



**DAVID BELL**  
**PLANNING**  
CHARTERED TOWN PLANNERS

---

# **Whitelaw Brae Wind Farm**

## **Scottish Borders**

**Section 36C Application**

**Planning Statement**

**July 2020**

on behalf of

**Whitelaw Brae Wind Farm Ltd**



# Contents

<b>1.</b>	<b>Introduction .....</b>	<b>4</b>
1.1	Background .....	4
1.2	Scope of Planning Statement .....	4
<b>2.</b>	<b>The Renewable Energy Policy Framework .....</b>	<b>6</b>
2.1	Introduction .....	6
2.2	International & European Policy Considerations .....	7
2.3	United Kingdom Energy Policy .....	8
2.4	Scottish Government Policy and Renewable Energy Generation Targets .....	13
2.5	Conclusions on the Renewable Energy Policy Framework .....	20
<b>3.</b>	<b>Policy Appraisal .....</b>	<b>23</b>
3.1	Introduction .....	23
3.2	National Planning Policy .....	23
3.3	The Scottish Borders Development Plan .....	23
3.4	LDP Policy ED9 'Renewable Energy' .....	24
3.5	The Benefits of the Proposed Development .....	27
3.6	Policy Assessment - Conclusion .....	28
<b>4.</b>	<b>Conclusions .....</b>	<b>29</b>
4.1	Overall Conclusions .....	29
<b>5.</b>	<b>Appendix 1 .....</b>	<b>30</b>



# 1. Introduction

## 1.1 Background

- 1.1.1 This Planning Statement has been prepared by David Bell Planning Ltd (DBP) on behalf of Whitelaw Brae Wind Farm Ltd (the Applicant) in relation to an application for Section 36C (s.36C) to vary the consent under the Electricity Act 1989 (“the 1989 Act”) for the proposed Whitelaw Brae Wind Farm (hereafter referred to as the ‘proposed development’). In addition, the Applicant is also seeking amendment to the deemed planning permission under Section 57 of the Town and Country Planning (Scotland) Act 1997 (“the 1997 Act”).
- 1.1.2 On the 7th December 2017, the Applicant was granted consent by Scottish Ministers under section 36 of the Electricity Act 1989, to construct and operate a 14-turbine wind farm known as Whitelaw Brae Wind Farm. The Scottish Ministers also directed that, under Section 57(2) of the 1997 Act, that planning permission was deemed to be granted (Application Reference: WIN-140-4).
- 1.1.3 The s.36C application seeks the following amendments to the consented development:
- To extend the generation lifetime of the Wind Farm from 25 years to 30 years;
  - To increase the consented tip height from 133.5m to up to 136.5m; and
  - To provide clarification on the Drawing listed as Annex E in the consent.
- 1.1.4 These amendments are being submitted following a review of the currently available turbine models. Following focussed discussions with turbine suppliers and an analysis of the energy yield, it is clear that a hub height increase of 3m would not only increase the energy yield of the turbines but would also improve their performance and decrease wear and tear during their lifetime.
- 1.1.5 The original s.36 application was accompanied by a supporting Planning Statement and in addition planning and energy policy matters were fully examined as part of the Public Inquiry process for the s.36 application in 2015. Due regard had therefore been taken to an assessment of the development against relevant policy, namely the provisions of the statutory Development Plan for the Scottish Borders, Onshore Wind Supplementary Guidance (SG) and the related Landscape Capacity Study, as well as national energy and planning policy, and other relevant material considerations.
- 1.1.6 Since the s.36 consent was granted in December 2017, the relevant policy context has further evolved, in particular with regard to renewable energy and climate change matters. The Development Plan in terms of the Local Development Plan (LDP) remains the same although the SG has been updated. The opportunity is being taken to provide an updated position in terms of how the proposed development relates to planning and energy policy – as set out in this report.

## 1.2 Scope of Planning Statement

- 1.2.1 The purpose of this Planning Statement is to provide an assessment of the proposed development against the most relevant Development Plan policies, and to consider any other material considerations.
- 1.2.2 The Statement also presents an update of the potential benefits that would arise and concludes as to the overall acceptability of the proposed development in relation to the planning and energy policy framework.
- 1.2.3 The Environmental Impact Assessment (EIA) Screening Report (“the Screening Report”) for the proposed development as submitted to the Scottish Government Energy Consents Unit (dated 27 April 2020) is referenced where it provides more detailed information.

1.2.4 This report is set out as follows:

- Chapter 2 sets out the up-to-date position with regard to the renewable energy policy framework with reference to the main policy developments that have taken place since consent was granted in December 2017. This is supported by **Appendix 1** which provides an update on some key Scottish renewable energy statistics that were published in March 2020.
- Chapter 3 makes reference to national planning policy and to the relevant Development Plan policies and related guidance and provides an assessment of the proposed development against the key policy provisions.
- Chapter 4 presents overall policy conclusions, taking into account the updated renewable energy policy position and the findings on the environmental topics addressed within the Screening Report.

## 2. The Renewable Energy Policy Framework

### 2.1 Introduction

- 2.1.1 Government renewable energy policy and associated renewable energy, electricity and emission reduction targets are important material considerations and it is important to be clear on the current position as it is a fast-moving aspect of public policy. More fundamentally, there have been new legally binding targets introduced at both a UK and Scottish level and declared Climate Emergencies.
- 2.1.2 This Chapter sets out a summary position, with reference to these key more recent policy and related documents, including:
- The importance of the UK Government's commitment to the COP21 Paris Agreement as confirmed in the Court of Appeal Judgment on the third Heathrow Runway;
  - An update on European renewable energy targets given the provisions of The European Union (Withdrawal) Act 2020;
  - The landmark Committee on Climate Change Reports of May and July 2019;
  - The United Nations 'Gap' Report of November 2019;
  - The UK and Scottish Government's declared positions in relation to the 'Climate Emergency';
  - The Scottish Government's 'Programme for Government' (2019);
  - The Climate Change (Emissions Reduction Targets) (Scotland) Act and the 'net zero' targets for 2045 and associated interim target for 2030;
  - The Committee on Climate Change advice to the Scottish Government on recovery from the COVID-19 crisis (May 2020);
  - The Committee on Climate Change annual report to the UK Government (June 2020); and
  - The recommendations from the Scottish Government's Advisory Group on Economic Recovery (June 2020) and the Chief Planner's Letter which addressed the planning system's role in terms of recovery from the COVID-19 crisis (May 2020).
- 2.1.3 These are all new considerations that have emerged since consent for the Whitelaw Brae Wind Farm was granted in December 2017.
- 2.1.4 Furthermore, updated renewable energy statistics have been made available by the Scottish Government in March 2020 and these are referred to in **Appendix 1** of this report. These demonstrate the very considerable shortfalls that exist for Scotland in terms of renewable energy and electricity targets in relation to 2020 and 2030.
- 2.1.5 In addition, the UK Digest of Statistics (DUKES) of July 2019 are available. These figures indicate that there still remains a very considerable shortfall in terms of UK legally binding renewable energy targets.
- 2.1.6 The framework of international agreement, binding targets and climate change global advisory reports is the foundation upon which national energy policy is based. The international and national policy referred to demonstrates the need case for renewable energy from which the proposed development can draw a high level of support.
- 2.1.7 It is evident that there is unequivocal, clear and consistent policy support at all levels, from international to local, for the deployment of renewable energy generally and onshore wind particularly to combat global heating, diversify the mix of energy sources, achieve greater security of supply, and to attain legally binding renewable energy and emission reduction targets. The proposed development would make a significant contribution to help Scotland meet its renewable

energy and electricity production targets, while supporting CO<sub>2</sub> reduction to combat global heating in the current Climate Emergency.

- 2.1.8 Government renewable energy policy and associated renewable energy and electricity targets are important material considerations and it is important to be clear on the current up to date position.

## 2.2 International & European Policy Considerations

### International Agreements and Obligations – The COP21 UN Paris Agreement

- 2.2.1 The Paris Agreement (12 December 2015) is considered the central achievement for international climate policy in the past decade. It sets out (page 2) that it “*emphasises with serious concern*” the need to hold the increase in global average temperature to “*well below 2°C*” above pre-industrial levels and to pursue “*efforts to limit the temperature increase to 1.5C*”.
- 2.2.2 It is clear that moving to a low carbon economy is now a globally shared goal and will require absolute emission reduction targets
- 2.2.3 A new matter is the **Court of Appeal Judgment on the third Heathrow runway** dated 27 February 2020. It is of relevance in that it firmly sets out that the UK Government’s commitment to the Paris Agreement (2015) is part of Government policy. The UK Government’s commitment under the Paris Agreement links through to the Committee on Climate Changes’ (CCC) advice to both the UK and Scottish Governments on ‘net zero’ targets which have now, at both the UK and Scottish levels been translated into new legislative provisions and targets for both 2045 and 2050. This is referred to below.

### The United Nations ‘Gap Report’ (2019)

- 2.2.4 The United Nations Environment Programme ‘Gap Report 2019’<sup>1</sup> published in November 2019 provides an assessment of scientific studies on current and estimated future greenhouse gas (GHG) emissions and compares these with the emission levels permissible for the world to progress on a least-cost pathway to achieve the goals of the Paris Agreement. This difference between “where we are likely to be and where we need to be” has become known as the ‘emissions gap’.
- 2.2.5 The Executive Summary (page 4) states that the “*summary findings are bleak. Countries collectively failed to stop the growth in global GHG emissions, meaning that deeper and faster cuts are now required.*” Key points in the report include *inter alia*:
- Greenhouse gas (GHG) emissions continue to rise despite scientific warnings and political commitments. There is no sign of GHG emissions peaking in the next few years; every year of postponed peaking means that deeper and faster cuts will be required;
  - IPCC<sup>2</sup> warned in 2018 of dangers of going beyond 1.5C, but the Emissions Gap Reports concludes that a continuation of current policies would lead to a global mean temperature rise of between 3.4°C and 3.7°C by 2100 relative to pre-industrial levels, and continuing thereafter.
  - The emissions gap is large – larger than ever;
  - Dramatic strengthening of ‘national contributions’ is needed – countries must increase ambitions fivefold to achieve the 1.5°C goal;
  - Given the time lag between policy decisions and associated emissions reductions – waiting until 2025 to strengthen contributions will be too late to close the 2030 emissions ‘gap’;

<sup>1</sup> United Nations Gap Report, published November 2019.

<sup>2</sup> The IPCC published its Special Report on Global Warming of 1.5°C. This highlighted the avoided climate risks if warming is kept below 1.5°C compared to 2°C.

- Renewables in combination with electrification is key to the energy transition and to drive down CO2 emissions;
- Unprecedented and immediate action is required; and
- Postponing ambition and action is no longer an option.

### **European Policy & Targets**

- 2.2.6 The Renewable Energy Directive 2009/28/EC establishes an overall policy for the production and promotion of energy from renewable sources in the EU. It requires the EU to fulfil at least 20% of its total energy needs with renewables by 2020 – to be achieved through the attainment of individual national targets. All EU countries must also ensure that at least 10% of their transport fuels come from renewable sources by 2020.
- 2.2.7 In December 2018, the new revised Renewables Energy Directive on the promotion of the use of energy from renewable sources (2018/2001) entered into force – establishing a new binding renewable energy target for the EU for 2030 of at least 32%, with a clause for a possible upwards revision by 2023.
- 2.2.8 On 29 March 2017, the UK formally notified of its intention to leave the EU under Article 50 of the Treaty of the EU. The European Union (Withdrawal) Act 2020 converts all EU laws, rules and targets into domestic UK governance. It is considered that the existing EU renewable energy targets for the UK, such as the requirements of the Renewable Energy Directive, will remain applicable. During the Transition Period existing rules and targets will apply and there is currently no suggestion that those targets will not continue to apply beyond the end of the transition period.
- 2.2.9 For the UK, the EC's obligations include for 15% of all energy consumed in the UK to come from renewable sources by 2020. The position as of the end of 2018 (the full year for which figures are available) was that renewable energy only accounted for approximately 11% of energy consumption in the UK, well short of the 15% target<sup>3</sup>. The national targets set for 2020 (under the previous 2009 Directive) are set out in the 2018 Directive as constituting the Members States' minimum contribution to the new '2030 Framework'.

## **2.3 United Kingdom Energy Policy**

### **Relationship of UK / Scottish Energy Policy**

- 2.3.1 Energy policy is a matter reserved to the Westminster Parliament. The UK Government therefore retains control of the overall direction of energy policy including the attainment of UK national targets on renewable energy generation.
- 2.3.2 Although the overarching position in the UK is that energy policy is not a devolved matter, landmark policy documents such as the UK Renewable Energy Strategy (2009) and the UK Renewable Energy Roadmap (2011 and its Updates) have embraced actions across the UK as a whole. Such documents have also made clear that the Devolved Administrations play an important role in the attainment of overall UK and European targets for renewable electricity.
- 2.3.3 While some of the devolved administrations do not have the core competencies over energy policy, it has not prevented them issuing a range of policy statements and 'Routemaps' for renewable energy and the low carbon agenda for their own territory. The Scottish Government has been engaged in policy making over successive Governments on the topic of renewable energy and there is no evidence that they have been at all trammelled in this activity by Whitehall or Westminster.

<sup>3</sup> DECC, Digest of UK Energy Statistics (July 2019), Chapter 6. Onshore wind remains the leading technology in terms of UK renewable capacity, at 30.6% recorded for 2018.

2.3.4 The key update matter in terms of UK policy is the recommendations from the CCC and the UK Government's commitment to net zero emissions and the very recent advice from the CCC on the recovery approach from the COVID-19 crisis.

### **Committee on Climate Change Report (May 2019)**

2.3.5 The CCC<sup>4</sup> published its landmark report entitled 'Net Zero – UK's Contribution to Stopping Global Warming' in May 2019. The report responds to requests from the Government's of the UK, Wales and Scotland, asking the CCC to reassess the UK's long-term carbon emissions targets.

2.3.6 The Foreword (page 8) sets out that the CCC has "*reviewed the latest scientific evidence on climate change, including last year's IPCC special report on global warming of 1.50C and considered the appropriate role of the UK in the global challenge to limit future temperature increases*". It adds, "*Net Zero is a more fundamental aim than previous targets. By reducing emissions produced in the UK to zero, we also end our contribution to rising global temperatures*".

2.3.7 The Foreword also sets out that "*we must now increase our ambition to tackle climate change. The science demands it; the evidence is before you; we must start at once; there is no time to lose*".

2.3.8 The report makes recommendations for the UK economy including:

- UK overall: a new tougher emissions target of net zero<sup>5</sup> greenhouse gases (GHG) 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 GHG economy by 2045, reflecting Scotland's greater relative capacity to remove emissions than the UK as a whole;
- A net zero GHG target for 2050 would deliver on the commitment that the UK made by signing the Paris Agreement.

2.3.9 In terms of the UK and Scottish targets, the report makes it clear that, "*this is only possible if clear, stable and well designed policies to reduce emissions further are introduced across the economy without delay. Current policy is insufficient for even the existing targets*".

2.3.10 The report also adds for Scotland that:

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

2.3.11 The CCC report sets out various scenarios for UK net zero GHGs in 2050. These include one of extensive electrification, particularly of transport and heating. Page 23 of the Executive Summary states that this would need to be "*supported by major expansion of renewable and other low carbon power generation. The scenarios involve around a doubling of electricity demand, with all power produced from low carbon sources (compared to 50% today)*". (underlining added)

2.3.12 The Technical Annex to the CCC 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 is now the cheapest form of electricity generation in the UK and can be deployed at scale to meet UK electricity demands.

<sup>4</sup> The CCC is an independent, statutory body established under the Climate Change Act 2008. Its purpose is to advise the UK Government and Devolved Administrations on emissions targets and report to Parliament on progress made in reducing greenhouse gas emissions and preparing for climate change.

<sup>5</sup> A net zero target would require 100% reduction in greenhouse gas emissions. It is referred to as 'net' as the expectation is that it would be met with some remaining sources of emissions which would need to be offset by removals of CO<sub>2</sub> from the atmosphere.

- 2.3.13 The report contains a number of key messages including that *“intermittency of renewables does not prevent full decarbonisation of the power system. Deployment of variable renewables, alongside system flexibility, is a low regret and low cost means of de-carbonising the UK’s electricity system”*.

### **The UK Net Zero Target**

- 2.3.14 On 11 June 2019, the then Prime Minister Theresa May announced that the UK Government will bring forward legislation to set a Net Zero target into law. On 27 June 2019 the UK Government became the first major economy in the world (the first G7 country) to pass legislation to end its contribution to global warming by 2050 – by way of 100% reduction of greenhouse gas emissions. The target is now legally binding by way of an amendment to the Climate Change Act 2008.

### **CCC - Progress Report to Parliament (July 2019)**

- 2.3.15 The Foreword of the Report states that in May 2019, the CCC’s Net Zero report offered compelling analysis of the need to reduce greenhouse gas emissions in the UK effectively to zero by 2050. The net-zero target meets the UK’s obligations under the Paris Agreement and responds to the urgent need for action highlighted by the IPCC in the 2018 Special Report on 1.5°C of global warming.
- 2.3.16 The Report states that the CCC welcomes strongly the UK Parliament’s decision to make net zero law – and the corresponding decisions of the Welsh Assembly and the Scottish Parliament. These are acknowledged to be positive steps which are of *“fundamental consequence for the future path of our economy, our society and the climate. Carbon neutrality has now become a mainstream goal”*.
- 2.3.17 Other key points include:
- It is time to act.
  - The Adaptation and Mitigation Committees have reviewed the UK Government’s approach to climate change adaptation and emissions reduction. The Report states *“we find a substantial gap between current plans and future requirements and an even greater shortfall in action”*.
  - The Clean Growth Strategy, the UK’s plan for emissions reduction, provides a solid foundation for the action needed to meet a net-zero GHG target but *“policy ambition and implementation now fall well short of what is required”*.

### **BEIS consultation on proposed amendments to the CfD scheme**

- 2.3.18 A recent and relevant material consideration with regard to evolving energy policy is the ‘consultation on proposed amendments to the CfD scheme for low carbon electricity generation’. This was issued by the Department for Business Energy and Industrial Strategy (BEIS) in early March 2020. The Secretary of State confirmed on 02 March 2020 that onshore wind and solar developments would be able to bid in the 2021 CfD round and the current consultation is on how best to facilitate this change to the CfD scheme.
- 2.3.19 The document is informative in setting out the UK latest policy position in relation to renewables and ‘net zero’. Key points arising with regard to the policy position within the consultation document include the following:
- The document states on page 10 that the changes to the CfD scheme have been made to support the increase in ambition needed to achieve the Government’s 2050 net zero target.
  - It states that decarbonising the power sector is a vital part of the UK’s effort to meet its world leading net zero target. It states whilst we cannot predict today exactly what the generating mix will look like in 2050, we can be confident that *“renewables will play a key role, alongside firm or flexible low carbon generating capacity”*.

- It adds that the UK was the first major economy to set a legally binding target to cut emissions to net zero by 2050 and end its contribution to global warming. It states, “*the target, which came into force on 27 June 2019, will require the UK to reduce all greenhouse gas emissions to net zero by 2050, compared with the previous target of an 80% reduction from 1990 levels. This is a landmark decision for the UK and one which demonstrates that we are continuing to lead the international effort to bring an end to climate change*”.
- It further adds that this is “..... an important step towards decarbonising the UK’s energy system. The UK’s new 2050 net zero emissions target means that we will continue to require substantial amounts of new, low carbon power sources to be built before 2050. In the report on net zero the Committee on Climate Change (CCC) states that the UK could require four times the amount of renewable generation from today’s levels, requiring sustained and increased deployment between now and 2050”.
- Page 11 also adds that “*the transition to a net zero greenhouse gas economy will require change across the whole of society, and in this context the Government has considered how to ensure that CfD allocation rounds can best support an increase in the pace of renewable deployment needed to achieve its net zero ambitions.....*”.

2.3.20 The aims of the consultation set out (page 11) are described as supporting the following themes, *inter alia*:

- Delivering net zero - by supporting the increased ambition required by the Government’s economy wide legislative target to reach net zero greenhouse gas emissions by 2050; and
- Maintaining energy security - by supporting deployment of new power sources needed to achieve a low cost and secure low carbon power system.

2.3.21 At page 15 of the document ‘delivering net zero’ is addressed and the Government sets out that “*on 27 June 2019, a new legally binding target to reach net zero greenhouse gas emissions by 2050 came into law in the UK. By 2050, the UK will need an ultra-low carbon power sector to meet this economy wide net zero emissions target. In parallel, generation will need to increase to meet future demand and at the same time as aging plants are being decommissioned. The CCC believes almost complete decarbonisation in the power sector can be achieved, but that to achieve this, low carbon electricity generation will need to quadruple by 2050. The CfD scheme therefore needs to be able to support a substantial increase in low carbon generation capacity*”.

2.3.22 The document continues by stating “*the UK’s new 2050 net zero target will require a substantial amount of new, low carbon power sources to be built before 2050 and to produce the majority of power with renewables if we are to decarbonise at low cost... In its report on net zero, the CCC advise that the UK could require up to a four-fold increase in renewable generation under their ‘further ambition’ scenario*”.

2.3.23 With regard to the established technologies for CfD, importantly the consultation document sets out that Government is aware of a number of projects (mainly solar PV and onshore wind) and have deployed or are planning to deploy on a merchant basis since the last ‘Pot 1’ auction was held under the CfD regime. It adds “*however, there is a risk that if we were to rely on merchant deployment of these technologies alone at this point in time, we may not see the rate and scale of new projects needed in the near term to support decarbonisation of the power sector and meet the net zero commitment to low cost*”.

2.3.24 The recent consultation document from BEIS is therefore very important in further strengthening the overall policy case for onshore wind.

### CCC Annual Report to UK Parliament (June 2020)

- 2.3.25 The CCC published its annual report<sup>6</sup> to the UK Parliament (required under the Climate Change Act 2008) on 25 June 2020.
- 2.3.26 The report includes new advice to the UK Government on securing a green and resilient recovery following the COVID-19 pandemic. It recommends that Ministers “*seize the opportunity to turn the COVID-19 crisis into a defining moment in the fight against climate change*”. The CCC states that although a limited number of steps have been taken over the past year to support the transition to a net-zero economy and improve the UK’s resilience to the impacts of climate change “*much remains to be done*”.
- 2.3.27 With reference to COVID-19 the CCC sets out that our recovery from it will reshape how we tackle the climate crisis. It states in the Executive Summary:
- “Choices in the coming months must steer a recovery that drives vital new economic activity, accelerates our transition to Net Zero and strengthens our resilience to the impacts of climate change. UK domestic climate ambition can be the basis for UK international leadership in 2021, in the Presidency of the delayed UN climate summit in Glasgow (COP26) and in the G7 Presidency. It is 12 months since Net Zero became law, requiring the UK to reduce net emissions of greenhouse gases to zero by 2050. Initial steps towards a net-zero policy package have been taken, but this was not the year of policy progress that the Committee called for in 2019.*
- Net Zero has been adopted as a key goal of the Government .....but we are not making adequate progress in preparing for climate change. The delay of COP26 to November 2021 provides a window to address this policy deficit and establish a credible internationally-leading position”.*
- 2.3.28 In terms of building a resilient recovery from the COVID-19 crisis the CCC state:
- Success requires that net-zero emissions and improved climate resilience are integral to the COVID-19 recovery.
  - The extraordinary steps taken to slow infections in recent months have created new economic and social pressures.
  - Climate investments will help create jobs and stimulate economic recovery, while changing the course of UK emissions and improving our resilience to climate change for the coming decade and beyond.
  - The fundamental requirements to achieve Net Zero are largely unchanged by COVID-19.
- 2.3.29 The report adds that the steps that the UK takes to rebuild from the COVID-19 pandemic and its economic damage can also accelerate the transition to low-carbon activities and improve climate resilience. Climate investments are also recognised as being able to support the economic recovery and secure jobs for the long term.
- 2.3.30 At page 16 of the report, the CCC state that In April 2020, the CCC wrote to the Prime Minister and the First Ministers of Scotland, Wales and Northern Ireland setting out six principles for a resilient recovery from COVID-19 as follows, *inter alia*:
- Use climate investments to support the economic recovery and jobs;
  - Tackle the wider ‘resilience deficit’ on climate change.
  - Ensure the recovery does not ‘lock-in’ greenhouse gas emissions or increased climate risk.
- 2.3.31 The report adds that the CCC ‘Costs and Benefits Advisory Group on Net Zero’, reconvened for the report endorsed these principles and concluded that “*the economic recovery from [COVID-19]*

<sup>6</sup> CCC ‘Reducing UK emissions: 2020 Progress Report to Parliament’ 25 June 2020.

*gives the UK a chance to grow back in a way that is fit for the low-carbon future to which it aspires, and that can benefit from the industrial and economic developments that this future offers."*

- 2.3.32 In terms of specific reference to the power sector the report welcome plans to bring onshore wind back into the system of power auctions and states a clear timetable for future auctions would support delivery and development of supply chains.
- 2.3.33 A fundamental part of the report is (Chapter 5 'Planning a resilient recovery'). The CCC state that:  
*"the economic impact of the pandemic is being felt worldwide, with the IMF predicting the worst global recession since the 1930s. The UK is heading for a recession. UK Gross Domestic Product (GDP) fell by 2% for the first quarter of 2020, covering only the very start of the crisis, and by over 20% in the month of April. The latest independent forecasts have, on average, predicted a fall of 8.6% in UK GDP for 2020."*
- 2.3.34 Overall, the Committee recommends that investments in low-carbon and climate adaptation infrastructure must be at the heart of measures to restore economic growth following COVID-19.
- 2.3.35 Priorities for the next year for the power sector and to be reflected in an Energy White Paper include accelerated electrification.
- 2.3.36 The report explains (page 184) that renewables can now be deployed at scale in the UK and Government should take advantage of the cost reductions in renewable electricity over the past decade and *"should continue to use the Contracts-for-Difference (CfD) auction mechanism to deliver ambitious power sector decarbonisation during the 2020s, consistent with plans for electrification of transport and heat"*.
- 2.3.37 Page 169 sets out that where powers are reserved to the UK level, the devolved administrations have an important role in ensuring that the emissions reductions take place. In particular, the devolved administrations should focus various areas including "planning", described as a *"useful lever over infrastructure that needs to be well aligned to objectives for emissions reduction"* by various means including *"a favourable planning regime for low-cost onshore wind."*

## **2.4 Scottish Government Policy and Renewable Energy Generation Targets**

- 2.4.1 In the same month the s.36 Consent for the Whitelaw Brae Wind Farm was granted, the following two documents were published by the Scottish Government:
- The Scottish Energy Strategy (December 2017); and
  - The Onshore Wind Policy Statement (December 2017).
- 2.4.2 More recent policy and statute includes the following:
- The Climate Change Plan (2018);
  - Statements from the First Minister on the 'Climate Emergency' (2019);
  - The Climate Change (Emissions Reduction Targets) (Scotland) Act 2019;
  - The Programme for Government (2019);
  - Letters from the Chief Planner in relation to COVID-19 (2020);
  - The Committee on Climate Change advice to the Scottish Government on recovery from the COVID-19 crisis (May 2020);
  - The Committee on Climate Change annual report to the UK Government (June 2020); and
  - The recommendations from the Scottish Government's Advisory Group on Economic Recovery (June 2020).

## The Scottish Energy Strategy (2017)

- 2.4.3 The Scottish Energy Strategy (SES) was published in December 2017 and sets a 2050 vision for energy in Scotland. The 2050 vision is expressed around six priorities including:
- “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.”*
- 2.4.4 The strategy also contains new whole system targets for 2030 as follows:-
- The equivalent of 50% of the energy for Scotland’s heat, transport and electricity consumption to be supplied from renewable sources;
  - An increase by 30% in the productivity of energy use across the Scottish economy.
- 2.4.5 The SES further states with regard to the 50% target: *“Scottish Government analysis underpinning this target, shows that renewable electricity .....could rise to over 140% of Scottish electricity consumption, ensuring its contribution to the wider renewable energy target for 2030. This assumes a considerably higher market penetration of renewable electricity than today – requiring in the region of 17 GW of installed capacity in 2030 (compared to 9.5 GW in June 2017).”* (underlining added).
- 2.4.6 The SES refers to “Renewable and Low Carbon Solutions” as a strategic priority (page 41) and states *“we will continue to champion and explore the potential of Scotland’s huge renewable energy resource, its ability to meet our local and national heat, transport and electricity needs – helping to achieve our ambitious emissions reduction targets”*.
- 2.4.7 Onshore wind is identified as a key technology and the SES states *“we will push for UK wide policy support for onshore wind, and take action of our own to prioritise and deliver a route to market – combined with a land use planning approach which continues to support development while protecting our landscapes”*.
- 2.4.8 The SES goes on to set out what is termed the “Opportunity” for onshore wind and there is explicit recognition that onshore wind is amongst the lowest cost forms of power generation. It is also recognised as *“a vital component of the huge industrial opportunity that renewables creates for Scotland”*. Reference is made to the employment levels and economic activity derived from onshore wind and the SES sets out that the Government is *“determined to build on these strengths”*.
- 2.4.9 The SES sets out the Government’s clear position on onshore wind namely:
- “our energy and climate change goals mean that onshore wind must continue to play a vital role in Scotland’s future – helping to decarbonise our electricity, heat and transport systems, boosting our economy, and meeting local and national demand.”*
- “That means continuing to support development in the right places, and – increasing the extension and replacement of existing sites with new and larger turbines, all based on an appropriate, case by case assessment of their effects and impacts and it means developers and communities working together and continuing to strike the right balance between environmental impacts, local support, benefits, and – where possible economic benefits deriving from community ownership”*. (underlining added)
- 2.4.10 The SES adds:
- “this can be done in a way which is compatible with Scotland’s magnificent landscapes, including our areas of wild land. This means that the relevant planning and consenting processes will remain vitally important. A major review of the Scottish planning system is well underway, and will continue as now to fully reflect the important role of renewable energy and energy infrastructure, in the right places”*.

2.4.11 The SES goes on to cross refer to further detail in relation to onshore wind as contained within the Onshore Wind Policy Statement (OWPS) which has been published alongside the SES. The SES therefore, in addition to setting new stretching renewable energy and electricity targets, gives unequivocal strong policy support for the further development of onshore wind. In short, there is a renewed and enhanced impetus being imparted, rather than just a continuation of previous support.

2.4.12 Page 69 references “near term actions” for onshore wind including:

- *“Build on the positive and practical provision for onshore wind in our planning system under the next National Planning Framework and Scottish Planning Policy; and*
- *Implement the new Onshore Wind Policy Statement, which underlines the continued importance of this established low cost resource”.* (underlining added).

2.4.13 On the basis of the near term actions for onshore wind in the SES (see above), it can be anticipated that these new national planning policy documents (NPF4), with their enhanced status, will reflect this strong support for onshore wind now set out in the SES and OWPS.

### **The Onshore Wind Policy Statement (2017)**

2.4.14 The OWPS sets out the up to date national policy position in relation to onshore wind. The Ministerial Foreword sets out that *“there is no question that onshore wind is a vital component of the huge industrial opportunity that renewables more generally create for Scotland”*.

2.4.15 It adds *“our energy and climate change goals mean that onshore wind will continue to play a vital role in Scotland’s future – helping to substantively decarbonise our electricity supplies, heat and transport systems, thereby boosting our economy.”*

2.4.16 Chapter 1 is entitled ‘Route to Market’ and it sets out (paragraph 2) that onshore wind, as a mature and established technology, is now amongst the lowest cost forms of generating electricity, renewable or otherwise. It adds *“we expect onshore wind to remain at the heart of a clean, reliable and low carbon energy future in Scotland”*.

2.4.17 Establishing a route to market is essential to enable wider deployment and an increased contribution from onshore wind. In a subsidy free context, it will be the larger scale developments that can capture a good wind resource and which have cost effective grid connection arrangements which will make a valuable early contribution to targets.

2.4.18 Paragraph 3 continues

*“In order for onshore wind to play its vital role in meeting Scotland’s energy needs, and a material role in growing our economy, its contribution must continue to grow. Onshore wind generation will remain crucial in terms of our goals for a decarbonised energy system, helping to meet the greater demand from our heat and transport sectors, as well as making further progress towards the ambitious renewable targets which the Scottish Government has set”*.

2.4.19 The statement therefore makes it very clear that onshore wind is expected to make a significant contribution to Scotland’s energy needs including renewable targets into the long term.

2.4.20 Paragraph 4 of Chapter 1 states that given the recognised contribution that onshore is expected to make to Scotland’s future energy and renewable targets *“this means that Scotland will continue to need more onshore wind development and capacity, in locations across our landscapes where it can be accommodated”*. This statement not surprisingly therefore continues the current approach as set out in SPP that, whilst there is a very strong need case for further onshore wind development, environmental considerations are factors to be taken into account in the operation of the planning system. This principle is reflected throughout the OWPS.

2.4.21 Paragraph 8 of Chapter 1 emphasises the industrial opportunity presented by a growing onshore wind sector and it states that *“the extent to which we can continue to capture these benefits, remains a top priority for Scottish Ministers”*.

- 2.4.22 The role of onshore wind in sustaining and further growing the supply chain for the sector is therefore a very important consideration and this is recognised in SPP at paragraph 169.
- 2.4.23 One of the key questions posed in the draft OWPS was whether the matter of efficiency should be a material consideration in the section 36 application process. The Government decided not to pursue this matter but at paragraph 32 sets out “they continue to invite applications to explain clearly how environmental impacts have been balanced against energy yield during design iteration, and reported as part of the information provided in support of applications”. (underlining added). **In this case the increased energy yield as a result of the higher tip height sought for the proposed development has been explained and quantified.**
- 2.4.24 Paragraph 23 states that the Scottish Ministers “acknowledge that onshore wind technology and equipment manufacturers in the market are moving towards larger and more powerful (i.e. higher capacity) turbines and that these by necessity – will mean taller towers and blade tip heights”.

### **The Climate Change Plan (2018)**

- 2.4.25 The Scottish Government published the Climate Change Plan (CCP) in February 2018 and it is intended to be the last produced under the 2009 Act.
- 2.4.26 The CCP confirms the Scottish Government supports the Paris Agreement, which sets the standard for the international response to climate change. In terms of the electricity sector, the CCP states that:
- By 2032, Scotland’s electricity system will supply a growing share of Scotland’s energy needs and by 2030, 50% of all Scotland’s energy needs will come from renewables (page 15).
  - By 2032, Scotland’s electricity system will be largely decarbonised and be increasingly important as a power source for heat and transport.
  - Electricity will be increasingly important as a power source for heat and in transport to charge Scotland’s growing fleet of ultra-low emission vehicles.
- 2.4.27 Chapter 1 addresses electricity and states “*our ambition for the electricity sector, as set out in this chapter, is consistent with the Scottish Government’s Energy Strategy published in December 2017. In 2032, Scotland’s electricity system will be largely decarbonised. The system will be powered by a high penetration of renewables, with security of supply and system resilience aided by a range of flexible and responsive technologies*”. (page 67)
- 2.4.28 Reference is made to the SES which the CCP states contains proposals that will increase the level of renewable electricity generation, including new targets and commitments to continue supporting the key renewable generation technologies. These include:
- A new renewable, all energy consumption target of 50% by 2030, covering electricity, heat and transport; and
  - Renewed efforts to secure routes to market (page 74).
- 2.4.29 ‘Implementation indicators’ for policy outcomes include:
- Increase the amount of electricity generated from renewable sources in Scotland.
  - Increase the installed capacity of sites generating electricity from renewable sources in Scotland. By 2030, it is expected that the installed capacity of renewable electricity generation sources will be between 12GW and 17GW.
  - Increase the share of electricity generated from renewable sources, as a proportion of total electricity generated in Scotland.
- 2.4.30 A new Climate Change Plan is expected to be published later in 2020.

## Climate Emergency in Scotland

- 2.4.31 Scottish First Minister Nicola Sturgeon declared a "Climate Emergency" in her speech to the SNP Conference in April 2019, stating:

*"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."* Referring to the recently published CCC advice, Ms Sturgeon added *"if that advice says we can go further or go faster, we will do so"*.

- 2.4.32 Furthermore, Climate Change Secretary Roseanna Cunningham made a statement on 14 May to the Scottish Parliament on the 'Global Climate Emergency'. Again, with reference to the recent CCC Report:

*"We acted immediately with amendments to our Climate Change Bill to set a 2045 target for net zero emissions - as we said we'd do. If agreed by Parliament, these will be the most stringent legislative targets anywhere in the world and Scotland's contribution to climate change will end, definitively, within a generation. The CCC was clear that this will be enormously challenging...."*

- 2.4.33 The Minister also highlighted the important role of the planning system stating:

*"And subject to the passage of the Planning Bill at Stage 3, 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"*.

- 2.4.34 The Scottish Government has therefore acted on the stark warnings issued by the IPCC who have stated that by 2030 it would be too late to limit global heating to 1.5 degrees. In light of the further report by the CCC the Scottish Government has stated unequivocally that there needs to be "transformative change" – and that action has to be quick and decisive. An emergency requires action and as set out in the conclusions below, decisions through the planning system must be responsive to that. The current situation must therefore go to the matter of weight to be attributed to the benefits of the proposed development and the 'need case'.

## Programme for Government (2019)

- 2.4.35 The Scottish Government published the Government Programme for 2019-20 entitled 'Protecting Scotland's Future' on 3 September 2019. The document puts climate change front and centre of the political agenda and reaffirms the aim of achieving net zero greenhouse gas emissions in Scotland by 2045. In the introduction from the First Minister, the 'Climate Emergency' is acknowledged and it states that:

*"this Programme for Government sets out some of the next step in Scotland's journey to net zero emissions and raises our ambition in light of the emergency we face. We are leading the world in setting challenging targets but we must also redouble our efforts to meet them".* (underlining added)

- 2.4.36 The Introduction also refers to the forthcoming renewal of the National Planning Framework (NPF) and that there will be an updated CCP that will take full account of the advice of the UK CCC. AS noted above, the Government has received updated advice from the CCC in May 2020 in the context of the COVID-19 crisis.

- 2.4.37 Chapter 1 of the Programme entitled 'Ending Contribution to Climate Change' makes it clear that Scotland is facing a climate emergency and key points include the following:-

- Reference is made to Scotland already having committed to some of the toughest statutory emissions reductions in the world and adopting a net zero emissions target by 2045 underlines the Government's ambition that Scotland will no longer contribute to global climate change.
- Scotland has a unique opportunity to be at the forefront of global action; and
- This Programme for Government commits to vital early action to accelerate Scotland's journey towards net zero.

- 2.4.38 Page 38 also states that the Scottish Government is making a number of other major commitments in response to the climate emergency and in terms of ‘planning’ this will include the fourth NPF which will help to radically accelerate reduction of emissions. The publication of draft NPF4 has however, now been delayed until September 2021.
- 2.4.39 Page 39 refers specifically to planning and key points referenced in this regard include:
- The global climate emergency means that the time is right for wide-ranging debate on more radical planning policy options;
  - Planning is a vital tool in leveraging the changes we need to make to achieve our goals; and
  - Through engagement on the fourth NPF the Government will explore planning options that radically accelerate reduction of emissions.

### **The Climate Change (Emissions Reduction Targets) (Scotland) Act 2019**

- 2.4.40 It is also relevant to take into account the Climate Change (Emissions Reduction Targets) (Scotland) Act 2019. The Scottish Government, having taken advice from the Committee on Climate Change, and carried out a consultation progressed the Bill which received Royal Assent on 31 October 2019.
- 2.4.41 At Stage 3 of the Bill in Parliament the interim target for 2030 was amended and strengthened from a 70% to a 75% reduction in emissions lower than the baseline of 1990 levels (and 90% for 2040). The Act sets a legally binding ‘net zero’ target for Scotland, five years ahead of the date set for the whole of the UK.

### **CCC Response to Scottish Government on advice for a Green Recovery (May 2020)**

- 2.4.42 The CCC wrote to the Scottish Government (6 May 2020) following a request for advice on a ‘green recovery for Scotland’ in light of the COVI-19 crisis. The CCC advice relates to how climate policy can play a core part of the Government’s approach to ‘rebuilding’ after the COVID-19 crisis.
- 2.4.43 In the letter, the CCC set out that *“reducing greenhouse gas emissions and adapting to climate change should be integral to any recovery package. These remain scientific, economic and social imperatives and will only be delivered if ambitious steps are taken by the Scottish Government”*. The CCC make it clear that there are clear economic, social and environmental benefits for immediate expansion including *“investment in low carbon and climate resilient infrastructure”*.
- 2.4.44 The CCC also comment that delaying the update to Scotland’s Climate Change Plan was the right decision and it is welcomed in terms of it being ‘reframed’ in the context of a ‘green pathway’ to aid an economic recovery and to be in line with Scotland’s statutory net zero targets. It is expected to be published later in 2020 (the original date had been the end of April).
- 2.4.45 The CCC set out various principles for a resilient recovery which include comprehensive plans to reduce emissions and prepare for climate change – the CCC notes that these are not yet in place and that *“strong policies from across Government are needed to reduce our vulnerability and to the destructive risks of climate change and to avoid the disorderly transition to net zero”*.
- 2.4.46 The letter also states that *“the credibility of the UK in the COP26 presidency – and Scotland, as hosts – and as an international leaders rests on taking action at home”*.
- 2.4.47 The letter refers to further advice to be contained in the annual progress report - that report to the UK Parliament was subsequently published on 25 June 2020 and has been referenced above.
- 2.4.48 The Annex to the letter adds that the UK and Scottish Governments have already declared their intentions to deliver large scale national infrastructure programmes. The CCC state that *“many of these projects are critical to preparing for climate change and achieving net zero emissions.”* Reference is specifically made in this regard to matters such as electric vehicle charging infrastructure, hydrogen production and “onshore wind”. The letter adds that *“acceleration of these projects should take priority”*. (underlining added)

### **Scottish Renewables evidence to the House of Commons Scottish Affairs Committee Inquiry into Coronavirus in Scotland (June 2020)**

- 2.4.49 In addition to the recent CCC advice to the Scottish Government with regard to the approach to be taken to the recovery from the COVID-19 crisis, Scottish Renewables (SR) has provided evidence to the House of Commons Scottish Affairs Committee Inquiry into Coronavirus. Published in June 2020 Scottish Renewables (SR) advocates that any economic response must deliver a green recovery. Key points raised include:
- Delivering a green recovery to the economic crisis created by COVID-19 provides the opportunity to go further in decarbonising society.
  - The opportunities Scotland's renewable energy industry offers immediate stimulus of the Scottish economy.
- 2.4.50 It adds that economic analysis for SR has found that every Giga-Watt (GW) of renewable energy installed in Scotland creates 1,500 jobs and adds £133 million of GVA to the economy. SR explained that across Scotland there are 'shovel-ready' projects which if given the green light for development, could deliver benefits and offer significant opportunity to stimulate the economy.
- 2.4.51 SR referenced the CCC calculation that the UK will need to quadruple the amount of renewable electricity it deploys by 2050 in order to meet net zero climate change targets with consequent growth of economic activity predicted. It adds 'It is now important, now more than ever, to ensure that industries which offer significant low carbon growth to our national economy are supported by the UK Government to realise their full potential and help strengthen our economy and futureproof it against unexpected shocks'.

### **Report of the Advisory Group on Economic Recovery (June 2020)**

- 2.4.52 The Scottish Government has received the report of the Advisory Group on Economic Recovery - entitled 'towards a robust, resilient well-being economy for Scotland'.
- 2.4.53 The group was established by the Scottish Government in April 2020 as a response to the long term impact of COVID-19 and was specifically asked to focus on Scotland's economic recovery with the emphasis on the period after the immediate emergency created by COVID-19 had been addressed.
- 2.4.54 The report provides advice to the Scottish Government on actions across businesses sectors and regions throughout Scotland and the solutions are intended to enable a swift economic recovery and one that also ensures the Scottish economy will emerge stronger and more resilient.
- 2.4.55 The report recognises amongst various measures that there is a need now to considerably increase the pace and scale of deployment of renewables to meet low carbon generating targets over the next 25 years and to enable Scotland to: "*grasp the tremendous opportunities for a green recovery which such a transition offers*".
- 2.4.56 It adds: "*This imperative presents increased and urgent challenges for the existing policy, planning and licensing framework to identify and consent suitable projects with a sufficient level of impact in the light of the climate emergency at a scale and to a timetable to deliver on Scotland's net zero targets*".
- 2.4.57 The report sets out that the economic recovery will be long, but action needs to start now. It recommends that the Scottish Government needs to define and execute its recovery plan with purpose and urgency and that the response to the proposals and the Government's strategy in that regard for economic recovery should be published by the end of July 2020.

## 2.5 Conclusions on the Renewable Energy Policy Framework

- 2.5.1 The Scottish Energy Strategy (SES) (2017) sets out that onshore wind is recognised as a key contributor to the delivery of renewable energy targets - specifically the new 2030 50% energy from renewable sources target – which could see renewable electricity rise to over 140% of Scottish electricity consumption. The Government has set out that this may require in the region of 17GW of installed renewables capacity by 2030 (SES, page 34). The SES did not take account of what may be required in terms additional renewable generation capacity to attain the new legally binding ‘net zero’ targets – this is expected to be addressed in an updated Climate Change Plan to be published in later 2020.
- 2.5.2 Furthermore, the Government’s 2020 renewable electricity target remains unmet and has been supplemented by these new stretching net zero targets.
- 2.5.3 One of the key messages in the OWPS is the recognition that onshore wind is to play a “vital role” in meeting Scotland’s energy needs, a “material” role in growing the economy and it is specifically stated that the technology remains “crucial” in terms of Scotland’s goals for an overall decarbonised energy system and to attain ambitious renewable targets for the milestone dates of 2020, 2030 and 2045.
- 2.5.4 This language on the role of onshore wind is demonstrably stronger than that in the current NPF and Scottish Planning Policy (SPP). Even if a view is taken that the language is no different, the context within which the NPF / SPP policy statements were given is demonstrably different by way of more stretching targets and challenges to route to market for onshore wind. The increased importance of the contribution that onshore wind is expected to make to targets and meeting future energy needs should be afforded substantial weight.
- 2.5.5 The OWPS also makes specific reference to the move “*towards larger and more powerful (i.e. higher capacity) turbines and that these by necessity – will mean taller towers and blade tip heights*”. Notice is therefore given of market reality and evolving technological change and the benefits larger turbines can bring in terms of energy yield and consequent larger contribution to targets.
- 2.5.6 Whilst the SES and the OWPS are yet more evidence of a continuum of ever stronger positive advice on onshore wind development as part of the Scottish Government’s renewables strategy, the more recent documents and legally binding targets for net zero introduced in 2019 go further.
- 2.5.7 The Climate Change Scotland Act 2009 set world leading greenhouse gas emissions reduction targets, including a target to reduce emissions by 80% by 2050. However, as noted above, the Climate Change (Emissions Reduction Targets) (Scotland) Act 2019 sets out more ambitious targets – which reflect the recommendations of the CCC for a net zero GHG emissions target by 2045 at the latest, with challenging interim stages – a 75% reduction target by 2030 and 90% by 2040.
- 2.5.8 The scale of the challenge presented by the new targets adopted by the Scottish Government on the advice of the CCC is considerable, especially given the requirements for decarbonisation of heat and transport and the slow progress in these sectors – this will require very substantial increases in renewable generation. In short, the need case has been materially strengthened.
- 2.5.9 This CCC report was published at the same time as a series of high-profile environmental reports, the Extinction Rebellion protests and political declarations of a “Climate Emergency”. It is very clear that the mood changed in 2019 with regard to the importance of tackling climate change and the global heating crisis. Timing is critical as with each year passing, the closer we are to the target dates, and time is lost in implementing the Government’s Energy Strategy.

- 2.5.10 The Scottish Energy Minister<sup>7</sup> has stated that in light of adopting the CCC recommendations “*this means we have the most stringent statutory targets in the world*”. Moreover, the CCC is unambiguous in stating that “*Current policy is insufficient for even the existing targets*”. It cannot be the case therefore that it is ‘business as usual’ for decision makers.
- 2.5.11 In light of the CCC recommendations the Scottish Government is seeking “transformative change” – and that action has to be quick and decisive. An emergency requires action and cannot wait for new policies to emerge in years to come. Decisions through the planning system must be responsive to this position and to bring these highly material matters into play in planning determinations. The current situation must therefore go to the matter of weight to be attributed to benefits and the need case for the proposed development especially given that there is an existing consent and deemed planning permission.

### **The weight to be given to Renewable Energy Policy?**

- 2.5.12 Overall, the renewable energy policy framework is a very important consideration and one that should attract very significant weight in the balance of factors in the determination of the application.
- 2.5.13 It also needs to be acknowledged that the need case with regard to renewable generation and emissions reduction targets as set out in NPF3 and SPP, drafted in 2014 are now somewhat dated. The documents are under review and have to a large extent been overtaken by new statutory provisions on renewable energy targets and GHG emissions reductions. We can only expect the expression of the need case to further intensify in future policy documents such as NPF4.
- 2.5.14 A further key point is that the events of the last 12 months described above and which have occurred since the Wind Farm was consented do not need formal policy articulation in order to be given weight by a decision maker. Significant weight should be given to the recent new law and net zero related pronouncements which clearly go much further than the current targets in SPP and NPF3.
- 2.5.15 The Applicant does not suggest that the planning balance that needs to be struck should not reflect the advice in SPP. The fundamental planning principle that needs to be acknowledged and followed is that it is open to a decision maker to place the weight he or she thinks fit on a material consideration.
- 2.5.16 It has been explained above that events over the last 12 months including the introduction of the UK and Scottish Government’s net zero targets which now have a statutory basis, the policy advice that has flowed from the CCC and the declared Climate Emergency and the opportunity for a ‘green led’ recovery from the COVID-19 crisis etc, are all material matters which do not need separate formal policy articulation in order to be given weight by a decision maker.
- 2.5.17 It is considered appropriate to take into account and give additional weight to new material considerations with regard to renewable energy and climate change that have come into play since June 2014 when SPP and NPF3 were brought into force.
- 2.5.18 Any suggestion that the Climate Emergency does not give rise to an urgent need for action simply because, as yet, planning advice and guidance has not been amended cannot be right. As set out above, the planning system is able to take account of emerging issues as a result of the requirement to take into account material considerations, including in relation to applications under s.36 of the 1989 Act.
- 2.5.19 The Applicant’s position is that the overall planning framework in which the planning balance has to be struck in this Electricity Act case clearly needs to take into account SPP and NPF3 since they are important material considerations. However, as noted, other material considerations of relevance should be afforded weight and the amount of weight is for the decision maker to decide.

---

<sup>7</sup> Paul Wheelhouse, Minister for Energy, Connectivity and the Islands, Ministerial Foreword of the ‘Annual Energy Statement 2019’ Scottish Government.

- 2.5.20 It is considered that the policy developments set out above (a number of which have emerged since the Wind Farm was consented in 2017) are material considerations which provide the context in which the planning balance for the proposed development now has to be struck and which justify and indeed require greater weight to be accorded the benefits of the proposed development, including the contribution it would make to tackling climate change.
- 2.5.21 A recent planning Appeal Decision Notice for a Wind Farm helps to illustrate the position. The Millenderdale Farm Appeal Decision Notice of 16 April 2020 (DPEA Reference: PPA-370-2077) involved a five-turbine wind farm in South Ayrshire which was the subject of an Appeal following a refusal of planning permission by South Ayrshire Council. Although the Appeal was not upheld, the reasoning within it is informative on the matter of energy policy and how it should be addressed by way of a material consideration in a planning or indeed an Electricity Act determination.
- 2.5.22 In the decision, the Reporter deals with SPP at paragraph 78 and she states that both SPP and NPF3 offer strong support for onshore wind farms. At paragraph 80 she acknowledges that:
- “SPP and NPF3 refer to, and are reflective of, the then legislative and policy context in relation to renewable energy and climate change. However, as the Appellant points out, this context has changed in the meantime”.*
- 2.5.23 It has been explained above that various new material energy policy matters have come into play since 2017, including as noted, the declared Climate Emergency and the new statutory provisions set out in the Climate Change (Emissions Reduction Targets) (Scotland) Act 2019. The targets are clearly considerably more challenging than those set out in SPP and NPF3.
- 2.5.24 The Reporter went on at paragraph 81 to refer to new matters including the Scottish Energy Strategy (2017) and the associated Onshore Wind Policy Statement and the new Emissions Reduction Act of 2019. Furthermore, the Reporter made a point of noting that as of 2019 the UK had not met its EU 2020 target for renewable energy and that there are further targets to be met by 2030 under that Directive which remain legally binding notwithstanding the UK’s departure from the EU. The declared Climate Emergency in Scotland is also referenced.
- 2.5.25 At paragraph 83 of the decision, the Reporter states:
- “I agree with the Appellant that all of this (and the various related documents supplied by the Appellant) demonstrates that they need to respond to climate change, the urgency and scale of that challenge, and the contribution of wind and other renewable energy in doing so, are all considerably heightened and important. I agree that, as a material consideration, this increases the value that should attach to the renewable energy benefits of the proposed development”.*
- 2.5.26 The Reporter went on to state that those benefits would still need to be weighed in the overall planning balance. That is the approach that the Applicant is advocating in this case for the proposed development: namely that SPP and NPF3 provide the broad planning framework, in particular by way of the Spatial Framework and at paragraph 169 where there is reference to the various ‘considerations’ that need to come into play in a planning judgment.
- 2.5.27 SPP does not advise decision makers on the amount of weight that needs to be afforded to any given material consideration. It is clear from Millenderdale Farm that the Reporter has placed greater weight on the benefits that would flow from a wind farm as a result of the ‘considerably heightened’ importance *“of the need to respond to climate change”*.
- 2.5.28 The increased importance is justified on the basis of the new material considerations that have come into play since SPP and NPF3 were published in 2014. As the Reporter rightly highlights, the context since then has considerably changed and that is what needs to be taken into account in planning decisions today.

## 3. Policy Appraisal

### 3.1 Introduction

3.1.1 This Chapter makes reference to the national planning policy and relevant Development Plan policies and related guidance and provides an assessment of the proposed development against the key policy provisions

### 3.2 National Planning Policy

3.2.1 Both NPF3 and SPP set out a strong position of support in relation to renewable energy and associated targets and recognise the significant energy resource provided by onshore wind. This is clearly not at any cost and development continues to be guided to appropriate locations and environmental effects need to be judged to be acceptable before consents are forthcoming.

3.2.2 It is considered that the proposed development would satisfy the principles set out at paragraph 29 of SPP and it would assist in delivering planning Outcomes indicating that the proposal is consistent with sustainable development.

3.2.3 It is considered that the proposed development can benefit from the presumption in favour of development that contributes to sustainable development, not only because it is the right development in the right place (paragraph 28 of SPP) – as confirmed by the extant section 36 consent, but also because what is proposed has a strong consistency with the declared desirable planning Outcomes within SPP.

3.2.4 Finally, both NPF3 and SPP are under review and have to some extent been overtaken by new renewable energy targets and statutory provisions on greenhouse gas emissions reductions. The expression of the need case can only intensify in future policy documents such as NPF4.

### 3.3 The Scottish Borders Development Plan

3.3.1 As at the date of the s.36 Consent for the Whitelaw Brae Wind Farm in December 2017, the Development Plan for the Scottish Borders area was (and remains) as follows:

- The Strategic Development Planning Authority for Edinburgh and South East Scotland Strategic Development Plan (“SDP”) (adopted 27 June 2013) (“SESplan”); and
- The Scottish Borders Local Development Plan (adopted 12 May 2016) (“the LDP”).

3.3.2 The policies from SESplan are of limited relevance for the consideration of the proposed development and include:

- Policy 10 ‘Sustainable Energy Technologies’ and
- Policy 1B ‘The Spatial Strategy: Development Principles’.

3.3.3 The replacement SDP known as “SDP2” has been through the Examination process. However, following Examination the Scottish Ministers rejected the proposed SDP2 and its provisions are of no relevance.

3.3.4 The policies from the SBC LDP relevant to the consideration of the proposed development and for the purposes of a comprehensive policy assessment are set out below:

- Policy PM1 Sustainability;
- Policy PMD2 Quality Standards;
- Policy ED9 Renewable Energy Development;
- Policy HD3 Protection of Residential Amenities;

- Policy EP1 International Nature Conservation Sites and Protected Species;
- Policy EP3 Local Biodiversity;
- Policy EP8 Archaeology;
- Policy EP15 Development Affecting the Water Environment;
- Policy IS5 Protection of Access Routes;
- Policy IS9 Waste Water Treatment Standards and Sustainable Waste Water Drainage.

3.3.5 However, the key policy within the LDP against which the proposed development should be assessed is policy ED9 and this policy provides an adequate policy basis against which to assess the proposed development given the nature of the proposed amendments. Therefore, it is not necessary to go to the range of other policies designed to safeguard and enhance the built environment contained within the LDP.

3.3.6 Relevant Supplementary Guidance (“SG”) with statutory status comprises that entitled ‘Renewable Energy’ (July 2018). This SG sets out a Spatial Framework as per Scottish Planning Policy (“SPP”) and provides further guidance on criteria referenced within LDP policy ED9 but does not introduce any new policy ‘tests’ as such. The SG also makes reference to the SBC Landscape Capacity Study which was updated in 2016.

### 3.4 LDP Policy ED9 ‘Renewable Energy’

3.4.1 Policy ED9 is the ‘lead’ policy with regard to dealing with onshore wind developments.

3.4.2 The Reporter in the Windy Edge Wind Farm Appeal<sup>8</sup> (dated 9 June 2016) stated at paragraph 5 of the decision that “*I consider that Policy ED9...is the most directly relevant policy*”.

3.4.3 The supporting text set out at page 55 of the LDP (paragraph 1.1 *et seq*) sets the context of the policy and highlights that increasing the proportion of power generated from renewable energy sources plays a vital role in reducing greenhouse gas emissions. It adds that the generation of renewable energy also supports the transformation of the change to creating a low carbon economy and, furthermore, helps to increase the sale of economic growth.

3.4.4 The LDP adds that the aim of the policy ED9 is to support renewable energy, to guide development to appropriate locations and to advise on the factors to be taken into account in considering individual proposals. Reference is also made to the wider national level policy context in terms of renewable energy and electricity targets.

3.4.5 Paragraph 1.3 of the LDP states that the “*policy is supportive of a wide range of renewable energy mechanisms including the development of onshore wind farms and turbines....*”.

3.4.6 Policy ED9: ‘Renewable Energy Development’ is as follows:

#### **“Renewable Energy Developments**

*The Council will support proposals for both large scale and community scale renewable energy development including commercial wind farms, single or limited scale wind turbines, biomass, hydropower, biofuel technology, and solar power where they can be accommodated without unacceptable significant adverse impacts or effects, giving due regard to relevant environmental, community and cumulative impact considerations.*

*The assessment of applications for renewable energy developments will be based on the principles set out in Scottish Planning Policy (2014), in particular, for onshore wind developments, the terms of Table 1: Spatial Frameworks. Renewable energy developments, including wind energy proposals, will be approved provided*

<sup>8</sup> DPEA Reference PPA-140-2055.

*that there are no relevant unacceptable significant adverse impacts or effects that cannot be satisfactorily mitigated. If there are judged to be relevant significant adverse impacts or effects that cannot be satisfactorily mitigated, the development will only be approved if the Council is satisfied that the wider economic, environmental and other benefits of the proposed outweigh the potential damage arising from it.*

### **Supplementary Guidance**

*The Council will produce statutory Supplementary Guidance on wind energy and renewable energy. This shall be submitted to Ministers within 12 months of adoption of the plan. The guidance will accord with Scottish Planning Policy (2014), and will set out the detailed policy considerations against which all proposals for wind energy and other forms of renewable energy will be assessed, based on those considerations set out at paragraph 169. The guidance on wind energy will contain the onshore spatial framework as required by Scottish Planning Policy (2014), identifying areas where wind farms will not be acceptable, areas of significant protection, and areas with potential for wind farm development, and indicating the minimum scale of onshore wind development that the framework applies to.*

### **Consideration of Wind Energy Proposals**

*The assessment of wind energy proposals will include the following considerations:*

- *The onshore spatial framework which identifies those areas that are likely to be most appropriate for onshore wind turbines;*
- *Landscape and visual impact to include effects on wild land, and taking into account the report on Landscape Capacity and Cumulative Impact (July 2013) as an initial reference point, the landscape and visual impact assessment for a proposal (which should demonstrate that it can be satisfactorily accommodated in the landscape, and should properly address the issues raised in the 2013 report), and other relevant landscape, visual and cumulative impact guidance, for example that produced by Scottish Natural Heritage;*
- *All cumulative impacts, including cumulative landscape and visual impact, recognising that in some areas the cumulative impact of existing and consented development may limit the capacity for further development;*
- *Impacts on communities and individual dwellings (including visual impact, residential amenity, noise and shadow flicker);*
- *Impacts on carbon rich soils (using the carbon calculator), public access, the historic tourism and recreation, aviation and defence interests and seismological recording, telecommunications and broadcasting installations, and adjacent trunk roads and road traffic;*
- *Effects on the natural heritage (including birds), and hydrology, the water environment and flood risk;*
- *Opportunities for energy storage;*
- *Net economic impact, including local and community socio-economic benefits such as employment, associated business and supply chain opportunities;*
- *The scale of contribution to renewable energy generation targets, and the effect on greenhouse emissions;*
- *The need for conditions relating to the decommissioning of developments, including ancillary infrastructure, and site restoration; and*
- *The need for a robust planning obligation to ensure that operators achieve site restoration.”*

3.4.7 Given the proposed amendments, it is not necessary to address all various environmental considerations set out in policy EN9. The key matter to address is potential landscape and visual effects. These points engaged the second, third and fourth criteria of policy ED9.

- 3.4.8 There has been a growing trend towards larger turbine sizes, with turbine sizes up to 225m having been applied for (for example Rothes III in Moray). Permissions have now been granted around Scotland for various schemes in excess of 150m to blade tip, for example:
- Lethans (22 turbines x up to 152m to tip height; March 2018);
  - Viking Re-submission (103 turbines x up to 155m; May 2019);
  - Crossdykes (10 turbines x up to 176.5m; September 2019);
  - Kype Muir Extension Variation (15 turbines x up to 220m; September 2019); and
  - Hagshaw repowering (14 turbines x 200m to tip, February 2020).
- 3.4.9 Many more projects at application stage have turbine heights in the order of 180 and 200m.
- 3.4.10 The proposed development with a relatively minor, almost *de minimis* tip height increase of 3m, bringing the tip height to 136.5m is therefore relatively modest overall in today's terms with reference to many comparator schemes.
- 3.4.11 The submitted Screening Report contains an assessment undertaken to identify whether or not the potential exists for significant environmental effects to arise as a result of the proposed variation to the consented development. Table 6.1 of the Screening Report should be referred to for its detail. In summary, in relation to landscape and visual considerations the following points set out by the Applicant's landscape advisor (Pegasus) should be noted:
- There would be no change to the assessment findings for the consented development and the effects would remain as previously reported in the Further Environmental Information (FEI) (2016) and related Public Inquiry documents. (The Pegasus Report and accompanying wirelines are included in Appendix 2 of the Screening Report);
  - Pegasus conclude that the 3m increase in turbine height, and associated increase in rotor diameter, would be barely perceptible when considered in the context of the scale and nature of the existing consented scheme. On this basis, and with regard to the identified character and characteristics of the local landscape, it is not considered that there would be any change to the level of significant effects previously identified.
- 3.4.12 The Screening Report addresses other topics, namely:
- Ecology;
  - Ornithology;
  - Cultural Heritage;
  - Ground Conditions and Hydrology;
  - Noise;
  - Traffic and Transport;
  - Socio-Economics;
  - Utilities & Telecoms;
  - Carbon Balance;
  - Forestry; and
  - Other effects.

- 3.4.13 For all topic assessments there would be no change to the previous reported environmental effects. In terms of carbon balance, there would be, as noted, an increase in energy yield – this is referenced below in the summary of benefits.

### 3.5 The Benefits of the Proposed Development

- 3.5.1 Wind turbine technology is continually evolving, with more productive and efficient designs becoming available on the market. As part of the turbine procurement process, a review of the turbines currently available on the market and suitable for the site conditions has been carried out. This review resulted in a number of turbine models being identified which do not fit the parameters assessed within the ES (2014) and FEI (2016) due to their rotor diameter. The ES and FEI considered a turbine up to 133.5m tip height with a rotor diameter of 107m however the 'best fit' turbines currently available have a rotor diameter of 117m.
- 3.5.2 Following focussed discussions with turbine suppliers and an analysis of the energy yield, it is clear that a hub height increase of 3m would not only **increase the energy yield** of the turbines but would also improve their performance and decrease wear and tear during their lifetime.
- 3.5.3 The increase in yield is demonstrated by the following figures provided by the turbine suppliers:
- Candidate Turbine A:
    - 133.5m tip – 147.45 GWh/annum;
    - 136.5m tip – 150.38 GWh/annum.
  - Candidate Turbine B:
    - 133.5m tip – 140.94 GWh/annum;
    - 136.5m tip – 147.15 GWh/annum.
- 3.5.4 Obtaining consent to construct and operate a wind farm is only one step in the development process. In order to deliver a wind farm project it must be economically viable and, in the current market, this can best be achieved by optimising the project through design and cost or technology efficiencies. Typically, this involves reviewing tip heights, maximising the wind farm's performance and reducing its costs wherever possible.
- 3.5.5 Since obtaining the Consent for Whitelaw Brae, the Applicant has been working closely with suppliers to achieve these aims, with the key areas of focus being optimising grid solutions, identifying new and efficient candidate turbines and clarifying civils' costs. Granting the Variation Application will enable a significant improvement to turbine performance and represent an important step towards enabling successful project delivery.
- 3.5.6 In terms of **economic effects**, the first criterion at paragraph 169 of SPP with regard to the consideration of wind farm proposals is that there should be consideration of "*net economic impact, including local and community socio-economic benefits such as employment, associated business and supply chain opportunities*". The proposed development would result in a significant capital investment and would create employment.
- 3.5.7 The socio-economic benefits are now of particular importance given the unprecedented current economic crisis and expected recession in Scotland and the wider UK. The Letter from the Chief Planner dated 03 April 2020 entitled 'Planning Procedures and COVID-19' is clear in stating that "*planning has a crucial part to play within and beyond the immediate emergency*" and makes reference to the planning system's critical role in our "*future economic and societal recovery*". When this is considered alongside the policy imperative in response to the Climate Emergency – very significant weight should be placed on the benefits that would arise from the proposed development.

### **3.6 Policy Assessment - Conclusion**

- 3.6.1 No effects would arise from the proposed development that are considered unacceptable, individually or cumulatively, with other developments having specific regard to the criteria contained within the key renewable energy policy ED9.
- 3.6.2 Moreover, through consideration of the other relevant policies of the LDP to the proposed development, including the Supplementary Guidance, it is considered that the proposed development would accord with the Development Plan when it is read as whole – insofar as that is a relevant consideration for an application under the Electricity Act 1989.

## 4. Conclusions

### 4.1 Overall Conclusions

- 4.1.1 The Government's objective is to cut carbon emissions whilst also delivering electricity to consumers at the lowest cost. As such, it is onshore wind sites with good wind speeds, readily available infrastructure such as a proximate grid connection and acceptable environmental impacts that are likely to be able to proceed to implementation in an increasingly competitive environment, and therefore contribute to the Scottish and the UK Government's targets and policy objectives. Whitelaw Brae is one such site which benefits from an existing consented development.
- 4.1.2 The landscape advisors on the project have explained the effects that would arise and as a result proposed amendments would not give rise to any additional significant effects beyond those reported and which were deemed acceptable for the consented development. Moreover, the landscape advisor states that the 3m increase in turbine height, and associated increase in rotor diameter, would be barely perceptible when considered in the context of the scale and nature of the existing consented scheme. In addition, no additional environmental effects are identified in relation to other topics.
- 4.1.3 The most relevant LDP policy, ED9, requires consideration of a scheme's benefits to also be taken into account – the benefits have been set out in the context of the current Climate and Economic Emergency – they would help address the crisis issue of global heating and challenging 'net zero' targets and moreover, would deliver economic benefits at a time of severe economic recession.
- 4.1.4 This Statement has also identified the urgent need for onshore wind: an increase of this renewable energy technology is supported through a number of policy documents and by Scottish Government commitments – the technology is viewed as "vital" to the attainment of targets. This support has only increased since a 'climate emergency' was declared by the Scottish First Minister in April 2019 and, in line with the recommendations made by the CCC (2019) 'net zero' publication. Furthermore, the drive to attain net zero emissions is now legally binding at the UK and Scottish Government levels by way of recent amendments to the Climate Change Act 2008 and in Scotland with the provisions of the Climate Change (Emissions Reduction Targets) (Scotland) Act 2019 which gained Royal Assent on 31 October 2019.
- 4.1.5 It has therefore not only been demonstrated that the proposed development accords with local and national planning policy, but that there is additionally a substantial need for this type of development in order that future targets in relation to the global heating crisis and renewable energy generation and greenhouse gas emission reductions can be met.
- 4.1.6 The socio-economic benefits are also now of particular importance given the unprecedented current economic crisis and expected recession in Scotland and the wider UK. The Letter from the Chief Planner dated 03 April 2020 entitled 'Planning Procedures and COVID-19' is clear in stating that "*planning has a crucial part to play within and beyond the immediate emergency*" and makes reference to the planning system's critical role in our "*future economic and societal recovery*". When this is considered alongside the policy imperative in response to the Climate Emergency – very significant weight should be placed on the benefits that would arise from the proposed development.
- 4.1.7 The overall conclusion reached is that the proposed development satisfies the terms of paragraph 3 of Schedule 9 of the 1989 Act, while also taking into account other policy considerations including those which are relevant in the Development Plan. On this basis, it is respectfully recommended that the requested amendments to the section 36 consent and the variation to the deemed planning permission should be granted for the proposed development.

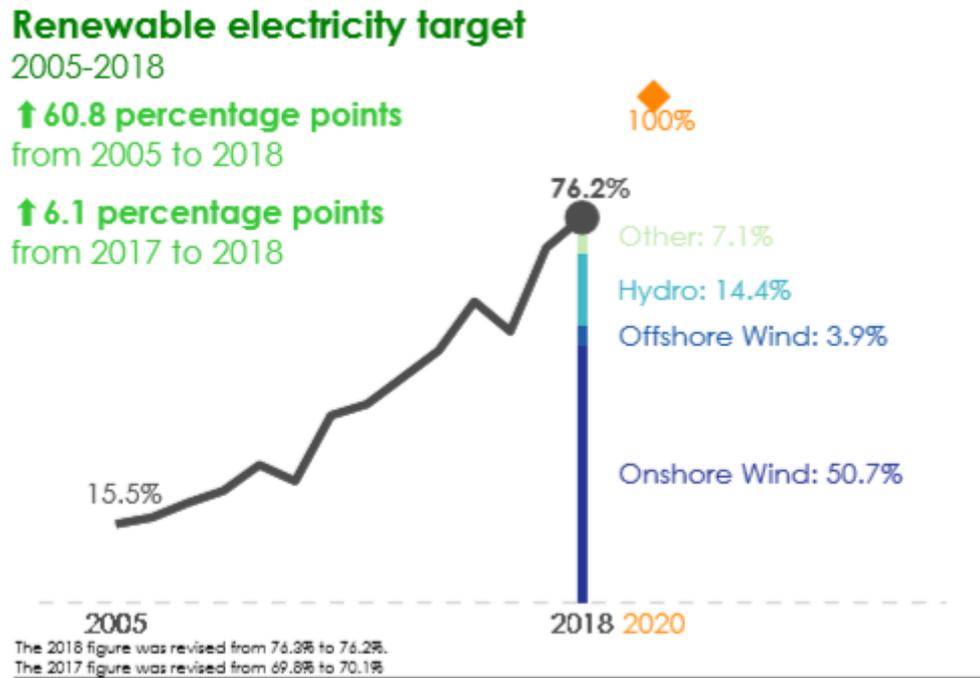
## 5. Appendix 1

### Progress to the Scottish 2020 Renewable Energy & Electricity Targets

#### Renewable Energy

5.1.1 The Scottish Government’s targets are to achieve 30% of total Scottish energy use from renewable sources by 2020 and 50% by 2030. The Government’s ‘Energy Statistics for Scotland’ (March 2019) show that in 2018, 20.9% of total Scottish energy consumption came from renewable sources. This is illustrated in Figure 1 below.

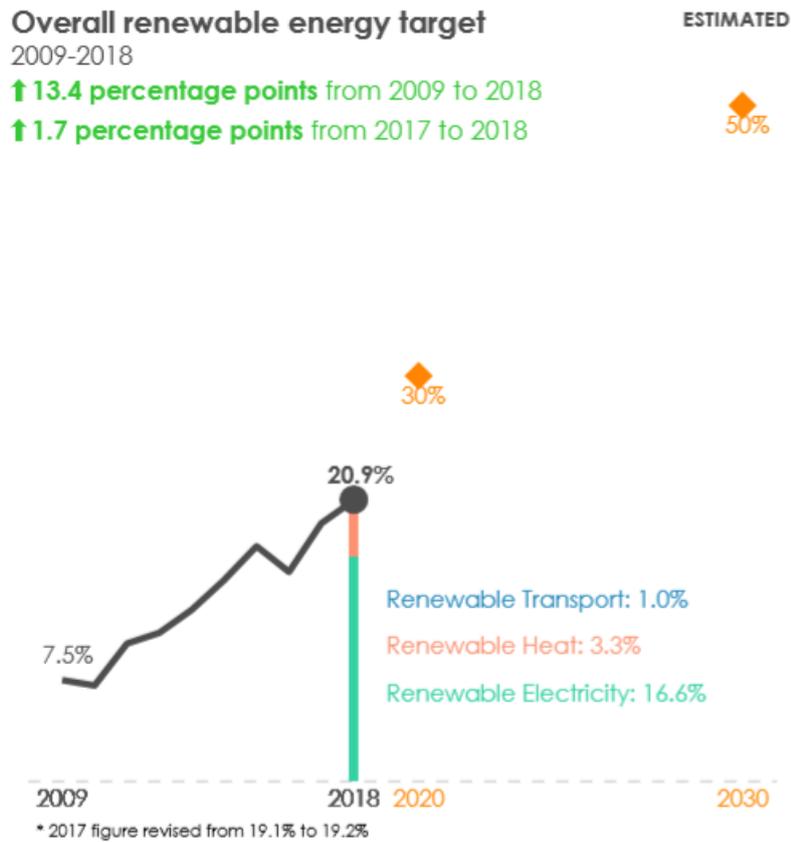
**Figure 1: Performance against the 2020 & 2030 Renewable Energy Targets**



### Renewable Electricity

5.1.2 The 2020 100% electricity target equates to around 17GW of installed renewables capacity. The Scottish Government estimates that in 2019, renewable sources generated the equivalent of approximately 90% gross electricity consumption<sup>9</sup>. This is illustrated in Figure 2 below. It can be seen that onshore wind is the key contributing technology and that is expected to continue, as set out in the OWPS.

**Figure 2: Performance against 2020 Renewable Electricity Target**

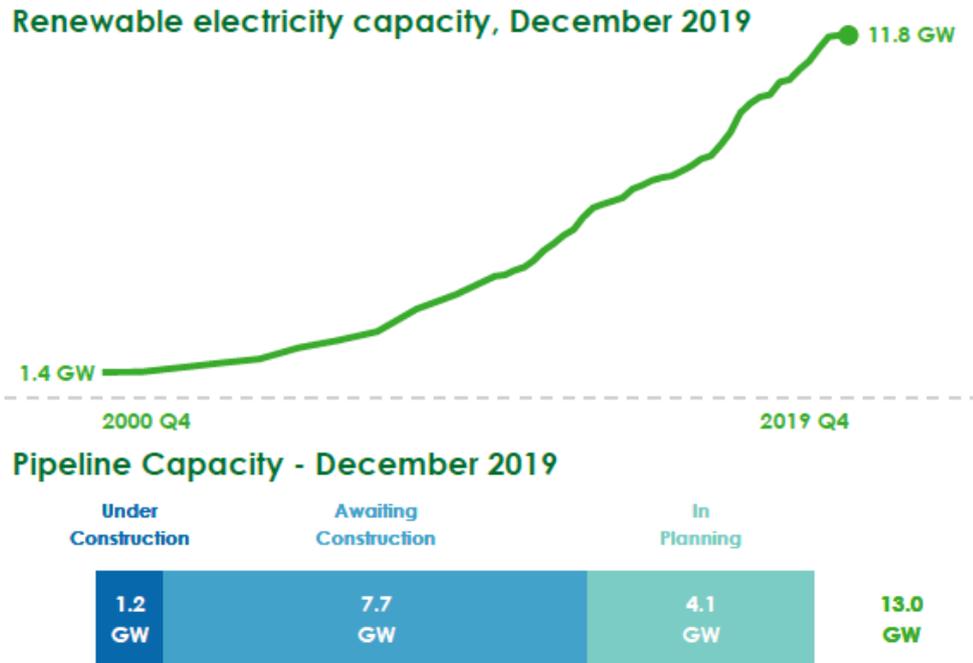


<sup>9</sup> Scottish Government, Renewable Energy Statistics, March 2020.

## Renewable Electricity Capacity

- 5.1.3 The Scottish Government's<sup>10</sup> March 2020 statistics show that as of December 2019, Scotland had 11.8 Giga-Watts (GW) of installed (operational) renewable electricity generation capacity, with an additional 1.2 GW of capacity under construction and 7.7 GW consented. Figure 3 below illustrates Scotland's renewable capacity by stage in the planning process.

**Figure 3: Renewable Capacity in Scotland by Planning Stage, as of December 2019**



- 5.1.4 Figure 3 illustrates that there remains a significant shortfall against the Scottish 2020 renewable electricity generation target as the 'operational' and 'under construction' figures together only amount to 13GW. Not all consented projects will proceed to implementation. The proposed development would make a valuable contribution to what remains an unmet and uncapped target for 2020.

<sup>10</sup> *ibid.*

**David C Bell** BSc (Hons) DipUD MCIHT MRTPI  
Director

**David Bell Planning Ltd**  
**26 Alva Street**  
**Edinburgh EH2 4PY**

T: 0131 259 6017

M: 07876 597494

E: [david.bell@dbplanning.co.uk](mailto:david.bell@dbplanning.co.uk)

