities which underpin our vision to grow a low carbon economy and build a fairer society.

6.3 The Climate Change (Scotland) Act 2009

- 74. The Climate Change (Scotland) Act 2009 came into force in August 2009. The 2009 Act set world leading greenhouse gas emissions reduction targets for Scotland, including a target to reduce greenhouse gas emissions by 42% by 2020 and 80% by 2050.
- 75. Part 4 of the 2009 Act places climate change duties on Scottish public bodies. It states that a "public body must, in exercising its functions, act: in the way best calculated to contribute to the delivery of (Scotland's climate change) targets; in the way best calculated to help deliver any (Scottish adaption programme); and in a way that it considers most sustainable". This means that all public sector organisations, including Scottish Ministers and local authorities, are obliged in exercising their functions to do so in a manner which is consistent with meeting the net zero climate change target.

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

- 76. In May 2019 the Scottish Government formally declared a climate emergency. This resulted in the Climate Change (Emissions Reduction Targets) (Scotland) Act 2019, which amends the Climate Change (Scotland) Act 2009 and commits the Scottish Ministers to a target of net zero emissions of all greenhouse gases by 2045. This amended greenhouse emissions target, represents a substantial increase over the targets set in the previous Act.
- 77. To help ensure delivery of the long-term targets, the framework included statutory annual targets for every year to net zero. Up to 2020 the annual percentage reduction required is 1%, but this immediately leaps for each year between 2020 to 2030. It increases to 1.9% for each year between 2020 and 2030, a near doubling of the response.

6.5 Onshore Wind Policy Statement (OWPS) 2022

- 78. The Scottish Government published the OWPS in December 2022. The OWPS 2022 sets a new ambition for the deployment of onshore wind in Scotland: a minimum installed capacity of 20GW of onshore wind in Scotland by 2030. This 20GW ambition will help support the rapid decarbonisation of the energy system and the sectors which depend upon it, aligning with a just transition to net zero.
- 79. Chapter 1 of the OWPS 2022 contains specific acknowledgement of the need to further the speedy deployment of onshore wind. It states *"We must now go further and faster than before. We expect the next decade to see a substantial increase in demand for electricity to support net zero delivery across all sectors, including heat, transport, and industrial processes".* As a result of the policy ambition for a minimum installed capacity of 20GW by 2030. If the policy ambition of a minimum of installed capacity of 20GW of onshore wind in Scotland by 2030 is to be achieved, consents need to be granted to allow deployment as quickly as possible. Paragraph 2.4.2 states that *"Onshore wind will play a crucial role in delivering our legally binding climate change targets."*.
- 80. In paragraph 3.6.1, the OWPS also recognises that meeting the 2030 target will require *"taller and more efficient turbines. This will change the landscape"*. This statement echoes that of Policy 11(e)(ii) of NPF4 which sets an expectation for significant landscape and visual effects arising from some forms of renewable energy development.
- 81. In paragraph 3.6.2 of OWPS the Scottish Government's position on the construction of new wind farms and their effect on the landscape further is further clarified as *"The only areas where wind energy is not supported are National Parks and National Scenic Areas. Outside of these areas, the criteria for assessing proposals have been updated, including stronger weight being afforded to the contribution of the development to the climate emergency, as well as community benefits" in accordance with NPF4.*

6.6 Draft Energy Strategy and Just Transition Plan 2023

82. On 10 January 2023, the Scottish Government published the Draft version of its 'Energy Strategy and Just Transition Plan - delivering a fair and secure zero carbon



energy system for Scotland'. This plan outlines the key ambitions for Scotland's energy future, with an even greater focus on renewable energy. It is predicted that these policies would result in a net jobs gain across the energy production sector and will increase renewable energy exports whilst also reducing exposure to future global energy market fluctuations.

- 83. The Plan outlines several of the government's targets to reach a net zero Scotland, with the main milestones and dates outlined as:
 - to substantially increase Scotland's renewable electricity generation capacity from the current level of 13.4 Gigawatts (GW) with an additional 20GW resulting in an overall capacity of at least 33.4GW by 2030;
 - aims to have 8-11GW of installed offshore, and an additional 12GW of installed onshore wind capacity by 2030;
 - for renewable and low-carbon hydrogen power to provide 5GW (the equivalent of 15% of Scotland's current energy needs) by 2030, increasing to 25GW by 2045; and
 - to phase out the necessity for new petrol and diesel cars by 2032, and to reduce total car kilometres by 2030.
- 84. The plan also outlines general commitments made by the Government to assist with the transition to net zero, which include the following:
 - to establish a national public energy agency 'Heat and Energy Efficiency Scotland';
 - to increase the contributions of solar, hydropower and marine energy within Scotland's energy mix;
 - to accelerate the decarbonisation of domestic industry, transport and heat in buildings;
 - to generate surplus electricity allowing for the export of electricity and renewable hydrogen to support decarbonisation across Europe;
 - to create energy security through the development of Scotland's resources and additional energy storage;
 - to allow for a just transition by maintaining or increasing employment in Scotland's energy production sector against a decline in North Sea production; and
 - to maximise the use of Scottish manufactured components in the energy transition, ensuring high-value technology and innovation.

6.7 The Climate Change (Emissions Reduction Targets) (Scotland) Act 2024

85. The Climate Change (Emission Reduction Targets) (Scotland) Act came into force on 22 November 2024. The 2024 Act repeals the annual and interim emissions reduction target framework that was established under the Climate Change (Emissions Reduction Targets) (Scotland) Act 2019, and establishes a carbon budget approach to target setting. The 2024 Act also makes provision for a new Climate Change Plan to be published that reflects the carbon budgets.

6.8 **Progress Towards Targets**

- 86. **Tables 6-2** and **6-3** and **Graphs 6-1** and **6-2** set out how Scotland has made progress towards the renewable energy and greenhouse gas targets set by the Scottish Government. Since renewable energy targets are not yet being met it is considered that the proposed development would make a valuable contribution to trying to achieve these ambitious targets.
- 87. **Table 6-2** details that Scotland is still not consistently producing the equivalent of 100% of all electricity (used in Scotland) from renewable sources only. Although no longer an official target (as the target year of 2020 has now been reported on), progress is still being monitored by the Scottish Government and 2023 saw the equivalent of 89.6% of all electricity used in Scotland coming from renewable sources (see **Table 6-2**).
- 88. The 2030 targets detailed in **Table 6-2** require approximately a further 9.9GW of onshore wind capacity to be installed in under five years from now. In addition to this 50% of Scotland's overall energy consumption (not just electricity) is to come from renewable sources by 2030 (see **Graph 6-1** for most up to date progress towards this target).

Year	Target	Achieved / Progress
2020	Equivalent of 100% of all electricity used in Scotland to come from renewable sources. ³	This 2020 renewable electricity target is no longer an official target as the target year of 2020 has been reported on (the target was missed for 2020 with 98.6% of all electricity used in Scotland to come from renewable sources). However, progress on this renewable energy target is continuing to be monitored by the Scottish Government.
		In 2022, the equivalent of 113% of Scotland's gross electricity consumption was generated from renewable / low carbon sources ⁴ .
		In 2023, the equivalent of 89.6% of Scotland's gross electricity consumption was generated from renewable / low carbon sources ⁵ .

Table 6-2: Progress Against Renewable Energy Targets

³ Scottish Government (2011). 2020 Renewable Routemap for Renewable Energy in Scotland Update 2011

⁴ Scottish Government (2025). Scottish Energy Statistics Hub. Online: <u>https://scotland.shinyapps.io/sg-scottish-energy-statistics/?Section=RenLowCarbon&Subsection=RenElec&Chart=RenElecTarget</u>

⁵ Scottish Government (2024). Energy Statistics for Scotland. Online: <u>https://www.gov.scot/publications/energy-statistics-for-scotland-q3-2024/pages/generation-and-supply-of-electricity-in-2023/</u>

Year	Target	Achieved / Progress
2030	To increase the installed onshore wind capacity in Scotland to 20GW. ⁶	Latest figures for Q3 2024 (most recently available) show that the installed onshore wind capacity in Scotland is 10.1GW ⁷
2030	To generate 50% of Scotland's overall energy consumption from renewable sources. ⁸	Final figures for 2022 indicate that the equivalent of 29.5% of total Scottish energy consumption came from renewable sources. ⁹
2050	To have decarbonised the energy system almost completely ¹⁰	Future target and difficult to gauge progress against.

Graph 6-1: Renewable Energy Gross Final Energy Consumption in Scotland



Source: DESNZ, Energy Saving Trust, DfT

¹⁰ Scottish Government (2017). The future of energy in Scotland: Scottish energy strategy 20 December 2017



⁶ Scottish Government Onshore Wind Policy Statement 2022

⁷ Scottish Government (2025). Scottish Energy Statistics Hub. Online: <u>https://scotland.shinyapps.io/sg-scottish-energy-statistics/?Section=RenLowCarbon&Subsection=RenElec&Chart=RenElecCapacity</u>

⁸ Scottish Government (2017). The future of energy in Scotland: Scottish energy strategy 20 December 2017

⁹ Scottish Government (2025). Scottish Energy Statistics Hub. Online: <u>https://scotland.shinyapps.io/sg-scottish-energy-statistics/?Section=WholeSystem&Chart=RenEnTgt</u>

- 89. **Table 6-3** and **Graph 6-2** show the progress Scotland is making against its greenhouse gas emissions targets. **Table 6-3** shows that the 2022 target of a 59.8% reduction of green house gas emissions relative to 1990 was not achieved.
- It should be noted that the Scottish Emissions Targets First Five-Yearly Review (December 2022), recommended that the annual targets for greenhouse gas emissions be amended to those shown in the 'Recommended Target' column of Table 6-3. However, as can be seen in Table 6-3, Scotland did not meet the reduced recommended emissions reduction targets for 2022.
- 91. On 18 April 2024 the Scottish Government stated that it would move away from annual and interim targets for reductions in greenhouse gas emissions (as shown in Table 6-3). On the same day in April 2024, the cabinet secretary for Wellbeing Economy, Net Zero and Energy Mairi McAllan advised that the 2030 interim target (shown in Table 6-3) was out of reach.
- 92. Having missed its 2022 greenhouse gas emissions target (and the previous 2021 target) and taking account of the Scottish Government admission that the interim 2030 target is unattainable, it can be considered that Scotland is not currently on course to achieve the 2045 target of a 100% reduction in emissions relative to 1990.

Year	Current Target (% Reduction of Emissions relative to 1990) ¹¹	Recommended Target (% Reduction of Emissions relative to 1990) ¹²	Achieved/Progress ¹³
2022	59.8% reduction.	53.8% reduction.	Not achieved – GHG account reduced by 50.2% between baseline period and 2022 ¹⁴ .
2023	61.7% reduction.	56.4% reduction.	Most recent data available is 2022 figure.
2024	63.6% reduction.	59.1% reduction.	Most recent data available is 2022 figure
2025	65.5% reduction.	61.7% reduction.	Most recent data available is 2022 figure
2030	75% reduction.	75% reduction.	Most recent data available is 2022 figure
2045	100% reduction.	100% reduction.	Most recent data available is 2022 figure.

Table 6-3: Progress Against Greenhouse Gas Emissions Targets

https://www.gov.scot/binaries/content/documents/govscot/publications/statistics/2023/06/scottish-greenhousegas-statistics-2021/documents/scottish-greenhouse-gas-statistics-2021/scottish-greenhouse-gas-statistics-2021/govscot%3Adocument/scottish-greenhouse-gas-statistics-2021.pdf

¹⁴ Scottish Government (2025). Scottish Energy Statistics Hub. Online: <u>https://scotland.shinyapps.io/sg-scottish-energy-statistics/?Section=WholeSystem&Chart=GHGEmissions</u>



¹¹ Scottish Government (2019). Climate Change (Emissions Reduction Targets) (Scotland) Act 2019

 ¹² Independent Climate Change Committee (2022). Scottish Emissions Targets – First Five-Yearly Review
 ¹³ Scottish Government Scottish Greenhouse Gas Statistics 2021:

Graph 6-2: Greenhouse Gas Emissions (and Targets) in Scotland



Greenhouse gas emissions and percentage reduction targets - based on adjusted emissions (MtCO2e)

6.9 Conclusions

- 93. The broad strategic (targets) and policy context in Scotland (as well as the UK as whole and internationally) is strongly supportive of the urgent need for additional renewable energy generation capacity. The drivers behind this support can be summarised as follows:
 - the need to address climate change and avoid / mitigate against the worst projected effects;
 - the growing demand for electricity and the increased need for renewable energy generation that will be required to meet this need;
 - the need for Scotland (and the UK) to reduce its dependency on imported oil and gas and to source more of its energy domestically.
- 94. As mentioned above and as discussed further in **Appendix 01**, the climate change policy context (including renewable energy policy) is highly supportive of renewable energy development. This support, in principle, is advocated from international level policy through to the UK level, Scottish Government level and local government level. The highly supportive strategy and policy framework has resulted in ambitious renewable energy and climate change targets, however it is clear from Section 6.8, that Scotland is not currently on course to meet these targets.
- 95. Overall, it is therefore concluded that the urgency of the renewable energy and climate change targets set by the Scottish Government (and UK Government) and the associated vital role that renewable energy developments such as the proposed development can play in meeting these targets, should be afforded substantial weight in the planning balance during determination of this application.

7.0 Development Plan Policy

7.1 Introduction

- 96. As discussed in Section 5, the Development Plan is an important consideration in the determination of the proposed development. The statutory Development Plan as it relates to this s36 application comprises the following:
 - National Planning Framework 4 (NPF4) (2023);
 - The Clackmannanshire Local Development Plan (CLDP) (2015) and associated Supplementary Guidance; and
 - Perth & Kinross Local Development Plan 2 (PKLDP2) (2019).

7.2 National Planning Framework 4 (NPF4)

97. NPF4 is a step change from NPF3 and SPP in terms of facilitating the move to a net zero economy and society. This can be understood from the ministerial foreword of NPF4 which states:

"Planning carries great responsibility – decisions about development will impact on generations to come. 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.".

- 98. Overall, NPF4 can be considered to be more 'pro renewable energy development' than its predecessors NPF3 and SPP. NPF4 contains stronger and clearer policy support about the weight that should be given to the addressing the climate emergency and nature crises when assessing applications.
- 99. NPF4 removes the spatial framework for Onshore Wind Farms and replaces it with a strategic spatial strategy which supports onshore wind energy generation and associated grid infrastructure in Scotland.

7.2.1 The Application of NPF4

100. Annex A of NPF4 sets out the way in which the document is to be used. In terms of development management and the application of the national levels policies in the consideration of applications, NPF4 states:

"The policy sections are for use in the determination of planning applications. The policies should be read as a whole. Planning decisions must be made in accordance with the development plan, unless material considerations indicate otherwise. It is for the decision maker to determine what weight to attach to policies on a case by case basis. Where a policy states that development will be supported, it is in principle, and it is for the decision maker to take into account all other relevant policies".

101. Annex A outlines that NPF4 is required by law to contribute to six outcomes. These relate to meeting housing needs, health and wellbeing, population of rural areas, addressing equality and, most relevant to the proposed development, *"meeting any targets relating to the reduction of emissions of greenhouses gases, and, securing positive effects for biodiversity"*.

- 102. NPF4 contains a spatial strategy and Scottish Government development management policies to be applied in all planning decisions and it identifies national developments which are aligned to the strategic themes of the Government's Infrastructure Investment Plan¹⁵
- 103. Consideration of the proposed development against NPF4 policies can be found in Section 7.2.4 below, however it is considered important to firstly demonstrate the proposed development's status as a 'National Development' within NPF4.

7.2.2 National Developments

- 104. Annex B of NPF4 continues the approach set out in NPF3 of identifying national developments which are described as *"significant developments of national importance that will help to deliver the spatial strategy."*.
- 105. Prescribed National Developments which are relevant to the proposed development is National Development 3 entitled 'Strategic Renewable Electricity Generation and Transmission Infrastructure'.
- 106. Page 103 of NPF4 states the following with regards National Development 3, which locationally relates to all of Scotland:
- 107. "This national development supports renewable electricity generation, repowering, and expansion of the electricity grid...A large and rapid increase in electricity generation from renewable sources will be essential for Scotland to meet its net zero emissions targets. Additional electricity generation from renewables and electricity transmission capacity of scale is fundamental to achieving a net zero economy".
- 108. The statement of need for National Development 3 goes on to set out classes of development that will support the strategic renewable electricity generation and transmission infrastructure. The relevant class for the proposed development is:

"a) On and off shore electricity generation, including electricity storage, from renewables exceeding 50 megawatts capacity;".

- 109. The proposed development is an onshore wind farm in Scotland with an installed capacity in excess of 50MW and therefore clearly fits under National Development 3 within NPF4.
- 110. The proposed development therefore has National Development status.

7.2.3 NPF4 Spatial Strategy – Part 1

111. Part 1 of NPF4 is 'A National Spatial Strategy for Scotland 2045'. The spatial strategy is to support the delivery of:

¹⁵ https://www.gov.scot/publications/national-mission-local-impact-infrastructure-investment-plan-scotland-2021-22-2025-26/documents/. Feb, 2021



- 'Sustainable Places': "where we reduce emissions, restore and better connect biodiversity";
- 'Liveable Places': "where we can all live better, healthier lives"; and
- 'Productive places': "where we have a greener, fairer and more inclusive wellbeing economy".
- 112. The 18 National Developments that are outlined in Annex B support the NPF spatial strategy. As already detailed, the proposed development in considered a National Development.

7.2.4 NPF4 National Planning Policy – Part 2

113. Part 2 of NPF4 sets out national planning policies by topic related to the three themes for the delivery of sustainable, liveable and productive places. In terms of development management and the application of national level policies, NPF4 states:

"The policy sections are for use in the determination of planning applications. The policies should be read as a whole. Planning decisions must be made in accordance with the development plan, unless material considerations indicate otherwise. It is for the decision maker to determine what weight to attach to policies on a case by case basis. Where a policy states that development will be supported, it is in principle, and it is for the decision maker to take into account all other relevant policies".

- 114. Page 36 of NPF4 introduces the 'sustainable places' policies which are the policies most applicable to the proposed development. The principal policy to consider for the proposed wind energy development is Policy 11: Energy. Other relevant policies to the proposed development are:
 - Policy 1: Tackling the Climate and Nature Crisis;
 - Policy 2: Climate Mitigation and Adaptation;
 - Policy 3: Biodiversity;
 - Policy 4: Natural Places;
 - Policy 5: Soils;
 - Policy 7: Historic Assets and Places; and
 - Policy 22: Flood Risk and Water Management.

7.2.4.1 Policy 11: Energy

- 115. For the consideration of onshore wind energy development, Policy 11 is the principal policy against which the proposed development should be considered.
- 116. The 'policy principle' for Policy 11: Energy, is as follows:

"To encourage, promote and facilitate all forms of renewable energy development onshore and offshore. This includes energy generation, storage, new and replacement transmission and distribution infrastructure and emerging low-carbon and zero emissions technologies including hydrogen and carbon capture utilisation and storage (CCUS).".



- 117. The proposed development is a renewable energy development for the generation of electricity and as such supports the principle of Policy 11: Energy. The intended policy outcome of Policy 11 is to facilitate is the *"expansion of renewable, low-carbon and zero emissions technologies."* The proposed development being a renewable energy development contributes to the desired policy outcome of Policy 11: Energy.
- 118. Policy 11 part (a) states that "Development proposals for all forms of renewable, lowcarbon and zero emissions technologies will be supported". Wind farms and energy storage are included in the list of developments that follow in the policy text and therefore, the proposed development, being a wind farm comprising 13 wind turbines and including battery storage, complies with and gets clear policy support in principle from Policy 11 part (a).
- 119. Policy 11 part (b) states that *"Development proposals for wind farms in National Parks and National Scenic Areas will not be supported"*. The proposed development is outwith any National Park or National Scenic Area and therefore complies with Policy 11 part (b).
- 120. Policy 11 part (c) identifies that renewable energy proposals will only be supported where they maximise net economic impact, including local and community socioeconomic benefits. As detailed in Section 4.7 of this Planning Statement, the proposed development will deliver a range of positive socio-economic benefits. These socioeconomic benefits have been maximised through optimising the scale and electricity generation output of the development whilst giving careful consideration to potential environmental impacts. The Applicant is also committed to engaging with local suppliers to maximise local supply chain content and opportunities for local employment. It is therefore considered that the proposed development satisfies Policy 11 part (c).
- 121. Policy 11 part (d) relates to impacts on international and national natural heritage designations. Assessment of the proposed development on these designations is provided against NPF4 Policy 4 in **Table 7-2**. Overall, it is concluded that subject to mitigation that can be secured by conditions, that no significant impacts upon any such designations are predicted as a result of the proposed development.
- 122. Policy 11 part (e) requires that a proposed development demonstrates how various environmental impacts have been addressed via design and mitigation. **Table 7-1** sets out the way in which the proposed development has addressed these potential impacts.
- 123. Policy 11 part (e) also states the following on the impacts assessed in Table 7-1:

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

124. As detailed in Sections 4.1 and 4.2 of this Planning Statement, the proposed development can make significant positive contributions towards renewable energy generation targets and greenhouse gas emissions targets though the generation of renewable electricity and through the proposed blanket bog and wet heath restoration



and enhancement proposals. In accordance with Policy 11 part (3), significant weight should be given to these benefits.

Table 7-1: Analysis of the Proposed Development Against NPF4 Policy 11 Part (e)

Relevant Policy Text - Policy 11 Part (e)	Assessment
In addition, project design and mitigation will demonstrate how the following impacts are addressed:	Residential Visual Amenity
i. impacts on communities and individual dwellings, including, residential amenity, visual impact, noise and shadow flicker;	Given the nearest residential property is located approximately 2.7km from the nearest proposed turbine, no unacceptable impacts upon residential visual amenity are predicted.
	Noise
	Given the nearest residential property is located approximately 2.7km from the nearest proposed wind turbine and in excess of 500m to the substation and Battery Energy Storage System, no unacceptable noise impacts upon noise sensitive receptors are predicted. Noise modelling carried out and presented within Chapter 14: Other Issues of the EIA Report, confirms this.
	Shadow Flicker
	Given the nearest residential property is located approximately 2.7km from the nearest proposed turbine, no unacceptable shadow flicker impacts are predicted. Chapter 14: Other Issues of the EIA Report, sets out that shadow flicker effects are considered to be largely confined to 10x rotor diameter (plus micrositing allowance), which for the proposed development would be 1.43km from proposed turbine locations. Therefore, the approximately 2.7km distance between proposed turbines and residential receptors is considered sufficient to ensure that there would be no unacceptable shadow flicker impacts.
<i>ii. significant landscape and visual impacts, recognising that such impacts are to be expected for some forms of renewable energy. Where impacts are localised and/or appropriate design mitigation has been applied, they will generally be considered to be acceptable;</i>	Considerable site and design effort has been undertaken by the Applicant to minimise landscape and visual impacts as a result of the proposed development as far as possible. Key design objectives included:

Relevant Policy Text - Policy 11 Part (e)	Assessment
	 To design a layout that reduces visibility of turbines reduces visibility of turbines and avoids turbines appearing too numerous and too dominant above the Ochils escarpment in views from the low-lying carseland to the south, whereby the Ochil Hills forms a prominent backdrop to this lower lying landscape;
	 Avoid turbines breaking the skyline in views north from the summit of Ben Cleuch;
	• Avoid turbines appearing too numerous and too dominant from the summit of Dumyat, which is one of the most popular hill summits in the Ochils and which currently has no visibility of the operational wind turbines within the Ochils (although Dumyat does have visibility of other wind turbines to the south and west); and
	• To design a layout that reduces visibility and seeks to ensure that the proposed turbines do not appear excessive in size and scale compared to the nearby operational wind turbines within the Ochils, particularly in views from the north and Braco.
	The predicted residual landscape and visual impacts of the proposed development are assessed in the landscape and visual impact assessment (LVIA) in Chapter 7 of the EIA Report.
	Landscape Character
	The site is located across three Landscape Character Types, with the wind turbines located with the 'Lowland Hill Ranges LCT (LCT 382) and the 'Lowland Hills – Central LCT (LCT149)". The northern part of the site that contains the site access track is located with the 'Broad Valley Lowlands – Tayside LCT (LCT 384)'. The LVIA assessment establishes that there would be significant effects on localised parts of LCT149 up to 5km from the site, and on significant effects on localised parts of LCTs 382 and 384 up to 10km from the site. Beyond these localised areas, the LVIA concludes that there would be no significant effects upon the wider parts of the LCTs or any other LCTs.

Relevant Policy Text - Policy 11 Part (e)	Assessment
	Landscape Designations and Valued Landscapes
	The majority of the site is located within the Ochil Hills Local Landscape Area (LLA). The southern part of the site is located within the Ochils Special Landscape Area (SLA). The LVIA assessment concludes that as the proposed development is located in an area which has already been altered by existing turbines and would generally be seen as part of an existing wind farm group, that its introduction would not significantly alter the overall integrity of these local landscape designations and the qualities for which they have been identified.
	Visual Impacts
	The LVIA establishes that the proposed development would result in some localised significant effects from the north west of the village of Braco as well as views from the north of the village of Greenloaning. No significant visual effects are predicted on other parts of these villages or from other settlements.
	The LVIA also assesses the visual effects of the proposed development that would be experienced when travelling along roads and paths within the study area. Significant visual effects are predicted on sections of the A822 between the A9 and A282; on sections of the Dunblane to Perth railway route near Netherton; and on sections of the BLFD1 Core Path (which forms part of the ScotWays Tillicoultry to Blackford Hill Track HP353/Right of Way TP193) near Upper Glendevon Reservoir.
	Conclusions
	Overall, it is considered that the proposed development has successfully incorporated best practice design advice for onshore wind energy developments and that effective site-specific design mitigation has been
Relevant Policy Text - Policy 11 Part (e)	Assessment
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	achieved to confine significant landscape and visual impacts to localised impacts that avoid key sensitive areas and visual receptors. No significant landscape and visual impacts are predicted beyond 12km ¹⁶ and can be considered localised to the Ochils and surrounding areas. As such impacts are considered to be acceptable.
iii. public access, including impact on long distance walking and cycling routes and scenic routes;	There is one public right of way with the site – Tillicoultry to Blackford Row, adjacent to Upper Glendevon reservoir. There is one core path that crosses the site at the Sheriffmuir road. General access rights to the site under the Land Reform (Scotland) Act 2003 will require to be temporarily suspended on land while construction work is carried out. This suspension will only apply to areas where construction works are active rather than the whole of the site and will be kept the minimum area and the minimum duration that is reasonable.
	It is proposed that a planning condition could be applied to the proposed development to ensure that suitable public access is safeguarded during construction and thereafter that suitable public access is provided during the operational phase of the development. A potential footpath / walking route, which would link the new proposed wind farm access tracks, to an existing walking path within the Ochils (in Clackmannanshire) is presented in Figure 13.4a-b of the EIA Report.
iv. impacts on aviation and defence interests including seismological recording;	Chapter 14: Other Issues of the EIA Report details the consultation that has been carried out with key aviation related stakeholders. It is considered that planning conditions relating to aviation safety and aviation lighting (infrared) for the proposed development could be employed to ensure no significant effects.
v. impacts on telecommunications and broadcasting installations, particularly ensuring that transmission links are not compromised;	Consultation has been undertaken with key stakeholders to identify relevant communications links in the vicinity of the Site. No fixed communications links pass through the site and therefore it is concluded that the proposed

¹⁶ Reporters appointed by Scottish Ministers found, in relation to Garvary Wind Farm that significant effects up to 12km could be considered localised. Scottish Ministers concluded similar when determining Bunloinn Wind Farm, where significant effects out to 14.7km were considered to be localised.

Relevant Policy Text - Policy 11 Part (e)	Assessment
	development will have no effects on any telecommunications, broadcasting or transmission links.
vi. impacts on road traffic and on adjacent trunk roads, including during construction;	Chapter 12: Traffic and Transport of the EIA Report assesses the potential effects of increased traffic flows in the study area, arising from the construction and operation of the proposed development.
	No significant effects are predicted related to site access, traffic and transport as a result of construction or operation of the proposed development. An outline Construction Traffic Management Plan (CTMP) has been prepared and is included within Technical Appendix 12.3 of the EIA Report which outlines mitigation measures recommended to be implemented during the construction phase.
	The outline CTMP will be supplemented with additional information as appropriate by the applicant's appointed contractor(s), prior to commencement of construction activities. Should consent be granted, the outline CTMP would be updated to a CTMP, the content of which would be agreed with, and Perth and Kinross Council and Transport Scotland, through consultation and enforced via a planning condition. The CTMP would be used during the construction phase of the proposed development to ensure traffic to, from and on the site is properly managed. It is possible that a collaborative approach with the assessed cumulative sites may be incorporated as part of the CTMP at a later date.
vii. impacts on historic environment;	Impacts on the historic environment are assessed under NPF4 Policy 7 (Table 7-2). No significant effects are predicted as a result of the proposed development.
viii. effects on hydrology, the water environment and flood risk;	Chapter 10: Hydrology, Hydrogeology and Geology of the EIA Report has assessed potential effects arising from construction and operation of the proposed development within 500m of the application boundary (5km for cumulative effects).
	It has been concluded that following the imposition of good practice measures and as a result of iterative design, that the proposed development

Relevant Policy Text - Policy 11 Part (e)	Assessment
	is not likely to have any significant effects on the study area's hydrological or hydrogeological receptors.
ix. biodiversity including impacts on birds;	Assessment of the proposed development on biodiversity is provided against NPF4 Policy 4 in Table 7-2 . Overall, it is concluded that the proposed development would not result in any significant adverse effects on biodiversity and that a suitable level of biodiversity enhancement is proposed.
x. impacts on trees, woods and forests;	Assessment of the proposed development on trees, woods and forests is considered in Chapter 8: Ecology of the EIA Report, and also Technical Appendix 3.2: Forestry of the EIA Report. Proposed infrastructure has been located so as to avoid the removal of trees and woodland as far as possible. The main area of woodland removal is near Carim Lodge, just off Sheriffmuir Road, in order to facilitate a new section of access track. The access track at this location has been designed to be as straight as possible, avoiding turns and curves that would result in more woodland removal. Technical Appendix 3.2 concludes that the loss of predominantly conifer trees in order to facilitate the proposed development is not significant due to the small scale/area of woodland removal required (approximately 1.08ha) and the age/quality of this woodland.
xi. proposals for the decommissioning of developments, including ancillary infrastructure, and site restoration;	As identified in Section 3 of this Planning Statement, a Decommissioning and Restoration Plan would be agreed with the relevant Planning authorities prior to the commencement of decommissioning. Such a plan and financial guarantee to secure decommissioning can be secured by planning conditions.
xii. the quality of site restoration plans including the measures in place to safeguard or guarantee availability of finances to effectively implement those plans;	Details of any proposed site restoration works post construction would be included in the detailed CEMP, and the Applicant would employ an EnvCoW to oversee these restoration works.
	As identified, details of any restoration works post decommissioning would be included in a Decommissioning and Restoration Plan, the requirement for which can be secured by planning conditions.
xiii. cumulative impacts.	In accordance with the EIA Regulations, the assessment has considered 'cumulative effects' in relation to the topics of landscape and visual, noise,

Relevant Policy Text - Policy 11 Part (e)	Assessment
	traffic and transport, ornithology, ecology, hydrology, hydrogeology, geology, socio-economics, tourism, recreation, land use, and cultural heritage.
	A list of cumulative developments is provided in paragraph 5.41 in Chapter 5: Environmental Impact Assessment of the EIA Report. No significant cumulative effects have been identified arising from the proposed development along with other operational, consented and submitted developments, with the exception of potential significant negative effects for snipe (bird species).

7.2.4.2 Other Relevant NPF4 Policies

125. The other NPF4 policies that are relevant to the proposed development are considered in turn in **Table 7-2** below. As set out in Annex A of NPF4, the weight to be attached to policies is a matter for the decision maker.

Table 7-2: Analys	sis of the Proposed	Development Against	Other Relevant NPF4 Policies
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Policy	Relevant Policy Text (summarised where necessary)	Assessment
Policy 1: Tackling the climate and nature crises	When considering all development proposals significant weight will be given to the global climate and nature crises.	Renewable energy is one of the best tools available to tackle the global climate emergency and given the nature of the proposed development and its potential contribution towards Scottish Government net zero targets, significant weight should be placed on this benefit in the overall assessment of whether the proposals accord with the Development Plan.
		The proposed development would also deliver significant biodiversity enhancement through the proposed blanket bog and wet heath restoration and enhancement proposals. This will improve the ecological and functional diversity of the habitats on and surrounding the site, through which opportunities for protected and notable species will increase. Significant weight should therefore also be placed on the positive contribution of the proposed development to the nature crisis in the overall assessment of whether the proposals accord with the Development Plan.

Policy	Relevant Policy Text (summarised where necessary)	Assessment
Policy 2: Climate mitigation and adaptation	 a) Development proposals will be sited and designed to minimise lifecycle greenhouse gas emissions as far as possible. b) Development proposals will be sited and designed to adapt to current and future risks from climate change. 	As detailed in the Outline Peat Management Plan (PMP) (Technical Appendix 10.2 of the EIA Report), the layout and design of the proposed development has sought to avoid the presence of deep peat on the site as far as possible in order to protect its important carbon change function. Where avoidance has not been possible, construction techniques to avoid the disturbance of peat will be employed where needed, for example floating road construction, floating hardstandings and piling of infrastructure. In addition, through the Habitat Management Plan, the proposed development would seek to deliver the enhancement of blanket bog and wet heath habitats on the site. Once this enhancement has succeeded, it will increase the amount of carbon that is sequestered annually. The proposed development is therefore considered to be in accordance with Policy 2(a). The primary potential vulnerability of the proposed development to climate change would be from flooding. This matter is addressed in Chapter 10: Hydrology, Hydrogeology and Geology of the EIA Report which establishes that flooding poses a low risk to the proposed development, subject to good construction and operation / maintenance practices. As a wind farm, the proposed development would act to reduce greenhouse gas emissions from electricity production. The proposed development would help reduce future risks to Scotland and the UK, as a whole, from climate change.
Policy 3: Biodiversity	 a) Development proposals will contribute to the enhancement of biodiversity, including where relevant, restoring degraded habitats and building and strengthening nature networks and the connections between them. Proposals should also integrate nature- based solutions, where possible. b) Development proposals for national or major development, or for development that requires an Environmental Impact Assessment will only be supported where it can be demonstrated that the proposal will conserve, restore and enhance biodiversity, including nature networks so they are in a demonstrably better 	Due to much of the site comprising Annex 1 habitat, it was not possible to avoid these areas during the design of the proposed development however, flush habitats, watercourses, areas of deepest peat and sensitive bog pool habitat have been avoided as far as possible and track length was minimised as far as possible to minimise land take. Nevertheless, a significant negative effect (prior to mitigation and restoration proposals) has been predicted from construction of the proposed development related to the permanent loss of up to 10.03ha of Annex 1 blanket bog habitat. In order to compensate for the habitat loss,

 state than without intervention. This will include future management. To inform this, best practice assessment methods should be used. Proposal within these categories will demonstrate how they have met all of the following criteria: i) the proposal is based on an understanding of the existing characteristics of the site and its local, regional and national ecological context prior to development, including the presence of any irreplaceable habitats; ii) wherever feasible, nature-based solutions have been integrated and made best use of; iii) an assessment of potential negative effects which should be fully mitigated in line with the mitigation. This should include nature networks, linking th and seyond the development, secured within and beyond the development, secured within a reasonable timescale and with reasonable certainty. Management arrangements for their long-term retention and monitoring should be included, wherever appropriate; and v) local community benefits of the biodiversity and/or nature networks have been considered. 	Policy	Relevant Policy Text (summarised where necessary)	Assessment
d) Any potential adverse impacts, including cumulative impacts, of development proposals on biodiversity, nature networks and the natural environment will be minimised through careful planning and design. This will take into account the need to reverse biodiversity loss, safeguard the ecosystem services that the natural environment provides, and build resilience by enhancing nature networks and maximising the potential for restoration.	Policy	Relevant Policy Text (summarised where necessary) state than without intervention. This will include future management. To inform this, best practice assessment methods should be used. Proposals within these categories will demonstrate how they have met all of the following criteria: i) the proposal is based on an understanding of the existing characteristics of the site and its local, regional and national ecological context prior to development, including the presence of any irreplaceable habitats; ii) wherever feasible, nature-based solutions have been integrated and made best use of; iii) an assessment of potential negative effects which should be fully mitigated in line with the mitigation hierarchy prior to identifying enhancements; iv) significant biodiversity enhancements are provided, in addition to any proposed mitigation. This should include nature networks, linking to and strengthening habitat connectivity within and beyond the development, secured within a reasonable timescale and with reasonable certainty. Management arrangements for their long-term retention and monitoring should be included, wherever appropriate; and v) local community benefits of the biodiversity and/or nature networks have been considered. d) Any potential adverse impacts, including cumulative impacts, of development proposals on biodiversity, nature networks and the natural environment will be minimised through careful planning and design. This will take into account the need to reverse biodiversity loss, safeguard the ecosystem services that the natural environment provides, and build resilience by enhancing nature networks and maximising the potential for restoration.	Assessment approximately 611.9ha would be targeted for blanket bog restoration as part of an HMP. An outline HMP (Technical Appendix 8.4) outlines aims and objectives in relation to the proposed peatland restoration. The effectiveness of the restoration would be monitored to establish if any remedial action is required. This would ensure that the adopted habitat enhancement actions are measurable against biodiversity gain. With regard to ornithology, the assessment of effects concluded that, with the implementation of good practice measures, there would be no significant effects predicted on Important Ornithological Features as a result of the proposed development. The assessments concludes that there is a potential for significant residual cumulative effects on snipe. Good practice measures would be employed to reduce the possibility of damage and destruction (and disturbance in the case of sensitive species such as breeding raptors and waders), to occupied bird nests during the construction phase.

Policy	Relevant Policy Text (summarised where necessary)	Assessment
Policy 4: Natural Places	 Relevant Policy Text (summarised where necessary) a) Development proposals which by virtue of type, location or scale will have an unacceptable impact on the natural environment, will not be supported. b) Development proposals that are likely to have a significant effect on an existing or proposed European site (Special Area of Conservation or Special Protection Areas) and are not directly connected with or necessary to their conservation management are required to be subject to an "appropriate assessment" of the implications for the conservation objectives. c) Development proposals that will affect a National Park, National Scenic Area, Site of Special Scientific Interest or a National Nature Reserve will only be supported where: i) The objectives of designation and the overall integrity of the areas will not be compromised; or ii) Any significant adverse effects on the qualities for which the area has been designated are clearly outweighed by social, environmental or economic benefits of national importance. d) Development proposals that affect a site designated as a local nature conservation site or landscape area in the LDP will only be supported where: i) Development will not have significant adverse effects on the integrity of the area or the qualities for which it has been identified; or ii) Any significant adverse effects on the integrity of the area are clearly outweighed by social, environmental or economic benefits of at least local importance. "f) Development proposals that are likely to have an adverse effect on species protected by legislation will 	Assessment Landscape Designations and Valued Landscape The site is not located within a nationally designated landscape area. The LVIA establishes that the proposed development would not have any significant effects upon the special qualities of any National Parks or National Scenic Areas. The proposed development would therefore satisfy Policy 4 part (c) in this regard. Whilst the proposed development is located within the Ochil Hills LLA and the Ochils Special Landscape Area (SLA), the LVIA assessment concludes that its introduction would not significantly alter the overall integrity of these local landscape designations. The proposed development would therefore satisfy Policy 4 part (d) in this regard. Nature Conservation Designations Chapter 8: Ecology and Chapter 9: Ornithology of the EIA Report confirm that there is no potential for effects on the qualifying features of nearby SACs, SSSIs and SPAs as a result of the proposed development. Non-statutory designated sites for nature conservation have been identified within a 5km radius of the site and are considered in Chapter 8: Ecology and Chapter 9: Ornithology of the EIA Report. The proposed development is located within a candidate Local Nature Conservation Site (LNCS) Alva Moss. This LNCS has been a candidate site since the first decade of this century, and the likelihood of it being granted LNCS status is currently unknown. The proposed development would result in a significant negative effect on the Alva Moss candidate
	<i>"f)</i> Development proposals that are likely to have an adverse effect on species protected by legislation will only be supported where the proposal meets the relevant statutory tests. If there is reasonable evidence to suggest that a protected species is present on a site or may be affected by a proposed development, steps must be	site since the first decade of this century, and the likelihood of it being granted LNCS status is currently unknown. The proposed development would result in a significant negative effect on the Alva Moss candidate LNCR due to loss of Annex 1 habitat. However, this habitat loss would be compensated by a significant positive effect through the peatland restoration proposed in Technical Appendix 8.4: Outline HMP.

Policy	Relevant Policy Text (summarised where necessary)	Assessment
	 taken to establish its presence. The level of protection required by legislation must be factored into the planning and design of development, and potential impacts must be fully considered prior to the determination of any application. g) Development proposals in areas identified as wild land in the Nature Scot Wild Land Areas map will only be supported where the proposal: i) will support meeting renewable energy targets; or, ii) is for small scale development directly linked to a rural business or croft, or is required to support a fragile community in a rural area. All such proposals must be accompanied by a wild land impact assessment which sets out how design, siting, or other mitigation measures have been and will be used to minimise significant impacts on the qualities of the wild land, as well as any management and monitoring arrangements where appropriate. Buffer zones around wild land will not be applied, and effects of development outwith wild land areas will not be a significant 	Protected Species As set out in Chapter 8: Ecology and Chapter 9: Ornithology , with the imposition of recommended mitigation measures, no significant adverse effects on protected species are predicted as a result of the proposed development. The exception to this is that there are potential significant adverse cumulative effects on Snipe (no significant adverse effects on Snipe from the proposed development alone).
Policy 5: Soils	a) Development proposals will only be supported if they	The site can be considered to be extensively covered in peat particularly
	are designed and constructed: <i>i)</i> In accordance with the mitigation hierarchy by first avoiding and then minimising the amount of disturbance to soils on undeveloped land; and	on the southern half of the site that lies within Clackmannanshire. Peat presence, thickness and stability has formed a key consideration in the design of the proposed development.
	 ii) In a manner that protects soil from damage including from compaction and erosion, and that minimises soil sealing. c) Development proposals on peatland, carbon-rich soils and priority peatland habitat will only be supported for: 	An extensive programme of peat probing has been undertaken across the site to assess the depth and stability of carbon rich soils. This has been supplemented by a walk-over survey and a thorough inspection of digital terrain mapping and aerial photography. An ecological assessment of peat and its associated habitats has also been completed.

Policy	Relevant Policy Text (summarised where necessary)	Assessment
	 i) Essential infrastructure and there is a specific locational need and no other suitable site; ii) The generation of energy from renewable sources that optimises the contribution of the area to greenhouse gas emissions reductions targets; 	At various points during design development, fieldwork has been undertaken to provide feedback to the project team with regards to peat depth and stability at locations of proposed infrastructure which fed into the iterative design of the proposed development.
	 iii) Small-scale development directly linked to a rural business, farm or croft; iv) Supporting a fragile community in a rural or island area; or v) Restoration of peatland habitats. d) Where development on peatland, carbon-rich soils or priority peatland habitat is proposed, a detailed site specific assessment will be required to identify: i) the baseline depth, habitat condition, quality and stability of carbon rich soils; ii) the likely effects of the development on peatland, including on soil disturbance; and iii) the likely net effects of the development on climate 	In accordance with the mitigation hierarchy and the inability to totally avoid peat, the design principle followed for the proposed development has been to try to avoid locating infrastructure in areas of peat greater than 1m. Where this has not been possible (mainly in siting onsite tracks), mitigation has been proposed e.g. floated tracks where applicable. The depth of peat at the proposed turbine locations varies from 0.1m to 1.36m. In addition, all turbine locations, access tracks, the substation compound, the temporary construction compounds and borrow pits have been designed to avoid any areas which may be subject to peat slide risk. Or where not possible, appropriate mitigation is proposed. This is discussed in Technical Appendix 10.1: Peat Landslide Hazard Risk Assessment (PLHRA) of the EIA Report and shown on Figures 10.1.6 and 10.1.7 of Technical Appendix 10.1 .
	emissions and loss of carbon. This assessment should inform careful project design and ensure, in accordance with relevant guidance and the mitigation hierarchy, that adverse impacts are first avoided and then minimised through best practice. A peat management plan will be required to demonstrate that this approach has been followed, alongside other appropriate plans required for restoring and/ or enhancing the site into a functioning peatland system capable of achieving carbon sequestration.	An assessment of the likely impacts of the proposed development on peat is contained within Chapter 10: Hydrology, Hydrogeology and Geology of the EIA Report. It concludes that subject to best practice construction techniques being implemented, impacts on soils are not considered to be significant. Measures have been proposed to ensure the stability of peat and carbon rich soils and that peat and soils that would be disturbed by the proposed development can be safeguarded and beneficially re-used on site. These measures are set out in Technical Appendix 10.1: PLHRA and 10.2: Peat Management Plan of the EIA Report.
		The results of the carbon calculator conclude that the proposed development is expected to have an overall net positive impact over its 40

Policy	Relevant Policy Text (summarised where necessary)	Assessment
		year lifespan and is expected to generate 40 years of carbon-free energy which would result in 3.8 million tonnes of CO_2 emissions savings compared to a fossil fuel mix of electricity generation.
		In addition, restoration of peatland habitats is proposed as part of the proposed development. Habitat restoration proposals involve the restoration of approximately 611.9ha of blanket bog habitat
Policy 7: Historic Assets and Places	a) Development proposals with a potentially significant impact on historic assets or places will be accompanied by an assessment which is based on an understanding of the cultural significance of the historic asset and/or place. The assessment should identify the likely visual or	Chapter 11: Cultural Heritage and Archaeology of the EIA Report assesses the effects of construction and operation of the proposed development on the cultural heritage assets of the site and surrounding area. This assessment satisfies the requirements of Policy 7 part (a).
	physical impact of any proposals for change, including cumulative effects and provide a sound basis for managing the impacts of change.	The assessment considers the setting impacts of the proposed development on eight scheduled monuments, one Garden and Designed Landscape and one category A listed building. No significant effects are predicted upon any of these designated assets. The proposed
	Proposals should also be informed by national policy and guidance on managing change in the historic environment, and information held within Historic Environment Records	development would therefore satisfy Policy 7 parts (c), (h) and (i) in this regard.
	c) Development proposals affecting the setting of a listed building should preserve its character, and its special architectural or historic interest,	With regard to direct construction effects, the assessment identifies four undesignated assets within the site which have the potential to be impacted. Although no significant effects upon these assets are predicted, the assessment proposes mitigation in the form of watching briefs, soil processing and archaeological evaluation in regard to each asset and the construction activities which are likely to cause direct impacts to them.
	h) Development proposals affecting scheduled monuments will only be supported where: i) direct impacts on the scheduled monument	These mitigation measures would be secured through a written scheme of investigation (WSI) which would be submitted to the relevant planning authority for their approval. A programme of archaeological works would then be understated in a second work would be available and the second secon
	are avoided; ii) significant adverse impacts on the integrity of	development satisfies the requirements of Policy 7 part (o) in this regard.
	the setting of a scheduled monument are avoided; or	Overall, it is therefore concluded that there would be no significant impacts on any items of archaeological or cultural heritage interest. The

Policy	Relevant Policy Text (summarised where necessary)	Assessment
	 iii) exceptional circumstances have been demonstrated to justify the impact on a scheduled monument and its setting and impacts on the monument or its setting have been minimised. i) Development proposals affecting nationally important Gardens and Designed Landscapes will be supported 	proposed development is therefore considered to be in accordance with Policy 7.
	where they protect, preserve or enhance their cultural significance, character and integrity and where proposals will not significantly impact on important views to, from and within the site, or its setting.	
	o) Non-designated historic environment assets, places and their setting should be protected and preserved in situ wherever feasible. Where there is potential for non- designated buried archaeological remains to exist below a site, developers will provide an evaluation of the archaeological resource at an early stage so that planning authorities can assess impacts. Historic buildings may also have archaeological significance which is not understood and may require assessment.	
	Where impacts cannot be avoided they should be minimised. Where it has been demonstrated that avoidance or retention is not possible, excavation, recording, analysis, archiving, publication and activities to provide public benefit may be required through the use of conditions or legal/planning obligations.	
Policy 22: Flood Risk and Water Management	 a) Development proposals at risk of flooding or in a flood risk area will only be supported if they are for: i. essential infrastructure where the location is required for operational reasons; 	Chapter 10: Hydrology, Hydrogeology and Geology considers the hydrology and flood risk at the site as a result of the proposed development.
	ii. water compatible uses;	The site for the proposed development is considered to be at minor risk from fluvial and surface water flooding. With the exception of proposed

Policy	Relevant Policy Text (summarised where necessary)	Assessment
	 iii. redevelopment of an existing building or site for an equal or less vulnerable use; or. iv. redevelopment of previously used sites in built up areas where the LDP has identified a need to bring these into positive use and where proposals demonstrate that longterm safety and resilience can be secured in accordance with relevant SEPA advice. 	watercourse crossings no development is proposed in the published floodplain identified by SEPA in relation to fluvial flooding. SEPA have identified several areas of surface water flood risk across in the study area, however flood extents are localised, never forming large, linked areas or flow paths, and therefore surface water is not considered a development constraint.
	The protection offered by an existing formal flood protection scheme or one under construction can be taken into account when determining flood risk.	
	In such cases, it will be demonstrated by the applicant that:	
	 all risks of flooding are understood and addressed; 	
	 there is no reduction in floodplain capacity, increased risk for others, or a need for future flood protection schemes; 	
	 the development remains safe and operational during floods; 	
	 flood resistant and resilient materials and construction methods are used; and 	
	 future adaptations can be made to accommodate the effects of climate 	
	change.	
	Additionally, for development proposals meeting criteria part iv), where flood risk is managed at the site rather than avoided these will also require:	
	• the first occupied/utilised floor, and the underside of the development if relevant, to be above the flood risk level and have an additional allowance for freeboard; and	
	 that the proposal does not create an island of development and that safe access/egress can be achieved. 	
	"c) Development proposals will:	

Policy	Relevant Policy Text (summarised where necessary)	Assessment
	<i>i. not increase the risk of surface water flooding to others, or itself be at risk.</i>	
	ii. manage all rain and surface water through sustainable urban drainage systems (SUDS), which should form part of and integrate with proposed and existing blue-green infrastructure. All proposals should presume no surface water connection to the combined sewer; iii. seek to minimise the area of impermeable surface "	

7.3 Clackmannanshire Local Development Plan

- 126. The CLDP was adopted in August 2015. It was therefore prepared in the context of the previous national planning policy context that has now been superseded by NPF4. Consideration is therefore given in this assessment as to whether the CLDP remains compatible with NPF4.
- 127. The two key policies considered to be relevant to the proposed development are Policy SC14: Renewable Energy which is a broad renewable energy policy and Policy SC15: Wind Energy Development which is specific to wind energy development.
- 128. Policy SC14 aims to encourage the use of renewable energy technology within Clackmannanshire and states that proposals for renewable energy generation will normally be supported where they meet all of the criteria listed in the policy. An assessment against each of these criteria is undertaken in **Table 7-3** below.

CLDP Policy SC14 criteria	Assessment
The development would satisfy relevant national planning policy guidance, including SPP and online Specific Advice Sheets;	Assessment against national planning policy is provided in Section 7.2 of this Planning Statement, with NPF4 now replacing SPP. For the reasons set out in this section, it is considered that the proposed development accords with the relevant policies of NPF4, and with NPF4 when read as a whole.
The development would not have a significant adverse impact on the quality and distinctive character of the local or wider landscape;	As explained in the LVIA, the proposed development would result is some significant localised effects upon the host LCTs. However these would be limited, and their effects have been minimised through the careful attention to layout and design that has been undertaken. On the basis of the LVIA assessment, it is considered that these adverse impacts would not be sufficiently adverse or extensive to be contrary to this criterion.
The development would not have a significant adverse impact on the natural and built environment, including designated areas of nature conservation value, the water environment, the carbon stocks in carbon rich soils, listed buildings, Conservation Areas, historic gardens and designed landscapes, and sites of archaeological or historic importance;	The proposed development is not predicted to have a significant adverse impact on any designated areas of nature conservation, the water environment, carbon rich soils, listed buildings, Conservation Areas, historic gardens and designed landscapes, and sites of archaeological or historic importance.
	There would be a significant negative impact on the candidate Alva Moss LNCR due to loss of Annex 1 habitat. However, this LNCR is currently only a 'candidate" site and is not listed in the 2015 Clackmannanshire LDP. Further to this, the habitat loss would be compensated by a significant positive effect through the peatland restoration proposed in Technical Appendix 8.4: Outline HMP ,

Table 7-3: Assessment of proposed development against CLDP Policy SC14 criteria

CLDP Policy SC14 criteria	Assessment
The development would not impact upon the integrity of the Firth of Forth SPA or River Teith SAC either alone or in combination with other projects and plans;	The proposed development would not impact on the integrity or qualifying interests of these designated sites. This criterion would be met.
The development would not result in any adverse impact on aviation, defence or telecommunications interests;	No adverse impacts on aviation (once radar mitigation agreed with appropriate stakeholders), defence or telecommunications interests. This criterion would be met.
The development would not have a significant adverse impact on the amenity or health and safety of nearby settlements, individual houses or other sensitive establishments;	The wind turbines that form part of the proposed development are approximately 2.7km away from the nearest residential property, and further away still from the nearest settlements (Blackford, Greenloaning, Alva). The substation compound (including battery storage) is located in excess of 500m from the nearest residential property and further away still from the nearest settlements.
	New and upgraded roads and access tracks would result in only temporary disruption during construction. The same is the case for construction vehicle movements. There would therefore be no significant adverse amenity or health.
The development would be appropriate in terms of its design, scale and layout to its surroundings;	Chapter 7 of the EIA Report, and also the Design and Access Statement set out the design rational, the key different turbine tip heights and layouts considered, as well as the design objectives of the proposed development. Following the iterative design process that took place alongside the wider EIA, it is considered that the proposed development is appropriate in terms of its design, scale and layout to its surroundings.
There would be no significant adverse impact on the operation of tourism or recreation interests, including the amenity of users of public outdoor access routes;	Mitigation measures to minimise the impact of construction works on the site on public access are discussed in relation to NPF4 Policy 11, part (e) (iii).
	There is a consistent clear message from research and decision makers that there is no evidence that the presence of a windfarm development would have a significant adverse effect on tourism.
	A recreation usage survey for a section of the Ochil Hills (the approximate area most likely to be affected by the proposed development) was commissioned, by the applicant, and carried out in 2023. The results of the survey are provided in Technical Appendix 13.1 of the EIA Report, with the findings broadly consistent with other research on this topic – that wind

CLDP Policy SC14 criteria	Assessment
	farm development does not deter recreational usage.
	Overall, it is therefore concluded there would be no significant adverse effects upon tourism or recreation. This criterion is therefore considered to be satisfied.
They would not result in any significant adverse amenity, landscape or ecological impacts as a result of the cumulative impacts associated with existing sites, extensions and undeveloped sites with planning permission. The potential impact from other proposals at the same stage of the planning process will be a material consideration;	There are no significant cumulative adverse amenity, landscape or ecological impacts as a result of the proposed developments and other nearby development (operational, consented, or in planning).
The Council is satisfied with measures to manage impacts during construction, operation and, where relevant, decommissioning and to ensure the satisfactory restoration of the site, whenever the permission expires or the use ceases to operate for a specified period. The Council will normally require the appointment of a suitable Ecological Clerk of Works for the duration of these works and may require a bond to ensure sufficient finance is available to restore the site;	The mitigation measures to manage the impacts of the proposed development on the environment during the construction, operations and decommissioning phase are set out in the EIA Report. This includes the appointment of an EnvCoW. This criterion is satisfied.
The development would accord with the relevant specific policy guidance in Policies EA13 and SC15-SC18.	Assessment against Policy SC15 is provided in paragraphs 129 to 137 of this Planning Statement. Assessment against Policy EA13 is provided in Table 7-5 of this Planning Statement. For the reasons set out, it is concluded that the proposed development accords with this policy.
	No assessment has been made against Policies SC16-SC18 as these relate to hydro- electric, biomass, and solar schemes, none of which are relevant to the proposed development.

- 129. The aim of Policy SC15 is stated as being "to provide details of areas where wind energy development proposals will be likely to be most acceptable.".
- 130. Policy SC15 includes four tests to be met in order for proposed wind energy developments to be supported by Clackmannanshire Council. These tests are discussed in turn below.
- 131. The first test is that the criteria contained in Policy SC14 are satisfied. For the reasons set out in **Table 7-3**, it is considered that the proposed development accords with Policy SC14 and this test is therefore satisfied.
- 132. The second test is that the proposals accords with the guidance contained in the OWESG. The OWESG includes a spatial framework for onshore wind energy developments. The requirement to produce a spatial framework relates to the



provisions of SPP and no longer forms part of the approach in NPF4. It is therefore considered that that this part of the OWESG no longer has effect.

- 133. Although the OWESG also provides additional advice to support the relevant policies in the CLDP, it is considered that it does not raise new or separate policy tests to those in the CLDP that require to be met.
- 134. The third test is that proposals will not have adverse effects on the integrity of the Firth of Forth SPA, either alone or in combination with other projects and plans. The proposed development would satisfy this test.
- 135. The fourth test is that proposals have regard to the provisions of Policy EA13. Assessment against this policy is provided in **Table 7-5**. For the reasons set out in **Table 7-5**, it is considered that the proposed development accords with Policy EIA13 and this test is therefore met.
- 136. The final part of Policy SC15 requires that proposals be assessed against their landscape sensitivity report titled 'Sensitivity of the Clackmannanshire Landscape to Wind Turbine Development' (2012). The assessment of the impacts of the proposed development on LCAs in the LVIA assessment takes into consideration the Clackmannanshire Council landscape sensitivity assessments. The proposed turbines T1 and T2 are located along the peripheries of the Ochil Hills: Southern Scarp LCA, with the proposed turbines T3-T8 located within the Ochil Hills: Western Peaks LCA. **Table 7-4** summarises how the design guidance for each relevant LCA was met.

LCA	Assessment
Ochil Hills: Western Peaks LCA	<i>"Turbines should be sited well away from the highest ground of this area" – the proposed development avoids the tops of hills/high points within the site/along the site boundaries (including Sauchanwood Hill, Blairdenon Hill, Bengengie Hill and Ben Buck) and sits in a 'bowl' within the interior of the site.</i>
	The proposed development has avoided an "overbearing appearance on the southern escarpment as a whole" and the appearance of turbine blades being visible "over the tops of the hills". Whilst turbines are visible in views towards the Ochil Hills from the south, these would not detract from the distinctive skyline formed by the Ochil Hills, nor would they compete with the scale of the key summits which form the skyline. The proposed development would appear contained beyond this skyline, and across a relatively small angle of the view towards the wider Ochil Hills (refer to VP5: B9140 near Collyland, VP8: Alloa Tower and VP9: Clackmannan Tower).
	The "wind farm layout should be simple, relating to the simplicity of the landscape" – the turbine layout appears visually balanced and compatible with the nearby operational wind farm group (Rhodders, Burnfoot Hill, Burnfoot Hill North and Burnfoot Hill East), with minimal stacking of turbine blades in key views.
	The proposed development has avoided the <i>"effect of narrowing, and potentially closing"</i> gaps between the Burnfoot Hill group, Greenknowes and Lochelbank wind farms, as seen in longer- distance views of the Ochils (this is most relevant in views from

Table 7-4: Onshore Wind Energy Supplementary Guidance Assessment

LCA	Assessment
	locations to the north of the Ochils, refer to VP12: A9/B934 and VP18: Knock of Crieff).
	The OWSG favours <i>"expansion of existing wind farms"</i> , which has been integral to the siting and design of the proposed development.
Ochil Hills: Southern Scarp LCA	The proposed development avoids competing with the scale of landform which forms the distinctive Ochil Hills skyline in views from the south, and as such does not alter the <i>"visual relationship"</i> of the <i>"juxtaposition of the scarp and the Devon carselands"</i> .
	Turbines are located within the interior 'bowl' of the site, avoiding hills/high points along the southern boundary (Bengengie Hill, Craighorn and Ben Buck) and avoids the edge of the scarp.

- 137. Overall, it is concluded that the landscape impacts of the proposal would accord with this guidance and that the proposed development therefore complies with CLDP Policy SC15.
- 138. Whilst CLDP Policies SC14 and SC15 identify many similar considerations to those in NPF4 Policy 11, the first key difference is that they do not recognise that making a judgement on the acceptability of impacts is a balancing exercise that must take into account both the benefits as well as the disbenefits of the proposal. In this regard no reference is made into the benefits that renewable energy developments can make in terms of contribution towards renewable energy generation targets and greenhouse gas emissions reduction targets as well as their socio-economic benefits. The second key difference is that both CLDP Policies SC14 and SC15, unlike NPF4 Policy 11, fail to recognise that significant landscape impacts are to be expected for onshore wind energy developments and should generally be considered to be acceptable where impacts are localised and/or appropriate design mitigation has been applied. It is therefore considered that CLDP Policies SC14 and SC15 are not compatible with NPF4 and that as a result of these incompatibilities the provisions of NPF4 should prevail.
- 139. Other policies within the CLDP relevant to the determination of this application are assessed in **Table 7-5**.

Table 7-5: Assessment of pro	posed development	t against other Cl	DP Policies
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Policy	Policy Summary and Assessment
Policy SC12: Access and Transport Requirements	This policy seeks to ensure that sustainable transport infrastructure is fully integrated into the design of new development. It also provides that, amongst other matters, that proposals will only be supported where they are capable of being safely accessed.
	The proposed development is not considered to result in any significant adverse impacts on road safety. Once operational, the traffic impact associated with the

Policy	Policy Summary and Assessment
	development would be minimal. Policy SC12 is therefore complied with.
Policy SC23: Development in the Countryside – General Principles	This policy provides that development proposals in the countryside will only be supported where Clackmannanshire Council is satisfied that it requires a countryside location. The policy also states that proposals should be acceptable in their scale, nature and design quality, and should respect the character of the site and its location.
	The proposed development is for a renewable energy proposal which meets the need for a countryside location.
	Overall, it is considered that the proposed development has successfully incorporated best practice design advice for onshore wind energy developments and that effective site-specific design mitigation has been achieved.
Policy EP10: Minerals	This policy aims to ensure that mineral extraction does not have a significant adverse impact upon the environment and local communities and is relevant in light of the proposed borrow pits.
	Two borrow pits are included as part of the proposed development. These borrow pits are located approximately 2.7km from the nearest residential property, and further still from the nearest settlements (Balckford, Greenloaning, Alva). There are no significant adverse impacts predicted upon the environment and local communities, as a result of the borrow pits.
Policy EA2: Habitat Networks and Biodiversity	This policy aims to encourage the protection and enhancement of biodiversity.
	Impacts of the proposed development upon biodiversity have been assessed in detail with reference to NPF4 Policy 3 above. It is considered that the proposed development would not have any unacceptable adverse impacts on biodiversity, with the proposed HMP seeking to deliver positive biodiversity enhancement as part of the proposed development. Policy EA2 is therefore complied with.
Policy EA3: Protection of Designated Sites and Protected Species	This policy aims to protect designated sites and protected species.
	Impacts upon designated sites and protected species have been assessed in detail with reference to NPF4 Policy 4 above. It is concluded that the proposed development would have no significant impacts in this regard. Policy EA3 is therefore complied with.

Policy	Policy Summary and Assessment
Policy EA4: Landscape Quality	This policy seeks to protect and enhance the quality and character of the landscape including Special Landscape Areas (SLAs). Within SLAs, it states that development will only be supported where the special landscape character and scenic interest would not be significantly adversely affected, and either of the following criteria are met:
	 The development is an essential requirement of agriculture or horticulture; renewable energy development; appropriate recreation and tourism activities; or forestry which conforms with the Forestry and Woodland Strategy; or
	 The development could not be located in a less sensitive location, and any adverse impacts are clearly outweighed by social, environmental or economic benefits of local importance.
	The impacts of the proposed development on landscape character are discussed in relation to NPF4 Policy 11 part (e) (ii) and on SLAs in relation to NPF4 Policy 4. It is concluded that the proposed development would not unacceptably affect the overall integrity of the local landscape character or any SLAs.
	The proposed development would satisfy the first criterion listed at the end of the policy as the site comprises renewable energy development.
Policy EA9: Managing Flood Risk	This provides that all planning applications will be assessed for flood risk and states that generally, where a site is determined as being at flood risk or would increase the risk of flooding elsewhere, that permission for new development will not be granted.
	Assessment of the proposed development in relation to flood risk have been assessed in detail in relation to NPF4 Policy 22. With the implementation of the proposed drainage scheme, it has been assessed that the proposed development would not be at significant risk of flooding or lead to increased flood risk elsewhere. The proposed development would therefore be in accordance with this policy.
Policy EA11: Environmental Quality	This policy aims to protect the quality of the environment in relation to air, water, soil or in relation to noise or light pollution.
	Appropriate measures have been taken through the siting and design of the proposed development and would be taken by way of construction and environmental management during the construction and operational phase, such that impacts in terms of those matters can be avoided or appropriately mitigated. The proposed development would therefore be in accordance with this policy.
Policy EA12: Water Environment	This policy aims to protect and enhance the water environment. It requires, amongst other matters, that



Policy	Policy Summary and Assessment
	where development would impact on a private water supply that the applicant must demonstrate that it will not adversely affect the quantity or quality of the private water supply to properties served by that supply.
	Chapter 10 of the EIA Report considers the impacts of the proposed development on the water environment. As a result of the imbedded mitigation through design, and the proposed mitigation within the Outline CEMP, there are no significant impacts predicted on the water environment.
	A Private Water Supply risk assessment is provided as Technical Appendix 10.5 of the EIA Report. Following mitigation and good construction practice measures, no significant impacts are predicted.
Policy EA13: Significant Soil Resources	This policy seeks to protect carbon rich soils including peat habitats which are present on the site. For wind energy developments, the policy requires that the applicant demonstrates that the development would result in a net reduction of carbon emissions.
	Chapter 14 and Technical Appendix 14.1 of the EIA Report consider the net carbon emissions as a result of the proposed development. Although some peat would be disturbed during construction of the proposed development, the carbon emissions payback time for the proposed development is predicted to be approximately 1.3 years. Following that time the proposed development would in effect be in a net gain situation with regards carbon emissions. Over the 40 year lifetime of the proposed development, approximately 1.8 million tonnes of CO ₂ would be replaced / displaced when compared to a grid-mix of electricity.
Policy EA19: Scheduled Monuments	This policy aims to protect Scheduled Monument and other identified nationally important archaeological resources.
	As discussed in relation to NPF4 Policy 7 part (h), it is concluded that there would be no significant adverse effects upon the setting of any scheduled monuments. The proposed development would therefore comply with this policy.
Policy EA20: Other Archaeological Resources	This policy aims to protect other archaeological resources and preserve them in situ wherever possible.
	As discussed in relation to NPF4 Policy 7, it is concluded that the proposed development would not result in any significant adverse impacts upon archaeological resources. The proposed development would therefore comply with this policy.



Policy	Policy Summary and Assessment
Policy EA21: Gardens and Designed Landscapes	This policy aims to protect and enhance gardens and designed landscapes.
	As discussed in relation to NPF4 Policy 7 part (i), it is concluded that there would be no significant adverse effects upon the character or setting of any Gardens and Designed Landscapes. The proposed development would therefore comply with this policy.
Policy EA22: Listed Buildings	This policy aims to protect listed buildings and their settings.
	As discussed in relation to NPF4 Policy 7 part (c), it is concluded that there would be no significant adverse effects upon the setting of any listed buildings. The proposed development would therefore comply with this policy.

7.4 Perth & Kinross Local Development Plan

- 140. The PKLDP2 was adopted in November 2019. Like the CLDP, it was therefore also prepared within the setting of the previous national planning policy context that has now been superseded by NPF4. Consideration is therefore given in this assessment as to whether the PKLDP2 remains compatible with NPF4.
- 141. Policy 33A of the LDP2 generally provides support for the development of renewable and low carbon energy and associated infrastructure, subject to detailed assessment against various environmental and other planning criteria. An assessment against each of these criteria is undertaken in **Table 7-6**.

	PKLDP2 Policy 33A criteria	Assessment
(a) de	The individual or cumulative effect of velopment on:	
•	Biodiversity and natural heritage	Addressed in Chapter 8: Ecology and Chapter 9: Ornithology of the EIA Report. The assessments in these chapters of the EIA Report conclude that following the implementation of mitigation measures during construction and operation, and also restoration proposals being
		implemented via a HMP, there would be no significant effects on ecology or ornithology, with the exception of a potential significant cumulative effect on Snipe.
•	Woodland and forestry	Addressed in Technical Appendix 3.2: Forestry.
•	Landscape character, Local Landscape Areas, Wild Land Areas and National Scenic Areas	The impacts of the proposed development on LCTs are discussed in relation to NPF4 Policy 11, part (e) (ii). Overall, it is concluded that effective site-specific design has been achieved to minimise

Table 7-6: Assessment	of proposed	development	against F	PKLDP2 Pol	licy 33A	criteria
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	PKLDP2 Policy 33A criteria	Assessment
		significant impacts on landscape character to localised impacts only.
		Whilst the proposed development is located within the Ochil Hills LLA, the LVIA assessment concludes that its introduction would not significantly alter the overall integrity of this LLA.
•	Visual amenity	The impacts of the proposed development on visual amenity are discussed in relation to NPF4 Policy 11, part (e) (i). No significant effects upon visual amenity are predicted.
•	The historic environment and cultural heritage	The impacts of the proposed development on the historic environment are discussed in relation to NPF4 Policy 7. No significant effects upon the historic environment and cultural heritage are predicted.
•	Hydrology, the water environment and flood risk	Addressed in Chapter 10: Hydrology, Hydrogeology and Geology of the EIA Report. No significant effects are predicted.
•	Air quality, including any effects on	Addressed in Chapter 14: Other Issues of the EIA
	from construction.	No significant effects are predicted.
•	Aviation, defence and seismological recording	Addressed in Chapter 14: Other Issues of the EIA Report.
	J	No significant effects are predicted. However, agreement is required between the applicant and relevant stakeholders with regards to appropriate radar mitigation to be implemented.
•	Telecommunications and broadcasting infrastructure	Addressed in Chapter 14: Other Issues of the EIA Report.
		Chapter 14 concludes that there would be no significant effects on telecommunications and broadcasting infrastructure, as a result of the proposed development.
•	Residential amenity (including noise and shadow flicker)	Residential visual amenity has been scoped out of the EIA due to the distance between proposed turbines and the nearest inhabited residential property.
		Residential amenity with regards to noise and shadow flicker are addressed in Chapter 14: Other Issues of the EIA Report.
•	Hazardous installations (including pipelines)	Battery storage is included as part of the proposed development, and is located within the substation compound. The Battery Energy Storage System has been located in excess of 500m from the nearest residential property. No significant effects are predicted as a result of the inclusion of a Battery Energy Storage System.

PKLDP2 Policy 33A criteria	Assessment
	A Battery Energy Storage System Fire Risk Statement is provided as Technical Appendix 3.3 .
(b) the contribution of the proposed development towards meeting carbon reduction and renewable energy generation targets.	The contribution of the proposed development towards carbon reduction and renewable energy generation are discussed in relation to NPF4 Policies 1 and 11. In accordance with these policies, significant weight should be given in the determination of this application to these benefits.
(c) the net economic impact of the proposal, including local and community socio- economic benefits such as employment and supply chain opportunities.	The socio-economic benefits of the proposed development are detailed in Section 4.7 of this Planning Statement. As discussed in relation to NPF4 Policy 11 part (c), the Applicant is committed to maximising local employment and supply chain opportunities.
(d) the transport implications, and in particular the scale and nature of traffic likely to be generated, and its implications for site access,	Addressed in Chapter 12: Traffic and Transport of the EIA Report.
road safety, and the environment generally.	No significant effects are expected on transport during the construction, operation or decommissioning of the proposed development, both individually and in combination with other proposed developments.
(e) construction and service tracks and borrow pits associated with any development.	Borrow pits specifically, are addressed and considered in Technical Appendix 10.3: Borrow Pit Appraisal .
	Access tracks and borrow pits more generally, are addressed in various chapters of the EIA Report, primarily: Chapter 3: Description of Development, Chapter 7: Landscape and Visual, Chapter 7: Ecology, Chapter 10: Hydrology, Hydrogeology and Geology, and Chapter 12: Traffic and Transport.
(f) effects on soils including carbon rich soils, deep peat and priority peatland habitats.	Addressed in Chapter 10: Hydrology, Hydrogeology and Geology of the EIA Report.
(g) the effects on public access, recreation and tourism interests including core paths, scenic corridors and other established routes for walking, riding and cycling.	The impacts of the proposed development on public access are discussed in relation to NPF4 Policy 11, part (e) (iii).
(h) decommissioning including and conditions/bonds necessary for site restoration.	Proposals for decommissioning and restoration are discussed in relation to NPF4 Policy 11, part (e) (xi).
(i) Opportunities for energy storage	Energy storage forms part of the proposed development, with up to 35MW of battery storage to be located within the substation compound.
(j) Cross-boundary impacts including any impacts on the qualities of the Cairngorms and Loch Lomond & The Trossachs National Parks.	No adverse impacts predicted.

- 142. Whilst PKLDP3 Policy 33A identifies many similar considerations to those in NPF4 Policies 1 and 11, the main difference is the matter of emphasis it places on each of the considerations. It is considered that the PKLDPs support for wind farm developments is more passive and restrained than the approach of NPF4. NPF4 has a more proactive tone and is explicitly more accepting of adverse localised landscape and other amenity impacts in recognition of their wider renewable energy generation target and socio-economic benefits and importance.
- 143. PKLDP2 Policy 33D sets out Perth and Kinross Council's spatial framework for onshore wind energy developments and requires that all proposals take this framework into account. The requirement to produce a spatial framework relates to the provisions of SPP and no longer forms part of the approach in NPF4. It is therefore considered that Policy 33D is no longer compatible with NPF4 and no longer has effect.
- 144. Policy 33 also makes reference to Perth and Kinross Council's draft Renewable & Low Carbon Energy Guidance (2019) which contains further advice on how applicants should address the criteria identified in the policy when preparing and submitting applications. Following the adoption of NPF4, Perth and Kinross Council have confirmed that the draft guidance is to be reviewed and updated in 2024/25 to reflect the updated national planning policy position (guidance not available as of April 2025). It is therefore considered that very limited weight should be given to the current draft guidance in the determination of this application.
- 145. Other policies within the PKLDP2 relevant to the determination of this application are assessed in **Table 7-7**.

Policy	Policy Summary and Assessment
Policy 1A: Placemaking	This policy relates to all development proposals and provides that development must contribute positively to the quality of the surrounding built and natural environment.
	As discussed in relation to NPF4 Policy 11, it is considered that the proposed development has successfully incorporated best practice design advice for onshore wind energy developments and that effective site specific design mitigation has been achieved, in particular to minimise landscape and visual impacts. It is therefore considered that the proposed development complies with this policy.
Policy 1B: Placemaking	This policy relates to all development proposals and sets out a series of placemaking criteria to be met. Further guidance is provided in Perth and Kinross Council's Placemaking Supplementary Guidance.
	It is considered that the proposed development satisfies the relevant placemaking criteria, including respecting the skyline and respecting the size and scale of other nearby operational wind farms. It is therefore considered that the proposed development complies with this policy.
Policy 2: Design Statements	This policy requires that design statements be provided for non-residential developments greater than 0.5 hectares and for developments where design sensitivity is considered a critical issue.

Table 7-7: Assessment of propo	sed development against	other PKLDP2 Policies
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Policy	Policy Summary and Assessment
	A Design and Access Statement is submitted with this this application. This policy is therefore satisfied.
Policy 15: Public Access	This policy provides that development proposals that would affect unreasonably public access rights will not be permitted unless suitable alternative provision is made.
	The impacts of the proposed development on public access are discussed in relation to NPF4 Policy 11, part (e) (iii). It is considered that reasonable public access will be provided during construction and that the proposed development complies with this policy.
Policy 26A: Scheduled Monuments and	This policy sets out a presumption against development which would have an adverse effect on the integrity of a Scheduled Monument and its setting, unless there are exceptional circumstances.
Archaeology: Scheduled Monuments	As discussed in relation to NPF4 Policy 7 part (h), it is concluded that there would be no significant adverse effects upon the setting of any scheduled monuments. The proposed development would therefore comply with this policy.
Policy 26B: Scheduled Monuments and	This policy aims to protect areas of archaeological interest and includes a strong presumption if favour of preservation in situ. If not possible, it provides that possible provision will be required for survey, excavation, recording and analysis.
Archaeology: Archaeology	As discussed in relation to NPF4 Policy 7, it is concluded that the proposed development would not result in any significant adverse impacts upon archaeological resources. A planning condition can be used to secure a programme of archaeological works to comply with this condition.
Policy 27: Listed Buildings	This policy provides that the layout, design, materials, scale, siting and use of any development which will affect a listed building or its setting should be appropriate to the building's character, appearance and setting.
	As discussed in relation to NPF4 Policy 7 part (c), it is concluded that there would be no significant adverse effects upon the setting of any listed buildings. The proposed development would therefore comply with this policy.
Policy 29: Garden and Designed	This policy identifies that Perth and Kinross Council's will seek to protect and enhance the integrity of Garden and Designed Landscapes.
Landscapes	As discussed in relation to NPF4 Policy 7 part (i), it is concluded that there would be no significant adverse effects upon the character or setting of any Gardens and Designed Landscapes. The proposed development would therefore comply with this policy.
Policy 31: Other Historic Assets	This policy provides that the Perth and Kinross Council's will seek to protect and preserve other non-designated assets and area of historical interest as far as possible.
	As discussed in relation to NPF4 Policy 7 part (i), no significant effects are predicted upon any undesignated assets. A planning condition can be used to secure a programme of archaeological works to comply with this condition.
Policy 38A: Environment and Conservation: National	This policy sets out the exceptional circumstances in which developments that could have a significant effect on a SAC, SPA or Ramsar site will only be permitted.

Policy	Policy Summary and Assessment
Designations: International Nature Conservation Sites	There are no significant effects predicted on any SAC, SPA or Ramsar site, as a result of the proposed development.
Policy 38B: Environment and Conservation: National Designations	This policy sets out the limited circumstances in which developments that could have a significant effect on a National Park, National Scenic Area, SSSI or NNRs will be permitted. There are no significant effects predicted on any National Park, National Scenic Area, SSSI or NNRs, as a result of the proposed development.
Policy 38C: Environment and Conservation: Local Designations	This policy provides that development which would affect an area designated as being of local conservation importance will not normally be permitted unless either (a) the objectives of the designation and the overall integrity of the designated area would not be compromised or (b) any locally significant adverse effects on the qualities for which the area has been designated are clearly outweighed by social and economic benefits.
	There are no significant effects predicted on any area designated as being of local conservation importance, as a result of the proposed development. There are significant effects predicted for the Alva Moss LNCS due to loss of Annex 1 habitat, however this site is currently just at candidate stage, and has been for several years. Further to this the Annex 1 habitat loss would be compensated by a significant positive effect through the peatland restoration proposed in Technical Appendix 8.4: Outline HMP .
Policy 39: Landscape	This policy provides that development proposals will be supported by Perth and Kinross Council's where they do not conflict with the aim of maintaining and enhancing the landscape qualities of Perth and Kinross and sets out a range of landscape and design criteria that all development proposals should be assessed against. It also provides that development should only be permitted where it will not have a significant adverse impact on their special character or qualities of any SLAs, or where these impacts are clearly outweighed by social and economic benefits that are more than of local significance to Perth and Kinross.
	The landscape impacts of the proposed development are discussed in relation to NPF4 Policy 11, part (e) (ii). It is considered that the landscape impacts of the proposed development are acceptable and would not be sufficiently adverse to be contrary to this policy.
	NPF4 Policy 4. It is concluded that the proposed development would not unacceptably affect the overall integrity of any SLAs.
Policy 40B: Forestry, Woodland and Trees: Trees,	This policy provides that Perth and Kinross Council's will follow the principles of the Scottish Government Policy on Control of Woodland Removal and require developers to fully accord with its requirements.
Woodland and Development	It is understood that there would be a requirement for restocking and or compensatory planting as a result of the forestry that is to be removed as part of the proposed development. An assessment of forestry related impacts is provided in Technical Appendix 3.2 of the EIA Report.
Policy 41: Biodiversity	The policy provides that Perth and Kinross Council's will seek to protect and enhance all wildlife and wildlife habitats, whether formally designated/protected or not, taking into account the ecosystems and natural processes in the area.

Policy	Policy Summary and Assessment
	The design of the proposed development has aimed to minimise effects on wildlife, habitats and designated/protected areas as far as possible. Biodiversity and wildlife enhancement is included as part of the proposed development and is presented in Technical Appendix 8.4: Outline HMP of the EIA Report.
Policy 51: Soils	This policy states that development will only be permitted on areas of carbon-rich soils, including peatland, where it has been clearly demonstrated that there is no viable alternative, or where the economic and social benefits of the development would outweigh any potential detrimental effect on the environment.
	The design of the proposed development has aimed to minimise effects on carbon-rich soils, including peatland. Technical Appendix 8.4: Outline HMP of the EIA Report, includes proposals for active blanket bog restoration.
Policy 52: New Development	This policy sets out flood risk considerations that development proposals must have regard to.
and Flooding	Chapter 10 of the EIA Report concludes that there is only a low risk of the proposed development being negatively impacted by flooding or exacerbating the effects of flooding.
Policy 53C: Water Environment	This policy sets out the water environment and drainage requirements that development proposals must have regard to.
and Drainage: Surface Water Drainage	Chapter 10 and Technical Appendix 10.5 of the EIA Report consider drainage requirements and put forward proposals for effectively managing surface water drainage during construction and operation of the proposed development.
Policy 55: Nuisance from Artificial Light and Light	This policy provides that Perth and Kinross Council's will not grant consent for development proposals where the lighting would result in obtrusive and/or intrusive effects.
Pollution	Chapter 14 of the EIA Report sets out the aviation lighting proposal for the scheme. All 13 wind turbines will be fitted with Infrared lighting beacons (not visible to the naked eye) and charted. It is not proposed to install any visible aviation lighting in the wind turbines forming the proposed development.
Policy 56: Noise Pollution	This policy sets out a general presumption against developments which would result in unacceptable noise impacts.
	The nearest residential property is located approximately 2.7km from the nearest proposed wind turbine. Chapter 14 of the EIA Report includes a noise assessment for the proposed development and concludes there are no significant residual impacts, from noise, on nearby sensitive receptors.
Policy 60B: Transport Standards and	This policy requires that local road networks be capable of absorbing traffic generated by development and that satisfactory access is provided.
Accessibility Requirements: New Development Proposals	Chapter 12 of the EIA Report concludes that there are no significant effects expected on transport during the construction, operation or decommissioning of the proposed development, both individually or in combination with other proposed developments.

Policy	Policy Summary and Assessment
Policy 61: Airfield Safeguarding	This policy identifies that Perth and Kinross Council's will seek to refuse consent for developments likely to have an unacceptable impacts on the safe operation of aircraft.
	Following pre-application consultation with aviation stakeholders, and the completion of Instrument Flight Procedure (IFP) Assessments (see Technical Appendix 14.3 and 14.4 of the EIA Report), it is considered that there are no unacceptable aviation impacts. Appropriate radar mitigation would need to be agreed with relevant stakeholders, however it is considered that an appropriately worded planning condition would be sufficient to manage this.

7.5 Planning Policy Conclusions

- 146. The proposed development, due to its size and location, would have National Development status, as outlined in NPF4. Section 7.2.2 along with **Table 7-1** and **Table 7-2** set out that the proposed development is in accordance with NPF4 Policy 11 'Energy', as well as other relevant policies within NPF4.
- 147. **Tables 7-3, 7-4, 7-5, 7-6** and **7-7** set out that the proposed development is in accordance with the key relevant policies of the CLDP and PKLDP2.

8.0 Overall Conclusions

8.1 Electricity Act 1989

- 148. As the proposed development will have an installed capacity of greater than 50MW, the application for consent under section 36 of the Electricity Act 1989and deemed planning permission is made to Scottish Ministers.
- 149. The applicant has had regard to prescribed environmental matters when formulating its proposals for the proposed development. The information that is contained within the EIA Report that accompanies this application addresses these. It is considered that the EIA Report confirms that the proposed development is environmentally acceptable. On this basis the applicant has fulfilled its obligations under Schedule 9 of the Electricity Act 1989 in this regard.

8.2 Climate Change and Renewable Energy

- 150. Through the Climate Change (Emissions Reductions Targets) (Scotland) Act 2019, the Scottish Government has set statutory targets for reducing greenhouse gas emissions. The targets are that Scotland should reduce its emissions (when measured against the 2020 baseline) by 75% by 2030, 90% by 2040, and 100% by 2045 (the Net Zero year). Whilst the Scottish Government have confirmed that the 2030 interim target is no longer attainable and is therefore to be dropped, it has confirmed its unwavering commitment to the 2045 obligation stating that "*we remain steadfast in our statutory goal of net zero by 2045*.".
- 151. National energy policy is unequivocally clear that a large and rapid increase in electricity generation from renewable energy sources is essential in meeting Scotland's net zero emissions targets. It also supports a just transition from fossil fuels to renewables for electricity generation, heating and transport as well as other sectors.
- 152. In Scotland, the Scottish Government's Onshore Wind Policy Statement (2022) sets the target of 20 GW of installed onshore wind by 2030 and describes this as 'mission critical' for meeting Scotland's climate targets. The latest pipeline analysis published by BVG Associates in December 2024 shows that Scotland is unlikely to meet this 2030 target.
- 153. At a national level, the UK Government's Clean Power 2030 Action Plan (DESNZ, 2024) sets out the Britain needs to install "*clean sources of power at a pace never previously achieved*" and provides that there should be between 27 to 29 GW of onshore wind operational within the UK by 2030. At present, there is only approximately 15.7GW of installed onshore wind capacity in the UK. Hence therefore a significant gap between the target onshore wind capacity for 2030 compared to what is currently installed.
- 154. Overall, it is therefore concluded that the strong support for onshore wind energy, and the significant contribution that the proposal would make towards tackling the climate crisis and achieving the UK and Scottish Governments renewable energy targets adds substantial weight in favour of the proposed development.

8.3 Development Plan

8.3.1 National Planning Policy

- 155. With regard to planning policy, NPF4 represents a fundamental shift in response to climate change. This has significantly strengthened the planning policy support for renewable energy developments by virtue of a weight of significance that must now be applied to the climate and nature crises when considering development proposals.
- 156. Policies 1 and 11 of NPF4 provide a supportive and unambiguous basis for decision makers assessing this planning application. This means that significant weight must be attached to the contribution of the proposed development to meeting renewable energy generation and greenhouse gas emissions reductions targets.
- 157. Policy 11 of NPF4 clearly sets out support for onshore wind development and the proposed development is considered to accord with this Policy Outcome which is the *"expansion of renewable, low-carbon and zero emissions technologies."*. It is also important to note that there is a recognition in this policy of the potential for significant landscape and visual effects arising from certain types of renewable energy development. It is accepted that a development of a commercial wind farm of this nature will inevitably give rise to landscape and visual effects.
- 158. It is considered that the proposed development can draw strong policy support from NPF4 for the role it can play in tackling the twin crises of climate emergency and nature crises.

8.3.2 Local Development Plans

- 159. The CLDP and PKLDP2 (and associated Supplementary Guidance) can be considered generally supportive of renewable energy development, including onshore wind.
- 160. For the CLDP this is made clear in the introduction section of the CLDP which states: "Clackmannanshire is affected by the same environmental challenges affecting other parts of Scotland – including the need to adapt to climate change, tackle biodiversity decline, accommodate the growth in renewable energy development, and improve the water quality of our watercourses".
- 161. For the PKLDP2 this is made clear on page 51 of the PKLDP2 were it states: "Climate change is a real and serious threat to the environment, the economy and society as a whole. We all have an obligation to act now to mitigate the impacts on our natural and built environments through the reduction of greenhouse gases and adopting the principles of sustainable development. Increasing the amount of energy from renewable and low carbon technologies will help to make sure that Scotland has a secure energy supply, reduce greenhouse gas emissions to slow down the effects of climate change, help improve air quality and stimulate investment in new jobs and businesses. The planning system has a crucial role in the delivery of new and repowered renewable and low-carbon energy sources and infrastructure in locations where environmental impact is acceptable".
- 162. It is considered that the proposed development is in accordance with the key relevant policies of the CLDP and PKLDP2.



8.4 Final Conclusions

- 163. The UK and Scottish Government objective is clear in terms of the urgency of the need case for carbon reduction measures, including the requirement for the rapid development of renewable energy. Nationally significant schemes (> 50MW) such as the proposed development, which utilise efficient turbines, are located on sites that benefit from high wind speeds, and that have a short carbon payback period, can make significant contributions towards this objective.
- 164. In addition to the strong need case for renewable energy, the findings of the EIA Report indicate that with mitigation applied, identified significant effects are both few in number, and predominantly localised in extent.
- 165. Overall, it is therefore submitted that the proposed development is in accordance with the provisions of the Electricity Act 1989, NPF4 and the other elements of the Development Plan (Local Development Plans and Supplementary Guidance), and that there are no other relevant considerations that indicate that consent should not be granted. It is considered that any significant effects of the proposed development that have been identified in the EIA Report do not outweigh its positive climate change, renewable energy and socio-economic benefits. On this basis, it is concluded that Section 36 consent and deemed planning permission should be granted for the proposed development.



Figures

Planning Statement

Windburn Wind Farm

Wind 2 Limited

SLR Project No.: 428.V12959.00001

2 June 2025





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Appendix 01

International and National Climate Change and Renewable Energy Context

Windburn Wind Farm Limited

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Making Sustainability Happen

Revision Record

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1.0 Climate Change and Renewable Energy

The UK and Scottish Governments have made a number of international and domestic commitments in respect of reducing emissions of greenhouse gas to combat climate change. The key agreements in this regard are outlined below.

1.1 International Context

1.1.1 United Nations Framework on Climate Change

The United Nations Framework Convention on Climate Change (UNFCCC) came into force on 21 March 1994 and sought to stabilise the atmospheric concentrations of greenhouse gases at *"safe levels"*. The Convention provides an overall framework for international government efforts to address the challenge posed by climate change. Currently there are 197 parties signed up to the Convention. The Convention embodies a series of review mechanisms. The first of these, the Kyoto Protocol was adopted in December 1997. As a result of this Protocol the European Union was obliged to secure an 8% reduction in greenhouse gas emissions from 1990 levels by 2012.

Yearly Conference of the Parties (COP) meetings have taken place to discuss and agree to any new international targets and advisory reports provide regular assessments of the scientific basis of climate change, its impacts, risks and options for mitigation.

COP26 concluded with 197 countries agreeing to a new climate deal called the 'Glasgow Climate Pact' which strives to keep cutting emissions until they reach net-zero by 2050.

COP21 which was held in Paris in December 2015 resulting in a legally binding global climate change target agreed by all member parties with the aim of capping climate change well below 2°C of warming, the '2015 Paris Agreement'.

COP26 took place in Glasgow in November 2021 and all attending member parties revisited the climate pledges made under the '2015 Paris Agreement'. COP26 concluded with 197 countries agreeing to a new climate deal called the 'Glasgow Climate Pact' which strives to keep cutting emissions until they reach net-zero by 2050.

All countries agreed to speeding up the pace of climate action this decade and to revisit and strengthen their current emissions targets to 2030.

COP27 took place in Egypt in November 2022 and restated the global commitment to ensuring a strong stance in tackling climate change, especially framed within the context of the current energy crisis. COP27 produced further global commitments to further tackling climate change, but not all decisions were made in a positive direction. Some countries attempted to withdraw their commitment to the targets set at the Paris Agreement, and subsequent ratchetting at COP26. These attempts were not successful, however the commitment to cause emissions to peak by 2025 was removed – seen by many as a step backwards in the fight against climate change.

COP28 took place in Dubai in December 2023. A United Nations press release from COP28 on 13 December 2023 stated that the agreements reached at COP28 *"Signals the beginning of the end of the fossil fuel era by laying the ground for swift, just and equitable transition."*. The stocktake from COP28 calls on parties to take actions towards achieving, at a global scale, a tripling of renewable energy capacity (amongst other targets) by 2030.

COP29 took place in Baku in November 2024. COP29 worked on enabling the pledges made during COP28 (including a tripling of global renewable energy capacity by 2030) through climate finance agreements.

1.1.2 Intergovernmental Panel on Climate Change

The most recently published advisory report of relevance to the proposed development is the Intergovernmental Panel on Climate Change (IPCC) Sixth Assessment Report (AR6) (comprising four reports: the Physical Science Basis in August 2021, Impacts, Adaptation and Vulnerability in February 2022, Mitigation of Climate Change in April 2022; and the Synthesis Report in March 2023). AR6 explains in no uncertain terms the challenge that the world faces in addressing climate change and the stark reality of needing to reach net-zero, with real and significant progress by 2030.

1.2 UK Context

1.2.1 Net Zero: The UK's Contribution to Stopping Global Warming (2019)

At COP21, the IPCC was invited to publish a Special Report on the impacts of global warming of 1.5°C and associated greenhouse gas emissions pathways. The IPCC released this Special Report on 08 October 2018. In response to the IPCC's Special Report, the UK Government requested advice from the Committee on Climate Change (a non-departmental public body that advises the Government on the climate) on the implications of the Paris Agreement. This included requesting advice on what further action was needed to meet the goals of the Paris Agreement.

On 02 May 2019 the Committee on Climate Change published 'Net Zero: the UK's Contribution to Stopping Global Warming'. The report made the following recommendations:

- UK overall: a new tougher emissions target of net zero greenhouse gases by 2050, ending the UK's contribution to global warming within 30 years. This would replace the previous target of an 80% reduction by 2050 from a 1990 baseline.
- Scotland: a target of net zero greenhouse gases economy by 2045, reflecting Scotland's greater relative capacity to remove emissions than the UK as whole.
- A net zero greenhouse gases target for 2050 would deliver on the commitment that the UK made by signing the Paris Agreement.

The UK targets in the report have since been legislated through the Climate Change Act 2008 (2050 Target Amendment) Order 2019, which came into force on 27 June 2019. Prior to this, the UK was committed under the Climate Change Act 2008 to reducing net greenhouse gas emissions by at least 80% of their 1990 levels by 2050.

In terms of the new net-zero targets, the report makes it clear for both the UK and Scotland that *"this is only possible if clear, stable and well-designed policies to reduce emissions further are introduced across the economy without delay."* It continues that *"current policy is insufficient for even the existing targets."*.

The Committee on Climate Change scenarios for electricity generation estimate that to keep the UK on track to meet is net-zero target, that renewable energy deployment will require a fourfold increase across the UK from current levels. It identifies that this quadrupling of renewable energy will require approximately 22 to 29 gigawatts (GW) of onshore wind capacity by 2030 and solar capacity increased to 23 to 43 GW.

The technical annex to the report specifically addresses integrating variable renewables into the UK electricity system. The annex makes it clear that variable renewable electricity such as large-scale onshore wind energy is now the cheapest form of electricity generation in the UK and can be deployed at scale to meet UK electricity demands.

As part of the 2008 Act, the Climate Change Committee (CCC) advises the UK Government on emissions targets, and reports to the UK Parliament on progress made in reducing Green House Gas emissions. The CCC has set 'carbon budgets' for the period from the Climate



Change Act 2008 coming into force to 2037. These 'carbon budgets' are legally binding targets, set in order to facilitate achieving the 2050 target set out in the Climate Change Act 2008. **Table 1-1** sets out all, legally binding, carbon budgets that have been set.

Budget	Carbon Budget Level ¹	Reduction Below 1990 Levels	Progress on Budgetary Period
1st carbon budget (2008 – 2012)	3,018 MtCO2e	26%	-27%
2nd carbon budget (2013 - 2017)	2,782 MtCO2e	32%	-42%
3rd carbon budget (2018 – 2022)	2,544 MtCO2e	38% by 2020	50% ²
4th carbon budget (2023 – 2027)	1,950 MtCO2e	52% by 2025	n/a
5th carbon budget (2028 – 2032)	1,725 MtCO2e	57% by 2030	n/a
6th carbon budget (2033 – 2037)	965 MtCO2e	78% by 2035	n/a
7th carbon budget (2038 - 2042)	535 MtCO2e	87% by 2040	n/a
Net Zero Target	100%	By 2050	

1.2.2 The Sixth Carbon Budget

In December 2020 the Committee on Climate Change published 'The Sixth Carbon Budget', describing what the potential path options to net zero by 2050 look like and detailing the steps that must be taken to achieve this.

A key recommendation of the report is that the UK Government requires a reduction in UK territorial greenhouse gases of 78% by 2035 relative to 1990 level. The report advises that this can be done through the following four steps:

- take up of low carbon solutions;
- expansion of low carbon energy supplies including onshore wind;
- reducing demand for carbon intensive activities; and
- land and greenhouse gas removals.

Key benefits for the UK are seen as including the opportunity for low carbon investment, recognised at a time when it is needed to support the UK's economic recovery from the COVID-19 health crisis.

Page 23 refers to the devolved nations and sets out that *"UK climate targets cannot be met without strong policy action across Scotland, Wales and Northern Ireland"* and recognises that although the main policy levers are held by the UK Government, that Scotland can take

² Confirmed by CCC in 'Final Statement for the Third Carbon Budget' May 2024. By the end of the period in 2022, UK net GHG emissions were 50% lower than the base year emissions.



¹ Climate Change Committee

action through complementary measures at the devolved level including supporting policies such as *"planning and consenting"*.

The UK Government announced on 20 April 2021 that it would set the world's most ambitious climate change target into law (the Carbon Budget Order 2021) to reduce greenhouse gas emissions by 78% by 2035 compared to 1990 levels.

1.2.3 Carbon Budget Delivery Plan 2023

The Carbon Budget Delivery Plan was published in March 2023 and provides detail on the current package of proposals and policies prepared by the Secretary of State (as of March 2023) to enable the delivery of Carbon Budgets 4, 5 and 6 (as detailed in **Table 1-1**).

The Carbon Budget Delivery Plan highlights how crucial renewable energy development is to meeting the Carbon budgets 4, 5 and 6, stating: *"Delivering deep decarbonisation of power is key both to delivering sector carbon savings and unlocking the path to net zero across transport, industry, and heating buildings. Meeting growing demand while achieving the goal of decarbonising the power system by 2035 subject to security of supply needs substantial expansion of renewable low carbon generation."*

Row 20 of Table 5 'Quantified proposals and policies' in the Carbon Budget Delivery Plan has the following policy description: *"Recognising that onshore wind is an efficient, cheap and widely supported technology, government has consulted on changes to planning policy in England for onshore wind to deliver a localist approach that provides local authorities more flexibility to respond to the views of their local communities. We will respond to the NPPF consultation in due course."*.

1.2.4 British Energy Security Strategy 2022

On 07 April 2022 the UK Government released their 'British Energy Security Strategy' focusing on how the Government plans to provide the UK with energy security and increased independence from a volatile international market. In Scotland, such planning rules are devolved, with the current Scottish Government considering their own policy of strengthening onshore wind deployment. Whilst not specifically pushing a boost to onshore wind, the Strategy does note: "The growing proportion of our electricity coming from renewables reduces our exposure to volatile fossil fuel markets. Indeed, without the renewables we are putting on the grid today, and the green levies that support them, energy bills would be higher than they are now. But now we need to be bolder in removing the red tape that holds back new clean energy developments and exploit the potential of all renewable technologies".

1.2.5 The UK Energy White Paper, Powering Our Net-Zero Future

The UK Government published its Energy White Paper 'Powering our Net-Zero Future' in December 2020. The White Paper sets out the UK Government's current thinking on the way in which the UK should work towards meeting its net zero targets. It advises that although retiring capacity will need to be replaced, that modelling suggests overall that the demand for electricity could double as transport and heat switch from petrol/diesel and gas respectively to electricity. It notes that this will require a fourfold increase in low-carbon generation by 2030 if the increased demand and net-zero targets are to be met.

The various actions set out in the White Paper are described as "a strong signal to project developers and the wider investor community about the government's commitment to deliver clean electricity.". In the section 'Our Key Commitments', the White Paper states that "onshore wind and solar will be the key building blocks for the future generation mix, along with offshore wind.".

1.2.6 Net Zero Strategy: Build Back Greener 2021

Net Zero Strategy: Build Back Greener was published on 19 October 2021 and sets out how the UK will deliver on its commitments to meet net zero carbon emissions by 2050. The document brings forward the UK government's intention to fully decarbonise the UK electricity system by 2035 and makes it clear that renewables will be a key focus, with the stated aim of 40GW of offshore wind power by 2030 and the creation of more onshore wind and solar energy supplies.

1.2.7 Powering Up Britain (2023)

The latest UK Government's statement on 'Powering Up Britain' is to be the blueprint for the future of energy in the UK. It brings together the Energy Security Plan and Net Zero Growth Plan, and explains how the UK will diversify, decarbonise and domesticate energy production by investing in renewables and nuclear, to power Britain from Britain.

1.2.8 Climate Change Committee Progress Report to Parliament (2024)

The most recent Climate Change Committee's progress report to Parliament 'Progress in Reducing Emissions 2024 Report to Parliament' in July 2024.

The Progress Report makes it clear that urgent action is needed to get on track for the UK's 2030 emissions reduction target. In relation to this it states:

"The UK has committed to reduce emissions in 2030 by 68% compared to 1990 levels, as its Nationally Determined Contribution (NDC) to the Paris Agreement. It is the first UK target set in line with Net Zero. Now only six years away, the country is not on track to hit this target despite a significant reduction in emissions in 2023. Much of the progress to date has come from phasing out coal generated electricity, with the last coal-fired power station closing later this year. We now need to rapidly reduce oil and gas use as well.

Our assessment is that only a third of the emissions reductions required to achieve the 2030 target are currently covered by credible plans. Action is needed across all sectors of the economy, with low carbon technologies becoming the norm.".

The Progress Report references electricity supply, and notes that with regard to onshore wind only 0.5 GW of new onshore wind was installed in 2023 which is *"considerably below the peak of 1.8 GW in 2017."* And *"Onshore wind installation rates will need to more than double compared to the average pace of deployment over the past three years."*.

1.2.9 UK Government: Clean Power 2030 Action Plan (2024)

The Clean Power 2030 Action Plan was issued by the Department for Energy Security and Net Zero (DESNZ) in December 2024. It sets out that the UK needs to install *"clean sources of power at a pace never previously achieved"*, adding *"clean power by 2030 will herald a new era of clean energy independence and tackle three major challenges: the need for secure and affordable energy supply, the creation of essential new energy industries supported by skilled workers in their thousands, the need to reduce greenhouse gas emissions and limit our contribution to the damaging effects of climate change. Clean power by 2030 is a sprint towards these essential goals"*.

The Action Plan indicates that there should be 27-29 GW of onshore wind operational within the UK by 2030. At present, there is approximately 14.2 GW of installed onshore wind capacity in the UK.

1.3 Scottish Context

The Scottish Government has continually adopted more ambitious climate change and renewable energy policy and targets than that of the UK Government.

The recently adopted NPF4 (2023) and the Government's Onshore Wind Policy Statement (2022), and the draft Energy and Just Transition Plan (2023) are the key drivers for renewable energy policy in Scotland at this time. Scotland's key targets, and the strategies and policies which have been delivering them over the past few years, are outlined below.

1.3.1 The Climate Change (Scotland) Act 2009

The Climate Change (Scotland) Act 2009 initially established long term statutory targets for Scotland of reducing greenhouse gas emissions by at least 80% by 2050, with an interim target of reducing emissions by at least 42% by 2020. The Act also placed climate change duties on Scottish public bodies and included provisions on climate change including adaption, forestry, energy efficiency and waste reduction.

Section 44 of the 2009 Act places climate change duties on Scottish public bodies. It states that a "public body must, in exercising its functions, act: in the way best calculated to contribute to the delivery of (Scotland's climate change) targets; in the way best calculated to help deliver any (Scottish adaption programme); and in a way that it considers most sustainable". This means that all public sector organisations, including Scottish Ministers and local authorities, are obliged in exercising their functions to do so in a manner which is consistent with meeting the net zero climate change target.

1.3.2 Scottish Energy Strategy (2017)

The Scottish Energy Strategy (SES) was published in December 2017, in the context of lower greenhouse gas emissions targets set initially under the Climate Change (Scotland) Act 2009. The SES sets out the Scottish Government vision for the future energy system in Scotland for the period through to 2050. The SES identifies that Scotland's long-term climate change targets will require the near complete decarbonisation of our energy system by 2050, with renewable energy meeting a significant share of our needs.

The SES set a target for the equivalent of 50% of the energy for Scotland's heat, transport and electricity consumption to be supplied from renewable sources by 2030. This 50% target roughly equates to of 17GW of installed capacity in 2030. In addition to setting energy targets, the SES also sets out six strategic priorities These include:

"System security and flexibility – we should have the capacity, the connections, the flexibility and resilience necessary to maintain secure and reliable supplies of energy to all of Scotland's homes and businesses as our energy transition takes place.

Renewable and low carbon solutions – we will continue to champion and explore the potential of Scotland's huge renewable energy resource, and its ability to meet our local and national heat, transport and electricity needs – helping to achieve our ambitious emissions reduction targets.".

The SES advises that onshore wind energy development is essential to Scotland's transformation to a fully decarbonised energy system by 2050 and brings opportunities which underpin our vision to grow a low carbon economy and build a fairer society.

The Scottish Energy Strategy Position Statement was published March 2021 which reaffirms the renewable energy targets set out in the 2017 SES.

1.3.3 The Climate Emergency Declaration

At the SNP Conference in April 2019, Scotland's First Minister declared a climate emergency: *"As First Minister of Scotland, I am declaring that there is a climate emergency. And Scotland will live up to our responsibility to tackle it."*.

In May 2019 the Scottish Government formally declared a climate emergency. In a speech to the Scottish Parliament, the Climate Change Secretary stated: *"There is a global emergency. The evidence is irrefutable. The science is clear. And people have been clear: they expect action."*.

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

As detailed in Section 1.3.3, in May 2019 the Scottish Government formally declared a climate emergency. This resulted in the Climate Change (Emissions Reduction Targets) (Scotland) Act 2019, which amends the Climate Change (Scotland) Act 2009 and commits the Scottish Ministers to legally binding targets for net zero emissions. It amends the Climate Change (Scotland) Act 2009 and commits the Scottish Ministers to a new target of net zero emissions of all greenhouse gases by 2045, with interim targets for reductions of at least 56% by 2020, 75% by 2030 and 90% by 2040. These amended greenhouse emissions targets, and the series of annual targets towards them, represent a substantial increase over the targets set in the previous Act.

To help ensure delivery of the long-term targets, the framework includes statutory annual targets for every year to net zero. Up to 2020 the annual percentage reduction required is 1%, but this immediately leaps for each year between 2020 to 2030. It increases to 1.9% for each year between 2020 and 2030, a near doubling of the response.

The importance of the planning system in achieving these climate change objectives was acknowledged at the time by the First Minister who stated:

"...the next National Planning Framework and review of Scottish Planning Policy will include considerable focus on how the planning system can support our climate change goals.".

1.3.5 Climate Change Plan Update (2020)

The Scottish Government published its most recent Climate Change Plan in December 2020 'Update to the Climate Change Plan 2018 – 2032: Securing a Green Recovery on a Path to Net Zero'. The Climate Change Plan Update responds to the declared climate emergency and considers what policies and proposals are necessarily to deliver against the new targets set under the Climate Change (Emissions Reduction) (Scotland) Act 2019.

The Climate Change Plan Update states that it is essential that a recovery from the COVID-19 pandemic *"responds to the climate emergency"* and *"continues the rapid growth in renewables over the past 20 years, moving from a low to a zero-carbon electricity system"*.

Looking specifically at seeking to achieve Scotland's emissions targets out to 2032, the Climate Change Plan Update states that there will need to a be *"a substantial increase in renewable generation, particularly through new offshore and onshore wind capacity."* It seeks to quantify this by identifying that it expects between 11 to 16 GW of new renewable capacity will need to be developed during this period.

1.3.6 A Stronger and More Resilient Scotland: Programme for Government 22-23 (2022)

The Programme for Government is published every year at the beginning of September and sets out the actions that the Scottish Government will take in the coming year and beyond.



The Scottish Government's 'A stronger and more resilient Scotland' was published in September 2022. This document reaffirms the Scottish Government's commitment to targets set out in prior programmes by confirming that these commitments *"remain in place and our ambition to deliver them is undiminished: the more so since we are clear that much of the answer to the current cost crisis and the poverty it will cause lies in our journey to net zero, investment in a strong economy, and in building a fairer society."*

Page 11 notes that "Scotland has the potential to become a global green energy powerhouse, for Europe and beyond. Scotland's vast potential for renewable energy generation opens up opportunities for exporting electricity and green hydrogen, and attracting energy intensive industries."

1.3.7 Onshore Wind Policy Statement 2022

The Scottish Onshore Wind Policy Statement (OWPS) underwent consultation following draft published in November 2021. The final OWPS 2022 was published in December 2022.

The CCC looked at four exploratory scenarios for emissions to 2050 and concluded that, in every scenario, the UK will require a total of 25-30GW of installed onshore wind capacity by 2050 to meet government targets. This would mean a doubling of the current UK installed capacity.

As a result of these findings the OWPS 2022 sets a new ambition for the deployment of onshore wind in Scotland: a minimum installed capacity of 20GW of onshore wind in Scotland by 2030. This 20GW ambition will help support the rapid decarbonisation of the energy system and the sectors which depend upon it, aligning with a just transition to net zero.

Chapter 1 of the OWPS 2022 contains specific acknowledgement of the need for further the speedy deployment of onshore wind. It states *"We must now go further and faster than before. We expect the next decade to see a substantial increase in demand for electricity to support net zero delivery across all sectors, including heat, transport, and industrial processes".* As a result of this the policy ambition set out at 1.3.2 there is a need for a minimum installed capacity of 20GW by 2030. If that ambition is to be achieved, consents need to be granted to allow deployment as quickly as possible. Paragraph 2.4.2 states that *"Onshore wind will play a crucial role in delivering our legally binding climate change targets."*.

1.3.8 Draft Energy Strategy and Just Transition Plan 2023

On 10 January 2023, the Scottish Government published the Draft version of its 'Energy Strategy and Just Transition Plan – delivering a fair and secure zero carbon energy system for Scotland'. This plan outlines the key ambitions for Scotland's energy future, with an even greater focus on renewable energy. It is predicted that these policies would result in a net jobs gain across the energy production sector and will increase renewable energy

exports whilst also reducing exposure to future global energy market fluctuations.

The Plan outlines several of the government's targets to reach a net zero Scotland, with the main milestones and dates outlined as:

- to substantially increase Scotland's renewable electricity generation capacity from the current level of 13.4 Gigawatts (GW) with an additional 20GW resulting in an overall capacity of at least 33.4GW by 2030;
- aims to have 8-11GW of installed offshore, and an additional 12GW of installed onshore wind capacity by 2030;

- for renewable and low-carbon hydrogen power to provide 5GW (the equivalent of 15% of Scotland's current energy needs) by 2030, increasing to 25GW by 2045; and
- to phase out the necessity for new petrol and diesel cars by 2032, and to reduce total car kilometres by 2030.

The plan also outlines general commitments made by the Government to assist with the transition to net zero, which include the following:

- to establish a national public energy agency 'Heat and Energy Efficiency Scotland';
- to increase the contributions of solar, hydropower and marine energy within Scotland's energy mix;
- to accelerate the decarbonisation of domestic industry, transport and heat in buildings;
- to generate surplus electricity allowing for the export of electricity and renewable hydrogen to support decarbonisation across Europe.;
- to create energy security through the development of Scotland's resources and additional energy storage;
- to allow for a just transition by maintaining or increasing employment in Scotland's energy production sector against a decline in North Sea production; and
- to maximise the use of Scottish manufactured components in the energy transition, ensuring high-value technology and innovation.

Page 120 of the Draft Energy Strategy highlights the UK Government's decision not to award the Scottish Cluster, led by the Acorn Project at St Fergus, track 1 status in their carbon capture, utilisation and storage (CCUS) cluster sequencing process. The Draft Energy Strategy goes on to state that this decision from the UK Government will have a negative effect on Scotland's ability to meet emissions reduction targets. As a result of this, it is highlighted that Scotland *"will require contingency planning to identify the additional emissions reduction effort that may be needed from other sectors to meet Scotland's 2030 target."*.

1.3.9 The Climate Change (Emissions Reduction Targets) (Scotland) Act 2024

The Climate Change (Emission Reduction Targets) (Scotland) Act came into force on 22 November 2024. The 2024 Act repeals the annual and interim emissions reduction target framework that was established under the Climate Change (Emissions Reduction Targets) (Scotland) Act 2019, and establishes a carbon budget approach to target setting. The 2024 Act also makes provision for a new Climate Change Plan to be published that reflects the carbon budgets.

1.3.10 Progress Towards Targets

Tables 1-2, **1-3** and **Graphs 1-1** and **1-2** set out how Scotland has made progress towards the renewable energy and greenhouse gas targets set by the Scottish Government.

Year	Target	Achieved / Progress
2020	Equivalent of 100% of all electricity used in Scotland to come from renewable sources. ³	This 2020 renewable electricity target is no longer an official target as the target year of 2020 has been reported on (the target was missed for 2020 with 98.6% of all electricity used in Scotland to come from renewable sources). However, progress on this renewable energy target is continuing to be monitored by the Scottish Government. In 2022, the equivalent of 113% of Scotland's gross electricity consumption was generated from renewable / low carbon sources ⁴ . In 2023, the equivalent of 89.6% of Scotland's gross electricity consumption was generated from renewable / low carbon sources ⁵ .
2030	To increase the installed onshore wind capacity in Scotland to 20GW. ⁶	Latest figures for Q3 2024 (most recently available) show that the installed onshore wind capacity in Scotland is 10.1GW ⁷
2030	To generate 50% of Scotland's overall energy consumption from renewable sources. ⁸	Final figures for 2022 indicate that the equivalent of 29.5% of total Scottish energy consumption came from renewable sources. ⁹
2050	To have decarbonised the energy system almost completely ¹⁰	Future target and difficult to gauge progress against.

Table 1-2: Progress Against Renewable Energy Targets

¹⁰ Scottish Government (2017). The future of energy in Scotland: Scottish energy strategy 20 December 2017



³ Scottish Government (2011). 2020 Renewable Routemap for Renewable Energy in Scotland Update 2011

⁴ Scottish Government (2025). Scottish Energy Statistics Hub. Online: <u>https://scotland.shinyapps.io/sg-scottish-energy-statistics/?Section=RenLowCarbon&Subsection=RenElec&Chart=RenElecTarget</u>

⁵ Scottish Government (2024). Energy Statistics for Scotland. Online: <u>https://www.gov.scot/publications/energy-statistics-for-scotland-q3-2024/pages/generation-and-supply-of-electricity-in-2023/</u>

⁶ Scottish Government Onshore Wind Policy Statement 2022

⁷ Scottish Government (2025). Scottish Energy Statistics Hub. Online: <u>https://scotland.shinyapps.io/sg-scottish-energy-statistics/?Section=RenLowCarbon&Subsection=RenElec&Chart=RenElecCapacity</u>

⁸ Scottish Government (2017). The future of energy in Scotland: Scottish energy strategy 20 December 2017

⁹ Scottish Government (2025). Scottish Energy Statistics Hub. Online: <u>https://scotland.shinyapps.io/sg-scottish-energy-statistics/?Section=WholeSystem&Chart=RenEnTgt</u>

Graph 1-1 Renewable Energy Gross Final Energy Consumption in Scotland



Source: DESNZ, Energy Saving Trust, DfT



Year	Current Target (% Reduction of Emissions relative to 1990) ¹¹	Recommended Target (% Reduction of Emissions relative to 1990) ¹²	Achieved/Progress ¹³
2022	59.8% reduction.	53.8% reduction.	Not achieved – GHG account reduced by 50.2% between baseline period and 2022 ¹⁴ .
2023	61.7% reduction.	56.4% reduction.	Most recent data available is 2022 figure.
2024	63.6% reduction.	59.1% reduction.	Most recent data available is 2022 figure
2025	65.5% reduction.	61.7% reduction.	Most recent data available is 2022 figure
2026	67.4% reduction.	64.4% reduction.	Most recent data available is 2022 figure
2027	69.3% reduction.	67.0% reduction.	Most recent data available is 2022 figure
2028	71.2% reduction.	69.7% reduction.	Most recent data available is 2022 figure
2029	73.1% reduction.	72.3% reduction.	Most recent data available is 2022 figure
2030	75% reduction.	75% reduction.	Most recent data available is 2022 figure
2045	100% reduction.	100% reduction.	Most recent data available is 2022 figure.

Table 1-3: Progress	s Against	Greenhouse	Gas	Emissions	Targets
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¹² Independent Climate Change Committee (2022). Scottish Emissions Targets – First Five-Yearly Review

¹³ Scottish Government Scottish Greenhouse Gas Statistics 2021: <u>https://www.gov.scot/binaries/content/documents/govscot/publications/statistics/2023/06/scottish-greenhouse-gas-statistics-2021/documents/scottish-greenhouse-gas-statistics-2021/scottish-greenhouse-gas-statistics-2021/govscot%3Adocument/scottish-greenhouse-gas-statistics-2021.pdf</u>

¹⁴ Scottish Government (2025). Scottish Energy Statistics Hub. Online: <u>https://scotland.shinyapps.io/sg-scottish-energy-statistics/?Section=WholeSystem&Chart=GHGEmissions</u>



¹¹ Scottish Government (2019). Climate Change (Emissions Reduction Targets) (Scotland) Act 2019

Graph 1-2: Greenhouse Gas Emissions (and Targets) in Scotland



Greenhouse gas emissions and percentage reduction targets - based on adjusted emissions (MtCO2e)

1.4 Conclusions

From the various legislation, targets, policies, strategies and statements detailed in this appendix, it is clear that from international level, through UK level and at the Scottish specific level, there is strong governmental (and from non-governmental organisations) support for the urgent need of additional renewable energy generation capacity.

The IPCC has repeatedly flagged the challenge that the world faces in addressing climate change and the stark reality of needing to reach net-zero, with real and significant progress by 2030. Scotland has long considered itself at the forefront when it comes to robust targets for reducing green house gas emissions and fighting climate change. However, as detailed in Section 1.3.10, Scotland did not meet its 2020 target for 100% of all electricity used in Scotland to come from renewable sources (it also did not meet this target in 2022). Further to this, Scotland did not meet its 2022 target of a 53.8% reduction of greenhouse gas emissions relative to 1990, despite the enduring impact of the COVID-19 pandemic..

Separate to considerations relating to climate change and green house gas emissions, the ongoing war in Ukraine continues to provide a further impetus for domestically sourced energy supply, both from a security and financial perspective.

Therefore, it is concluded that the seriousness of the current climate emergency (as repeatedly stressed by the IPCC), the urgency of the renewable energy and climate change targets set by the Scottish Government (at international level and by the UK Government) and the associated vital role that renewable energy developments such as the proposed development can play in meeting these targets, should be afforded substantial weight in the planning balance during determination of this application.



Making Sustainability Happen



Appendix 02: Planning Conditions

Planning Statement

Windburn Wind Farm

Windburn Wind Farm Limited

SLR Project No.: 428.07767.00009

2 June 2025



Onshore Wind Standard Conditions Section 36 Consent and Deemed Planning Permission February 2025

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Definitions	



Section 36 Conditions

No.	Condition Wording	Applicant / Consultee Comment or Modification
	Notification of Date of First Commissioning and Final Commissioning	
1.	(1) Written confirmation of the Date of First Commissioning shall be provided to the Planning Authority and Scottish Ministers no later than one calendar month after that date.	N/A
	(2) Written confirmation of the Date of Final Commissioning shall be provided to the Planning Authority and Scottish Ministers no later than one calendar month after that date.	
	Reason: To allow the Planning Authority and Scottish Ministers to calculate the date of expiry of the consent.	
	Commencement of Development	
2.	(1) The Development shall be commenced no later than [five years] ¹ from the date of this consent, or such other period as the Scottish Ministers may approve in writing.	N/A
	(2) Written confirmation of the intended date of Commencement of Development shall be provided to the Scottish Ministers and the Planning Authority as soon as is practicable after deciding on such a date and in any event no later than one calendar month prior to the Commencement of Development.	
	Reason: To ensure that the consent is implemented within a reasonable period and to allow the Planning Authority and Scottish Ministers to monitor compliance with obligations attached to this consent and deemed planning permission as appropriate.	
	Assignation	
3.	(1) This consent shall not be assigned, alienated or transferred without the prior written authorisation of the Scottish Ministers. ²	N/A
	(2) In the event that the assignation is authorised, the Company shall notify the Planning Authority and Scottish Ministers in writing of the principal named contact at the assignee and contact details within fourteen days of the consent being assigned.	
	Reason: To safeguard the obligations of the consent if transferred to another company.	

¹ This period may be changed where a longer or shorter period for implementation is justified in the circumstances of the case. ² The Scottish Ministers may authorise the assignation (with or without conditions), or refuse the assignation.

Standard or Optional
Standard
Standard
Standard



No.	Condition Wording	Applicant / Consultee Comment or Modification
	Coriova Incident Departing	
	Serious incident Reporting	
4.	In the event of any serious breach of health and safety or environmental obligations relating to the Development causing harm to the environment (including harm to humans) during the period of this consent, written notification of the nature and timing of the incident shall be submitted to the Scottish Ministers within twenty-four hours of the incident occurring, including confirmation of remedial measures taken and/or to be taken to rectify the breach.	N/A
	Reason: To keep the Scottish Ministers informed of any such incidents which may be in the public interest	
	Compensatory Planting	Compensatory Planting
5.	 (1) No felling or development shall commence, including site and ground investigations³ until a woodland planting scheme to compensate for the removal of [] hectares of existing woodland ("the Replanting Scheme") has been submitted to, and approved in writing by, the Scottish Ministers in consultation with []⁴. (2) The Replanting Scheme shall provide: (a) details of the location of the area(s) to be planted, including a map and description of current land use; (b) the nature, design/layout, species composition, purpose and specification of the proposed woodland to be planted; (c) the phasing and associated timescales for implementing the Replanting Scheme; (d) proposals for reporting to the Planning Authority on compliance with timescales for obtaining the necessary consents and thereafter implementation of the Replanting Scheme; (e) proposals for the maintenance and establishment of the woodland to be planted, including annual checks, replacement planting, fencing, ground preparation and drainage; and (f) details evidencing compliance with The UK Forestry Standard and the Scottish Government's Policy on Control of Woodland 	 (1) No felling or development construction shall commence, includir ground investigations⁵ until a woodland planting scheme to com] hectares of existing woodland ("the Replanting submitted to, and approved in writing by, the Scottish Ministers i (2) The Replanting Scheme shall provide: (a) details of the location of the area(s) to be planted, includic current land use; (b) the nature, design/layout, species composition, purpose proposed woodland to be planted; (c) the phasing and associated timescales for implementing (d) proposals for reporting to the Planning Authority on com obtaining the necessary consents and thereafter implem Scheme; (e) proposals for the maintenance and establishment of the including annual checks, replacement planting, fencing, drainage; and (f) details evidencing compliance with The UK Forestry Sta Government's Policy on Control of Woodland Removal from time to time).

³ If a Site Enabling Works condition is to be applied under the Deemed Planning Permission, the timescales and scope should be complimentary and where appropriate there should be no felling (including as part of Enabling Works until a FPP is submitted and approved).

	Standard or Optional
	Standard
ng <u>felling required for</u> site and pensate for the removal of [Scheme") has been n consultation with [] ⁶ .	Optional
ding a map and description of	
e and specification of the	
g the Replanting Scheme; opliance with timescales for nentation of the Replanting	
e woodland to be planted, ground preparation and	
andard and the Scottish (as amended or replaced	



⁴ Insert "Planning Authority" and, if the compensatory planting is in a different authority area, the name of the relevant local authority.

⁵ If a Site Enabling Works condition is to be applied under the Deemed Planning Permission, the timescales and scope should be complimentary and where appropriate there should be no felling (including as part of Enabling Works until a FPP is submitted and approved).

⁶ Insert "Planning Authority" and, if the compensatory planting is in a different authority area, the name of the relevant local authority.

No.	Condition Wording	Applicant / Consultee Comment or Modification
	 (3) The Replanting Scheme approved under part (1) of this condition shall be implemented in full, unless otherwise agreed in writing by the Scottish Ministers in consultation with the Planning Authority. Reason: To secure replanting to mitigate against effects of deforestation 	 (3) The Replanting Scheme approved under part (1) of this condition full, unless otherwise agreed in writing by the Scottish Minister Planning Authority. Reason: To secure replanting to mitigate against effects of deforestate Development
	Aviation Impact Mitigation Scheme	
6.	(1) No turbine shall be erected, other than for testing and evaluation on a basis agreed with [name of airport], until a Mitigation Scheme ⁷ to address the impact of the wind turbines upon the [name of equipment and location] Radar (and if applicable [name of any secondary equipment]) has been submitted to and approved in writing by the Scottish Ministers, in consultation with the operator of [name of airport] and the Civil Aviation Authority.	Condition not considered required do to findings of the EIA (See Char
	(2) The approved Mitigation Scheme shall provide the appropriate measures to be implemented and be in place for the operational life of the development provided the [name of equipment] (and if applicable the [name of secondary equipment]) remain in operation.	
	(3) No turbine(s) shall become fully operational until the measures required by the approved Mitigation Scheme by that stage have been implemented. The development shall thereafter be operated in accordance with the approved Mitigation Scheme.	
	(4) No later than the fifth anniversary of the date of First Commissioning and every five-year anniversary thereafter, the Company shall submit a written review of the Mitigation Scheme to the Scottish Ministers.	
	(5) The review may propose amendment of the Mitigation Scheme. If a review assesses that it is technically feasible and reasonable to undertake alternative mitigation measures, such review shall also provide the Company's proposals for installation of and alternative mitigation measures together with a proposed timetable for installation which has been agreed with the operator of [name of airport] and the Civil Aviation Authority.	
	"Approved Mitigation Scheme" means a scheme designed to mitigate the impact of the development upon the operation of the [name of equipment] (and if applicable the [name of secondary equipment]) and the Air Traffic Control operations of the airport which are reliant on these navigation aids.	

⁷ The name of the mitigation scheme will vary on a case by case basis but should be defined at this point of the condition for example "Air Traffic Control Mitigation Scheme"

	Standard or Optional
tion shall be implemented in rs in consultation with the	
ation arising from the	
apter 14: Other Issues).	Optional



No.	Condition Wording	Applicant / Consultee Comment or Modification	Standard or Optional
	Reason: Mitigation is required to ensure that there will be no unacceptable impacts on the safe operation of [name of airport] Airport's radar ⁸		



⁸ Aviation mitigation conditions tend to be bespoke to the airport and mitigation required. This condition is provided as an initial template.

Deemed Planning Permission Conditions

No.	Condition Wording	Applicant / Agent Comment or Modification
	Commencement of Development	
7.	(1) The Development must be commenced no later than 5 years from the date of this consent.	N/A
	(2) Written confirmation of the intended date of Commencement of Development shall be provided to the Planning Authority and the Scottish Ministers no later than one calendar month before that date.	
	Reason: To comply with section 58 of the Town and Country Planning (Scotland) Act 1997.	
	Design of Wind Turbines ⁹	
8.	(1) No turbines shall be erected until details and specification of the proposed wind turbines, (including the size, make and model, power rating and sound power levels, nameplate generating capacity, type, external finish and colour) any anemometry masts and all turbine associated apparatus have been submitted to and approved in writing by the Planning Authority.	N/A
	(2) For the avoidance of doubt the scale of the turbines shall not exceed the parameters assessed in the EIA Report and set out in the description of the Development at Annex 1.	
	(3) The submission shall demonstrate that all wind turbine blades shall rotate in the same direction.	
	(4) Thereafter the wind turbines, any anemometry masts and all associated apparatus shall be constructed and operated in accordance with the details approved under part (1) and shall be maintained in the free from external rust, staining or discolouration, until such time as the Development is decommissioned unless otherwise agreed in writing by the Planning Authority.	
	Reason: To ensure that the environmental impacts of the turbines forming part of the Development conform to the impacts assessed in the EIA Report and in the interests of the visual amenity of the area.	
	Design of Sub-station and ancillary development	N/A
9.	(1) There shall be no Commencement of Development on the sub-station until final details of the location, layout, external appearance, dimensions, and surface materials of the substation and control room buildings, any above ground electrical	

⁹ Consider whether there is anything else specific to the project that must be included in this condition or condition [9] on design of the substation or [10] on design of the energy storage facility, for example are the electricity and control cables between the turbines to be laid out underground, positioning of turbine transformers etc.

Standard or Optional
Standard
Standard
Optional



No.	Condition Wording	Applicant / Agent Comment or Modification
	equipment, associated compounds, construction compound, boundary fencing, external lighting and parking areas have been submitted to, and approved in writing by, the Planning Authority. For the avoidance of doubt the details of the sub-station shall not exceed the parameters assessed in the EIA Report.	
	(2) Thereafter, the substation and control room buildings, any above ground electrical equipment, associated compounds, fencing, external lighting and parking areas shall be constructed in accordance with the details approved under part (1).	
	Reason: To ensure that the environmental impacts of the sub-station and ancillary development forming part of the Development conform to the impacts assessed in the EIA Report and in the interests of the visual amenity of the area.	
	Design of Energy Storage Facility	
10.	(1) There shall be no Commencement of Development on the energy storage facility until details of the location, layout, external finishes and appearance, dimensions and surface materials of the energy storage facility, inclusive of battery containers, substation(s), control buildings, external above ground electrical equipment, associated compounds, construction compound, boundary fencing and other enclosures, external lighting, security cameras and parking areas have been submitted to, and approved in writing by, the Planning Authority. For the avoidance of doubt the details of the energy storage facility shall not exceed the parameters assessed in the EIA Report	N/A
	(2) Thereafter, the battery energy storage facility shall be constructed in accordance with the details approved under part (1) and the infrastructure shall be maintained in the approved colour, free from rust, staining or discolouration until such time as the Development is decommissioned.	
	Reason: To ensure that the environmental impacts of the energy storage facility forming part of the Development conform to the impacts assessed in the EIA Report and in the interests of the visual amenity of the area.	
11.	Signage No part of the Development shall display any text, logo, sign or advertisement (other than health and safety signage as required by law) or be illuminated [with the exception of aviation safety lighting]) unless otherwise approved in writing by the Planning Authority.	N/A
	Reason: In the interests of health and safety on site and the visual amenity of the area.	
12.	Micro-siting (1) All wind turbines, buildings, masts, areas of hardstanding, associated infrastructure and tracks shall be constructed in the locations shown on plan	50m micrositing allowance for all infrastructure is being requested.

	Standard or Optional
	Optional
	Standard
1.	Standard



No.	Condition Wording	Applicant / Agent Comment or Modification	Standard or Optional
	reference [] ¹⁰ and at the grid references for the turbines set out in [] ¹¹ . The locations of wind turbines, buildings, masts, [energy storage facility] ¹² , areas of hardstanding and tracks ¹³ may be adjusted by micro-siting within the redline boundary shown on plan reference []. Any such micro-siting is subject to the following restrictions unless otherwise approved in advance in writing by the Planning Authority ¹⁴ : ¹⁵¹⁶		
	 (a) [no wind turbine, building, mast or hardstanding shall be moved more than XXm from the position shown on plan reference [] and at the grid references set out in []]; (b) [no access track shall be moved more than XXm from the position shown on plan reference [] and at the grid references set out in []]; (c) [No micro-siting shall take place with the result that infrastructure (excluding floating tracks or hardstanding) has a greater overall impact on peat than the original location]; (d) [no infrastructure other than as required for a water course crossing shall be microsited to within 50¹⁷ metres of a water course].]; (e) No wind turbine foundation shall be positioned higher than [] metres Above Ordnance Datum (AOD) than the position for that turbine shown on the Site Layout Plan; (f) [no micro-siting shall take place which will bring the infrastructure closer to [] and at the place which will bring the infrastructure closer to [] [] 		
	 (2) All micro-siting permissible under this condition shall be submitted to, and approved in writing by the Ecological Clerk of Works ("ECoW")in advance of any works or development associated with the micro-siting request being implemented.¹⁹; (3) No later than six months after the Date of First Commissioning²⁰, an updated site layout plan showing the final position of all wind turbines, buildings, masts, areas of hardstanding, tracks and associated infrastructure forming part of the Development shall be submitted to the Planning Authority. The plan shall also specify areas where micrositing has taken place and, for each instance, be 		

¹⁰ Insert site layout plan reference here and throughout this condition where it states "plan reference []".



¹¹ Insert the title of the relevant sections of the EIAR, likely within the Project Description Chapter, which should set out six figure grid references for each part of the infrastructure.

¹² Only applicable where a energy storage is being consented as part of a wind energy development.

¹³ List any other infrastructure as appropriate

¹⁴ It may be appropriate to remove the wording in the square brackets given that the locations of the turbines and other infrastructure should be established.

¹⁵ It may be appropriate to include wording that this is approved "in consultation with" other statutory bodies for example SEPA, HES or NatureScot. Only include NatureScot here if the condition was applied at their request to avoid an outright objection, or have made a specific request in their consultation response or otherwise agreed to be consulted further on this matter.

¹⁶ (A) to (d) are examples of restrictions that could be imposed. Consider which restrictions are required and which should be removed. Regard should be had to the project design envelope assessed in the EIAR when formulating restrictions. Any restriction in relation to proximity to individual residential properties should be specific and name the property and give a six-figure grid reference.

¹⁷ To be adjusted where requested by a consultee.

¹⁸ To be used where a consultee has stipulated that there is a feature / features which needs to be safeguarded via a set back i.e. ground water dependent terrestrial ecosystems, scheduled monument, archaeological feature or protected species / habitat).

¹⁹ ECoW should approve micro-siting where an ECoW is being appointed under another condition.

²⁰ If the final position of all infrastructure may not be known at "First" commissioning, it may be that he wording is changed to "Date of Final Commissioning" or other date as appropriately defined.

No.	Condition Wording	Applicant / Agent Comment or Modification
	accompanied by copies of the ECoW or Planning Authority's approval, as applicable.	
	Reason: to control environmental impacts while taking account of local ground conditions.	
13.	 Implementation of mitigation measures (1) No development (including the Site Enabling Works) shall commence until a Schedule of Mitigation has been submitted to and approved in writing by the Planning Authority. This Schedule shall encompass a list of all mitigation measures from the EIA Report, any other commitments made by the applicant and all relevant mitigation secured by conditions attached to this permission with defined timescales for implementation of each mitigation measure. 	N/A
	(2) Thereafter, the approved Schedule of Mitigation shall be implemented in full unless otherwise approved in writing by the Planning Authority.	
	Reason: to ensure that the identified mitigation through the EIA Report is carried out in accordance with the approved details.	
	Enabling Works ²¹	
14.	(1) No development or works shall commence on the Site unless and until a programme of Site Enabling Works, detailing the extent, area and timings of such works (the 'Site Enabling Works Programme') has been submitted to and approved in writing by the Planning Authority ²² . The Site Enabling Works Programme must as a minimum provide for the following:	Proposed that this condition be removed as there are no enabling w commencement of Development.
	 (a) A plan showing the extent and layout of the enabling works; (b) The employment of a suitably qualified and experienced Ecological Clerk of Works, or equivalent, for the project, with specific responsibility for environmental management and the authority to take action when required, including stopping operations and implementing mitigation measures; (c) The employment of a Planning Monitoring Officer, to discharge and to monitor compliance with this condition, including provision of a quarterly compliance report to the Council; (d) A programme for environmental auditing and monitoring within the Site, before and during the Site Enabling Works, to provide the establishment of an environmental checklist, to monitor and input into the planning of construction activities and ensure implementation of all environmental mitigation measures; (e) A forest felling and management plan; (f) A site specific statement outlining drainage and sediment management for 	
	all exploration areas and measures to limit above ground construction	

 ²¹ This condition should only be included where there is a specific need for developer to commence certain named enabling works ahead of Commencement of Development. This would not be appropriate for standard ground investigations.
 "Site Enabling Works" should be defined in the Definitions section. The condition requires to be tailored to the impact and requirements of the development and will not.
 ²² Reference consultation with appropriate consultees (SEPA, NatureScot, Transport Scotland etc) if specifically requested by those consultees.

	Standard or Optional
	Standard
vorks required ahead of	Standard



No.	Condition Wording	Applicant / Agent Comment or Modification
	 activities during periods of high rainfall, including weather forecasting and actions to be taken in advance of adverse forecasts. (g) Working arrangements, including a programme for the phasing of operations, and particularly the movement of plant, materials and rock into, across and out of the site to minimise, so far as reasonably possible, impact on communities or businesses adjacent to or in close proximity to the Site.; (h) Waste Management and Pollution Controls including contingency plans in case of pollution incidents; (i) A programme of work for the evaluation, preservation and recording of any archaeological and historic features affected by the Development, including a timetable for investigation, which must be submitted for the written approval of the Planning Authority. The approved programme must be implemented in accordance with the agreed timetable for investigation unless otherwise agreed in writing with the Planning Authority; (j) Measures to protect any scheduled monument(s) within the area of the enabling works; (k) Details for the delivery, storage, loading and unloading of plant and materials to be used in constructing the development, with particular regard for the deployment of HGVs and any abnormal loads; (i) Measures to protect all existing public water, private water and drainage arrangements, with suitable back up arrangements in case of any disposal of foul drainage; (n) Measures to protect all existing public water, private water and drainage arrangements, with suitable back up arrangements in case of any disruption to these provisions from Site Enabling Works; (o) An Access Management Plan to maintain public access and promote the general safety of walkers, cyclists, fishing and game stalking parties, canoeists and other marine users²³ out-with the principal construction areas and access roads serving the Development during the Site Exploratory Works. A key principal to be advanced within the Plan	

²³ Adjust as appropriate.

Standard or Optional



²⁴ Insert any specific routes identified for protection / mitigation in the EIA.

²⁵ Depending on the site specifics, the extent of the enabling works and other conditions applied to the consent, there may be other environmental aspects that require to be covered in this condition such as peat managements plans, pollution prevention and management plans etc.

No.	Condition Wording	Applicant / Agent Comment or Modification
	Reason: To ensure that all Site Exploratory Works are carried out in a manner that minimises their impact on amenity and the environment, and that the mitigation measures contained in the EIA Report accompanying the application are fully implemented.	
	Planning Monitoring Officer ²⁶²⁷	N/A
15.	(1) There shall be no Commencement of Development until the terms of appointment by the Company of an independent and suitably qualified consultant as Planning Monitoring Officer ("PMO") have been submitted to, and approved in writing by, the Planning Authority. The terms of appointment shall:	
	 (a) impose a duty to monitor compliance with the terms of the deemed planning permission and the conditions attached to it; (b) require the PMO to submit a quarterly report to the Planning Authority summarising works undertaken on site, matters of compliance or otherwise with the terms of the deemed planning permission and conditions attached to it, alongside a summary of the incidents recorded and reported by the ECoW and GCoW²⁸; and 	
	(c) require the PMO to report to the Planning Authority any incidences of non-compliance with the terms of the deemed planning permission and conditions attached to it at the earliest practical opportunity, and no later than 10 working days following the incidence of non-compliance.	
	(2) The PMO shall be appointed on the approved terms throughout the period from Commencement of Development to completion of construction works and post-construction site reinstatement works.	
	(3) Prior to the decommissioning, restoration and aftercare phases of the Development or the expiration of the operational period of the consent (whichever is the earlier), details of the terms of appointment of a and suitably qualified consultant as PMO by the Company throughout the decommissioning, restoration and aftercare phases of the Development shall be submitted to, and approved in writing by the Planning Authority.	
	(4) the PMO shall be appointed on the terms approved under part (3) throughout the decommissioning, restoration and aftercare phases of the Development.	
	Reason: To ensure compliance with the planning permission and the conditions attached to it.	
	Ecological Clerk of Works	

²⁶ This condition should be applied unless it can be demonstrated that there are reasons why it is not required or there are other measures are in place. If a PMO is to be appointed, it is expected that it should only be during the construction and immediate post-construction reinstatement period rather than throughout the lifetime of the development. It is however recognised that a PMO may be appropriate during the decommissioning stage and where deemed appropriate ²⁷ Where there are arrangements in place for a Planning Authority to employ the services of an independent PMO, the condition should be modified to suit those circumstances.

Standard or Optional
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Standard



²⁸ Delete ECoW / GCoW reporting as required.

No.	Condition Wording	Applicant / Agent Comment or Modification
16.	 (1) There shall be no Commencement of Development until the terms of appointment of a suitably qualified, experienced, and independent Ecological Clerk of Works ("ECoW") by the Company have been submitted to, and approved in writing by, the Planning Authority. The terms of appointment shall: (a) impose a duty to monitor compliance with the ecological and hydrological commitments provided in Schedule of Mitigation dated [], any micrositing approved under condition [], the Construction and Environmental Management Plan approved under condition [], the Habitat Management Plan approved under condition [], find the provisions of condition [] ("the ECoW works"); (b) require the ECoW to report to the nominated construction project management plan approve with the ECoW works"); 	N/A
	 (c) require the ECoW to submit a quarterly report to the Planning Authority summarising works undertaken on site; and (d) require the ECoW to report to the Planning Authority any incidences of non-compliance with the ECoW works at the earliest practical opportunity, and no later than 5 working days following the incidence of non-compliance. 	
	(2) The ECoW shall be appointed on the terms approved under part (1) throughout the period from pre-construction works ³⁰ , Commencement of Development to completion of construction works and post-construction site reinstatement works.	
	(3) Prior to the decommissioning, restoration and aftercare phases of the Development or the expiration of the operational period of the consent (whichever is the earlier), details of the terms of appointment of a suitably qualified, experienced, and independent ECoW by the Company throughout the decommissioning, restoration and aftercare phases of the Development shall be submitted to, and approved in writing by the Planning Authority.	
	(4) the ECoW shall be appointed on the terms approved under part (3) throughout the decommissioning, restoration and aftercare phases of the Development.	
	Reason: To secure effective monitoring of and compliance with the environmental mitigation and management measures associated with the Development during the construction, post-construction restoration, decommissioning, restoration and aftercare phases.	

Standard
Optional
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 ²⁹ Any such plans should be named.
 ³⁰ This may include Site Enabling Works. If the Site Enabling Works condition is included the wording should be updated to reflect this.

No.	Condition Wording	Applicant / Agent Comment or Modification	Standard or Optional
	Environmental Clerk of Works ³¹³²		Standard
17.	(1) There shall be no Commencement of Development until the terms of appointment of an independent Environmental Clerk of Works ("EnvCoW") by the Company have been submitted to, and approved in writing by, the Planning Authority. The terms of appointment shall:	N/A	
	 (a) impose a duty to monitor compliance with the environmental commitments provided in the EIA Report, any micrositing under condition the Construction and Environmental Management Plan approved under condition the Habitat Management Plan approved under condition the Habitat Management Plan approved under condition tent (a) (a) (a) (a) (a) (a) (a) (a) (a) (a)		
	(2) Prior to the decommissioning, restoration and aftercare phases of the Development or the expiration of the operational period of the consent (whichever is the earlier), details of the terms of appointment of a suitably qualified, experienced, and independent EnvCoW by the Company throughout the decommissioning, restoration and aftercare phases of the Development shall be submitted to, and approved in writing by the Planning Authority. ³³ .		
	(3) the EnvCoW shall be appointed on the terms approved under part (2) throughout the decommissioning, restoration and aftercare phases of the Development.		
	Reason: To secure effective and transparent monitoring of and compliance with the environmental mitigation and management measures associated with the Development during the construction, decommissioning, restoration and aftercare phases		

³¹ The role of the Environmental Clerk of Works is separate to that of the Ecological Clerk of Works and has a wider remit on environmental matters beyond ecology. The above is based on the model condition set out in the Heads of Planning Scotland Position Statement on the Role of Environmental Clerk of Works within the Planning System. However, it is noted that the Developer may employ one person carrying out both roles depending on the circumstances of the case.



³² This provides for an "Environmental Clerk of Works" given the broad nature of the role in this condition. Each project will be different. If the role relates only to ecological compliance, then "Ecological Clerk of Works" may be the more appropriate appointment and the condition can be amended accordingly.

³³ Consider if consultees are required.

No.	Condition Wording	Applicant / Agent Comment or Modification
No. 18.	 Condition Wording Geotechnical Clerk of Works³⁴ (1) There shall be no Commencement of Development until the terms of appointment by the Company of an independent and suitably qualified engineer as a Geotechnical Clerk of Works ("GCoW") have been submitted to, and approved in writing by, the Planning Authority. The terms of appointment shall: 	Applicant / Agent Comment or Modification N/A
	(whichever is the earlier), details of the terms of appointment of a suitably qualified engineer as a GCoW by the Company throughout the decommissioning, restoration and aftercare phases of the Development shall be submitted to, and approved in writing by the Planning Authority. ³⁶	
	(4) the GCoW shall be appointed on the terms approved under part (3) throughout the decommissioning, restoration and aftercare phases of the Development.	
	Reason: To secure effective monitoring of and compliance with the mitigation related to geotechnical matters, particularly peat land slip and management measures associated with the Development during the construction, post-construction restoration, decommissioning, restoration and aftercare phases.	

³⁴ This condition should be included in instances where there is a risk of peat landslide risk identified through the assessment accompanying the application.

Standard or Optional
Optional



 ³⁵ Where submitted with the application.
 ³⁶ Consider if consultees are required.

No.	Condition Wording	Applicant / Agent Comment or Modification
No. 19.	 Condition Wording Construction and Environmental Management Plan (1) There shall be no Commencement of Development until a Construction and Environmental Management Plan (CEMP) containing site specific details of all on- site construction works, post-construction reinstatement, drainage and mitigation, together with details of their timetabling, has been submitted to, and approved in writing by, the Planning Authority.³⁷ The CEMP shall be informed by the site and ground investigation works and best practice guidance. (2) The CEMP shall provide:³⁸ (a) a site waste management plan (dealing with all aspects of waste produced during the construction period other than peat and other carbon rich soils), including details of contingency planning in the event of accidental release of materials which could cause harm to the environment, evidencing all proposals comply with SEPA's guidance and the requirements of the waste management licensing regime as appropriate; (b) details of the location, layout, formation of the construction compound, welfare facilities, any areas of hardstanding, turning areas, internal access tracks, car parking, material stockpiles, oil, fuel and chemical storage, lighting columns, and any construction compound boundary fencing required for the construction period; (c) a dust management plan detailing all mitigation/dust suppression measures intended to reduce the impacts of dust on site, including measures to reduce dust on roads; (d) site specific details for management and operation of any concrete batching plant (including disposal of pH-rich waste water and substances); (e) details of measures to be taken to prevent loose or deleterious material being deposited on the local road network including wheel cleaning and lorry sheeting facilities, and measures to clean the site entrances and 	Applicant / Agent Comment or Modification N/A
	 being deposited on the local road network including wheel cleaning and lorry sheeting facilities, and measures to clean the site entrances and the adjacent local road network; (f) a Pollution Prevention and Incident Plan incorporating a Pollution Prevention Plan, Pollution Incident Plan and a Pollution Control Monitoring Plan, this shall provide measures to protect watercourses, groundwater, management of natural surface hydrological flows (flushes, springs, etc.) and protection of peatland/soils, arrangements for the 	

³⁷ It may be appropriate to include wording that this is approved "in consultation with" NatureScot or SEPA (or certain parts only depending on the requests of these consultees) where sensitivities of the specific project indicate that consultation with other statutory consultees is required.

Standard or Optional
Standard



³⁸ Select from the following list only those requirements which are relevant to the circumstances of the application – for example batching plants (d) may not be included in the proposed development.

No.	Condition Wording	Applicant / Agent Comment or Modification
	storage and management of oil and fuel and other chemicals on the site	
	and sewage disposal and treatment;	
	(g) details of soil storage and management including outline quantities,	
	locations (other than peat and other carbon rich soils) management of	
	long term storage of construction generated to facilitate future site restoration;	
	(h) a drainage management strategy, demonstrating how all surface and	
	waste water arising during and after construction is to be managed and	
	prevented from impacting on the water environment and to mitigate flood risk;	
	(i) a surface water and groundwater management and treatment plan,	
	including details of the separation of clean and dirty water drains, and	
	location of settlement lagoons for silt laden water;	
	(j) details of temporary site illumination, including measures to ensure light	
	spill/pollution is minimised and avoids habitats within the site and does	
	not extend beyond the immediate working area, and not beyond the site	
	boundary;	
	(k) Protected Species Plan. The Plan shall be informed by [insert protected	
	species surveys carried out by a suitably qualified person. The surveys	
	shall inform the mitigation measures required to protect [insert protected	
	species during construction of the Development. The Plan shall provide	
	(1) details of the construction of the access into the site including	
	associated drainage and the creation and maintenance of associated	
	visibility splays:	
	(m)Site-specific Construction Method Statements for the following:	
	i. crane pads;	
	ii. turbine foundations;	
	iii. working cable trenches;	
	iv. erection of the wind turbines and meteorological masts;	
	v. Energy storage compound formation and installation of energy	
	storage equipment;	
	vi. Substation compound formation, erection of associated buildings	
	and ancillary infrastructure;	
	vii. watercourse crossings including full details and plans of the	
	design and specification of all new and upgraded watercourse	
	crossings to be constructed, ensuring continuous flow and fish	
	passage with no hanging culverts, noting all crossings shall be	
	oversized boltomiess arched curverts or traditional style blidges,	

³⁹ List of infrastructure should be added to or reduced as required.

Standard or
Optional



No.	Condition Wording	Applicant / Agent Comment or Modification
	(n) details of post-construction restoration/reinstatement of the working	
	areas not required during the operation of the Development;	
	(o) Historic Environment Protection Plan including details of protective	
	fencing of the location of the historic environment features to be	
	protected during construction works, including appropriate buffers ⁴⁰ ;	
	(p) a wetland ecosystems survey and mitigation plan ⁴¹ ;	
	(q) a tree felling and management plan ⁴² ;	
	(r) A Construction Noise Management Plan including details of the	
	management of noise and vibration during construction and post-	
	construction restoration, including that caused by construction traffic, to	
	the lowest practicable levels and in accordance with BS 5228:2009	
	"Code of Practice for noise and vibration control on construction and	
	open sites – Part 1: Noise and Part 2: Vibration" (or any updated	
	version/document which superseded this document) and how any	
	properties likely to be affected by construction noise will be kept	
	informed;	
	(s) Construction Method Statements for all roads/tracks to be altered/formed	
	within the development site including their width, likelihood of widening	
	or passing places, means of drainage (which shall have regard to SUDS	
	principles), means of construction, and edge reinstatement including	
	verge width. The specification shall be accompanied by relevant plans at	
	a scale sufficient;	
	(t) the cable trenches;	
	(u) A phasing plan for the construction works; and	
	(V) A written scheme which details the methodology for dealing with any	
	revisions to any of the documents required under this part (3). Any	
	revised documents will require to be submitted to and approved in writing	
	by the Planning Authority prior to the revisions being implemented on	
	SITE.	
	(3) The Development shall be implemented in accordance with the CEMP approved	
	under part (1) unless otherwise approved in advance in writing by the Planning	
	Authority.	
	Reason: To ensure that all construction operations are carried out in a manner that	
	minimises their impact on road safety, amenity and the environment, and that the	
	mitigation measures contained in the EIA Report accompanying the application, or as	
	otherwise agreed, are fully implemented.	

⁴⁰ This requirement should be applied only where appropriate in the circumstances of the case and will not be relevant to all applications.
⁴¹ This requirement should be applied only where appropriate in the circumstances of the case and will not be relevant to all applications.
⁴² This requirement should be applied only where appropriate in the circumstances of the case and will not be relevant to all applications.

Standard or Optional
optional


No.	Condition Wording	Applicant / Agent Comment or Modification
20.	 Borrow Pits – Scheme of Works (1) There shall be no Commencement of Development until a scheme for the working and restoration of [the/each] borrow pit forming part of the Development has been submitted to, and approved in writing by, the Planning Authority in consultation with SEPA.⁴³ The scheme shall provide: 	N/A
	 (a) a detailed working method statement based on site survey information and ground investigations; (b) details of the handling of any overburden (including peat, soil and rock); (c) drainage measures, including measures to protect and manage surrounding areas of peatland, water dependant sensitive habitats and ground water dependent terrestrial ecosystems from drying out; (d) a programme of implementation of the works described in the scheme; and (e) Outline details of the reinstatement, restoration and aftercare of the 	
	borrow pit[s] to be undertaken at the end of the construction period, including topographic surveys of pre-construction profiles and details of topographical surveys to be undertaken of the restored borrow pit profiles. ⁴⁴	
	(2) The scheme approved under part (1) shall thereafter be implemented in full following Commencement of Development.	
	Reason: To ensure that excavation of materials from the borrow pit(s) is carried out in a manner that minimises the impact on amenity and the environment, and to secure the restoration of borrow pit(s) at the end of the construction period.	
21.	Borrow Pits - Blasting ⁴⁵ (1) No blasting shall take place until a scheme specifying blast monitoring locations is submitted to and approved in writing by the Planning Authority.	N/A
	(2) Ground vibration from blasting shall not exceed a peak particle velocity of 6mm/second at the blasting monitoring locations approved in the scheme. The measurement is to be the maximum of three mutually perpendicular directions taken at the ground surface.	
	(3) Unless otherwise approved in writing in advance by the Planning Authority, blasting shall only take place between the hours of [10.00 to 16.00 on Monday to Friday inclusive and 10.00 to 12.00 on Saturdays] ⁴⁶ , with no blasting taking place on a Sunday or on a Public Holiday ⁴⁷ .	
	(4) The scheme shall be implemented as approved.	

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Optional
Optional



 ⁴³ SEPA has requested to be included as standard as a consultee.
 ⁴⁴ This may require to be amended depending on whether borrow pits are being reinstated to the original land profile or are being repurposed as something else.
 ⁴⁵ This condition may not be required if there are no communities in blasting disturbance proximity.

⁴⁶ Amend the hours as required.

⁴⁷ Definitions of what public holiday means in the context of individual permissions must be considered (see end of this document for example) there may be other local holidays that the PlanningA would wish to see included.

No.	Condition Wording	Applicant / Agent Comment or Modification
	Reason: To ensure that blasting activity is carried out within defined parameters and timescales to control impact on amenity.	
22.	 Construction Hours (1) Construction work shall only take place between the hours of [07.00 to 19.00 on Monday to Friday inclusive and 07.00 to 16.00]⁴⁸ on Saturdays, with no construction work taking place on a Sunday or Public Holiday⁴⁹. Outwith these specified hours, maintenance works, emergency works and construction works shall be limited to concrete pours, wind turbine erection, dust suppression, and the testing of plant and equipment, unless otherwise approved in advance in writing by the Planning Authority. (2) HGV movements (excluding abnormal loads) to or from the site during construction 	N/A
	of the wind farm shall be limited to [07.00 to 19.00 Monday to Friday (inclusive), and 07.00 to 16.00 on Saturdays] ⁵⁰ , with no HGV movements to or from site taking place on a Sunday or Public Holiday. Outwith these hours, and subject to paragraph (1), HGV movements are to be limited to wind turbine delivery [(unless otherwise approved in advance in writing by the Planning Authority)] ⁵¹ .	
	Traffic Management	
	Traffic Management Plan	
23.	(1) There shall be no Commencement of Development until a Traffic Management Plan has been submitted to, and approved in writing by, the Planning Authority [in consultation with []] ⁵² . The Traffic Management Plan shall provide ⁵³ :	N/A
	 (a) the routeing of all traffic associated with the Development on public roads; 	
	 (b) measures to ensure that the specified routes are adhered to, including monitoring procedures; 	
	(c) details of all signage and lining arrangements to be put in place;	
	(d) provisions for emergency vehicle access;	
	pre-and post construction accompanied by an appropriate agreement between the Planning Authority and the Company to ensure the delivery	
		1

⁴⁸ Amend the hours to take into consideration the response of the Planning Authority or the content of the EIA if there is no response on this from the Planning Authority.

Standard or Optional
Standard
Standard



⁴⁹ Definitions of what public holiday means in the context of individual permission circumstances must be included (see end of this document for example) there may be other local holidays that the Planning Authority request are included

and those should be considered and included where appropriate.

⁵⁰ Amend the hours as required.

⁵¹ Consider adding only after discussion with Planning Authority regarding the extent of any flexibility which may be sought, taking particular circumstances of the case into account.

⁵² Consider if any other party, e.g. an adjoining Council who is the roads authority for all or part of the route, or Transport Scotland if a trunk road, requires to be consulted.

⁵³ Include any other requirements for the TMP in the following list, for example details of junction designs where relevant.

No.	Condition Wording	Applicant / Agent Comment or Modification
	of any post-construction public road restoration that may be required;	
	 (f) identification of a nominated person to whom any road safety issues can be referred. 	
	(2) The approved Traffic Management Plan shall be implemented in full, unless otherwise approved in advance in writing by the Planning Authority.	
	Reason: In the interests of road safety.	
24.	 Abnormal Loads (1) There shall be no abnormal load deliveries to the site until an Abnormal Load Route Assessment Report, [including proposed trial runs]⁵⁴, has been submitted to and approved in writing by the Planning Authority in consultation with Transport Scotland. The Abnormal Load Route Assessment Report shall provide: 	N/A
	(a) Details of a communications strategy to inform the relevant communities of the programme of abnormal load deliveries;	
	(b) Details of any accommodation measures required for the local road network including the removal of street furniture, junction widening and traffic management;	
	 (c) Any additional signing or temporary traffic control measures deemed necessary on the trunk road network due to the size or length of any loads being transported must be undertaken by a recognised QA traffic management consultant, to be approved by Transport Scotland. (d) Details of the route for abnormal loads on the local and trunk road 	
	networks and any recommendations for delivery of abnormal loads;	
	cater for abnormal loads, and details of proposed upgrades and	
	(f) A plan for access by vehicles carrying abnormal loads, including but not	
	limited to the number and timing of deliveries and the length, width and	
	axle configuration of all such traffic associated with the Development.	
	(2) Prior to the first delivery of an abnormal load, a programme for abnormal load deliveries shall be submitted to, and be approved in writing by the Planning Authority in consultation with Transport Scotland.	
	(3) Prior to any movement of abnormal loads (including trial runs) the Company must complete any mitigation works set out in in the scheme approved under part (1) of this condition, and maintain such measures during the period of abnormal load deliveries.	

 $^{^{\}rm 54}$ This wording can be removed if trial runs are not required.

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Standard



No.	Condition Wording	Applicant / Agent Comment or Modification
	(4) The trial-run shall be undertaken in accordance with the details approved under part (1) prior to the movement of any abnormal loads.	
	(5) The details in the approved report shall thereafter be implemented in full prior the first delivery of an abnormal load.	
	Reason: In the interest of road safety and to ensure that abnormal loads access the site in a safe manner.	
25.	 Trunk Road Mitigation Measures (1) Prior to construction of any part of the development, [insert type of trunk road mitigation], generally as illustrated on [name of drawing and drawing number], shall be constructed to the satisfaction of the Planning Authority, in consultation with Transport Scotland⁵⁵. 	Proposed that option 2 is more appropriate for the upgrades at the
	OR	
	(2) No development shall commence until the detailed design and specification for the proposed [insert type of trunk road mitigation], generally as illustrated on [name of drawing and drawing number], has been submitted to and approved by the planning authority in consultation with Transport Scotland. Thereafter the access shall be constructed in accordance with the approved plans prior to construction of any part of the Development. ⁵⁶	
	Reason: To ensure that the standard of access layout complies with the current	
26.	 Habitats and Ecology Habitat Management and Monitoring Plan⁵⁷⁵⁸ (1) There shall be no Commencement of Development until a Habitat Management Plan (HMP) [taking account of the Outline/Draft Habitat Management Plan (Technical Appendix [] of the EIA Report)]⁵⁹, has been submitted to, and approved in writing by the Planning Authority⁶⁰. 	N/A
	(2) The HMP shall set out proposed habitat management of the site during the period of construction, operation, and decommissioning, restoration and aftercare, and shall provide for the maintenance, monitoring and reporting of [insert site specific details or particular species, habitats or wetlands as appropriate] habitat on site. ⁶¹	

⁵⁵ To be utilised where the mitigation has been assessed and agreed through the application process.

	Standard or Optional
Sheriffmuir Road / A9 junction.	Optional
	Optional
	Optional



⁵⁶ To be used where details of the trunk road mitigation was not explicit in the application.

⁵⁷ Include only where relevant in response to demonstrable requirement. Include site specific requirements, for example creation of a habitat management group where required. Wording can be included such that the group shall monitor the progress of actions under the HMP, and shall publish annual reports of such progress,

⁵⁸ If the condition is applied, consider application of a condition related to the setting up and operation of a Habitat Management Group to monitor and review the effectiveness of the measures in the HMP.

⁵⁹ It is common practice for a draft HMP to be included with the application. Complete details of any draft HMP included with application. If there was no draft HMP, the wording in square brackets should be removed.

⁶⁰ It may be appropriate to include wording that this is approved "in consultation with" other statutory bodies, for example NatureScot, Forestry Scotland. Only include NatureScot here if the condition was applied at their request to avoid an outright objection or if they have made a specific request in their planning response or otherwise agreed to be consulted further on this matter. HES should only be consulted where habitat management will interact with scheduled monuments in the HMP area and where HES have requested to be consulted.

⁶¹ Consider whether a draft HMP included in the application (often as a technical appendix to the EIA Report) can be referred to if helpful. The condition can require that the HMP fully addresses the mitigation measures outlined in a draft HMP.

No.	Condition Wording	Applicant / Agent Comment or Modification
	 (3) The HMP shall provide provision and details for regular monitoring and review to be undertaken against the HMP objectives and reasonable measures for securing amendments or additions to the HMP in the event that the HMP objectives are not being met.⁶² (4) Until otherwise approved in advance in writing by the Planning Authority, the approved HMP (as amended from time to time with written approval of the Planning Authority) shall be implemented in full in line with the timescales set out in the approved plan. Reason: In the interests of good land management and the protection of habitats. 	
27.	 Water Quality and Fish Monitoring Plan⁶³ (1) There shall be no Commencement of Development until an integrated Water Quality and Fish Monitoring Plan (WQFMP) has been submitted to and approved in writing by the Planning Authority in consultation with []. (2) The WQFMP must take account of the Marine Directorate's guidance and shall provide: a) provision that water quality sampling should be carried out for at least 12 months prior to Commencement of Development, during construction and for at least 12 months after construction is complete ; b) key hydrochemical parameters (including turbidity and flow data), the identification of sampling locations (including control sites), frequency of sampling, sampling methodology, data analysis and reporting; c) fully quantitative electrofishing surveys at sites potentially impacted and at control sites for at least 12 months prior to the Commencement of Development, during construction and for at least 12 months prior to the Commencement of Development, during construction and for at least 12 months prior to the Commencement of Development, during construction and for at least 12 months after construction is completed to detect any changes in fish populations; and d) appropriate site specific mitigation measures including those detailed in the EIA Report. (3) Thereafter, the WQFMP shall be implemented in full within the timescales set out in the WQFMP. Reason: To ensure no deterioration of water quality and to protect fish populations within and downstream of the development area. 	N/A
	Bird Protection Plan ⁶⁴	

⁶² If any specific updates to the HMP will be required at certain stages, such as to reflect ground condition surveys undertaken following construction and prior to the Date of Final Commissioning, the condition can be tailored here to reflect

Standard or Optional
Optional



that. ⁶³ This condition may not always be applicable and will depend on the survey work already undertaken. It may be appropriate to split this condition out to a separate Water Quality Monitoring Plan and a separate Fish Monitoring Plan ⁶³ This condition out to a separate Water Quality Monitoring Plan and a separate Fish Monitoring Plan ⁶³ This condition out to a separate Water Quality Monitoring Plan and a separate Fish Monitoring Plan ⁶⁴ This condition out to a separate Water Quality Monitoring Plan and a separate Fish Monitoring Plan ⁶⁵ This condition out to a separate Water Quality Monitoring Plan and a separate Fish Monitoring Plan

⁶⁴ The condition on the Bird Protection Plan or Breeding Bird Protection Plan should be a standalone condition unless there is a particular reason for it to be included in the HMP condition.

No.	Condition Wording	Applicant / Agent Comment or Modification
28.	 There shall be no Commencement of Development until a Bird Protection Plan has been submitted to and approved in writing by the Planning Authority in consultation with NatureScot⁶⁵. The Bird Protection Plan shall be informed by pre- commencement bird surveys and set out measures to protect [name of bird species]⁶⁶ including post construction ornithology surveys at intervals to be agreed with the Planning Authority.⁶⁷. Thereafter, the approved Bird Protection Plan shall be implemented in full within the timescales set out in the approved Bird Protection Plan Reason: In the interests of protecting ornithological interests⁶⁸ through the construction, operational and decommissioning of the wind farm. 	N/A
29.	 Forestry Forestry Felling Plan⁶⁹ (1) No felling shall take place⁷⁰ until a Forestry Felling Plan (FFP) has been submitted to and approved in writing by the Planning Authority in consultation with Scottish Forestry. The FFP shall cover the Development site and shall provide: 	N/A
	 (a) details of felling and restocking proposals; (b) details of the management measures to reduce the amount of felling required to accommodate the Development; (c) measures to deal with forest waste including brash in line with the UK Forestry Standard; (d) timelines for implementing the plan; (e) details setting out annual monitoring of the felled area and reporting procedures to be carried out by a qualified expert; (f) details of forestry management practices; and (g) details demonstrating compliance with The UK Forestry Standard and the Scottish Government's Policy on Control of Woodland Removal (as amended or replaced from time to time) and [insert any local woodland strategy]. 	
	Reason: to minimise and manage the effects of forestry felling required to accommodate the Development.	
	Archaeology	

Standard or Optional
Standard
Optional



 ⁶⁵ Where requested in the consultation response from NatureScot
 ⁶⁶ Insert relevant species of bird(s).
 ⁶⁷ It may be appropriate to limit post-construction surveys to areas affected by construction (with a buffer) and only if such works are required during the breeding bird season.

 ⁶⁸ Insert relevant species of bird.
 ⁶⁹ Where the application contains a restocking plan or similar, this can be referenced in this condition such that the FFP must be "based on" any such plan.
 ⁷⁰ Ensure that this ties in with any Site Enabling Works condition. There should be no felling (including as part of Enabling Works until a FPP is submitted and approved).

No.	Condition Wording	Applicant / Agent Comment or Modification
30.	 Programme of Archaeological Works⁷¹ (1) There shall be no Commencement of Development unless an archaeological Written Scheme of Investigation (WSI) has been submitted to, and approved in writing by, the Planning Authority. The WSI shall provide details of how the recording and recovery of archaeological resources found within the application site shall be undertaken, and how any updates, if required, to the Written Scheme of Investigation will be provided throughout the implementation of the programme of archaeological works. The WSI shall also detail how any requirement for reporting, post-excavation analysis, archive deposition, publication of results, and the delivery of public benefit (including how this will be recorded and reported) will be undertaken. (3) A programme of archaeological works must be carried out in accordance with the approved WSI, and any addendums to it, as agreed under part (1). (4) Should the archaeological works carried out under part (2) reveal the need for post excavation analysis, the development hereby approved shall not be occupied or brought into use unless a post-excavation of results, including additional public engagement, and archive deposition has been submitted to and approved in writing by the Planning Authority. The PERD shall be carried out in complete accordance with the approved details. 	N/A
31.	 Peat and Carbon Rich Soils⁷² Peat and Carbon Rich Soils Management Plan (1) There shall be no Commencement of Development until a detailed Peat and Carbon Rich Soils Management Plan (PMP), [taking account of the Draft Peat Management Plan (Technical Appendix [] of the EIA Report)]⁷³ has been submitted to and approved in writing by the Planning Authority in consultation with SEPA. (2) The PMP shall: 	N/A
	 (2) The PMP shall: (a) take account of site and ground investigations to minimise the loss of peat and other carbon rich soil and minimise carbon loss; (b) include actions, including micrositing, to minimise excavated peat and other carbon rich soils volumes (c) encourage use of excavated peat and other carbon rich soils in an appropriate manner; and 	

⁷¹ This requirement may not be for any particular "works" to be undertaken but for a "watching brief" or other such "scheme". Tailor to reflect site specific requirements.

Standard or Optional
Optional
Optional



⁷² A condition requiring a peat landslide hazard risk assessment is not included in this document as a model condition. Work should be undertaken upfront at application stage on this matter in line with best practice guidance for peat landslide hazard and risk assessments for proposed electricity generation developments, rather than being dealt with at condition stage.

⁷³ The wording in square brackets can only be included where there is a draft PMP and where there are key principles that have been established in any draft PMP that require to be carried through into the final PMP.

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 ⁷⁴ This is an example condition only – noise conditions should be in line with the Institute of Acoustics guidance and can, for example, include an overall limit only rather than limits at specific properties.
 ⁷⁵ Cumulative Operational Noise Conditions may be required and appropriate in certain circumstances. A bespoke condition for such matters would be required depending on the limits of the consent.
 ⁷⁶ If cross-referring to Guidance Notes, the Guidance Notes below this Model Conditions must be included and should be inserted directly after the noise condition as they form part of the noise condition.

No.	Condition Wording	Applicant / Agent Comment or Modification
	(2) The turbines shall be designed to permit individually controlled operation or shut down at specified wind speeds and directions in order to facilitate compliance with noise criteria.	
	(3) The Company shall continuously log power production, wind speed and wind direction at each wind turbine all (in accordance with Guidance Notes). These data shall be retained for a period of not less than 24 months. The Company shall provide this information to the Planning Authority, in the format set out in the Guidance Notes, within 14 days of receipt in writing of a request to do so.	
	(4) Prior to the Date of First Commissioning, the Company shall have submitted to, and received written approval of the Planning Authority of, a list of proposed independent consultants who will undertake compliance measurements in accordance with this condition. Amendments to the list of approved consultants shall be made only with the prior written approval of the Planning Authority.	
	(5) Within 21 days from receipt of a written request from the Planning Authority, following a complaint to it from an occupant of a dwelling alleging noise disturbance at that dwelling, the Company shall employ a consultant approved by the Planning Authority in terms of part (4) above to assess the level of noise immissions from the wind farm at the complainant's property (or a suitable alternative location agreed in writing by the Planning Authority). The written request from the Planning Authority shall set out at least the date, time and location to which the complaint relates and any identified atmospheric conditions, including wind direction, and include a statement as to whether, in the opinion of the Planning Authority, the noise giving rise to the complaint contains or is likely to contain a tonal component.	
	(6) The assessment of the rating level of noise immissions in terms of part (5) above shall be undertaken in accordance with the Guidance Notes and an assessment protocol that shall previously have been submitted to and approved in writing by the Planning Authority. The protocol shall include the proposed measurement location(s) where measurements for compliance checking purposes shall be undertaken, whether noise giving rise to the complaint contains or is likely to contain a tonal component, and also the range of meteorological and operational conditions (which shall include the range of wind speeds, wind directions, power generation and times of day) to determine the assessment of rating level of noise immissions. The proposed range of conditions shall be those which prevailed during times when the complainant alleges there was disturbance due to noise, having regard to the written request of the Planning Authority under paragraph (5) above.	
	(7) Where the property to which a complaint is related is not listed by name or location in Tables 1 or 2 at part (1) of this condition, the Company shall submit to the Planning Authority, for its written approval, proposed noise limits selected from those listed in Tables 1 and 2 to be adopted at the complainant's property for compliance checking purposes, prior to compliance checking. The	

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No.	Condition Wording	Applicant / Agent Comment or Modification
	proposed noise limits are to be those limits selected from Tables 1 and 2 specified for a listed location which the independent consultant considers as being likely to experience the most similar background noise environment to that experienced at the complainant's property. The protocol shall include a justification of the choice of the representative background method to determine compliance at the complainant's property based on the noise environment provided by the independent consultant. levels measured at the agreed location and, where appropriate, any limit apportionment undertaken to consider cumulative impacts.	
	(8) The rating level of noise immissions resulting from the combined effects of the wind turbines when determined in accordance with the Guidance Notes and approved Noise Assessment Protocol shall not exceed the noise limits approved in writing by the Planning Authority for the complainant's property.	
	(9) In the event that a complainant does not allow the Company access to undertake a compliance assessment, the assessment protocol shall set out details of the proposed alternative representative measurement position. Where the proposed measurement location is close to the wind turbines, rather than at the complainant's property (e.g. to improve the signal to noise limits to ratio)	
	(10) The Company shall provide to the Planning Authority the independent consultant's assessment of the rating level of noise immissions undertaken in accordance with the Guidance Notes and the approved Noise Assessment Protocol within two months of the date of the written request of the Planning Authority for compliance measurements to be made under part (5), unless the time limit is extended in writing by the Planning Authority. The assessment shall include all data collected for the purposes of undertaking the compliance measurements, such data to be provided in the format set out in the Guidance Notes. The instrumentation used to undertake the measurements shall be calibrated in accordance with the Guidance Notes and certificates of calibration shall be submitted to the Planning Authority with the independent consultant's assessment of the rating level of noise immissions.	
	(11) Where a further assessment of the rating level of noise immissions from the wind farm is required pursuant to (in accordance with the Guidance Notes), the Company shall submit a copy of the further assessment within 21 days of submission of the independent consultant's assessment pursuant to part (8) above unless the time limit has been extended in writing by the Planning Authority.	
	Reason: to protect nearby residents from undue noise and disturbance and to ensure that noise limits are not exceeded and to enable prompt investigation of complaints.	
	Guidance Notes for Operational Noise Condition	

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No.	Condition Wording	Applicant / Agent Comment or Modification
	These notes are to be read with and form part of the noise condition. They further explain the condition and specify the methods to be employed in the assessment of complaints about noise immissions from the wind farm. The rating level at each integer wind speed is the arithmetic sum of the wind farm noise level as determined from the best-fit curve described in Guidance Note 2 of these Guidance Notes and any tonal penalty applied in accordance with Guidance Note 3. Reference to ETSU-R-97 refers to the publication entitled "The Assessment and Rating of Noise from Wind Farms" (1997) published by the Energy Technology Support Unit (ETSU) for the Department of Trade and Industry (DTI). IOA GPG is "A Good Practice Guide to the Application of ETSU-R-97 for the Assessment and Rating of Wind Turbine Noise" (2013) and includes Supplementary Guidance Notes 1 to 5 of the IOA GPG.	
	 Guidance Note 1 (a) The LA90, 10 minute noise statistic should be measured in accordance with the IOA GPG. Measurements shall be undertaken in such a manner to enable a tonal penalty to be applied in accordance with Guidance Note 3. (b) To enable compliance with the conditions to be evaluated, the Company shall continuously log arithmetic mean wind speed in metres per second and wind direction in degrees from north for each turbine and arithmetic mean power generated by each turbine, all in successive 10-minute periods. All 10 minute periods shall commence on the hour and in ten minute increments thereafter, synchronised with Universal Coordinated Time (UTC). The wind speeds at turbine hub height shall be 'standardised' to a reference height of ten metres as described in ETSU-R-97 at page 120 using a reference roughness length of 0.05 metres. Unless an alternative procedure is previously agreed in writing with the Planning Authority, It is these standardised ten metre height wind speed data which are correlated with the noise measurements determined as valid. (c) Data provided to the Planning Authority in accordance with the noise condition shall be provided in comma separated values in electronic format unless otherwise agreed in writing with the Planning Authority in accordance with the noise condition shall be provided in comma separated values in electronic format unless otherwise agreed in writing with the planning Authority. (d) A data logging rain gauge shall be installed in the course of the assessment of the levels of noise immissions. The gauge shall record over successive 10-minute periods synchronised with the periods of data recorded in accordance with Note 1(b). 	
	 Guidance Note 2 (a) The noise measurements shall be made so as to provide not less than 20 valid data points as defined in Guidance Note 2 (b) (b) Valid data points are those measured in the conditions specified in the agreed written protocol, but excluding any periods of rainfall measured in the vicinity of the sound level meter. Rainfall shall be assessed by use of a rain gauge that shall log the occurrence of rainfall in each 10 minute period concurrent with the measurement periods set out in Guidance Note 1. In specifying such conditions the Planning Authority shall have regard to those conditions which prevailed during times when the complainant alleges there was disturbance due to noise or which are considered likely to result in a breach of the limits. 	

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No.	Condition Wording	Applicant / Agent Comment or Modification
	(c) For those data points considered valid in accordance with Guidance Note 2(b), values of the LA90,10 minute noise measurements and corresponding values of the 10- minute 10- metre height wind speed averaged across all operating wind turbines using the procedure specified in Guidance Note 1(d), shall be plotted on an XY chart with noise level on the Y-axis and the 10- metre height mean wind speed on the X-axis. A least squares, "best fit" curve of an order deemed appropriate by the independent consultant (but which may not be higher than a fourth order) should be fitted to the data points and define the wind farm noise level at each integer speed.	
	 Guidance Note 3 (a) Where, in accordance with the protocol, noise immissions at the location or locations where compliance measurements are being undertaken contain or are likely to contain a tonal component, a tonal penalty is to be calculated and applied using the following rating procedure. (b) For each 10 minute interval for which LA90,10 minute data have been determined as valid in accordance with Guidance Note 2 a tonal assessment shall be performed on noise immissions during 2 minutes of each 10 minute period. The 2 minute periods should be spaced at 10 minute intervals provided that uninterrupted uncorrupted data are available ("the standard procedure"). Where uncorrupted data are not available, the first available uninterrupted clean 2 minute period out of the affected overall 10 minute period shall be selected. Any such deviations from the standard procedure, as described in Section 2.1 on pages 104-109 of ETSU-R-97, shall be reported. (c) For each of the 2 minute samples the tone level above or below audibility shall be calculated by comparison with the audibility criterion given in Section 2.1 on pages 104-109 of ETSU-R-97. (d) The tone level above audibility shall be plotted against wind speed for each of the 2 minute samples. Samples for which the tones were below the audibility criterion or no tone was identified, a value of zero audibility shall be used. (e) The average tone level above audibility shall be calculated for each of speed bin, each bin being 1 metre per second wide and centred on integer wind speed. (f) The tonal penalty is derived from the margin above audibility of the tone according to the figure below. 	

Tone Level above Audibility (dB)

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No.	Condition Wording	Applicant / Agent Comment or Modification
	 (a) If a tonal penalty is to be applied in accordance with Guidance Note 3 the rating level of the turbine noise at each wind speed is the arithmetic sum of the measured noise level as determined from the best fit curve described in Guidance Note 2 and the penalty for tonal noise as derived in accordance with Guidance Note 3 at each integer wind speed within the range specified by the Planning Authority in its written protocol. (b) If no tonal penalty is to be applied then the rating level of the turbine noise at each wind speed is equal to the measured noise level as determined from the best fit curve described in Guidance Note 2. (c) In the event that the rating level is above the limit(s) set out in the Table attached to the noise conditions or the noise limits for a complainant's dwelling, the independent consultant shall undertake a further assessment of the rating level to correct for background noise so that the rating level relates to wind turbine noise immission only. (d) The Company shall ensure that all the wind turbines in the development are turned off for such period as the independent consultant requires to undertake the further assessment. The further assessment shall be undertaken in accordance with the following steps: (e) Repeating the steps in Guidance Note 2, with the wind farm switched off, and determining the background noise (L3) at each integer wind speed within the range requested by the Planning Authority in its written request and the approved protocol. (f) The wind farm noise (L1) at this speed shall then be calculated as follows where L2 is the measured level with turbines running but without the addition of any tonal penalty: L₁ = 10 log [10^{L_1/10} - 10^{L_1/10}] 	
	 (g) The rating level shall be re-calculated by adding arithmetically the tonal penalty (if any is applied in accordance with Note 3) to the derived wind farm noise L1 at that integer wind speed. (h) If the rating level after adjustment for background noise contribution and adjustment for tonal penalty (if required in accordance with note 3 above) at any integer wind speed lies at or below the values set out in the Table attached to the conditions or at or below the noise limits approved by the Planning Authority for a complainant's dwelling in accordance with the noise condition then no further action is necessary. If the rating level at any integer wind speed exceeds the values set out in the Table attached to the conditions or the noise limits approved by the Planning Authority for a complainant's dwelling in accordance with the noise condition then no further action is necessary. If the rating level at any integer wind speed limits approved by the Planning Authority for a complainant of the noise conditions or the noise limits approved by the Planning Authority for a complainant of the noise condition then the Development fails to comply with the conditions. 	

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No.	Condition Wording	Applicant / Agent Comment or Modification
33.	 Shadow Flicker⁷⁷ (1) No turbine shall be erected until a scheme for the avoidance or mitigation of shadow flicker at residential properties which lawfully exist or for which planning permission has been granted as at the date of this section 36 consent, has been submitted to, and approved in writing by, the Planning Authority. 	Proposed that this condition should be removed, as there are no re rotor diameter distance of proposed turbines (including an assume
	(2) The approved mitigation scheme shall be implemented in full in line with the approved scheme.	
	Reason: To offset any impacts of shadow flicker on residential property amenity.	
34.	Radio [and Television] Reception ⁷⁸ (1) No development shall commence unless and until a baseline Television and Radio Reception survey has been undertaken.	Proposed that this condition is removed as there are no telecommu proximity to the proposed turbines, and no residential property with turbines.
	(2) In the event of a claim by any individual person regarding TV picture loss or interference, including radio reception, at their house, business premise or other building, this shall be investigated by an independent qualified engineer, appointed by the Company, and the results, including any mitigation measures, shall be submitted to the Planning Authority, alongside a copy of the results of the baseline survey undertaken under the terms of part (1).	
	(3) Should any impairment to the TV signal or radio reception be attributable to the Development, the Company shall remedy such impairment so that the standard of reception at the affected property is equivalent to the baseline TV or radio reception as relevant. For the avoidance of doubt, the resolution of disputes shall be determined by an independent arbiter e.g. OFCOM or other professional body as appropriate.	
	Reason: To ensure local radio [and television] services are sustained during the construction and operation of the Development.	
35.	 Access Management Plan (1) There shall be no Commencement of Development until an Access Management Plan ("AMP") has been submitted to and approved in writing by the Planning Authority. The AMP should ensure that public access is retained within and across the Development site during construction, where appropriate, and thereafter that suitable public access is provided during the operational phase of the wind farm. 	N/A
	(2) The approved plan shall be implemented in full upon Commencement of Development.	

⁷⁷ To be imposed only in cases where there are properties within the 10 rotor diameter distance from the nearest turbine (11 rotor diameters in Highland Council and potentially other north of Scotland Planning Authority areas) and / or impacts have been assessed as capable of mitigation to an extent that impacts are acceptable. This condition should not be imposed as a precaution where acceptability of impacts has not been assessed and demonstrated.

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sidential properties within 10 x d 50m micrositing allowance).	Optional
nications links in close in 2km of the proposed	Optional
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⁷⁸ Given advances in technology and cross-country digital television coverage, the television aspects of this condition in square brackets should only be included where there is clear evidence that an issue could arise with television reception.

No.	Condition Wording	Applicant / Agent Comment or Modification
	Reason: In the interests of securing public access rights	
36.	 Private Water Supplies⁷⁹ (1) There shall be no Commencement of Development until a private water supplies method statement has been submitted to and approved in writing by the Planning Authority, detailing all contingent mitigation measures to be delivered to secure the quality, quantity and continuity of water supplies to any properties which are served by private water supplies at the date of this planning permission which may be affected by the Development.⁸⁰ 	N/A
	(2) The method statement shall set out:	
	 a) details of the methodology for water quality and quantity sampling for a period of 12 months prior to construction (including abstraction points); b) details of the methodology and programme for undertaking water quality and quantity sampling during the construction period (including abstraction points); and c) details of the methodology for water quality and quantity sampling for a period of 12 months post construction (including abstraction points); 	
	(3) The approved method statement shall thereafter be implemented in full upon the Commencement of Development.	
	Reason: To maintain a secure and adequate water supply to all properties with private water supplies that may be affected by the Development.	
37.	 Aviation Aviation Safety (1) Prior to the installation of any turbine, the Company shall provide the Planning Authority, Ministry of Defence, Defence Geographic Centre and NATS with the following information in writing, and provide evidence to the Planning Authority that this has been done: 	N/A
	(a) the dates of the expected stages of construction of the Development;(b) the height above ground level of the tallest structure forming part of the Development;	
	 (c) the maximum height of any construction equipment; and (d) the position of the wind turbines and masts in latitude and longitude. (2) The Company shall, as soon as is practicable and in any event with 7 days prior to the event, provide to the Planning Authority and the Ministry of Defence and NATS written notice of any proposed changes to the information provided under part (1). 	

⁷⁹ Where there are private water supplies close to the site, it is expected that this condition will be included. The requirements of the method statement should be tailored to the particulars of the site. This should include stipulating which

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properties the condition applies to where possible. ⁸⁰ If the EIAR contains an adequate baseline survey and evidence of consultation responses, this can be referred to by adding "on the basis of the baseline survey in the EIAR and relevant consultation responses to the application" at the end of paragraph(1).

No.	Condition Wording	Applicant / Agent Comment or Modification
	(3) Within 1 month of the erection of the final turbine, the Company shall provide written confirmation to the Planning Authority, the Ministry of Defence and NATS of the actual date on which construction was completed and the confirmed latitude and longitude of all turbines (in degrees, minutes and seconds) and the height above ground level of each turbine (in metres to blade tip).	
	Reason: In the interests of aviation safety.	
38.	 Aviation and Other Lighting⁸¹ (1) No wind turbines shall be erected until a scheme for aviation lighting (Aviation Lighting Scheme) for the Development has been submitted to, and approved in writing by, the Planning Authority⁸² in consultation with the Civil Aviation Authority⁸³. The scheme shall provide details of aviation lighting which is to be applied. (2) No later than the third and fifth anniversary of the date of First Commissioning and every five-year anniversary thereafter, the Company shall submit a written review of the Aviation Lighting Scheme to the Planning Authority. Each review shall provide: 	Proposed that this condition is removed as the proposed turbines a so no visible aviation lighting is expected to be required.
	 a. An assessment of options available for the reduction in the number of visible lights installed on turbines, the time period when lights are visible, and/or the intensity of the visible lighting; b. An assessment of the potential for installation of an Aircraft Detection Lighting System ("ADLS"), including a statement setting out the current and anticipated regulatory environment in relation to ADLS; and c.An assessment of whether it is technically feasible, through the regulatory framework to install an ADLS at the Development (taking into account installation and operational costs) 	
	(3) The review may propose amendment of the Aviation Lighting Scheme. Specifically regarding ADLS, if a review assesses that it is technically feasible to install ADLS, provided that such installation shall not require planning permission, such review shall also provide the Company's proposals for installation of ADLS together with a proposed timetable for installation. Any proposed amendment shall be compliant with the then current aviation lighting requirements of the Civil Aviation Authority and the Ministry of Defense.	
	(4) Any proposed amendment to the Aviation Lighting Scheme under part (3) must be submitted to, and have received the written approval of, the Planning Authority in consultation with the Civil Aviation Authority and the Ministry of Defence, and shall thereafter be installed in accordance with the approved details.	

⁸¹ Conditions on aviation lighting will be project-specific and should be drafted carefully to reflect the commitments made in the application documentation, rather than this matter being left to condition discharge stage. The technology on aviation lighting is developing. Some developments may commit fully to uses of specific lighting technology, for example the use of an aircraft detection lighting system, with no alternative fall-back. Where that is the case, bespoke conditions can be drafted to require a plan to be submitted for use of those technologies.

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re under 150m in height and	Optional



⁸² Consider whether this needs to be in consultation with the Ministry of Defence, the Civil Aviation Authority, and any others, e.g. airports.

⁸³ The Ministry of Defence can also be added as a consultee if required.

No.	Condition Wording	Applicant / Agent Comment or Modification
	(5) The Aviation Lighting Scheme, or such alternative scheme as may be approved under part (4), shall thereafter be maintained throughout the operational life of the Development.	
	(6) The Development shall be operated in accordance with the approved scheme, or any alternative scheme as may be approved under part (4), unless otherwise approved in advance in writing by the Planning Authority in consultation with [] ⁸⁴ as a result of a periodic reviews.	
	Reason: In the interests of aviation safety and to minimise visual effects of the Development.	
39.	 Eskdalemuir Seismic Array⁸⁵ (1) Within [three months] of the completion of construction of the turbines, the Company shall provide written confirmation to the Scottish Ministers, the Planning Authority, the Ministry of Defence, the Defence Geographic Centre and NATS of the following: 	Proposed that this condition is removed as the proposed developme following council areas: Dumfries and Galloway, the Scottish Border Midlothian.
	(a) the as-constructed position of each turbine in eastings and northings	
	(b) the hub height and rotor diameter of each turbine (in metres).	
	Reason: To manage any impact on the Eskdalemuir Seismic Array.	
40.	 Ongoing Operation and Maintenance Turbine Operation (1) The wind turbines shall be maintained in the approved colour, free from external rust, staining or discolouration, until such time as the wind farm is decommissioned. 	N/A
	Reason: In the interests of the visual amenity of the area.	
41.	Redundant Turbines (1) If one or more wind turbines fails to generate electricity on a commercial basis to the public network for a continuous period of 12 months, then unless otherwise approved in writing by the Planning Authority in consultation with SEPA, the Company shall:	N/A
	(a) Within one month of the expiration of the 12 month period, submit a scheme to the Planning Authority for written approval setting out how the relevant wind turbine(s) and associated infrastructure will either be repaired or removed from the site and the ground restored to a condition	
	agreed with the Planning Authority in consultation with SEPA; and	

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ent is not located in any of the rs, South Lanarkshire or	Optional
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 ⁸⁴ Insert relevant consultee, e.g. Civil Aviation Authority or Ministry of Defence.
 ⁸⁵ Only relevant for applications in the following Planning Authorities: Dumfries and Galloway, Scottish Borders, South Lanarkshire and Midlothian.

No.	Condition Wording	Applicant / Agent Comment or Modification
	(b) Implement the approved scheme within 12 months of the date of	
	approval of the scheme, all to the satisfaction of the Planning Authority.	
	Reason: To ensure that any redundant wind turbine is removed from site, in the interests of safety, amenity and environmental protection.	
42.	 Site Inspection Strategy⁸⁶ (1) Prior to the Date of Final Commissioning, the Company shall submit an outline Site Inspection Strategy (Outline SIS) for the written approval of the Planning Authority. The Outline SIS shall set out a strategy for the provision of site inspections and accompanying Site Inspection Reports (SIR) to be carried out at 25 years of operation from the Date of Final Commissioning and every five years thereafter. 	N/A
	(2) No later than 24 years after the Date of Final Commissioning, the Company shall submit a final detailed Site Inspection Strategy (Final SIS), based on the principles of the approved Outline SIS for the written approval of the Planning Authority. The Final SIS shall set out updated details for the provision of site inspections and accompanying Site Inspection Reports (SIR), in accordance with relevant guidance at that time, to be carried out at 25 years of operation from the Date of Final Commissioning and every five years thereafter.	
	(3) At least one month in advance of submitting each SIR to the Planning Authority, the scope of the SIR shall be agreed with the Planning Authority.	
	(4) The SIR shall provide:	
	 (a) Details to demonstrate that the infrastructure components of the Development are still operating in accordance with condition [31] and condition [38]⁸⁷; and (b) An engineering report which details the condition of tracks, turbine foundations and the wind turbines and sets out the requirements and the programme for the implementation for any remedial measures which may be required. 	
	(5) The SIS and each SIR shall be implemented in full following the Date of Final Commissioning unless otherwise agreed in advance in writing by the Planning Authority.	
	Reason: To ensure the Development is being monitored at regular intervals after the first 25 years of operation.	

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 ⁸⁶ This condition should only be included for consents of 40 years or longer.
 ⁸⁷ Insert the condition numbers relating to noise and appearance of the turbines.

No.	Condition Wording	Applicant / Agent Comment or Modification
43.	Decommissioning, Restoration and Aftercare Interim Decommissioning, Restoration and Aftercare Strategy (1) There shall be no Commencement of Development until an Interim decommissioning, restoration and aftercare strategy has been submitted to, and approved in writing by, the Planning Authority in consultation with SEPA and Transport Scotland. The interim decommissioning, restoration and aftercare strategy shall outline measures for the decommissioning of the Development and restoration and aftercare of the site, and shall provide proposals for the removal of the Development, the treatment of ground surfaces, the management and timing of the works and environmental management provisions in any instance that the site as a whole, or in part, ceases to operate prior to the approval of the Decommissioning, Restoration and Aftercare Plan required under the provisions of Condition [].	N/A
	Reason: To ensure the decommissioning and removal of the Development in an appropriate and environmentally acceptable manner and the restoration and aftercare of the site, in the interests of safety, amenity and environmental protection when a detailed decommissioning, restoration and aftercare Plan has not yet been approved.	
44.	Site Decommissioning, Restoration and Aftercare (1) The Development shall cease to generate electricity to the grid network by no later than the date falling [] ⁸⁸ years from the Date of Final Commissioning.	N/A
	(2) No later than [one] ⁸⁹ year prior to the Date of Final Generation or the expiry of the section 36 consent (whichever is earlier) a decommissioning, restoration and aftercare plan shall be submitted for the written approval of the Planning Authority, in consultation with SEPA and Transport Scotland. The detailed decommissioning, restoration and aftercare plan shall provide updated and detailed proposals, in accordance with relevant guidance at that time, for the removal of the Development, the treatment of ground surfaces, the management and timing of the works and environment management provisions which shall provide:	
	 (a) a site waste management plan (dealing with all aspects of waste produced during the decommissioning, restoration and aftercare phases and, including details of measures to be taken to minimise waste associated with the Development and promote the recycling of materials and infrastructure components); 	
	 (b) details of the formation of the construction compound, welfare facilities, any areas of hardstanding, turning areas, internal access tracks, car parking, material stockpiles, oil storage, lighting columns, and any construction compound boundary fencing; (c) a dust management plan; 	

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⁸⁸ This must be consistent with the duration granted in Annex A. ⁸⁹ Insert appropriate number of years if more than one year. In practice it may be difficult for the developer to know a number of years in advance what the Date of Final Generation will be if not the expiry date of the consent.

No.	Condition Wording	Applicant / Agent Comment or Modification
	 (d) details of measures to be taken to prevent loose or deleterious material being deposited on the local road network, including wheel cleaning and lorry sheeting facilities, and measures to clean the site entrances and the adjacent local road network; (e) a pollution prevention and control method statement, including arrangements for the storage and management of oil and fuel on the site; (f) details of measures for soil storage and management; (g) a surface water and groundwater management and treatment plan, including details of the separation of clean and dirty water drains, and location of settlement lagoons for silt laden water; (h) details of measures for sewage disposal and treatment; (j) the construction of any temporary access into the site and the creation and maintenance of associated visibility splays; and (k) [a species protection plan based on surveys for protected species (including birds) carried out no longer than eighteen months prior to submission of the plan].⁹⁰ 	
	 (3) The Development shall be decommissioned, the site restored and aftercare undertaken prior to the date falling three years after the Date of Final Generation and in accordance with the approved detailed decommissioning, restoration and aftercare plan. Reason: To ensure the decommissioning and removal of the Development in an appropriate and environmentally acceptable manner and the restoration and aftercare 	
	of the site, in the interests of safety, amenity and environmental protection.	
45.	 Financial Guarantee⁹¹ (1) There shall be no Commencement of Development until a bond or other form of financial guarantee in terms which secures the cost of performance of all decommissioning, restoration and aftercare obligations referred to in conditions []⁹² and [] has been submitted to and approved in writing by the Planning Authority. 	N/A
	(2) The value of the financial guarantee shall be agreed between the Company and the Planning Authority or, failing agreement, determined (on application by either party) by a suitably qualified independent professional as being sufficient to meet	

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 ⁹⁰ This may not be required depending on the project.
 ⁹¹ If this condition is applied it should not also be the subject of a planning obligation, per Circular 3/2012.
 ⁹² The condition numbers referred to should be those for the Interim Decommissioning, Restoration and Aftercare Strategy and the Site Decommissioning, Restoration and Aftercare Strategy

No.	Condition Wording	Applicant / Agent Comment or Modification	Standard or Optional
	the costs of all decommissioning, restoration and aftercare obligations referred to in condition [] ⁹³ .		
	(3) The financial guarantee shall be maintained in favour of the Planning Authority ⁹⁴ until the completion of all decommissioning, restoration and aftercare obligations referred to in conditions [] and [].		
	(4) The value of the financial guarantee shall be reviewed by agreement between the Company and the Planning Authority or, failing agreement, determined (on application by either party) by a suitably qualified independent professional ⁹⁵ not less than every five years, and at the time of the approval of the detailed decommissioning, restoration and aftercare plan approved under condition []. The value of the financial guarantee shall be increased or decreased to take account of any variation in costs of compliance with decommissioning, restoration and aftercare obligations referred to in conditions [] and [] and best practice prevailing at the time of each review.		
	Reason: to ensure that there are sufficient funds to secure performance of the decommissioning, restoration and aftercare conditions attached to this deemed planning permission in the event of default by the Company.		



⁹³ Some planning authorities and/or developers may prefer the value of the guarantee to simply be determined by an independent expert at the outset rather than only if they fail to agree on a value. If that is the case, the wording here can be amended to reflect that.

⁹⁴ The bond may be a multi-party bond. If this is the case this should is reflected in the wording of the condition.

⁹⁵ Again, some planning authorities and/or developers may prefer the value of the guarantee to simply be reviewed by an independent expert every five years rather than only if they fail to agree on a value. If that is the case, the wording here can be amended to reflect that.

Definitions⁹⁶

In this consent and deemed planning permission:-

"Commencement of Development" means the implementation of the consent and deemed planning permission by the carrying out of a material operation within the meaning of section 27 of the Town and Country Planning (Scotland) Act 1997.

"the Company" means []⁹⁷ having its registered office at [], Company No. [], or such other person who from time to time may lawfully have the benefit of this consent.

"Date of First Commissioning" means the date on which electricity is first exported to the grid network on a commercial basis from any of the wind turbines constructed as part of the Development.

"Date of Final Commissioning" means the earlier of (i) date when electricity is first exported to the electricity grid network on a commercial basis from the last of the wind turbines being constructed as part of the Development; or (ii) the date falling [eighteen] months from the Date of First Commissioning.

"Date of Final Generation" means the date that the Development ceases to generate electricity to the grid network on a permanent basis.

"Development" means the development authorised by this section 36 consent and deemed planning permission as described in Annex 1 Part B.

"EIA Report" means the Environmental Impact Assessment Report in respect of the Development dated [].98

"Planning Authority" means [].99

"Public Holiday" means;

- New Year's Day, if it is not a Sunday or, if it is a Sunday, 3rd January.
- 2nd January, if it is not a Sunday or, if it is a Sunday, 3rd January.
- Good Friday.
- Easter Monday.
- The first Monday in May.
- The first Monday in August.
- The third Monday in September.
- 30th November, if it is not a Saturday or Sunday or, if it is a Saturday or Sunday, the first Monday following that day.
- Christmas Day, if it is not a Sunday or, if it is a Sunday, 27th December.
- Boxing Day, if it is not a Sunday or, if it is a Sunday, 27th December.

"SEPA" means the Scottish Environment Protection Agency.

"Site Enabling Works" means [].¹⁰⁰



⁹⁶ Definitions are not limited and should reflect specific requirements in each application.

⁹⁷ Insert full name of company

⁹⁸ Insert any references to Additional Information reports.

⁹⁹ Insert the name of the local planning authority.

¹⁰⁰ A specific description of any enabling works should be inserted here.



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