

# Tom na Clach Wind Farm Extension, Highland Planning Statement:

March 2022

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# 1. Introduction

## 1.1 Background

- 1.1.1 Nan Clach Extension Limited, the joint venture between Infinergy Limited and the Rt Hon. Earl Cawdor (hereafter referred to as 'the Applicant'), is proposing a wind energy development, Tom na Clach Wind Farm Extension (hereafter referred to as 'the Proposed Development'), north-east of Tomatin in The Highland Council ('THC') area.
- 1.1.2 This Planning Statement has been prepared by David Bell Planning Ltd (DBP) on behalf of the Applicant to support a section 36 application under the Electricity Act 1989 (the 1989 Act), for consent to construct, operate the Proposed Development. In addition, the Applicant is also seeking consent for deemed planning permission under Section 57 of the Town and Country Planning (Scotland) Act 1997 (the 1997 Act), as amended.
- 1.1.3 The application is accompanied by an Environmental Impact Assessment Report (EIA Report) which has been undertaken in accordance with the Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017 (the EIA Regulations). The EIA Report presents information on the identification and assessment of the likely significant positive and negative environmental effects of the Proposed Development.
- 1.1.4 This Planning Statement makes various cross references to information contained in the EIA Report and presents an assessment of the Proposed Development against relevant policy with due regard given to the provisions of the statutory Development Plan for the THC area, national energy and planning policy, and other relevant material considerations. The Planning Statement is supplementary to, and should be read in conjunction with, the EIA Report submitted with the application. The Planning Statement also considers the potential benefits and harm which may arise and concludes as to the overall acceptability of the Proposed Development in relation to the planning policy framework and relevant material considerations.
- 1.1.5 The Applicant received a planning permission for Tom nan Clach Wind Farm, a 13-turbine scheme together with associated infrastructure, on 28<sup>th</sup> October 2016 from THC (hereafter referred to as the 'Operational Scheme' (Planning Appeal Ref: PPA-270-2150).

## 1.2 Site Location & Description

- 1.2.1 The application site lies approximately 7.2 km north-east of Tomatin and west of the B9007. It comprises upland moorland located adjacent to Tom nan Clach in the immediate west, and immediately adjacent to Tom nan Clach Wind Farm.

## 1.3 The Proposed Development

- 1.3.1 The EIA Report provides a detailed description of the proposed development, including all ancillary infrastructure. In summary, the key components of the Proposed Development would comprise the following:
- > 7 turbines of approximately up to 4.8MW each and a maximum tip height of 149.9 m to blade tip height (an overall installed capacity of up to 33.6MW);
  - > Hardstanding areas at the base of each turbine;
  - > access tracks and underground cables;
  - > A control building;
  - > A maintenance building with welfare facilities;
  - > A substation;

- > A temporary construction compound; and
- > Two borrow pits, to provide suitable rock for access tracks, turbine bases and hard standings.

## 1.4 The Statutory Framework

- 1.4.1 An application under section 36 of the 1989 Act for consent for the construction of an electricity generating station whose capacity exceeds 50 MW is significantly different from an application for planning permission for a similar station whose capacity is less than 50 MW.
- 1.4.2 Section 25 of the 1997 does not apply to the determination of applications under s.36 of the 1989 Act as confirmed in the case of William Grant & Sons Distillers Ltd v Scottish Ministers [2012] CSOH 98 (paragraphs 17 and 18).
- 1.4.3 In addition, there are potentially certain environmental duties in relation to Preservation of Amenity and Fisheries Provisions in Schedule 9, paragraph 3 that are likely to apply.
- 1.4.4 The Applicant does not yet hold a generation licence and therefore the statutory duties set out in paragraph 3 of Schedule 9 to the 1989 Act do not apply to the Applicant when formulating proposals for consent under section 36 of the 1989 Act. In that respect, the Applicant has nevertheless, through the EIA process, had full regard to the matters set out in paragraph 3(1)(a) of Schedule 9.
- 1.4.5 The EIA Report identifies how various factors were taken into account in the formulation of the application. In addition, each EIA Chapter includes assessment of the likely significant effects and also, where appropriate, the identification of appropriate mitigation. This includes both embedded mitigation which is integral to the design and also active specific measures which have been identified.
- 1.4.6 The Scottish Ministers are obliged to consider whether the Applicant has provided sufficient information to enable them to address their duties under sub-paragraph 3(1)(a) of Schedule 9 to the 1989 Act. The duty on the Ministers is to have regard to the matters specified in Schedule 9, not a development management test.
- 1.4.7 In considering the overall statutory and regulatory framework within which the Proposed Development should be assessed, the statutory Development Plan is a material consideration which should be taken into account in the round with all other relevant material considerations. It is important to note however, that section 25 of the 1997 Act is not engaged as there is no 'primacy' of the Development Plan in an application made under the 1989 Act.

## 1.5 Structure of Planning Statement

- 1.5.1 The structure of this Hearing Statement is as follows:
- > **Chapter 2** sets out the up-to-date position with regard to the renewable energy policy and emission reduction legislative framework, supported by **Appendix 1**.
  - > **Chapter 3** addresses national planning policy and guidance.
  - > **Chapter 4** contains the consideration of the proposed development against the relevant policies of the Local Development Plan, with a focus on the lead Development Plan policy; and
  - > **Chapter 5** summarises the benefits of the proposed development; and
  - > **Chapter 6** presents overall conclusions.

## 2. The Renewable Energy Policy & Legislative Framework

### 2.1 Introduction

- 2.1.1 This Chapter refers to the renewable energy policy and emissions reduction legislative framework with reference to relevant international, UK and Scottish provisions. The framework of international agreements, legally binding targets and climate change global advisory reports is the foundation upon which national energy policy and emissions reduction law is based. This underpins what can be termed the need case for renewable energy from which the Proposed Development can draw a high level of support. The detail of this policy and legislative framework is set out in **Appendix 1**.
- 2.1.2 Any relevant Government policy is a material consideration as a matter of law. Thus, it is not necessary for new Government policy, where relevant, to find explicit expression in national planning policy for it to be or become a material consideration. In contrast the weight to given to any policy is, subject to taking a reasonable and rational approach, is a planning judgement and a matter for the decision maker.
- 2.1.3 The Proposed Development must therefore be considered against a background of directly material UK and Scottish Government energy and climate policy and legislative provisions, as well as national planning policy and advice. These taken together provide very strong support for onshore wind in principle as explained below. Moreover, much of this energy and climate policy and most of the key legislative provisions postdate the current in force national planning policy. Energy and climate change related policy can, and in this application should, be given great weight if the Climate Emergency and Net Zero are taken seriously.
- 2.1.4 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 (including onshore wind) to combat the global heating crisis, diversify the mix of energy sources, achieve greater security of supply, and to attain legally binding emissions reduction targets. The Proposed Development would make a valuable contribution to help Scotland meet its renewable energy and electricity production targets, while supporting emissions reduction to combat global heating in the current Climate Emergency.
- 2.1.5 Government renewable energy policy and associated renewable energy and electricity targets and the need for a 'green recovery' from the Covid-19 pandemic are important considerations and it is important to be clear on the current position as it is a fast-moving topic of public policy.

### 2.2 The Climate Emergency & Net Zero – the new Law

- 2.2.1 The UK Government is legally committed to the delivery of a reduction in emissions to 'net zero' by 2050. The Scottish Government has committed to achieve net zero by 2045, some five years earlier.
- 2.2.2 A critical part of the response to the challenge of climate change was the Climate Emergency which was declared in Scotland in April 2019. The declaration of climate emergency needs to be viewed in the context in which it was declared (advice from the Committee on Climate Change (CCC) and in response to commitments under the Paris Agreement, as set out in **Appendix 1**) and what followed from it as a result of the declaration (new emissions reduction law).

- 2.2.3 The key issue in relation to these statements is that they acknowledge the very pressing need to achieve radical change and that by 2030 it will be too late to limit warming to 1.5 degrees. The Scottish Government therefore acted on the Climate Emergency in 2019 by bringing in legislation and increasing the Interim emission reduction target to 75% - a higher figure than recommended by the CCC.
- 2.2.4 Furthermore, the declaration of the emergency is not simply a political declaration, it is now the key priority of Government at all levels. Indeed, defining the issue as an emergency is a reflection of both the seriousness of climate change and its potential effects and the need for urgent action to cut carbon dioxide and other greenhouse gas emissions.
- 2.2.5 The new emissions reduction legislation was brought in (enacted) in 2019 and brought into force by Regulations in March 2020 – it did not wait for planning policy to be updated.

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

- 2.2.6 When it was enacted, 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, the new Climate Change (Emissions Reduction Targets) (Scotland) Act 2019 amends the 2009 Act and sets even more ambitious targets – which reflect the recommendations of the CCC for a net zero greenhouse gas emissions target by 2045 at the latest, with challenging interim stages – a 75% reduction target by 2030 and 90% by 2040.
- 2.2.7 There are two key observations which arise from the changes in targets. The first is that the 2019 Act has significantly increased the target required to be met by 2030. Indeed, when the matter was proceeding through Parliament, it was the Scottish Parliament that increased the requirement from a 70 to 75% reduction by 2030. This acts upon the declarations of the climate change emergency and recognises the urgent response that is required.
- 2.2.8 In addition to that particular matter, the legislation also introduced annual targets. These are set out at section 7.4<sup>1</sup> in **Appendix 1**. This clearly illustrates the speed of change that is required essentially prior to 2030. This also demonstrates that up to 2020 the annual percentage reduction that was required was 1% but this then increases each year from 2020 to 2030. It increases to 1.9% for each year between 2020 and 2030. This is the level of change that is required to achieve the 2030 target and represents a near doubling of the response. As highlighted in Appendix 1, the emission reduction targets are currently not being achieved. This demonstrates the scale of change required over the next decade to achieve the 2030 target.
- 2.2.9 This means the trajectory, in terms of the scale and pace of action to reduce carbon dioxide emissions, is steeper than before and the 2020s is a critical decade. In short, the rate of emission reductions must increase otherwise there will be a substantial shortfall against the 75% reduction interim 2030 legally binding target.
- 2.2.10 In considering emissions reduction it should be noted that the Planning (Scotland) Act 2019 amended the 1997 Act to include a 'purpose of planning'. The purpose of planning is now set out in Section 3ZA of the 1997 Act and is described as follows:
- “(1) *The purpose of planning is to manage the development and use of land in the long term public interest.*
- (2) *Without limiting the generality of subsection (1), anything which—*
- (a) *contributes to sustainable development, or*
- (b) *achieves the national outcomes (within the meaning of Part 1 of the Community Empowerment (Scotland) Act 2015),*

<sup>1</sup> See specifically Table 1 in Appendix 1.



*is to be considered as being in the long term public interest.” (own emphasis added)*

- 2.2.11 This emphasises that planning authorities should be taking a view on development and use of land over the long term and in particular with the public interest in mind. Section 3ZA(2) specifically references that anything which contributes to sustainable development shall be considered as being in the long term public interest.
- 2.2.12 Under Section 3A of the 1997 Act, the National Planning Framework 4 (NPF4) must contain a statement of what the Scottish Ministers consider that development will contribute to “*meeting any targets relating to the reduction of emissions of greenhouse gases...*” Therefore, the target has been set for the policies in NPF4 to provide for development that contributes to the push towards net zero.
- 2.2.13 It is clear from the amendments to the 1997 Act by the Planning (Scotland) Act 2019 that the long-term public interest will be key and will underpin the preparation of NPF4. Sustainability and meeting net zero/greenhouse gas targets will be pivotal in serving that long term public interest and this has been provided with statutory recognition.
- 2.2.14 Planning policy needs to ‘catch up’ with the law on net zero and it is almost certain to do so through NPF4 – a key planning policy instrument for the delivery of net zero.

#### **The Sixth Carbon Budget**

- 2.2.15 As referenced in the detail of policy framework presented in **Appendix 1**, the CCC published its Sixth Carbon Budget December 2020. It is no exaggeration to say that the scenario analysis by the CCC indicates that Scotland’s 75% emissions reduction target by 2030 will be almost impossible to meet. None of the five scenarios<sup>2</sup> modelled by the CCC – even its most optimistic and stretching – suggests Scotland is close to achieving the 75% emissions reduction by 2030<sup>3</sup>.

*“Scotland’s 75% target for 2030 will be extremely challenging to meet, even if Scotland gets on track for net zero by 2045. Our balanced net zero pathway for the UK would not meet Scotland’s 2030 target – reaching a 64% reduction by 2030 – while our most stretching tailwinds scenario reaches a 69% reduction”.*

- 2.2.16 But this does not mean failure should be accepted. The planning response should be to redouble efforts, and this will mean taking many timeous and positive decisions on developments such as the proposed Tom nan Clach Wind Farm project.
- 2.2.17 As noted in Appendix 1, the CCC’s Sixth Carbon Budget suggests that onshore wind installed would need to double to 25-30GW by 2050, across all scenarios.

#### **The UK Energy White Paper**

- 2.2.18 The UK Government Energy White Paper ‘Powering our Net Zero Future’ (December 2020) sets out that: “*electricity is a key enabler for the transition away from fossil fuels and decarbonising the economy cost-effectively by 2050*”.
- 2.2.19 It adds a key objective is to “*accelerate the deployment of clean electricity generation through the 2020s*” (page 38). Electricity demand is forecast to double out to 2050, which will “*require a four-fold increase in clean electricity generation with the decarbonisation of electricity increasingly underpinning the delivery of our net zero target*” (page 42). On page 45, it is clearly stated that “*onshore wind and solar will be key building blocks of the future generation mix, alongside offshore wind.*”

<sup>2</sup> The five scenarios are referred to in the report as follows: Balanced Net Zero Pathway; Headwind; Widespread Engagement; Widespread Innovation and Tailwinds.

<sup>3</sup> See pages 228-9. The five scenarios are explained in pages 43-48.

2.2.20 In terms of electricity policy in the White Paper, the UK Government clearly recognise that the scale of change that is required to respond to climate change is at a pivotal point. The anticipation is that there is going to need to be a global green industrial revolution and it is only through this that an appropriate response would be made to tackling climate change issues. Chapter 1 of the White Paper sets out this context and makes clear the likely change in the nature and volume of electricity generation. It recognises the very significant role that renewable electricity generation will play in relation to delivering total energy usage. This means it will have to play a much greater role in decarbonising both transport and heat.

2.2.21 The scale of the challenge presented by the new targets for net zero within the timescale adopted by the Scottish Government on the advice of the CCC is considerable, especially given the requirements for decarbonisation of heat and transport – this will require very substantial increases in renewable electricity generation by 2030.

## **2.3 Climate Change & Renewable Energy Policy**

### **The Scottish Energy Strategy (2017)**

2.3.1 The Scottish Energy Strategy (SES) is slightly out of date in relation to the new targets which have been established but sets out a discussion of the technologies and the challenges that are faced.

2.3.2 The SES preceded the important events and publications referred to above but nevertheless sets out that onshore wind is recognised as a key contributor to the delivery of renewable energy targets – specifically 50% energy from renewable sources to be attained by 2030. The SES did not and could not take account of what may be required in terms of additional renewable generation capacity to attain the new legally binding ‘net zero’ targets so it is out of date in that respect. As heat and transport are decarbonised, demand for electricity from renewable sources will increase significantly and that is clear in the recent UK White Paper projections.

2.3.3 Further substantial deployment of renewable energy generating technology will be required throughout the 2020s in order to meet the targets identified above. As a mature technology which can be deployed relatively quickly (e.g. compared to offshore wind), onshore wind development has a continuing and important role to play. That is why it is identified as a key “building block” by Whitehall.

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

2.3.4 One of the key messages in the Onshore Wind Policy Statement (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.

2.3.5 This language on the role of onshore wind is demonstrably stronger than that in the National Planning Framework (NPF) and Scottish Planning Policy (SPP) published in 2014. 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 fundamentally different targets. The increased importance of the contribution that onshore wind is expected to make to targets and meeting future energy needs to be recognised.

2.3.6 The section of this document at page 43 provides very strong support for the further deployment of onshore wind. It is noted that one of the actions in relation to onshore wind was that the Scottish Government will push for the UK-wide policy support for onshore wind



and, in particular, provide a route to market. This is exactly what has happened in relation to the opening up of the CfD<sup>4</sup> auction to onshore wind by the UK Government in 2021.

- 2.3.7 An important context to this particular document was the removal of market support by the UK Government in 2015. This policy statement seeks to support the further deployment of onshore wind despite the challenges that have been put in place. In particular, the Scottish Government recognised that onshore wind will continue to play “*a vital role in Scotland’s future*” (page 3). Furthermore, the Government recognised the importance of technology developments in responding to those challenges. The consequence of these factors is likely to involve the deployment of the larger, more efficient turbines. This is all set out in paragraphs 22, 23 and 24. This is then formally supported in paragraph 25 in relation to the deployment of the more efficient turbines.
- 2.3.8 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 as a consequent larger contribution to targets.
- 2.3.9 The turbines proposed however are of a relatively modest tip height compared to the majority of wind developments that are coming forward in Highland at the present time.
- 2.3.10 Whilst the SES and the OWPS are evidence of a continuum of ever stronger positive advice on onshore wind development as part of the Scottish Government’s renewables strategy, the latest documents and legally binding targets for net zero introduced in 2019 and which came into force in March 2020 go further still.

#### The ‘Onshore Wind Policy Statement Refresh’ Consultative Draft (October 2021)

- 2.3.11 Notwithstanding this is a draft document it contains various statements of the Scottish Government’s current position and views on onshore wind. The Onshore Wind Policy Statement refresh (draft OWPS) covers five main areas:
- > The current position with regard to onshore wind in Scotland;
  - > The future position of ‘net zero’;
  - > barriers to deployment, covering technical and reserved matters;
  - > barriers to deployment in terms of environmental factors; and
  - > economic opportunities in relation to the supply chain.
- 2.3.12 In the **Ministerial Foreword**, by Michael Matheson, Cabinet Secretary for Net Zero, Energy and Transport it is stated that “*onshore wind remains vital to Scotland’s future energy mix and we will need much more as we continue our progress to meet Scotland’s legally binding net zero target*”.
- 2.3.13 In terms of the **current position** (Section 1), reference is made at the outset to the Climate Change (Emissions Reduction Targets) (Scotland) Act 2019 and it is stated that “*meeting these commitments and targets will require decisive and meaningful action over the next 12 months, across all sectors*”. (paragraph 1.1).
- 2.3.14 In terms of current deployment, paragraph 1.2.2 sets out that:
- “we must now go further and faster than before. We expect the next decade see a substantial increase in demand for electricity to support net zero delivery across all sectors, including heat, transport and industrial processes. Some estimates from the CCC suggest that we*

<sup>4</sup> Contracts for Difference.

*could expect a doubling in electricity demand. This will undoubtedly require a substantial increase in installed capacity across all renewable technologies.”*

2.3.15 Paragraph 1.2.3 sets out the Government “*aims to maintain the support of policy and regulatory framework which will enable us to increase that deployment still further*”.

2.3.16 In terms of **future position and net zero** (Section 2), paragraph 2.1.1 sets out that:

*“the transition to net zero means that our demand for green electricity will increase substantially over the course of the next decade. This means that a consistently higher rate of onshore wind, and other renewables capacity, will be required year-on-year.”*

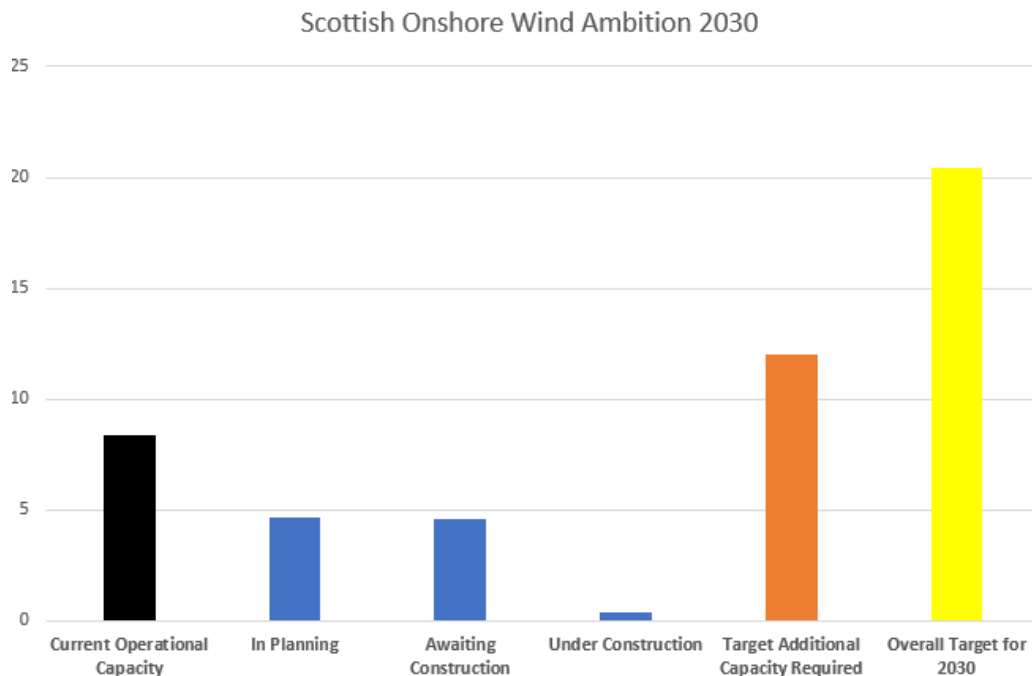
2.3.17 This section of the OWPS draft sets out the statistics in relation to onshore wind in the UK and Scotland at different stages of the planning /consenting process.

- > In planning – 4.69GW
- > Awaiting construction – 4.64GW
- > Under construction – 0.43GW.

2.3.18 Reference is made to the RenewableUK ‘Onshore Wind Industry Prospectus’ which sets out the need for Scotland to develop an additional 12GW of onshore wind capacity which the OWPS states will mean “*a total of 20.4GW installed capacity by 2030*”. (paragraph 2.1.4).

2.3.19 Assuming only some 6 GW<sup>5</sup> of additional onshore wind capacity comes from the above three categories, then a further 6GW of additional capacity would be needed to attain an overall installed capacity of 20.4 GW by 2030. This is illustrated in **Figure 2.1** below.

**Figure 2.1: Scottish Onshore Wind Capacity & Ambition (GW)**



<sup>5</sup> The draft OWPS notes (paragraph 2.1.3) that there is currently 8.4GW of installed onshore wind capacity in Scotland. Assuming 2.5 GW is consented from the ‘in planning category’ and 2 GW from the ‘awaiting construction’ category, added to 0.5GW ‘under construction’ = 6 GW. 6 GW + 8.4 GW = 14.4 GW which means an additional 6 GW would be required to meet the 20.4 GW target.

- 2.3.20 Reference is also made to CCC Sixth Carbon Budget sets out exploratory scenarios for emissions reduction to 2050. The draft OWPS states that *“these estimate that, in every scenario, the UK will require a total of 25-30 GW of installed onshore wind capacity by 2050 to meet Governmental targets – which would mean doubling the current UK installed capacity”*.
- 2.3.21 The draft OWPS states that against this context the Government seeks views on *“an ambition for an additional 8-12 GW of onshore wind to be installed in Scotland by 2032 to help us meet our binding net zero commitment. This follows initial discussions with our stakeholders and will be subject to further analysis as part of a wider work to refresh Scotland's energy strategy”*.
- 2.3.22 At paragraph 2.1.7 the draft acknowledges that the capacity ultimately developed will depend on a range of factors including decarbonisation pathways and demand growth across other sectors such as heat, transport and industrial demand, but it adds (paragraph 2.1.8) *“however, we believe it vital to send a strong signal and set clear expectations on what we on-shore wind capacity can contribute”*.
- 2.3.23 At paragraph 2.2.3. there is reference to **turbine blade tip heights**, and it is set out that *“the Scottish Government acknowledges that tip heights for onshore wind farms are increasing and welcomes the resulting efficiencies in generate that this enables”*.
- 2.3.24 It adds that *“not all environments will be able to accommodate such turbines and that the tallest tip heights may not be appropriate in every landscape or for every development.”*
- 2.3.25 In terms of **barriers to deployment** covering environmental factors, this is set out in Section 4 and covers the topics of noise, land use, peatlands and carbon rich soils, forestry, biodiversity and landscape and visual considerations.
- 2.3.26 In terms of **landscape and visual considerations** this is covered at section 4.4. and paragraph 4.4.2 states:  
*“Scotland's most cherished landscapes or a key part of our natural and cultural heritage and must be afforded the necessary protections. However, we also recognise that climate change, and our net zero ambitions, require decisive action, will change how Scotland looks and that we will need to deploy significant volumes of onshore wind generation over the next decade to help us meet our challenging legal obligations. This is likely to comprise modern and efficient turbines which will maximize the generation possible at each site and a mix of current technologies and taller turbines.”*
- 2.3.27 Section 5 relates to **economic opportunities** and covers the topics of supply chain, contracts for difference, benefits to Scotland skills, tourism and cultural economics and other related matters.
- 2.3.28 In terms of supply chain, at paragraph 5.1.3 the Government references the recent UK Onshore Wind Prospectus, which has estimated that approximately 17,000 jobs and the equivalent of £27.8 billion in GVA could be achieved in Scotland if there is deployment of an additional 12 GW of onshore wind by 2030.
- 2.3.29 Furthermore, in terms of economic benefits reference is made to the Just Transition Commission's ‘a national mission for a fairer, greener Scotland’ (paragraph 5.3.1) and it is stated that *“the rapid expansion of Scotland's onshore wind capacity, and associated manufacturing opportunities, will play a key role in this new future”*.
- 2.3.30 The Government is clearly setting out that there is an important opportunity to capitalise on in relation to the economic benefits from onshore wind.

- 2.3.31 In terms of **tourism and cultural economics** the draft OWPS sets out at paragraph 5.7.4 that public support for onshore wind has grown significantly across the UK reaching a new record of 79% in 2019 with opposition decreasing to only 5% in 2020.
- 2.3.32 The Government sets out that it recognises that some of Scotland's citizens remain concerned about the impact of large scale wind development on local and national tourism but it adds at paragraph 5.7.6 that it is encouraging to see on-shore wind development (for example, Whitelee Wind Farm) providing additional outdoor recreational activities alongside wind farms and they consider that *"the effect that on-shore wind farms can have on local and national tourism is a significant opportunity to cultivate our 'people and place' mentality and would be encouraged to see more development in Scotland with similar provisions"*.
- 2.3.33 Whilst the document is clearly issued for consultation, it sets out on the above topics, the Government's current position a clear direction of travel of strong support for onshore wind.
- 2.3.34 Furthermore for the first time a technology specific target relating to onshore wind is proposed and this is set out in bold text in the Ministerial Foreword where the overall aim of the consultation is set out to encourage input and evidence to *"help support work that we are doing to establish an ambition for the additional onshore wind capacity needed to help Scotland achieve net zero, as set out in the Cooperation Agreement between the Scottish Government and the Scottish Green Party"*.
- 2.3.35 The draft OWPS is also informative on the Government's position in relation to battery storage (and noting the battery storage element of the Proposed Development):
- > At paragraph 3.4.13 reference is made to security of supply/storage potential. The OWPS draft sets out that *"we believe that on-shore wind can play a greater part in helping to address the substantial changes of maintaining security of supply and network resilience in a decarbonised electricity system"*.
  - > Paragraph 3.4.16 adds that some of the means by which onshore wind output can be managed and help assist the operation of the wider grid system includes *"the potential with co-location with forms of storage...."*
  - > Paragraph 3.4.17 adds *"we have already seen an increase of onshore wind development co-located with battery storage facilities and, as we continue to progress towards the decarbonisation of our energy system, battery storage will be more and more prevalent. On-site battery storage not only removes pressures from the grid, but enables more locally focused energy provision, and reduces costs to consumers."*
- The Scottish Government will continue to support the co-location of battery storage and hydrogen production facilities with on-shore wind developments to help balance electricity demand and supply, and resilience to the energy system and support the production of green hydrogen to meet future demands"*.
- 2.3.36 The Proposed Development would make a valuable contribution to the proposed ambition for substantially more onshore wind capacity in Scotland by 2030. Whilst the exact target figure is to be consulted on, it would seem the minimum being considered is at least a doubling of existing installed capacity.
- 2.3.37 It is clear the Government is now moving from viewing onshore wind as part of a general renewable energy drive to one which is focussed on substantially growing onshore wind – especially in the 2020s – to attain the 2030 target. This is a clear hardening of support for onshore wind.
- 2.3.38 The approach is also entirely consistent with the UK Energy White Paper which stated that a key UK objective is to *"accelerate the deployment of clean electricity generation through the 2020s"* (page 38).

- 2.3.39 The proposed development would also contribute by way of socio-economic benefits which the Government is clear that it wishes to capitalise on. Battery storage is also highlighted in the draft OWPS as being an important and growing opportunity and the Proposed Development provides that additional benefit.

## 2.4 Giving substantial weight to Renewable Energy Policy and new Targets

- 2.4.1 The increased weight to be given to benefits of the Proposed Development is justified on the basis of the new material considerations that have arisen since SPP and NPF3 were published in 2014.
- 2.4.2 The need case for renewable energy generation and emissions reduction targets as set out in NPF3 and SPP, drafted in 2014, is considerably outdated – this is further referenced in the next Chapter. Drafting in the documents, appropriate at the time, does not reflect the new reality. The documents are under review and have to a large extent been overtaken by the new statutory provisions and related policy on renewable energy targets and GHG emissions reductions.
- 2.4.3 It has been explained that there is a substantial shortfall against the legally binding emissions reduction targets set by the Climate Change (Emissions Reduction Targets) (Scotland) Act 2019. As a result, the trajectory, in terms of the scale and pace of action to reduce emissions, is steeper than before and it is essential that progress is made in through the 2020s. The rate of emission reductions must increase otherwise there the 75% reduction interim 2030 legally binding target will not be met.
- 2.4.4 Furthermore, reference has been made to the new ‘purpose of planning’ which means the forthcoming NPF4 must address the “*meeting any targets relating to the reduction of emissions of greenhouse gases...*”. Sustainability and meeting net zero/greenhouse gas emission reduction targets will be pivotal in serving the long-term public interest and this has been provided with statutory recognition. NPF4 will therefore be a key planning policy instrument for the delivery of net zero.
- 2.4.5 It is clear from the UK White Paper and the forecasts by the CCC that electricity demand is expected to grow substantially (scenarios vary but potentially by a factor of three or four) as carbon intensive sources of energy are displaced by electrification of other industry sectors, particularly heat and transport.
- 2.4.6 Decisions through the planning system must be responsive to this changed position. Decision makers can do this by according great weight to the energy policy objectives articulated above, in the planning balance.
- 2.4.7 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, would be misguided. It is wholly legitimate and expected for the planning system to take account of updated and emerging issues as material considerations (and indeed the law) in arriving at a decision on a proposal.
- 2.4.8 The Applicant’s position is that the planning balance clearly needs to take into account SPP and NPF3 since they remain important material considerations unless and until replaced. However, as noted, other legislative interventions and statements of Government policy such as described above (and see **Appendix 1**) are also material considerations of relevance that should be afforded weight, and indeed increasingly greater weight.

- 2.4.9 The Applicant is not saying the current national planning policy framework is to be disregarded, but it does not currently reflect the weight that needs to be afforded to benefits and the speed of response of renewable deployment that is needed, as set out by the provisions of the 2019 Act. SPP and NPF3 are of their time and place and did not predict the scale of the transformation needed to be a carbon free society. However, it is clear now (by way of the 2019 Act) that Scotland was not moving fast enough to achieve the necessary emissions reduction. Both documents advocate a 'low carbon' shift in terms of policy – but the policy and law is now to attain a net zero position.
- 2.4.10 In the most recent renewable energy policy documents referred to, there is a consistent and what might be termed a 'green thread' which ties a number of related policy matters together: namely the urgent challenge of net zero and the need to substantially increase renewable capacity. At the same time, there is the need to take advantage of the renewable and low carbon sector to drive the green recovery from the coronavirus pandemic. This is a consistent message from both the UK and Scottish Governments.
- 2.4.11 It must follow that the need case is to be accorded great weight in the planning balance. It is not an over-riding consideration and does not provide carte blanche for onshore wind schemes such as the Proposed Development. However, it must be acted on. The way that decision makers can do that is by properly recognising the seriousness and importance of energy policy related considerations in the planning balance. It is the cumulative effect of a large number of individual projects which will move Scotland towards where it needs to be.



## 3. National Planning Policy & Guidance

### 3.1 Introduction

- 3.1.1 Relevant national planning policy guidance and advice is addressed in this Chapter. Reference is made to the National Planning Framework 3 (NPF3) and Scottish Planning Policy (SPP) and to the emerging new draft national planning policy by way of draft NPF4. National planning policy is a very important consideration: amongst other matters it sets the framework of development management factors and the approach to Spatial Frameworks for onshore wind energy.

### 3.2 National Planning Framework 3

- 3.2.1 The National Planning Framework 3 (NPF3) was published on 23 June 2014. NPF3 is a long-term strategy for Scotland and, pending the fourth NPF, remains the spatial expression of the Government's Economic Strategy and plans for development and investment in infrastructure. Together, NPF3 and SPP (2014), applied at the strategic and local levels, are intended to help the planning system deliver the Scottish Government's vision and outcomes for Scotland and to contribute to the Government's central purpose of sustainable economic growth.
- 3.2.2 High level support for renewables is provided through the "vision" which is referred to as *inter alia*:
- > A successful, sustainable place – "we have a growing low carbon economy which provides opportunities...";
  - > A low carbon place - "we have seized the opportunities arising from our ambition to be a world leader in low carbon generation, both onshore and offshore...";
  - > A natural resilient place - "natural and cultural assets are respected; they are improving in condition and represent a sustainable economic, environmental and social resource for the nation...".
- 3.2.3 Further support is provided in Chapter 3 "A Low Carbon Place" which sets out the role that Planning will play in delivering the commitments set out in 'Low Carbon Scotland: The Scottish Government's Proposals and Policies'.
- 3.2.4 Paragraph 3.7 states onshore wind is "...recognised as an opportunity to improve the long-term resilience of rural communities".
- 3.2.5 Paragraph 3.8 states that the Government's aim is to meet at least 30% of overall energy demand from renewables by 2020 – this includes generating the equivalent of at least 100% of gross consumption from renewables.
- 3.2.6 Paragraph 3.9 states:
- "Our Electricity Policy Statement sets out how our energy targets will be met. We are making good progress in diversifying Scotland's energy generation capacity, and lowering the carbon emissions associated with it, but more action is needed. Maintaining security of supplies and addressing fuel poverty remain key objectives. We want to continue to capitalise on our wind resource..."*
- 3.2.7 Paragraph 3.23 states that "onshore wind will continue to make a significant contribution to diversification of energy supplies".

- 3.2.8 Onshore wind development is recognised as a key technology in the energy mix which will contribute to Scotland becoming ‘a low carbon place’ which in turn will be a key part of the ‘vision’ for Scotland (as set out at paragraph 1.2 of NPF3). Furthermore, the Scottish Government has made it unequivocally clear that it wants to continue to “*capitalise on our wind resource*”. The Proposed Development would contribute to the renewable electricity and energy targets as set out in NPF3 and to longer term Government policy objectives and targets.
- 3.2.9 Together NPF3 and SPP (see below) applied at the national, strategic and local level will help the planning system to deliver the vision and outcomes for Scotland for a sustainable and low carbon economy. The Proposed Development is consistent with the provisions of the NPF3, as it is considered that it makes a use of the natural wind resources to produce low carbon energy and diversify the energy mix. It is assessed to accord with the principle of sustainable development as it is designed and sited to minimise the effects on the environment, whilst bringing benefits to the local community and contributing to economic development.
- 3.2.10 However, as explained, the need case for renewable energy generation and emissions reduction targets as set out in NPF3, drafted in 2014, is considerably outdated. Drafting in the documents, appropriate at the time, does not reflect the new reality. Both NPF3 and SPP are under review and have to a large extent been overtaken by the new statutory provisions and related policy on renewable energy targets and greenhouse gas emission reductions.

### 3.3 Scottish Planning Policy

- 3.3.1 ‘Amendments’ were made to SPP in December 2020. The amendment of relevance to the application was in relation to the changed wording on the ‘presumption’ at paragraphs 28 through to 33 of SPP.
- 3.3.2 The Court of Session upheld the grounds of challenge to the 2020 Amendments to SPP and has granted a decree of reduction<sup>6</sup>. The effect of the reduction is that for the present, SPP continues in its pre-December 2020 form and in accordance with the Gladman 2<sup>7</sup> approach.
- 3.3.3 Paragraph 27 of SPP (2014) which is now revived – is a presumption in favour of development that “*contributes to sustainable development*”.
- 3.3.4 Paragraph 29 of SPP (2014) sets out that policies and decisions should be guided by a number of principles. The Proposed Development has been assessed against these principles and a summary appraisal is presented below. A key part of the appraisal is the recognition that given the proposal is a wind farm extension – that the *suitability of the location has already been deemed appropriate for wind energy development* and the site is adjacent to a successful operational scheme.
- 3.3.5 The conclusion remains that the proposed development would be one that contributes to sustainable development, and it therefore enjoys the presumption.

<sup>6</sup> [2021] CSOH 74 – the challenge succeeded on the first ground, which was that the consultation was procedurally flawed because it was misleading.

<sup>7</sup> As set out in the Gladman 2 Judgment.

**Table 3.1: SPP Paragraph 29 Principles**

Policy Principle	Proposed Development
1 - Giving due weight to net economic benefit	There would be net positive socio-economic effects, as summarised in Chapter 5 below. The proposed development would deliver a wide range of benefits.
2 - Respond to economic issues, challenges and opportunities, outlined in local economic strategies	The proposed development is consistent with the policy to encourage renewable energy development in the Development Plan.
3 - Supporting good design and the six qualities of successful places	Limited relevance as the six qualities are framed with conventional built form in mind - but in the particular context of commercial-scale wind development the proposed development represents good design as a satisfactory layout has been achieved that fits with the Operational Scheme, landscape character and local context while meeting functionality requirements - without unacceptable effects.
4 - Supporting delivery of infrastructure, for example transport, education, energy, digital and water	The proposed development would deliver large scale energy generation and makes efficient use of existing infrastructure investment.
5 - Supporting climate change mitigation and adaptation including taking account of flood risk	This is of particular relevance. The proposed development would help to support climate change mitigation by replacing fossil fuel energy generation with renewable energy, thereby reducing emissions of climate changing gases. Flood risk has been considered and no issues arise.
6 - Improving health and well-being by offering opportunities for social interaction and physical activity, including sport and recreation	This principle is not of particular relevance to the proposal. However, a benefit of the proposed development will be the provision access to tracks for recreational purposes.
7 - Having regard to the principles for sustainable land use set out in the Land Use Strategy	The Land Use Strategy (2016-21) is a key commitment in the Climate Change (Scotland) Act 2009. The Strategy cross refers to Development Plans and their policies such as landscape protection, biodiversity, and renewable energy development which, through planning decision making will help deliver the Strategy and the principles for sustainable land use. The proposed development would contribute positively to climate change action.
8 - Protecting, enhancing and promoting access to cultural heritage, including the historic environment	This principle is not of particular relevance to the proposal. The proposal would not hinder access to cultural heritage and the design and proposed mitigation has ensured that cultural heritage is protected.
9 - Protecting, enhancing and promoting access to natural heritage, including green infrastructure, landscape and the wider environment	The proposal would not hinder access to the surrounding area and whilst there would be some localised significant landscape effects (which are inevitable with commercial scale wind energy developments), the landscape already hosts the Operational Scheme and has the capacity for the extension development at the scale proposed.
10 - Avoiding over-development, protecting the amenity of new and existing development and considering the implications of development for water, air and soil quality	These matters have been addressed through the EIA process. There would be no conflict with this policy principle

- 3.3.6 The Proposed Development would be consistent with the principles set out at paragraph 29 of SPP and it would also assist in delivering SPP Outcomes in particular Outcomes 1 and 2 (namely a successful sustainable and low carbon place) – indicating that overall the proposal is sustainable development.

### **The Spatial Framework & Development Management Considerations**

- 3.3.7 SPP sets out at paragraph 163 that the Spatial Framework approach for onshore wind should be followed to deliver consistency nationally. The site encompasses areas falling largely within Group 2 (on account of the presence of peat and carbon rich soils).
- 3.3.8 The design approach of the proposed development (based on site specific surveys) has sought to identify and avoid areas of deep peat and priority peatland habitat, and therefore any potential significant impacts have been substantially overcome.
- 3.3.9 Therefore, the site can be regarded as Group 3<sup>8</sup> – namely an area with potential for wind farm development and in which wind energy development is likely to be acceptable subject to consideration against development management criteria.
- 3.3.10 This position was supported in the Clachaig Glen Scottish Ministers' decision relating to a Wind Farm in Argyll and Bute<sup>9</sup> where in the Inquiry Report the Reporters set out (paragraph 2.78) that they agreed that the proposal was partly located within a 'Group 2' area as defined by Table 1 of the Spatial Framework within SPP and they added:
- "this is because of the presence of deep peat..... It is agreed by all parties that the proposal has addressed the requirements in relation to deep peat..... therefore we agree that there is no special reason why a proposal would not be acceptable, subject to normal policy considerations as if the site was wholly within a Group 3 area."*
- 3.3.11 Furthermore, the proposal is considered to be acceptable when considered against the development management considerations in relation to renewable energy developments as set out at paragraph 169 of SPP.

## **3.4 The NPF4 Position Statement**

- 3.4.1 The NPF4 'Position Statement' was published by the Scottish Government on 26th November 2020.
- 3.4.2 The Statement makes it clear that the current NPF3 and SPP "remain in place until NPF4 is adopted by Ministers". Page 40 of the Statement states however that "the Position Statement provides an idea of the direction of travel" to inform a full draft of NPF4.
- 3.4.3 Key points in the Position Statement included:
- > The Statement is an expression of the Government's clear direction of travel of policy – involving a "rebalance" of the planning system "so that climate change is a guiding principle for all plans and decisions".

<sup>8</sup> The Reporter in the Appeal Decision Notice (PPA-270-2155) for the Cnoc an Eas Wind Farm of 2 June 2017 also took this approach: he set out in paragraph 111 that "the Appeal site straddles an 'area of significant protection' (Group 2) and an 'area with potential for wind energy development' (Group 3). The Group 2 area is identified as such on the basis of SNH's Carbon and Peatland Map, which shows peat and carbon rich soils within the site boundary. However, there is no issue with this constraint at the Appeal site, so it can be reasonably regarded as Group 3 in terms of the Spatial Framework."

<sup>9</sup> Clachaig Glen, East of Musadale, Argyll & Bute, Ref: PPA-130-2064, 18 December 2019.

- > The new spatial strategy will “*prioritise emissions reduction*” – which is underpinned and made necessary by the changes in energy policy and the law (in terms of emissions reduction targets).
- > Onshore wind is the specific renewable technology referenced in the “*key opportunities*” and is expected to play a significant role in the plan for net-zero emissions.
- > The Scottish Government is following the clear recommendations of the CCC, recognising an “urgent and radical shift in our spatial plan and policies is required”.
- > There is recognition that the climate emergency should be a material consideration in considering applications for renewable energy developments.

3.4.4 The document provided an insight into the direction of travel of national planning policy.

### 3.5 The Draft Fourth National Planning Framework ‘Scotland 2045’

3.5.1 The draft NPF4 was published in November 2021. Once approved, it will become part of the statutory Development Plan and will directly influence planning decisions. Now that the document has been published it is a material consideration, setting out draft policy and is not simply an indication of direction of travel.

3.5.2 In the Ministerial Foreword, the Minister for Public Finance, Planning and community Wealth states: “*This, our fourth National Planning Framework sets out how our approach to planning and development will help to achieve a net zero, sustainable Scotland by 2045.*”

3.5.3 As explained with reference to the renewable energy policy framework (Chapter 2) the 2020s are a critical decade for emissions reduction progress and this is referenced in the Ministerial Foreword where the Minister states: “*we have set a target of net zero emissions by 2045, and must make significant progress towards this by 2030. This will require new development and infrastructure across Scotland.*”

#### National Developments

3.5.4 The draft NPF4 (part 2, page 44) continues the planning policy approach of identifying ‘national developments’ which refers to the allocation of national development status to certain classes of development. The draft NPF4 states that “*national developments are significant developments of national importance that will help to deliver our spatial strategy*”.

3.5.5 18 national developments are proposed to support the delivery of the Spatial Strategy and it has set out that “*this designation means that the principle of the development does not need to be agreed and later consenting processes, providing more certainty for communities, business and investors*”.

3.5.6 There are three categories of national development proposed namely ‘liveable places, productive places and distinctive places’. Within the ‘productive places’ category is proposed national development 12 entitled ‘strategic renewable electricity generation and transmission infrastructure’.

3.5.7 A statement for this national development is provided as follows (page 59):

*“This national development supports renewable electricity generation, repowering, and expansion of the electricity grid.*

*A large increase in electricity generation from renewable sources will be essential for Scotland to meet its net zero emissions targets. Certain types of renewable electricity generation will also be required, alongside developments and increases in storage technology and capacity, to provide the vital services, including flexible response, that a zero-carbon network will require. Generation is for consumption domestically as well as for export to the UK and beyond, with new capacity helping to decarbonise heat, transport and industrial*

*energy demand. This has the potential to support jobs and business investment, with wider economic benefits."*

3.5.8 A statement of 'need' is also provided as follows:

*"Additional electricity generation from renewables and electricity transmission capacity of scale is fundamental to achieving a net zero economy and supports improved network resilience in rural and Island Areas".*

3.5.9 In terms of designation and classes of development, it is set out that a development within one or more of the classes of development set out in the NPF4 and that is of a scale or type that would otherwise have been classified as 'major' by the Town and Country Planning (Hierarchy of Development) (Scotland) Regulations 2009 is designated as a 'national development' - these include:

*"Electricity generation, including electricity storage, from renewables of or exceeding 50 megawatts capacity".*

3.5.10 The Proposed Development as an extension to the Operational Scheme means that the overall Wind Farm would have national development status if this policy approach is retained in the final version of NPF4.

#### **Draft National Planning Policy**

3.5.11 Part 3 of the draft NPF contains proposed new 'National Planning Policy' and with regard to sustainable places, it sets out that:

*"to achieve a net zero, nature positive Scotland, we must rebalance our planning systems so that climate change and nature recovery are the primary guiding principles for all our plans and all our decisions. That includes emissions reduction and the adaptations we need to make in order to be resilient to the risks created by a warmer climate."*

3.5.12 The draft policy of particular relevance to the proposed development is Policy 2 entitled 'Climate Emergency'. This states at Part A that *"when considering all development proposals significant weight should be given to the global climate emergency"*.

3.5.13 Part C of the policy sets out that:

*"development proposals for national, major or EIA development should be accompanied by a whole life assessment of greenhouse gas emissions from the development. In decision making the scale of the contribution of development proposals to emissions in relation to emissions reduction targets should be taken into account."*

3.5.14 In terms of the emissions reduction that the proposed development would give rise to, this is referenced in Chapter 5 below, is a key benefit and should be afforded significant weight.

3.5.15 Under the theme of 'productive places' (page 90) is draft Policy 19 in relation to 'Green Energy'. The preamble to the policy states:

*"We want our places to support continued expansion of low carbon and net zero energy technologies as a key contributor to net zero emissions by 2045."*

*Scotland's energy sector has a significant role to play in reducing carbon emissions and contributing to a green, fair and resilient economic recovery. A wide range of renewable technologies are capable of delivering these benefits, although it is likely that the onshore wind sector will play the greatest role in the coming years. The planning system should support all forms of renewable energy development and energy storage, together with new and replacement transmission and distribution infrastructure." (underling added)*



- 3.5.16 It is recognised that the detailed wording of the proposed policies may well change as a result of the public consultation and indeed through the Parliamentary process for NPF4. However, in terms of Policy 19 'green energy' (page 90) the key elements of the policy as currently proposed, include the following:
- > *"Local Development Plans should seek to ensure that an area's full potential for electricity and heat from renewable sources is achieved. Opportunities for new development, extensions and repowering of existing renewable energy development should be supported."*
  - > *Development proposals for all forms of renewable energy and low carbon fuels, together with enabling work such as transmission and distribution and energy storage, such as battery storage should be supported in principle."*
  - > *Development proposals for wind farms in National Parks and National Scenic Areas should not be supported."*
  - > *Outwith National Parks and National Scenic Areas and recognising the sensitivity of any other national or international designations, development proposals for new wind farms should be supported unless the impacts are identified (including cumulative effect) are unacceptable. To inform this, site specific assessments including where applicable environmental impact assessments (EIA) and landscape and visual impact assessments (LVIA) are required."*
  - > *Areas identified for wind farms should be suitable for use in perpetuity. Consent may be time limited, but wind farms should nevertheless be sited and designed to ensure impacts are minimised and to protect an acceptable level of immunity for adjacent communities."*
- 3.5.17 The proposed section K of the policy sets out that specific considerations for green energy proposals will vary relative to the scale of the proposal and the area characteristics. Reference is then made to 17 considerations which largely replicate those set out in the current SPP at paragraph 169.
- 3.5.18 A key change therefore is that there is a different spatial framework approach compared to the current SPP. The clear spatial planning policy direction is that wind farms will not be acceptable in National Parks or National Scenic Areas, but out with these areas and recognising the sensitivity of any other national or international designations, then development proposals for new wind farms *"should be supported unless the impacts are unacceptable"*.
- 3.5.19 In the planning balance that will need to be struck there will need to be recognition of the climate emergency and on this particular matter, draft Policy 2 is clear that significant weight should be given to the global climate emergency.
- 3.5.20 As noted, the Proposed Development needs to be viewed from the perspective that it is likely to be designated as a Wind Farm of national importance.
- 3.5.21 When such development coincides with a spatial location that is free from national level designation constraints (i.e. the current SPP Group 3, recognising that the Group 2 matters can be satisfactorily addressed) then the question needs to be asked whether the local impacts that would arise from the extension would outweigh the force of that positive national level policy recognition? It is likely that the determination of the Proposed Development will take place with reference to the finalised NPF4 therefore this is a question that will need to be addressed when the planning balance is considered at that time.

#### **Contribution to National Outcomes**

- 3.5.22 Although the NPF4 is currently in draft form, it needs to be recognised that the amended Town and Country Planning (Scotland) Act 1997 directs that the NPF must contribute to a series of six outcomes and one of these includes *"meeting targets for emissions of*

*greenhouse gases” (draft NPF4 page 1). Annex 5 to the draft NPF4 refers to six ‘outcome statements’ which are described as “how the Scottish ministers consider that the development will contribute to each of the outcomes identified in section 3A(3)(c) of the Town and Country Planning (Scotland) Act 1997”.*

3.5.23 Outcome (e) is “*meeting any targets relating to the reduction of emissions of greenhouse gases, within the meaning of the Climate Change (Scotland) Act 2009, contained in are set by virtue of that Act*”.

3.5.24 The outcome statement sets out that the Scottish Ministers consider:

*“that development of land supported by the policies and proposals in the NPF will contribute to this outcome by placing the global climate emergency at the heart of our strategy which addresses both emissions reduction and adaptation. Policy 2 ‘climate emergency’ states that when considering all development proposals significant weight should be given to the global climate emergency.*

*More generally, on emissions reduction our policies address .....electricity generation from renewable sources and support for appropriately emissions abated low carbon fuels”.*

3.5.25 Therefore, whilst only limited weight can be placed on the detailed wording of the specific policies in the draft NPF4 at this stage, it is clear that the generation of renewable energy (in particular from onshore wind “*in the coming years*” is recognised as being of national importance and is a key part of the way in which the emissions reduction statutory ‘outcome’ and the attainment of the legally binding net zero will be fulfilled.

3.5.26 These statutory outcomes are not being consulted on and are set in law.

3.5.27 The proposed development would make a valuable contribution to outcome (e) and the delivery of net zero. It has been set out that it is important to take into account the Climate Change (Emissions Reduction Targets) (Scotland) Act 2019 which amended the Climate Change (Scotland) Act 2009 and introduced the net zero targets.

3.5.28 Furthermore, it has been explained that the targets for each year clearly illustrate the speed and scale of change that is required over the next decade to achieve the 2030 target. That statutory footing and context for the proposed development can be afforded significant weight.

### 3.6 Conclusions on National Planning Policy & Guidance

3.6.1 Both NPF3 and SPP set out a strong position of support in relation to renewable energy and renewable energy 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 when weighed against the benefits of such schemes, before consents are forthcoming.

3.6.2 The Proposed Development benefits from the presumption in favour of sustainable development and can be regarded as ‘Group 3’ per the SPP Spatial Framework in which wind farms are likely to be acceptable. The location has already been deemed suitable for wind energy development. It can be considered to be the right development in the right place (paragraph 28 of SPP) and not only because the proposal is in accordance with the guiding principles relevant to this type of development set out in paragraph 29 of SPP, but also because what is proposed has a strong consistency with the declared desirable planning Outcomes within SPP and with the new statutory purpose of planning.

- 3.6.3 Finally, with regard to national planning policy, it has to be acknowledged that the need case with regard to renewable generation and emissions reduction targets as set out in NPF3 and SPP is both out of date and out of step with current targets as set out in new law. The documents are under review and have to a large extent been overtaken by new legal and policy renewable energy targets and statutory provisions on greenhouse gas emissions reductions which have been explained.
- 3.6.4 In the overall context of climate change, the current SPP reflects the targets and thinking of almost a decade ago. Those matters have been updated by further legislation and policy approaches.
- 3.6.5 Furthermore, in terms of planning policy provisions set out in SPP, there is now a clear shift from what was then (in 2014) termed the move to a 'low carbon economy' – there is now an ambitious policy imperative underpinned by new statute to move to a 'net zero economy and society'. The Proposed Development can help achieve that clear national planning policy objective.

## 4. The Development Plan – Policy Appraisal

### 4.1 Introduction & Approach

- 4.1.1 This Chapter sets out an appraisal of the proposed development in terms of the Development Plan. Reference is made to the conclusions reached as set out in the EIA Report.
- 4.1.2 As noted, section 25 of the 1997 Act (on the status of the Development Plan) does not apply to a decision made under section 36 of the 1989 Act or a related deemed planning permission to be granted under section 57 of the 1997 Act.
- 4.1.3 Relevant policy in the Development Plan is a consideration. The extent to which the Application accords with that policy may be a matter to which weight may be given, but the Development Plan does not have primacy for determination of the Application as it would for a planning application.

### 4.2 The Development Plan

- 4.2.1 The statutory Development Plan covering the application site comprises the following:-
  - > The Highland Wide Local Development Plan (HwLDP) (2012);
  - > The Inner Moray Firth Local Development Plan (IMFLDP) (2015); and
  - > Relevant supplementary guidance, particularly the Onshore Wind Energy Supplementary (OWSG) Guidance (2016) and its Addendum (2017).
- 4.2.2 The IMFLDP focuses largely on settlements and communities, rather than presenting planning policies of relevance to onshore wind. It is only relevant from a broad policy perspective and does not present any specific planning policies of relevance to onshore wind.
- 4.2.3 As the HwLDP contains the relevant development management policies, it is therefore the focus of this Chapter together with the OWSG.

**Table 4.1: Relevant HwLDP Policies**

HwLDP Policy	Policy Summary
28: Sustainable Design	Sustainable design and climate change are to be taken into consideration in the design of all development.
55: Peat and Soils	Concerns the unnecessary disturbance, degradation or erosion of peat and soils. Adverse, unacceptable disturbance would have to be outweighed by a development's social, environmental or economic benefit
57: Natural, Built and Cultural Heritage	<p>All development proposals to be assessed taking into account the level of importance and type of heritage features, the form and scale of the development, any impact on the feature and its setting, in the context of a detailed policy framework and considering the following criteria:</p> <ul style="list-style-type: none"> <li>&gt; Local and regionally important features (mostly identified by the Council);</li> <li>&gt; Nationally important features (identified by national organisations or by the Council under national legislation); or,</li> <li>&gt; Internationally important features (identified under government directives and European conventions).</li> </ul>
58: Protected Species	Concerns a development's individual or cumulative effects on European Protected Species and protected bird species. Adverse effects would only be permitted under certain circumstances depending on the species being affected, such as the development being required for preserving public health or safety
59: Other Important Species	Concerns a development's individual or cumulative effects on species listed in Annexes II and V of the EC Habitats Directive (92/43/EEC), priority species listed in the UK and Local Biodiversity Action Plans and Species included on the Scottish Biodiversity List. Detrimental effects will be avoided through the use of conditions and agreements.
60: Other Important Habitats and Article 10 Features	Considers features of major importance because of their linear and continuous structure, or as they are a habitat 'stepping stone' (Article 10 Features). Additionally those habitats not protected through a nature conservation site designation, namely habitats listed in Annex I of the EC Habitats Directive, habitats of priority and protected bird species, priority habitats listed in the UK and Local Biodiversity Action Plans, and habitats included on the Scottish Biodiversity List. Conditions, agreements or mitigation measures will be used where necessary.
61: Landscape	Landscape characteristics and special qualities identified in the Landscape Character Assessment should be reflected in development design. Landscape enhancement encouraged.
63: Water Environment	The objectives of the Water Framework Directive (2000/60/EC) to protect and improve the water environment should not be compromised.

HwLDP Policy	Policy Summary
64: Flood Risk	Concerns development and flooding.
67: Renewable Energy Developments	<p>Wind resource, contribution towards targets and economic effects of a wind energy development will be considered by the Council. Developments will be supported where they do not have a significantly detrimental effect <i>overall</i> (individual or cumulative), having regard in particular to any significant effects on:</p> <ul style="list-style-type: none"> <li>&gt; natural, built and cultural heritage features;</li> <li>&gt; species and habitats;</li> <li>&gt; visual impact and impact on the landscape character of the surrounding area;</li> <li>&gt; amenity at sensitive locations;</li> <li>&gt; safety and amenity of any regularly occupied buildings and their grounds (visual intrusion, noise, ice throw, shadow flicker or shadow throw);</li> <li>&gt; ground water, surface water (including water supply), aquatic ecosystems and fisheries;</li> <li>&gt; the safe use of airport, defence or emergency service operations;</li> <li>&gt; other communications installations or the quality of radio or TV reception;</li> <li>&gt; the amenity of users of any Core Path or other established public access for walking, cycling or horse riding;</li> <li>&gt; tourism and recreation interests;</li> <li>&gt; land and water-based traffic and transport interests.</li> </ul>

4.2.4 The planning policy assessment which follows is based on those relevant Development Plan policies detailed in Table 4.1, in addition to the relevant supplementary guidance document, the OWSG. In order to provide a proportionate assessment, it also seeks to focus primarily on those residual adverse effects which have been identified as significant within the EIA Report following the mitigation measures proposed.

4.2.5 Policy 67 and the OWSG is addressed in detail, and this is followed by consideration of the remaining policies of most relevance in the HwLDP.

## 4.3 Policy Appraisal

### Policy 67 'Renewable Energy'

4.3.1 As set out above, Policy 67 is the key or 'lead' HwLDP policy for the assessment of onshore wind farm developments. The policy contains a number of criteria which generally address the environmental topics that are referred to in other policies within the Plan.

4.3.2 Firstly, Policy 67 refers to the need for renewable energy development proposals to be "*well related to the source of the primary renewable resources that are needed for their operation*". The proposed development meets this requirement as the "*primary renewable resource*" for its operation is wind.



- 4.3.3 Secondly, Policy 67 states the Council will consider a proposed development's contribution "*towards meeting renewable energy generation targets*". The Proposed Development has an indicative capacity of up to 33.6MW and would therefore make a valuable contribution to unmet international, UK and Scottish Government climate change and renewable electricity and energy generation targets. Such targets have been referred to in Chapter 2.
- 4.3.4 Thirdly, Policy 67 states the Council will consider "*any positive or negative effects [the proposed development] is likely to have on the local and national economy*". The Proposed Development would contribute to the attainment of economic development objectives at local and national levels. Employment and economic benefits that would arise from the proposed development are set out in Chapter 5 of this Planning Statement.
- 4.3.5 Fourthly, a proposed development is to be assessed against other policies of the Development Plan, the Highland Renewable Energy Strategy and Planning Guidelines (HRES) and must have regard to any other material considerations. This Planning Statement assesses the Proposed Development against other relevant Development Plan policies. HRES is no longer used by the Council as a material policy / guidance document and is therefore of no relevance.
- 4.3.6 Fifthly, the Council will have regard to proposals able to "*demonstrate significant benefits including by making effective use of existing and proposed infrastructure or facilities*". The proposed development will realise a range of benefits, as summarised in Chapter 5, below.
- 4.3.7 Finally, Policy 67 requires a proposed development to be assessed against 11 factors with regard to predicted significant effects. Each of these 11 factors are addressed below.
- 4.3.8 A very clear distinction is made in the policy wording between, on the one hand, a finding of "significant effect" on one or more receptors and, on the other hand, the overall judgement as to whether a proposal would be "*significantly detrimental overall*". The latter judgement is one reached by balancing any identified significant effects against (a) the locational considerations (i.e., where onshore wind can feasibly be located) and (b) the economic effects and benefits. A conclusion that visual effects are significant does not equate to a conclusion that a proposal is significantly detrimental overall under Policy 67.
- 4.3.9 Finally, Policy 67 requires a proposed development to be assessed against 11 factors with regard to predicted significant effects, and a judgement has to be reached as to whether or not such effects would be "*significantly detrimental overall*". Each of these 11 factors are considered below.

#### **Natural, Built and Cultural Heritage Features**

- 4.3.10 Natural heritage matters are referenced below in terms of ecology and ornithology. In terms of cultural heritage, this is addressed in Chapter 10 of the EIA Report. It concludes that the Proposed Development has the potential to cause effects on the cultural significance of one Scheduled Monument through change to its setting: SM1231 Lochindorb Castle. This is located 9.8km east of the application site, and comprises the substantial remains of a 13th century island castle. As a Scheduled Monument, the castle is of high importance. A residual effect of minor significance, which is not significant in EIA terms, is predicted on this heritage asset throughout the operation of the Proposed Development.

#### **Species and Habitats, Ecology & Ornithology**

- 4.3.11 The EIA Report addresses ecology and ornithology in Chapters 11 and 12 respectively and details the results of the surveys carried out in relation to species and habitats. No significant effects are identified in terms of ecology and in relation to all bird species.
- 4.3.12 It is proposed that an Ecological Clerk of Works (ECoW) will be appointed to ensure compliance with a Construction Environmental Management Plan (CEMP) as described in, to provide advice in the event of any unforeseen protected species issues that arise during construction and to oversee the implementation of mitigation measures.

- 4.3.13 The proposed mitigation and enhancement measures detailed in Chapter 11 of the EIA Report for habitats, European protected species (e.g., otter and bats) and other legally protected species (e.g., reptiles) would be incorporated into a Habitat Management Plan (HMP), which would be prepared if the development is granted consent.

#### **Visual Impact and Impact on the Landscape Character**

- 4.3.14 The third factor in Policy 67 relates to visual impact and impact on the landscape character of the surrounding area. This includes reference to not just landscape character, but landscape designations such as Special Landscape Areas (SLAs), National Scenic Areas (NSAs) and important public views. The appropriate approach is to determine whether a development would result in effects that are “significantly detrimental” overall, not if a development per se, would result in a significant adverse effect. The landscape and visual impacts assessment (LVIA) presented in Chapter 9 of the LVIA Report should be referred to for its detail, however key points from that are set down below.

##### Landscape Character

- 4.3.15 The assessment reports significant effects will arise as a result of the Proposed Development in localised and close-range parts of the Open Rolling Upland and Rolling Uplands LCT; the corresponding localised and close-range parts of the Drynachan, Lochindorb and Dava Moors SLA; and from one viewpoint.
- 4.3.16 The Site mainly lies within the Open Rolling Upland LCT in the Moray and Nairn Council area, with the southern Site boundary extending into the Rolling Uplands LCT in the Inverness District council area. Essentially, these LCTs represent the same landscape which is characterised by open and rounded hills of relatively uniform height, collectively forming smooth ridges and expansive gently undulating plateaux.
- 4.3.17 The significant effects arise principally as a result of the close proximity of the immediate LCT and adjacent LCT to the large-scale turbines of the Proposed Development whose influence will alter the character of these LCTs despite there already being an influence from the Operational Scheme. These effects on landscape character extend out to a maximum distance of 5 km from the Proposed Development and occur in the corresponding parts of the Drynachan, Lochindorb and Dava Moors Special Landscape Area (SLA) which covers the Site and are considered in-conjunction with all relevant operational wind farms.

##### National Landscape Designations

- 4.3.18 The Proposed Development and immediate surroundings are not covered by the national landscape designations of the Cairngorms National Park (CNP) or the Cairngorm Mountains National Scenic Area (NSA). These designations do, however, occur in the 40 km radius of the LVIA Study Area and a detailed assessment of the effects of the Proposed Development on their Special Landscape Qualities (SLQs) is presented in **Appendix 9.B** and **Appendix 9.C of the EIA Report**. These detailed assessments concluded that the SLQs of the CNP and NSA would not be significantly affected by the Proposed Development, owing to a combination of factors as follows:

- > the existing influence from the Operational Scheme in the same location;
  - > the relatively small and contained extent of the proposed extension;
  - > its separation distance from the CNP and NSA;
  - > the limited extent of visibility across these areas; and
  - > the closer association with the uplands outwith the designated areas.
- > The LVIA concludes that the Proposed Development will not have a significant effect on any of the nationally designated landscapes in the Study Area.

#### Wild Land

4.3.19 With regard to effects on the Cairngorms Wild Land Area (WLA 15), Appendix 9.D of the EIA Report presents a full and detailed assessment. This assessment shows that the Proposed Development will have no significant effects on the wildness qualities of WLA 15, owing to a combination of factors as follows:

- > the existing influence from the Operational Scheme in the same location;
- > the relatively small and contained extent of the extension;
- > the separation distance of over 23 km between the Proposed Development and WLA 15;
- > the limited extents of visibility; and
- > the weak association between the uplands, where the Proposed Development will be located, and the WLA.

#### Visual Amenity

4.3.20 It is set out in Chapter 9 of the EIA Report that visibility of the Proposed Development is generally limited across the LVIA Study Area owing to the screening effect of the intervening landform. This means that there will be a concentration of visibility within the first 5 to 10 km of the Proposed Development, where there is already an existing influence from the Operational Scheme, as well as Moy Wind Farm to the north-west and Farr and Glen Kyllachy to the south-west.

4.3.21 Beyond 5 to 10 km, theoretical visibility in all directions is shown to be patchy, occurring mostly across open moorlands and upland slopes that face towards the Proposed Development, and with very little actual visibility occurring from the lower-lying straths and glens. This means that it will be the views of walkers on the moorlands and uplands that will be affected more than the views of residents and road-users in the lower lying settlements and on the roads.

4.3.22 One of the 17 viewpoints has been assessed as being significantly affected as a result of the additional effect of the Proposed Development in-conjunction with all other operational wind farms. This assessment relates to the sensitivity of the viewpoint, which represents the northern edge of the CNP, as well as its proximity to the Proposed Development at a minimum of 5.78 km and occurs despite the baseline influence from the Operational Scheme.

4.3.23 It is set out in Chapter 9 of the EIA Report that all other viewpoints and principal visual receptors will not be significantly affected, owing to the combination of the existing influence from the Operational Scheme in the same location, the relatively small and contained extent of the extension, the separation distances between the viewpoints and the proposed turbines, the limited extent of additional visibility and the close association the proposed turbines have with the Operational Scheme turbines.

#### Cumulative Effects

4.3.24 The cumulative assessment set out in the LVIA considers the effect of the Proposed Development in conjunction with all relevant operational and consented wind farms in what is termed Cumulative Scenario 1, and the effect of the Proposed Development in conjunction with all relevant operational, consented and application stage wind farms in Cumulative Scenario 2. The assessment has found that there will be no significant cumulative effects between the Proposed Development and other under construction, consented or application stage wind farms in the LVIA Study Area. This assessment relates principally to the small number of additional turbines that are proposed, their integration with the Operational Scheme, and the limited occurrence and extent of other consented and application stage wind farms in the Study Area.

- 4.3.25 The cumulative assessment also considers the effect of the Proposed Development in combination with all relevant operational and proposed wind farms. This assessment has found that there will be significant cumulative effects on landscape character out to 5 km, including on coinciding parts of the SLA, and on three viewpoints within 8 km of the Proposed Development. No other landscape or visual receptors will be significantly affected, including the CNP, NSA and WLAs. Furthermore, it is explained in the LVIA that the Proposed Development sits centrally within the broad pattern of wind farm development which follows the north-east to south-west band of upland hills across the overall LVIA Study Area.

#### **Amenity at Sensitive Locations**

- 4.3.26 The fourth criterion in Policy 67 deals with amenity at sensitive locations and has regard to residential properties, work places and recognised visitor sites. This primarily relates to visual considerations as noise and shadow flicker are considered under the following criterion.
- 4.3.27 In respect of effects in relation to residential visual amenity, it is explained in the LVIA that there are no properties within a 2 km radius of the proposed turbines, which is the recommended radius to apply to this type of assessment following Landscape Institute guidance. It is also noted that even considering a 3 km radius, as suggested by consultees, there will still be no significant effects owing to a combination of the very limited number of properties, the very limited level of visibility or no visibility, and the existing influence from the closer range Operational Scheme in the few instances where visibility may arise.
- 4.3.28 While significant effects are reported to arise within the first 5 km radius to the east and south-east and 2 km to the west of the Proposed Development, the remaining receptors will undergo no significant effects or no effects. Not all receptors within a 5 km radius of the Proposed Development will be significantly affected.

#### **Safety and Amenity of Regularly Occupied Buildings**

- 4.3.29 This criterion refers to visual intrusion, noise, ice throw, and shadow flicker / shadow throw. Visual effects have been addressed above.

##### Noise

##### Ice Throw

- 4.3.30 The criterion refers to 'ice throw' in winter conditions. The Government's web-based guidance notes that the build-up of ice on turbine blades is unlikely to present problems on the majority of wind farm sites. Furthermore, when icing does occur, turbines have vibration sensors which can detect imbalances and inhibit the operation of the machines. In line with current guidance, a permanent warning sign at the site's entrance is proposed to alert the public to this potential issue.

##### Shadow Flicker

- 4.3.31 Under certain combinations of geographical position and time of day, the sun may pass behind the rotors of a wind turbine and cast a shadow over neighbouring properties. Shadow flicker is an effect that can occur when the shadow of a blade passes over a small opening (such as window), briefly reducing the intensity of light within the room, and causing a flickering to be perceived. Shadow flicker effects only occur inside buildings where the blade casts a shadow across an entire window opening. No shadow flicker impacts would arise.
- 4.3.32 In summary, the Proposed Development would not result in significantly detrimental effects on the safety and amenity of any regularly occupied buildings and their grounds in terms of visual intrusion or the likely effect of noise generation, ice throw, shadow flicker, or shadow throw.

### **Water Environment**

- 4.3.33 Chapter 13 of the EIA Report evaluates the likely effects of the Development on hydrology, hydrogeology, geology and peat resources.
- 4.3.34 No significant effects in relation to the water environment are predicted. Furthermore, if consent is granted, and following more detailed site investigations, Construction Method Statement and a detailed Construction and Decommissioning Environmental Management Plan (CDEMP) will be prepared and submitted and agreed to in writing by the relevant authorities prior to commencement of construction.
- 4.3.35 The assessment states that with the mitigation, micro-siting, monitoring and proposed management plans in place, including the use of floating track for the sections of access track crossing deep peat, peat being reinstated where possible, slope profiles and re-use of excavated peat to block man-made muirburn drains and to restore the significant erosional gullies onsite where peat is actively being lost, the residual environmental effects would be reduced to minor.

### **Safety of Airport, Defence and Emergency Service Operation**

- 4.3.36 Aviation and telecoms matters are addressed in Chapter 15 of the EIA Report. No significant effects on aviation facilities are identified. There are no defence or emergency service operation issues arising.

### **Operation and Efficiency of Other Communications**

- 4.3.37 By way of design and mitigation, no significant effects in relation to communication installations or radio / television will result from the development.

### **Amenity of Walker, Cyclists and Horse riders**

- 4.3.38 In terms of the effect of the Proposed Development on recreational amenity receptors, as set out above with regard to visual effects, the LVIA concludes from the viewpoint analysis that principal visual receptors will not be significantly affected, owing to the combination of the existing influence from the Operational Scheme in the same location, the relatively small and contained extent of the extension, the separation distances between the viewpoints and the proposed turbines, the limited extent of additional visibility and the close association the proposed turbines have with the Operational Scheme turbines

### **Tourism and Recreation Interests**

- 4.3.39 It is inevitable that visitors to the immediate area would undoubtedly note the presence of the wind turbines but that will be in the context of the Operational Scheme. There is no evidence to indicate the development would adversely affect visitor numbers or visitor spend within the local area or wider region to a significant, let alone to an unacceptable degree.
- 4.3.40 The Proposed Development, when considered against the backdrop of available research, is not expected to have a negative impact on tourism and the economic value of this sector in the area's economy, when judged individually or cumulatively, with other projects proposed for the area. The available research documents are all consistent in their conclusion that the development of wind farms will not result in a significant reduction in tourist numbers, tourist experience or tourism revenue.
- 4.3.41 There is no evidence to demonstrate that the Proposed Development would have a significant adverse effect on tourism and recreational activity and those aspects of the economy in this part of Highland. The Applicant's position is that the proposed wind farm is considered to be acceptable in terms of tourism and recreation matters.

### Traffic and Transport Interests

- 4.3.42 Chapter 7 of the EIA Report considers the likely significant effects on traffic and transport associated with the construction, operation and decommissioning of the Proposed Development.
- 4.3.43 In summary, following the application of mitigation measures, it is predicted that Proposed Development would not result in any significant impacts on traffic and transport interests either during construction or operation. Furthermore, a Traffic Management Plan (TMP) is proposed and would be secured by way of a planning condition.
- 4.3.44 It is considered that no visual or indeed other effects would arise such that the proposed development is significantly detriment overall under the provisions of Policy 67.

### Other Policies

- 4.3.45 In terms of the other HwLDP policies as set out in Table 4.1 above, it is considered that the topics covered all overlap with and are encompassed within the comprehensive scope of Policy 67.

## 4.4 Onshore Wind Supplementary Guidance (November 2016)

- 4.4.1 The OWSG was adopted by the Council in November 2016 and forms part of the statutory Development Plan. Policy 67 refers to the OWSG and its role in providing further criteria for the consideration of onshore wind energy proposals. Accordingly, as the OWSG supplements Policy 67 and assists with its application.
- 4.4.2 Paragraph 1.8 of the OWSG is helpful in understanding its role. It states: *“The advice that follows provides a fuller interpretation of HwLDP policies as they relate to onshore wind energy development. The Council will balance these considerations with wider strategic and environmental and economic objectives including sustainable economic growth in the Highlands, and our contribution to renewable energy targets and tackling climate change...”*.
- 4.4.3 Section 4 of the OWSG sets out “key development plan considerations” and the topic headings broadly follow those as set out within policy 67 of the HwLDP. The topic headings, to which additional guidance is provided, broadly follow those as set out within HwLDP Policy 67.
- 4.4.4 At paragraph 4.16, the OWSG sets out that *“the following criteria set out key landscape and visual aspects that the Council will use as a framework and focus for assessing proposals, including discussions with applicants”*.
- 4.4.5 Paragraph 4.17 adds that the criteria do not set absolute requirements, but rather seek to ensure developers are aware of key potential constraints to development. Following paragraph 4.17 there is a list of 10 criteria, together with associated ‘thresholds’ and ‘measures for development’. A detailed appraisal of how the proposed development relates to these criteria is set out in Appendix 9E of the EIA Report. For convenience it is also shown in **Table 4.2** below.
- 4.4.6 In terms of the role and function of the OWSG, it is supplementary to the ‘lead’ Policy 67 of the LDP which contains the applicable policy test. The SG provides criteria against which to help assess a proposal with the application of Policy 67 but introduces no new or separate tests. This position is accepted by The Highland Council and endorsed in the Dell Wind Farm Appeal Decision Notice, in which the Reporter stated at paragraph 10: *“parties agreed that the guidance does not contain any further tests to assess compliance beyond what is contained with Policy 67”*.



4.4.7 Furthermore, the Reporters' report into the consented Limekiln s.36 Wind farm development discussed the OWSG and stated on page 12 that "*whilst of relevance, the document does not contain any specific requirements beyond those established by policy 67*".

4.4.8 The Reporters then concluded in paragraph 9.40 that the OWSG was consistent with policy 67 "*and so a forensic assessment of the proposal using the supplementary guidance would offer little value to our consideration of the scheme's merits*".

**Table 4.2: OWSG Criteria and Appraisal**

Criterion	Measure	Response
<b>1. Relationship between Settlements/ Key locations and wider landscape respected.</b>	The extent to which the proposal contributes to perception of settlements or key locations being encircled by wind energy development.	The relationship between settlements and the wider landscape will be respected as the Proposed Development will have no significant effects on any of the settlements within the 45 km Study Area. This means that the Proposed Development will not contribute to any sense of settlements becoming encircled by wind farm development.
Development should seek to achieve a threshold where:	Turbines are not visually prominent in the majority of views within or from settlements/ Key Locations or from the majority of its access routes.	The Proposed Development is located such that there are no settlements within an 8 km radius. While some small settlements occur beyond 8 km, visibility of the Proposed Development will be very limited and across the majority of the villages and towns in the wider Study Area there will be no visibility. The ZTV in Figure 9.11 in the EIA Report shows the limited visibility that will occur across settlements in a 20 km radius of the Site.
<b>2. Key Gateway locations and routes are respected.</b>	The extent to which the proposal reduces or detracts from the transitional experience of key Gateway Locations and routes.	Key routes will be respected as the Proposed Development will have no significant effects on any of the routes within the 45 km Study Area. The key routes that are relevant to this assessment include sections of the A9, B9007 and A939, which are located a minimum of approximately 7 km, 8 km and 11 km respectively from the Proposed Development.
Development should seek to achieve a threshold where:	Wind Turbines or other infrastructure do not overwhelm or otherwise detract from landscape characteristics which contribute to the distinctive transitional experience found at key gateway locations and routes.	The Proposed Development will not overwhelm or detract from landscape characteristics experienced from these routes owing to a combination of their separation distances from the Proposed Development, the limited geographical extent and typically low levels of visibility that will occur from these routes, and the existing influence from the operational wind farms, most notable the Operational Scheme which is located immediately adjacent to the Proposed Development.
<b>3. Valued natural and cultural</b>	The extent to which the proposal affects the fabric and setting	The Proposed Development will not affect the fabric of any valued natural or cultural landmarks. Most of the cultural landmarks

Criterion	Measure	Response
<b>landmarks are respected.</b>	of valued natural and cultural landmarks	in the Study Area occur in the settled straths and valleys. The ZTV in Figure 9.5a highlights the limited extent and distant nature of visibility within these low-lying areas - these factors ensuring that the Proposed Development will have a limited effect. The exception occurs at Lochindorb where the Proposed Development will have an effect on the setting of this cultural landmark. The effect will not, however, be significant owing to the separation distance, the limited extent of visibility and the baseline influence from the Operational Scheme. The setting of natural landmarks which have potential to be affected include the larger and more dramatic hills of the Cairngorm Mountains. Again, the effect on these hills will be not significant owing to the separation distance, the limited extent of visibility and the baseline influence from the operational wind farms.
Development should seek to achieve a threshold where:	The development does not, by its presence, diminish the prominence of the landmark or disrupt its relationship to its setting.	The Proposed Development does not diminish the prominence of the cultural landmark at Lochindorb or disrupt its relationship to its setting, owing to the contained extent of the proposed turbines, their partial screening by the intervening landform and the existing influence from the operational wind farm in the same sector. The Proposed Development also does not diminish the natural landmarks of the surrounding hills or their relationship with their wider setting, owing to the relatively small number of turbines, their association with the operational turbines, their separation distance from the valued landmark hills and the much wider landscape context which has a stronger influence.
<b>4. The amenity of key recreational routes and ways is respected.</b>	The extent to which the proposal affects the amenity of key recreational routes and ways (e.g. Core Paths, Munros and Corbetts, Long Distance Routes etc.)	The Proposed Development will not have any direct effects on key recreational routes. While the Proposed Development will have indirect effects on views from recreational routes across the Study Area, there are no such routes within an 8 km radius of the Proposed Development and routes beyond this will not be significantly affected.
Development should seek to achieve a threshold where:	Wind Turbines or other infrastructure do not overwhelm or otherwise significantly detract from the visual appeal of key routes and ways.	The Proposed Development does not overwhelm or significantly detract from the visual appeal of key routes and ways, owing to a combination of the relatively small number of proposed turbines being added to an existing group, their

Criterion	Measure	Response
		separation distances from the key recreational routes, and the existing influence from the operational wind farms, most notably the Operational Scheme, which is immediately adjacent.
<b>5. The amenity of transport routes is respected.</b>	The extent to which the proposal affects the amenity of transport routes (tourist routes as well as rail, ferry routes and local road access).	The Proposed Development will have a limited effect on the amenity of transport routes as there are no routes within a 7 km radius and beyond this, the combination of the separation distance, the limited geographic extent and lower levels of visibility, and the existing influence from operational wind farms will ensure significant effects do not arise.
Development should seek to achieve a threshold where:	Wind Turbines or other infrastructure do not overwhelm or otherwise significantly detract from the visual appeal of transport routes.	The Proposed Development will not overwhelm road-users or significantly detract from the visual appeal of the A9, B9007 and A939, which are located a minimum of approximately 7 km, 8 km and 11 km respectively from the Proposed Development. The proposed turbines will be contained in an upland area, that is recessed from the lower-lying locations of these routes, and from which the Operational Scheme and other operational wind farms, including Moy, are already visible.
<b>6. The existing pattern of Wind Energy Development is respected.</b>	<p>The degree to which the proposal fits with the existing pattern of nearby wind energy development, considerations include:</p> <p>Turbine height and proportions, density and spacing of turbines within developments, density and spacing of developments, typical relationship of development to the landscape previously instituted mitigation measures, Planning Authority stated aims for development of area.</p>	<p>The pattern of wind farm development across the Study Area is characterised by a band of wind farms following the south-west to north-east alignment of the uplands which sit to the north of the Cairngorm Mountains. The Proposed Development sits within this band of uplands and fits with this existing pattern.</p> <p>At a more local level, the seven proposed turbines form a relatively small extension to the existing 13 operational turbines. While they are slightly taller and with longer blades, the proposed turbines generally follow the same pattern of the operational turbines in terms of layout, density and spacing.</p>
Development should seek to achieve a threshold where:	The proposal contributes positively to existing pattern or objectives for	The Proposed Development contributes positively to the existing pattern or objectives for development in the area, by forming an extension to an existing group and in so doing, consolidating wind farm development in an area where there is

Criterion	Measure	Response
	development in the area.	already an influence from this type of development. Its location in the uplands helps contain wind farm development in this landscape character type and prevents it from spreading into more sensitive and undeveloped landscapes.
<b>7. The need for separation between developments and/or clusters is respected.</b>	The extent to which the proposal maintains or affects the spaces between existing developments and/ or clusters.	The Proposed Development comprises a relatively small number of turbines which will be located immediately adjacent to operational turbines such that they will form part of this existing group. The next closest operational wind farm will be Moy at a minimum of approximately 5 km to the north-west. The Proposed Development will not reduce the separation space as it will be located on the opposite side. In respect of Farr and Glen Kyllachy at a minimum of approximately 12 km to the south-west, the Proposed Development will be the same distance as the operational turbines, and therefore, will also not reduce the separation space.
Development should seek to achieve a threshold where:	The proposal maintains appropriate and effective separation between developments and/ or clusters.	The Proposed Development will maintain appropriate and effective separation from the other operational wind farms in the wider landscape, owing to the relatively small number of additional turbines, their close proximity to the operational turbines and by maintaining the substantial separation distances from the other operational wind farms which already exists.
<b>8. The perception of landscape scale and distance is respected.</b>	The extent to which the proposal maintains or affects receptors' existing perception of landscape scale and distance.	The effect of the Proposed Development on receptors' perception of landscape scale and distance will be limited by the limited occurrence of receptors within the close to middle range of the Site. There are very few receptors in the rural area around the Site, other than rural properties and roads, from which visibility will typically be limited. While views of walkers will be affected, the effect on perceptions of landscape scale and distance will be moderated by the presence and influence of the Operational Scheme on the adjacent site.
Development should seek to achieve a threshold where:	The proposal maintains the apparent landscape scale and/or distance in the receptors' perception.	The combination of the limited occurrence of visual receptors and their concentration in the lower-lying parts of the landscape, means that there are very few visual receptors within the first 5 to 8 km of the Site, in which there would be the greatest likelihood for perceptions of scale to be challenged. Even from the open uplands, the existing influence from the Operational

Criterion	Measure	Response
		Scheme presents a reference to perceived scale and distance which will notably moderate the additional influence of the Proposed Development.
<b>9. Landscape setting of nearby wind energy developments is respected.</b>	The extent to which the landscape setting of nearby wind energy developments is affected by the proposal.	The setting of nearby wind energy developments would not be affected by the Proposed Development. The Operational Scheme is the closest operational wind farm which is located in the same Open Rolling Upland LCT. The seven additional turbines will form a compact extension to the 13 operational turbines and the consolidated nature of the Proposed Development will minimise the effect on the wider landscape setting. Moy Wind Farm is located a minimum of approximately 5 km to the north-west, such that there is sufficient separation to prevent its setting from being affected by the Proposed Development, especially as it is on the opposite side of the Operational Scheme.
Development should seek to achieve a threshold where:	Proposal relates well to the existing landscape setting and does not increase the perceived visual prominence of surrounding wind turbines.	The Proposed Development would be appropriately located in a broad area of upland moorland. Through its scale and simplicity, this landscape has the capacity to accommodate the Proposed Development without impinging on the more sensitive valley landscapes to the south, west and north, or the more sensitive high tops further south. The distinct and well-contained location of the Proposed Development ensures that it does not increase the perceived visual prominence of surrounding wind turbines.
<b>10. Distinctiveness of Landscape character is respected.</b>	The extent to which a proposal affects the distinction between neighbouring landscape character types, in areas where the variety of character is important to the appreciation of the landscape.	The Proposed Development is located in the same upland area as the Operational Scheme. These hills form part of a broader area of uplands which ensures that the seven proposed turbines occupy only a small area within a much wider landscape and avoids any effect on the distinction between neighbouring landscapes.
Development should seek to achieve a threshold where:	Integrity and variety of Landscape Character Areas are maintained.	The containment of the Proposed Development in this upland area, would associate it with an appropriate location where wind farm development already has an influence and help maintain the integrity and variety of the more sensitive surrounding landscape character areas.

- 4.4.9 The conclusion reached from the assessment of the various landscape and visual criteria is that overall, the location and design of the development is acceptable. Furthermore, it is considered that for none of the criteria there will be sufficient adverse effect as to undermine the purpose of any of the criterion.

#### **The SG: Section 5 – Highland Strategic Capacity**

- 4.4.10 Section 5 of the SG deals with strategic capacity. Paragraph 5.4 makes it clear that the section does not introduce additional constraints to those in the Spatial Framework. It adds that it is intended to provide “*additional strategic considerations that identify sensitivities and potential capacity*”. It explains that “*the following serves as a guide*” and that “*assessment of specific proposals will take into account and site and proposal-specific factors*”. These are important caveats.
- 4.4.11 The OWSG includes Addendum Supplementary Guidance ‘Part 2B’ which was adopted in December 2017 and provides landscape sensitivity appraisals for ‘Black Isle, Surrounding Hills and Moray Firth Coast Caithness’.
- 4.4.12 The application site is located within Landscape Character Area (LCA) BL10. In summary it states that there may be some limited potential for larger scale development in LCA BL10 where development respects the space and scale of existing development, is well contained and respects Drynachan, Lochindorb and Dava Moor SLA, including its particular sensitivities set out in the SLA citation.
- 4.4.13 Paragraph 5.4 adds that Applicants will be expected to “*demonstrate how their proposals align with the conclusions of the assessments, and if they do not, will be expected to demonstrate why they are still appropriate developments*”. Paragraph 5.6 however states that it provides “general advice” and 5.7 makes it clear that: “*finding the balance between the benefits of a particular scheme and the impacts it may present will be the subject of careful consideration on a case-by-case basis at the development management stage*”.

### **4.5 Conclusions on the Development Plan**

- 4.5.1 It is considered that the effects arising from the Proposed Development would not be ‘significantly detrimental’ overall in terms of Policy 67. These effects are considered to be acceptable because the proposal is a planned extension of the Operational Scheme, the effects arising are localised, will not affect the most sensitive of landscape or designations and also because of the supportive position in terms of the Spatial Framework and OWSG. The more ‘exacting’ development management process required by SPP has been applied by way of Policy 67 in arriving at this conclusion.
- 4.5.2 No effects would arise that are considered unacceptable, individually or cumulatively, with other developments having specific regard to the criteria contained within the key renewable energy policy of the LDP.
- 4.5.3 Moreover, through considering the other relevant policies, including the advice contained in the OWSG, it is considered that the proposed development accords with the Development Plan when it is read as whole – insofar as this is a relevant matter in a section 36 case.



## 5. The Benefits of the Development

### 5.1 The Benefits: Summary

5.1.1 This Chapter summarises the benefits that would arise from the proposed development.

#### Renewable Generation and Emissions Savings

- > With an overall installed capacity in the region of 33.6 MW (and with battery storage), the Proposed Development would make a valuable contribution to the attainment of the UK and Scottish Government policies of encouraging renewable energy developments; and in turn contribute to the achievement of UK and Scottish Government targets. As explained, there is now a distinct shift in policy emphasis from the displacement of higher carbon electricity generation to extending the use of electricity as the critical energy response to the Climate Emergency.
- > It is estimated that the power generated would create sufficient electricity to power approximately 13,599 average UK households.
- > The UK legally binding target of net zero GHG emissions by 2050 and the Scottish Government target of a 75% reduction of such emissions by 2030 and net zero by the earlier date of 2045 are major challenges. The Government has made it clear that onshore wind plays a vital role in the attainment of future targets in relation to helping to combat the crisis of global heating.
- > The Proposed Development includes energy storage equipment, which would store excess power generated, and release power on to the grid when the output from the development falls due to decreased wind speed. The inclusion of energy storage would increase the sustainability of the power generated.
- > The proposal would offset substantial carbon dioxide and other greenhouse gas emissions: the carbon dioxide savings are estimated at circa 24,778 tonnes annually and some 991,120 tonnes over the 40-year lifetime of the Proposed Development.

#### Economic, Employment & Community Socio-Economic Benefits

- > During the construction phase, the development is estimated to create between 31 and 42 FTE jobs in the local economy<sup>10</sup>.
- > During the operational phase, employment related to operations and maintenance for the development is estimated to generate further employment – estimated at between 5.7 and 9.8 FTE jobs per annum.
- > The Applicant is committed to maximising the local economic impact from the proposed development to encourage local enterprise have an opportunity to bid for contracts.
- > The Proposed Development would make an annual payment of £4,500 (index-linked) per MW over the lifetime of the project (assuming 10% of the Proposed Development would be under community/shared ownership).
- > As with the Operational Scheme, Infinergy intend to offer up to 10% of the project in the form of Community/Shared Ownership. This would most likely be via a 'shared revenue' model. Potential returns over the lifetime of the Proposed Development would help any organisations involved to have a secure source of funding over the 40-year lifetime of the Proposed Development.

<sup>10</sup> Employment estimates are set out in detail in Chapter 6 of the EIA Report.

## 6. Conclusions

### 6.1 The Electricity Act 1989

- 6.1.1 Paragraph 3 of Schedule 9 to the 1989 Act provides a specific statutory requirement on the Scottish Ministers to have regard to various matters when considering development proposals for consent under section 36 of the 1989 Act.
- 6.1.2 The information that is contained within the individual topic sections of the EIA documentation enables the Ministers to discharge their obligation under Schedule 9. It is also considered that the detailed work undertaken for the EIA and has confirmed and provides confidence that the Proposed Development is environmentally acceptable.

### 6.2 Climate Emergency & the Renewable Energy Policy Framework

- 6.2.1 The urgent need for onshore wind has been set out: a large increase in the deployment of this renewable energy technology is supported through a number of policy documents and by Scottish Government commitments – most recently expressed in the Onshore Wind Policy Statement Refresh Consultative Draft and, in the draft NPF4.
- 6.2.2 Onshore wind was already viewed and described as “vital” to the attainment of targets in 2017. This imperative has only increased since a ‘climate emergency’ was declared by the Scottish First Minister in April 2019, 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 amendments to the Climate Change Act 2008 and in Scotland with the provisions of the Climate Change (Scotland) Act 2009 and the Climate Change (Emissions Reduction Targets) (Scotland) Act 2019.
- 6.2.3 Overall, the renewable energy policy framework is a central and crucial consideration in this and all such cases and one that should attract great weight in the balance of factors in the determination of the application. It also needs to be acknowledged that the need case with regard to renewable generation as set out in NPF3 and SPP was predicated on emissions reduction targets that are now superseded by more challenging targets (and a change in the law), to be achieved sooner. The documents are under review and the targets referred to in them have been overtaken by new renewable energy targets and statutory emissions reduction targets. Achieving net zero is a legal requirement, and the Scottish Government has recognised, most recently in the draft OWPS refresh, that a massive quantity of new onshore wind is required to meet the legal requirement by 2030.
- 6.2.4 The benefits of the Proposed Development have been set out in the context of the current Climate Emergency and after a period of economic recession – they would help address the issue of global heating and very challenging ‘net zero’ targets and contribute to a green recovery.
- 6.2.5 It is considered that the benefits offered by the Proposed Development and the need case based in law and policy, demonstrably outweigh the negative impacts of the scheme.
- 6.2.6 Commercial scale wind turbines are by necessity large structures. It is not therefore surprising that some significant landscape and visual effects have been identified. The design of the wind farm has had landscape and visual effects as a key design influence from the outset, and the resultant effects are not considered unacceptable. The effects arising, are not disproportionate for a renewable energy project of this size. The turbines are of a modest height in today’s terms compared to many other projects and have a satisfactory ‘fit’ with the Operational Scheme. Moreover, as an extension, the proposal takes advantage of existing infrastructure.

- 6.2.7 The socio-economic benefits are also of particular importance given the green recovery context. 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 – great weight should be placed on the benefits that would arise from the development.

## 6.3 National Planning Policy

- 6.3.1 NPF3 and SPP set out a strong position of support in relation to renewable energy and renewable energy targets and recognise the significant energy resource that can be provided by onshore wind. This is clearly not at any cost and environmental effects need to be judged to be acceptable in the overall planning balance when set against the benefits.
- 6.3.2 SPP requires consideration of a wind farm's contribution to renewable targets and climate emission reductions. Furthermore, each of the relevant sustainable development principles introduced through Paragraph 29 of SPP have been considered and the proposed development would be consistent with these and should benefit from the presumption in favour of development that contributes to sustainable development.
- 6.3.3 The development is in an appropriate location, adjacent to the Operational Scheme. It is considered that it is consistent with the relevant provisions of national planning policy and advice. The policy provisions at a national level have been satisfactorily addressed.
- 6.3.4 Furthermore, in Scotland, in terms of planning policy provisions set out in SPP, there is now a clear shift from what was then (in 2014) termed the move to a 'low carbon economy' – there is now an ambitious policy imperative to move to a 'net zero economy and society'. The Proposed Development can help achieve that clear policy objective.
- 6.3.5 The draft NPF4 is clear that the Government is seeking a "rebalance" of the planning system "*so that climate change is a guiding principle for all plans and decisions*". Moreover, onshore wind is the specific renewable technology referenced as having the key role in the plan for net-zero emissions through the 2020s.
- 6.3.6 Whilst only limited weight can be placed on the detailed wording of the specific policies in the draft NPF4 at this stage, it is clear that the generation of renewable energy (in particular from onshore wind "*in the coming years*") is recognised as being of national importance and is a key part of the way in which the emissions reduction statutory 'outcome' and the attainment of the legally binding net zero will be fulfilled.

## 6.4 The Development Plan

- 6.4.1 The Proposed Development would also be consistent with the lead policy of the Development Plan, and with the Plan when read as a whole.

## 6.5 Overall Conclusions

- 6.5.1 It has been demonstrated that the Proposed Development accords with local and national planning policy, and that there is a substantial need for this type of development in order that pressing future targets in relation to the global heating crisis and renewable energy generation and greenhouse gas emission reductions can be met in time.
- 6.5.2 There is a climate emergency. That is a factor of importance and considerable weight. It does not require a statement to that effect in a planning document to make it so. Planning decisions must be made within and respond to the changing economic and wider policy context within which development comes forward. The planning balance can therefore no longer be approached as it has been in the past.

- 6.5.3 The firm direction of travel signalled by the NPF4 Position Statement has now continued into the draft NPF4 and the draft OWPS. That point is of itself important since the consistency of approach shown within them adds markedly to the weight to be given in the planning policy drive to attain net zero. Material change is most unlikely. However, the fact of the acceleration of support for up to 12GW of additional onshore wind capacity clearly evidenced in the two documents in turn means that they cannot be categorised and dismissed as just a continuing of what might be termed a 'business-as-usual' approach.
- 6.5.4 An additional 12GW of onshore wind capacity would equate to approximately 85 more 100MW scale wind farms having to be consented and become operational across Scotland by 2030.
- 6.5.5 The NPF4 Position Statement heralded a rebalancing of the planning system, so as to recognise the climate and nature crises. Draft NPF4 delivers this rebalanced approach which means that all decision makers will have to recalibrate their decision-making considerations.
- 6.5.6 Therefore, the tilt point along the scale of possible decisions represented by the concept of the planning balance has been shifted by law and the clearest direction of policy. This is put into sharp focus by the targets to be met as a matter of law by 2030 and 2045. The 2030 target is a considerable challenge.
- 6.5.7 It is important to note that the Applicant is not relying on future policy to make its case. The Applicant is quite clear in saying that the Proposed Development should obtain consent as matters stand, irrespective of any additional policy support which will come through NPF4. However, when the further support inevitably does arrive, the planning balance swings yet further in favour of consent being granted.
- 6.5.8 NPF4 will be vital in supporting delivery of net zero by 2045 with dramatic progress required by 2030 if net zero by 2045 is to stand any chance of being achieved. Onshore wind is the key technology which the Government wishes to see more of, delivered faster and especially by 2030. Taking all matters together, the Applicant submits that the need case is to be accorded very substantial weight in the planning balance.
- 6.5.9 Indeed, it may fairly be said that consent should only be withheld if the need case is demonstrably and significantly outweighed by local environmental harm which is beyond that which is to be expected for any large wind farm in any location. The policy imperative, being brought up to date by these recent publications must, in the Applicant's view, be acted on.
- 6.5.10 This does not mean that the decision maker should expect to find an express watering down of environmental protection. Weight is entirely a matter for the decision maker. However, the way that decision makers can recognise the strengthening policy imperative and the increased weight that should be given to the benefits of the Proposed Development is by giving relatively more weight to the seriousness and importance of energy policy related considerations in the planning balance.
- 6.5.11 The overall conclusion is that when all the relevant considerations have been properly considered, the balance strongly favours the granting of consent. On this basis, it is recommended that Section 36 consent and deemed planning permission should be granted, for the Proposed Development, subject to appropriate conditions.

## 7. Appendix 1: The Renewable Energy Policy Framework

### 7.1 Introduction

- 7.1.1 This Appendix sets out the renewable energy policy and legislative framework with reference to relevant international, UK and Scottish energy policy provisions. It supplements Chapter 2 of this Planning Statement.

### 7.2 International & European Policy Considerations

#### The Paris Agreement (2015)

- 7.2.1 The Paris Agreement (2015) is an agreement within the United Nations Framework Convention on Climate Change. The purpose of the Agreement is to strengthen the global response to the threat of climate change. The UK was the 111th country to ratify the Agreement. Under the Agreement, each country must determine, plan and regularly report on the contribution that it undertakes to mitigate global warming. In order to achieve this long-term temperature target, the text of Article 4 (page 4) states “parties aim to reach global peaking of greenhouse gas emissions as soon as possible”. Article 2 (page 3) sets out:

*“This Agreement, in enhancing the implementation of the Convention, including its objective, aims to strengthen the global response to the threat of climate change, in the context of sustainable development and efforts to eradicate poverty, including by: (a) Holding the increase in the global average temperature to well below 2°C above pre-industrial levels and pursuing efforts to limit the temperature increase to 1.5°C above pre-industrial levels, recognizing that this would significantly reduce the risks and impacts of climate change.”*

- 7.2.2 It is clear that moving to a low carbon economy is a globally shared goal and will require absolute emission reduction targets. 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 (Scotland) and 2050 (UK). This is referred to below.

#### The Intergovernmental Panel on Climate Change (IPCC) Sixth Assessment Report (2021), related Press Release and Statements

- 7.2.3 The first part of the Intergovernmental Panel on Climate Change (IPCC) Sixth Assessment Report (AR6) was published on 9 August 2021. The publication is made up of the ‘Working Group 1’ Report ‘Climate Change 2021: The Physical Science Basis’ together with a ‘Summary for Policymakers’ (SPM)<sup>11</sup> (collectively referred to as ‘the AR6 Report’).
- 7.2.4 The Report addresses the physical understanding of the climate system and climate change. It sets out how and why the climate has changed to date and the improved understanding of human influence on a wider range of climate characteristics, including extreme events. The Report is the first major review of the science of climate change since 2013.
- 7.2.5 Key messages of this landmark Report include the following.
- > Even if the countries of the world cut their greenhouse-gas emissions dramatically (and they are not yet on a consistent downward trend of any sort) the IPCC finds that

<sup>11</sup> IPCC, 2021: Summary for Policymakers. In: Climate Change 2021: The Physical Science Basis. Contribution of Working Group I to the Sixth Assessment Report of the Intergovernmental Panel on Climate Change, Masson-Delmotte *et al*, Cambridge University Press.

temperatures are very likely to be 1.5°C higher than they were in the 19th century by 2050—if not before. That breaks the more ambitious of the goals for limiting climate change that the world signed up to in the Paris agreement of 2015<sup>12</sup>.

- > The Report is much more assertive than its predecessors in terms of attributing changes and specific events to climate change, describing the distribution of these effects around the Earth and assessing the degree to which the weather is being pushed to new extremes.
- > This latest assessment provides unprecedented clarity – it is clear that human influence on the climate is now indisputable and “unequivocal”. The UN Secretary General has described the Report as a “code red for humanity”<sup>13</sup>.
- > Even under the most stringent emissions-reduction scenarios the IPCC thinks it is “more likely than not” that temperatures will exceed 1.5°C above the pre-industrial level within the next few decades. The 1.5°C figure is estimated to be reached by 2040 in all scenarios modelled<sup>14</sup>.
- > To stand a good chance of keeping the increase below 2°C through emissions reduction would require the Governments of the world to quickly set in place policies that would put their economies onto the emissions-reducing pathways they have pledged themselves to. It is clear that deep cuts in emissions of greenhouse gas are required as the window of opportunity gets smaller. In short, there is no time for delay, immediate action is the only way to avoid ever-worsening impacts – the climate crisis must be treated as a crisis.

7.2.6 It is clear that moving to a low carbon economy is a globally shared goal and will require absolute emission reduction targets. 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 (Scotland) and 2050 (UK).

#### **COP26 – The Glasgow Climate Pact (November 2021)**

7.2.7 The negotiations at the COP26 climate summit held in November 2021 under the UN Framework Convention on Climate Change focused on the gravity of the situation and has sought to secure global net zero by mid-century and keep the 1.5-degree target within reach.

7.2.8 COP26 concluded in Glasgow on 13<sup>th</sup> November 2021 with nearly 200 countries agreeing the ‘Glasgow Climate Pact’ to keep 1.5C alive and to finalise the outstanding elements of the Paris Agreement.

7.2.9 Climate negotiators ended two weeks of intense talks with consensus on urgently accelerating climate action. The Glasgow Climate Pact, combined with increased ambition and action from countries, means that 1.5C remains in sight, but it will only be delivered with concerted and immediate global efforts.

7.2.10 The Glasgow Climate Pact is intended to speed up the pace of climate action. All countries agreed to revisit and strengthen their current emissions targets to 2030, known as Nationally Determined Contributions in 2022. This will be combined with a yearly political roundtable to consider a global progress report and a Leaders summit in 2023.

<sup>12</sup>The IPCC Fifth Assessment Report informed the 2015 Paris Agreement.

<sup>13</sup> Statement by UN secretary general Antonio Guterres, 09 August, 2021.

<sup>14</sup> As set out in Table SMM.1, page 18 in the SPM.



### 7.3 The UK Net Zero Target

- 7.3.1 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 “at least” a 100% reduction of greenhouse gas emissions. The target is now legally binding by way of an amendment to the Climate Change Act 2008 by the Climate Change Act 2008 (2050 Target Amendment) Order 2019.

#### The UK’s Sixth Carbon Budget (December 2020)

- 7.3.2 The Committee on Climate Change (CCC) published the Sixth carbon budget ‘the UK’s Path to Net Zero’ in early December 2020. The recommendations relate to the budget to run from 2033 to 2037. It builds upon the CCC’s previous advice to Government in relation to net zero. The CCC recommended that the UK set a Sixth Carbon Budget (CB6) to require a reduction in UK greenhouse gas emissions of 78% by 2035 relative to 1990 levels.
- 7.3.3 This is seen as a world leading commitment, placing the UK “*decisively on the path to net zero by 2050 at the latest with a trajectory that is consistent with the Paris Agreement*”.
- 7.3.4 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, Scotland can take action through complementary measures at the devolved level including supporting policies such as “*planning and consenting*”.
- 7.3.5 Key points from CB6 include:
- > UK climate targets cannot be met without strong policy action in Scotland.
  - > The CCC is clear in setting out that new demand for electricity will mean that electricity demand will rise 50% to 2035 and “*doubling or even trebling by 2050*”.
  - > The Sixth Carbon Budget needs to be met /achieved and that will need more and faster deployment of renewable energy developments than has happened in the past.
  - > The related ‘Methodology Report’ from the CCC advice, states that in all scenarios for the carbon budget and looking ahead to 2050, the CCC sees new onshore wind generation being deployed by 2050. They set out that their “*modelling reflects this by almost doubling onshore wind capacity to 20-30 GW in all scenarios by 2050.*”
  - > 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.
- 7.3.6 Following the Sixth Carbon Budget, the UK Government announced on 20 April 2021 that it would set the world’s most ambitious climate change target into law (by the Carbon Budget Order 2021<sup>15</sup>) to reduce emissions by 78% by 2035 compared to 1990 levels.

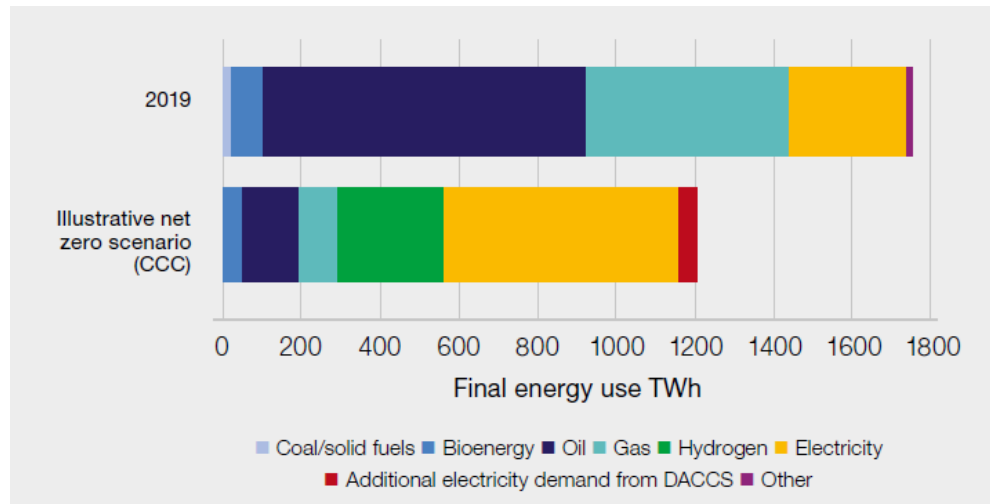
#### The UK Energy White Paper (December 2020)

- 7.3.7 The Energy White Paper ‘Powering our Net Zero Future’ was published on 14 December 2020 represents a sea change in UK policy and highlights the importance of renewable electricity.

<sup>15</sup> The Order sets the carbon budget for the 2033-2037 budgetary period at 965 million tonnes of carbon dioxide equivalent. Carbon budgets set a cap on the maximum level of the net UK carbon account for each five-year budgetary period. The net UK carbon account is defined in section 27 of the Climate Change Act 2008.

- 7.3.8 It sets out that “*electricity is a key enabler for the transition away from fossil fuels and decarbonising the economy cost-effectively by 2050*”. A key objective is to “*accelerate the deployment of clean electricity generation through the 2020s*” (page 38).
- 7.3.9 Electricity demand is forecast to double out to 2050, which will “*require a four-fold increase in clean electricity generation with the decarbonisation of electricity increasingly underpinning the delivery of our net zero target*” (page 42).
- 7.3.10 This anticipated growth of renewable electricity is illustrated in the graph below – **Figure 1**.

**Figure 1: Illustrative UK Final Energy Use in 2050<sup>16</sup>**



- 7.3.11 Other key points in the White Paper include:
- > The White Paper builds on the Prime Minister’s recently announced ‘Ten Point Plan’ to set the energy-related measures and a long-term strategic vision for the energy system, consistent with net zero emissions by 2050.
  - > It sets out (page 2) that it “*puts net zero and our effort to fight climate change at its core.*”
  - > It aims to support a ‘green recovery’ from COVID-19 and confirms that electricity demand could double by 2050.

- 7.3.12 Whilst offshore renewables are expected to grow significantly, the White Paper also sets out that “*onshore wind and solar will be key building blocks of the future generation mix, along with offshore wind. We will need sustained growth in the capacity of these sectors in the next decade to ensure that we are on a pathway that allows us to meet net zero emissions in all demand scenarios*” (page 45).

#### The UK Net Zero Strategy (October 2021)

- 7.3.13 The UK Government published the Net Zero strategy in October 2021. This sets out policies and proposals for keeping in the UK on track in relation to carbon budgets and the UK’s nationally determined contribution (NDC)<sup>17</sup> and establishes the long-term pathway to net zero by 2050

<sup>16</sup> Source: Energy White Paper page 9 (2020).

<sup>17</sup> Every country that signed up to the Paris Agreement (2015) set out a target known as a nationally determined contribution for reducing greenhouse gas emissions by around 2030. For the UK the target was a 68% reduction on 1990 levels by 2030.

- 7.3.14 The Net Zero Strategy sets out the Government's plans for reducing emissions from each sector of the UK economy, related to carbon budget and to the eventual target of net zero by 2050. The Strategy has been submitted to the United Nations Framework Convention on Climate (UNFCCC) as the UK's second long-term low greenhouse gas emission development strategy under the Paris Agreement.
- 7.3.15 Page 19 addresses the power sector and sets out that the power system will be fully decarbonised by 2035.
- 7.3.16 Key policies are set out including that by 2013 there will be some 40GW of offshore wind with *"more onshore, solar and other renewables"*. The strategy also builds on the UK Government's 'Ten Point Plan' *"with our vision to create new jobs in net zero Industries as we meet our climate target."* (page 40).
- 7.3.17 In terms of power, a key commitment is to *"accelerate deployment of low-cost renewable generation, such as wind and solar through the contracts for a difference scheme by undertaking a review of the frequency of the CfD auctions"* (page 94).
- 7.3.18 It is notable that in terms of power, the Strategy references the Energy White Paper (2020) which set out the goal of a fully decarbonised and low-cost power system by 2050. It adds that CB6 represents *"a very significant increase in the pace of power sector decarbonisation, coupled with increased demand due to accelerated action another sector dependent on low-carbon electricity"*. (page 98). It adds:  
  
*"although the Energy White Paper envisaged achieving an overwhelmingly decarbonised power system during the 2030s, we have since increased our ambition further. By 2035 all our electricity will need to come from low carbon sources, subject security of supply bringing forward the Government's commitment to a fully decarbonise power system by 15 years, whilst meeting at 40-60% increase in demand"*.
- 7.3.19 The Strategy also sets out that the Government will be supporting sustained deployment of low-carbon generation (page 103), in this regards it states that there will need to continue to drive rapid deployment of renewables.

## 7.4 Scottish Government Policy & Targets

- 7.4.1 In recent years there has been a large number of Scottish Government policy documents (and new statute) on the topic of climate change and renewable energy. In this section the following more recent documents are referred to, with key policy objectives and targets highlighted:
- > The Scottish Energy Strategy (2017);
  - > The Onshore Wind Policy Statement (2017);
  - > Statements from the First Minister on the 'Climate Emergency' (2019);
  - > The Climate Change (Emissions Reduction Targets) (Scotland) Act 2019;
  - > The Update to the Climate Change Plan (December 2020);
  - > The Scottish Government & Scottish Green Party: Draft Shared Policy Programme (August 2021);
  - > The Programme for Government (2021); and
  - > The Onshore Wind Policy Statement Refresh, Consultative Draft (2021).

### The Scottish Energy Strategy (2017)

- 7.4.2 The Scottish Energy Strategy (SES) was published in December 2017 and sets a 2050 vision for energy in Scotland as “a flourishing, competitive local and national energy sector, delivering secure, affordable, clean energy for Scotland’s households, communities and businesses”. The 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.”*
- 7.4.3 The strategy also contained a targets for 2030 for the equivalent of 50% of the energy for Scotland’s heat, transport and electricity consumption to be supplied from renewable sources.
- 7.4.4 The longer-term target is further articulated on page 34 where it is stated: “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.”
- 7.4.5 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”.
- 7.4.6 The SES sets 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”.
- 7.4.7 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”.
- 7.4.8 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.”*
- “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”.*
- 7.4.9 The SES goes on to cross refer to further detail in relation to onshore wind as contained within the Onshore Wind Policy Statement (OWPS, 2017) which was 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.

### The Onshore Wind Policy Statement (2017)

- 7.4.10 The Onshore Wind Policy Statement (OWPS) was published in December 2017. 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”.

- 7.4.11 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.”*
- 7.4.12 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”*.
- 7.4.13 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. 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”*.
- 7.4.14 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.
- 7.4.15 Paragraph 4 of Chapter 1 states that given the recognised contribution that onshore wind 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”*. (shown in bold text format in the OWPS).
- 7.4.16 This statement 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.
- 7.4.17 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”*.
- 7.4.18 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.
- 7.4.19 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”*. (underling added)

#### **The declaration of a Climate Emergency in Scotland**

- 7.4.20 Scottish First Minister Nicola Sturgeon declared a "Climate Emergency" in her speech to the SNP Conference in April 2019. 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:  
  
*"There is a global climate emergency. The evidence is irrefutable. The science is clear And people have been clear: they expect action The Intergovernmental Panel on Climate Change issued a stark warning last year the world must act now By 2030 it will be too late to limit warming to 1.5 degrees.*

*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...."*

- 7.4.21 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.*

*The Scottish Government has therefore begun to act 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 – but there is much more to be done".*

- 7.4.22 The current situation is more urgent and more grave than that which prevailed in 2014 when SPP and NPF3 were published and that must therefore go to the matter of weight to be attributed to the benefits of the Proposed Development and the need case.

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

- 7.4.23 It is important to take into account the Climate Change (Emissions Reduction Targets) (Scotland) Act 2019 ('the 2019 Act'). The Scottish Government, having taken advice from the Committee on Climate Change, progressed this legislation which received Royal Assent on 31 October 2019.
- 7.4.24 The Act sets a legally binding target of 'net zero' emissions for Scotland by 2045 at the latest, five years ahead of the date set for the whole of the UK. The Act amends the Climate Change (Scotland) Act 2009. It is also relevant to note that 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)<sup>18</sup>. The new targets were brought into force by way of Commencement Regulations on 23 March 2020<sup>19</sup>.
- 7.4.25 The Scottish Government publishes an annual report<sup>20</sup> that sets out whether each annual emissions reduction target has been met. The latest report is for the 2019 target year which was published in June 2021. The Report states that the 'GHG Account' reduced by only 51.5% between the baseline period and 2019. As noted, the 2019 Act specifies a 55% reduction over the same period – therefore the targets for 2018 and 2019 have not been met. **Table 1** below sets out the annual targets for every year to net-zero.

<sup>18</sup> Progress against the targets is measured against 1990 levels of carbon dioxide, methane and nitrous oxide and 1995 levels of hydrofluorocarbons, perfluorocarbons, sulphur hexafluoride and nitrogen trifluoride.

<sup>19</sup> The Climate Change (Emissions Reduction Targets) (Scotland) Act 2019 (Commencement) Regulations 2020.

<sup>20</sup> Scottish Government, Official Statistics, Scottish Greenhouse Gas Emissions 2019, (June 2021).



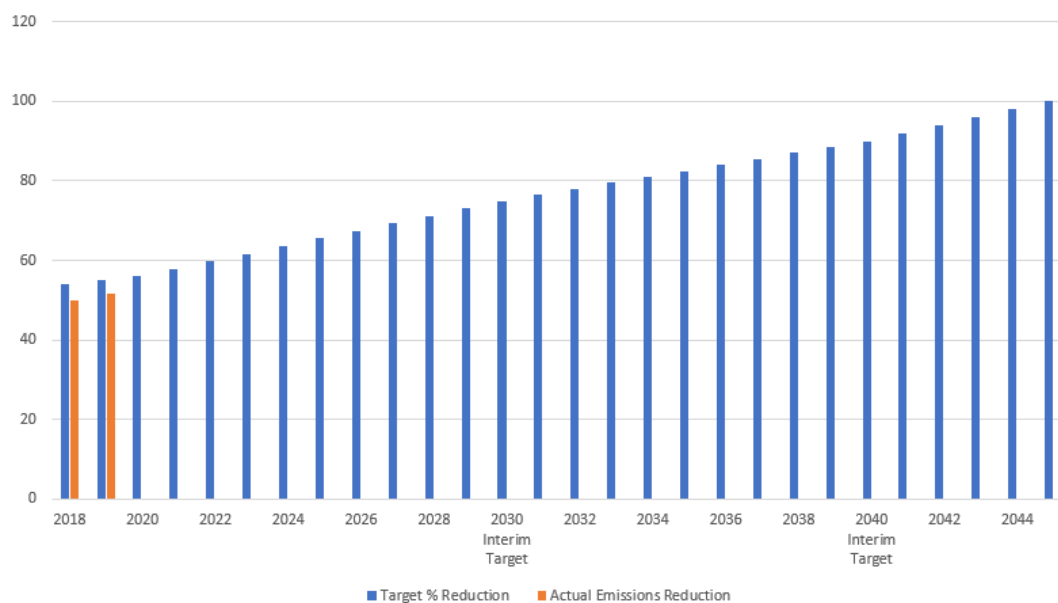
**Table 1: Scotland's Annual Emission Reduction Targets to Net Zero**

Year	% Reduction target	Actual Emissions Reduction %	Year	% Reduction Target
2018	54	50	2032	78
2019	55	51.5	2033	79.5
<b>2020</b>	<b>56</b>	<b>Interim Target</b>	2034	81
2021	57.9	-	2035	82.5
2022	59.8	-	2036	84
2023	61.7	-	2037	85.5
2024	63.6	-	2038	87
2025	65.5	-	2039	88.5
2026	67.4	-	<b>2040</b>	<b>90 (Interim)</b>
2027	69.3	-	2041	92
2028	71.2	-	2042	94
2029	73.1	-	2043	96
<b>2030</b>	<b>75</b>	<b>Interim Target</b>	2044	98
2031	76.5	-	<b>2045</b>	<b>100% Net Zero</b>

7.4.26

This target position is illustrated in **Figure 2** below.

**Figure 2: Scotland's Annual Emission Reduction Targets to Net Zero – Current Position**



### The Update to the Climate Change Plan (2018-2032) (December 2020)

- 7.4.27 The Scottish Government published the update to the Climate Change Plan (CCP) 'Securing a Green Recovery on a Path to Net Zero' on 16 December 2020. The plan covers the period 2018-2032 and responds to the new net zero targets aimed at ending Scotland's contribution to climate change by 2045. The period it covers refers to the timescale in which the Government has committed to reduce greenhouse gas emissions by 75% by 2030 (compared with 1990 levels).
- 7.4.28 A key part of the plan is the green recovery, and it states (page 1) that:
- "It is essential that a recovery from the pandemic responds to the climate emergency, and puts us on a pathway to deliver our statutory climate change targets and a just transition to net zero, by ensuring our actions in the immediate term are in line with our long-term goals".*
- "The Scottish Government has been clear in its commitment to securing a just and green recovery, which prioritises economic, social and environmental well-being, and responds to the twin challenges of the climate emergency and biodiversity loss".*
- 7.4.29 In terms of electricity, the CCP update announces, *"further policies to continue the rapid growth in renewable generation over the past 20 years, moving from a low to a zero-carbon electricity system"*.
- 7.4.30 Reference is also given to the intention to prepare an Energy Strategy update in 2021 and an updated Electricity Generation Policy Statement by 2022. Page 18 refers to the *"pathway to 2032"* and sets out what the policies mean in practice. It states:
- "our electricity system will have deepened its transformation for the better, with over 100% of Scotland's electricity demand being met by renewable sources. More and more households, vehicles, businesses and industrial processes will be powered by renewable electricity, combined with green hydrogen production. There will also be a substantial increase in renewable generation, particularly through new offshore and on shore wind capacity"* (page 18). (underlining added)
- 7.4.31 Chapter 1 addresses electricity. Paragraph 3.1.4 recognises that as Scotland transitions to net zero, a growing and increasingly decarbonised electricity sector *"is critical to enabling other parts of our economy to decarbonise – notably transport, buildings and industry"*.
- 7.4.32 Annex A of the CCP contains policies and proposals. For the electricity sector, 'outcome 1' is that *"the electricity system will be powered by a high penetration of renewables, aided by a range of flexible and responsive technologies"*.
- 7.4.33 In addition, the target is maintained of *"a new renewable all energy consumption target of 50% by 2030, covering electricity, heat and transport"*.
- 7.4.34 In terms of the coordinated approach needed, Section 2.5 refers to the planning system and the forthcoming NPF4. Planning is seen as a *"key delivery mechanism for many of the policies within this climate change plan update, across all sectors"*.
- 7.4.35 Key points from the Climate Change Plan Update include:
- > Government views it as essential that a recovery from the pandemic responds to the climate emergency and puts Scotland on a pathway to deliver statutory climate change targets and a transition to net zero (page 1).
  - > A growing and increasingly decarbonised electricity sector is seen as critical to enabling other parts of the economy to decarbonise, particularly transport, buildings and industry (page 32).
  - > Planning is recognised as remaining as a *"critical enabler of rapid renewables deployment in Scotland"* (page 78)

- > The need to invest in renewable generation and related infrastructure to reduce greenhouse gas emissions is critical to creating good, green jobs as part of the green recovery and longer-term energy transition (page 78).
- > Renewable generation is expected to increase substantially between now and 2032 with an expectation of development of between 11 and 16 Giga Watts (GW) of new capacity during this period, “helping to decarbonise our transport and heating energy demand” (page 40).
- > Electricity demand is expected to have grown considerably over this period (page 82).

#### **The Scottish Energy Strategy Position Statement (March 2021)**

- 7.4.36 The Scottish Government published ‘Scotland’s Energy Strategy Position Statement’ in March 2021. The Position Statement provides an overview of Government policies in relation to energy. It sets out (page 5) that it reinforces the Government’s commitment to remain guided by the key principles set out in the SES) of 2017 and reinforces “*the importance the Scottish Government attaches to supporting the energy sector in our journey towards net zero, thus ensuring a green, fair and resilient recovery for the Scottish economy*”.
- 7.4.37 The Ministerial Foreword references the challenge of the pandemic which has created an economic crisis and notes that the Climate Emergency “has continued unabated”. It sets out “*in this context, the need for a just transition to net zero greenhouse gas emissions by 2045, in a manner that supports sustainable economic growth and jobs in Scotland, is greater than ever*”.
- 7.4.38 Reference is made to the most ambitious legislative framework for emissions reduction in the world and “*a particularly challenging interim target for 2030*”. This is the ambitious target of achieving a 75% reduction in greenhouse gas emissions by 2030 in advance of net zero by 2045.
- 7.4.39 Section 5 of the document addresses ‘a green economic recovery’ and states that creating green jobs is at the heart of the Scottish Government’s plans for a green economic recovery and that the Programme for Government (2020) set out what is termed as a ‘national mission’ to create new and green jobs. It also adds (page 15) that a priority for the Scottish Government is “*ensuring our local communities and economies reap the opportunities from a just transition to net zero*”.
- 7.4.40 Onshore renewables is specifically addressed in Section 8 where it is set out that “*the continued growth of Scotland’s renewable energy industry is fundamental to enable us to achieve our ambition of creating sustainable jobs as we transition to net zero*”.
- 7.4.41 It adds that “*the Scottish Government is committed to supporting the increase of onshore wind in the right places to help meet the target of net zero. In 2019, onshore wind investment in Scotland generated over £2 billion in turnover and directly supported approximately 2,900 full time equivalent jobs across the country*”. (underlining added)

#### **The Scottish Government & Scottish Green Party: Shared Policy Programme (2021)**

- 7.4.42 The Scottish Government and the Scottish Green Party agreed a formal Cooperation Agreement for the next five years of Government on 20 August 2021. A shared policy programme entitled ‘The Bute House Agreement’ was published on 20 August 2021 which sets out areas of mutual policy interest including energy and planning. The content has been reflected in the formal ‘Programme for Government’ published in September 2021. Key points of relevance from the Shared Programme including the following.

- 7.4.43 In terms of **energy**, on page 12 of the document it is set out the parties:
- “believe that the climate emergency means we need to use the limited powers we have to accelerate the decarbonisation of our energy system. While electricity has already been largely decarbonised, our plans will see a significant increase in electricity demand for heating and transport. To accommodate this, we will support the continued and accelerated deployment of renewable energy”.*
- 7.4.44 In order to do this the parties state that they will “set an ambition to deliver, subject to consultation, between 8 and 12GW of additional installed onshore wind by 2030...- this will be supported by the changes in the planning system needed to permit the growth of this essential zero carbon sector”. (underlining added)
- 7.4.45 At the present time Scotland has approximately 8.4GW of installed onshore wind capacity. Therefore, the Government is looking to at the minimum, to double this capacity, by adding a minimum additional further 8GW in just less than ten years.
- 7.4.46 In terms of **planning**, the Agreement (page 17) states that the parties will inter alia:
- “agree to ensure approval and adoption of Scotland’s Fourth National Planning Framework (NPF4) which will be vital in supporting the delivery of net zero by 2045 with significant progress by 2030;*
- actively enable renewable energy.... supporting repowering of existing windfarms and planning for the expansion of the grid”.*

#### **The Programme for Government (2021)**

- 7.4.47 The content of the Bute House Agreement (referenced above) has been reflected in the formal ‘Programme for Government’ ‘a fairer, greener Scotland’ published in September 2021 . Key points of relevance from the Shared Programme include the following (page 64):
- > The Government will ensure that NPF4 *“actively enables renewable energy, supporting repowering of existing wind farms”.*
  - > Subject to consultation, *“we are committed to securing between 8 and 12 GW of installed onshore wind by 2030”.* The draft OWPS confirms that this relates to additional onshore wind capacity.

#### **The Onshore Wind Policy Statement Refresh – Consultative Draft (2021)**

- 7.4.48 The Onshore Wind Policy Statement Refresh, Consultative draft was published in October 2021. The contents of the draft documents are addressed in detail in Chapter 2 above.

#### **CCC Report to Parliament ‘Progress in reducing emissions in Scotland’ (2021)**

- 7.4.49 The CCC published a report to the Scottish Parliament entitled ‘Progress in reducing emissions in Scotland’ in December 2021. It sets out (page 10) that:
- “achievement of Scotland’s legislated climate targets would be a strong contribution to global efforts, consistent with the Paris Agreement and a path to 1.50C. COP 26 in Glasgow marked a step forward in international commitment to address climate change. As globally, so in Scotland, the focus must now be to deliver against the commitments that have been made”.*

- 7.4.50 The key messages in the report (pages 10 and 11) include, in summary:
- > Delivery of rapid emissions reductions cannot wait – it is set out that it has taken 30 years to halve Scottish territorial emissions and “they must halve again in a decade to meet the legislated 2030 target.” (underlining added)
  - > The annual targets during the 2020s will be very difficult to meet – “even with the strongest climate policies”. Emissions in 2019 were above the annual target. This represents a warning in respect of future annual targets, as there will be unavoidable inertia in scaling up to reduce emissions in those sectors that have made only slow progress to date.
  - > Meeting the 2030 target – the CCC set out that “climate policy in Scotland must focus on the transition to net zero and the need for rapid focus by 2030”.
- 7.4.51 The Executive Summary also sets out that while Scottish emissions fell 2% in 2019, the latest year for which data are available, Scotland missed its annual target by a significant margin. The CCC add (page 10) that “**the 2020s is the critical decade in changing course for net zero**”. (emphasis added)

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

**[dbplanning.co.uk](https://dbplanning.co.uk)**

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