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CHARTERED TOWN PLANNERS

Cairnmore Hill Wind Farm, Highland

Planning Statement

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Contents

1.	**Introduction**	**3**
1.1	Background	3
1.2	Purpose of Planning Statement	3
1.3	Site Location & Description	3
1.4	The Proposed Development	3
1.5	Design Approach & Planning History	4
1.6	Structure of Planning Statement	4
2.	**The Development Plan**	**5**
2.1	Introduction	5
2.2	Relevant Development Plan Policies & Approach	5
2.3	Policy Assessment: Policy 67	7
2.4	Other Development Plan Policies	16
2.5	Onshore Wind Energy Supplementary Guidance	16
2.6	Conclusions	18
3.	**National Planning Policy & Guidance**	**19**
3.1	Introduction	19
3.2	National Planning Framework 3	19
3.3	Scottish Planning Policy	20
3.4	The Draft Fourth National Planning Framework 'Scotland 2045'	23
3.5	Conclusions on National Planning Policy & Guidance	26
4.	**Renewable Energy Policy & Legislative Framework**	**28**
4.1	Introduction	28
4.2	International Commitments	28
4.3	UK Climate Change & Energy Legislation & Policy	30
4.4	Climate Change & Renewable Energy Policy: Scotland	34
4.5	Key Zero Carbon Targets: Summary	45
4.6	Giving substantial weight to Renewable Energy Policy and Targets	46
5.	**The Benefits of the Development**	**48**
5.1	The Benefits: Summary	48
6.	**Conclusions**	**50**
6.1	The Development Plan	50
6.2	National Planning Policy	50
6.3	Climate Emergency & the Renewable Energy Policy Framework	50
6.4	Overall Conclusions	51

1. Introduction

1.1 Background

1.1.1 This Planning Statement has been prepared by David Bell Planning Ltd (DBP) on behalf of RES UK & Ireland Ltd (the Applicant) to support a planning application under the Town and Country Planning (Scotland) Act 1997, as amended ("the 1997 Act"), for consent to construct, operate a Wind Farm known as Cairnmore Hill, and associated infrastructure ("the Proposed Development").

1.1.2 The Planning Statement considers the potential benefits and adverse effects 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.

1.2 Purpose of Planning Statement

1.2.1 Section 25 of the 1997 Act requires that "*where, in making any determination under the Planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the Plan unless material considerations indicate otherwise*".

1.2.2 Accordingly, the purpose of this Planning Statement is to provide an assessment of the proposed development against the relevant Development Plan policies, and to consider any other material considerations, consistent with the requirements of Section 25 of the 1997 Act. 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.

1.3 Site Location & Description

1.3.1 The application site ("the site") is located approximately 4.5 km west of Thurso, on the north coast of Caithness. The site is located within the local authority area of The Highland Council (THC).

1.3.2 The site is bound by the A836 to the north and covers an area of approximately 3.58 km^2. The site is gently undulating with the high points located at Hill of Forss, and mostly comprises of open moorland used for grazing livestock.

1.3.3 The nearest residential properties are located to the southeast of the site, among a cluster of properties around the hamlet known as Janetstown and immediately north of the site running along the A836. Properties located within the site boundary are within the Applicant's control.

1.4 The Proposed Development

1.4.1 The Proposed Development comprises five wind turbines with a total installed capacity of approximately 21.5 megawatts (MW) and related infrastructure.

1.4.2 A full description of the Proposed Development is provided in Chapter 2 of the EIA Report. In summary, planning permission is sought for the following:

- Up to five wind turbines with ground to tip height of up to 138.5m;
- Turbine foundations;
- Crane hardstanding areas at each turbine base for use by cranes erecting and maintaining the turbine;
- A total of approximately 3.75 km of new on-site access tracks and turning points with three associated watercourse crossings.

- A wind farm control building/substation compound, containing provision for battery energy storage - in a containerised system;
- A temporary site construction compound;
- Underground cabling linking the turbines with the substation;
- Public access and heritage enhancement measures including installation of noticeboards/information boards and signage, restoration of existing historic sheepfold, use of dry-stone walling and seating, and car parking using temporary enabling works compound area close to site entrance1; and

1.4.3 The layout of the Proposed Development is shown in Figure 2.1 of the EIA Report.

1.4.4 It is anticipated that construction would take 12 months. The operational life of the development would be 35 years, after which the development would be decommissioned.

1.5 Design Approach & Planning History

1.5.1 Following the refusal of the 2020, 8 turbine development on the site, the Applicant reviewed the reasons for refusal and concluded that a single row of 5 turbines with a tip height of 138.5m would improve the effects arising in relation to residential visual amenity (noise and visual impacts) and impacts in terms of landscape character.

1.5.2 Further design iterations lead to the movement of the substation from the Hill of Forss plateau further south-west to make the structure less visible.

1.5.3 The siting and design approach has followed an iterative process whereby the Applicant considered a range of turbine layouts, heights and access proposals. This has resulted in a scheme which seeks to maximise potential renewable energy generation whilst avoiding likely significant environmental effects. Further details on the design process are set out in the EIA Report Chapter 3 ‘Design Evolution and Alternatives’.

1.6 Structure of Planning Statement

1.6.1 The structure of this Planning Statement is as follows:

- **Chapter 2** contains the consideration of the proposed development against the relevant polices of the Local Development Plan, with a focus on the lead Development Plan policy; and
- **Chapter 3** addresses national planning policy and guidance.
- **Chapter 4** sets out the up-to-date position with regard to the renewable energy policy and emission reduction legislative framework.
- **Chapter 5** summarises the benefits of the proposed development; and
- **Chapter 6** presents overall conclusions.

2. The Development Plan

2.1 Introduction

2.1.1 As detailed in Chapter 1, for planning applications determined under the 1997 Act, primacy is afforded to the Development Plan unless material considerations indicate otherwise.

2.1.2 The statutory Development Plan covering the application site comprises the following:-

> The Highland Wide Local Development Plan (HwLDP) (2012);

> The Caithness and Sutherland Local Development Plan (CasPlan) (2018); and

> Relevant supplementary guidance, particularly the Onshore Wind Energy Supplementary (OWSG) Guidance (2016).

2.1.3 The CaSPlan 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. Further information on this plan is provided below.

2.1.4 As the HwLDP contains the relevant development management policies, it is therefore the focus of this Chapter together with the OWSG.

2.2 Relevant Development Plan Policies & Approach

2.2.1 The relevant policies within HwLDP are listed in **Error! Reference source not found.** below. Policy 67 is the 'lead' and most pertinent policy with regard to the Proposed Development.

Table 2.1: Relevant Development Plan 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.
56: Travel	On- and off-site transport implications of a development to be considered.
57: Natural, Built and Cultural Heritage	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: > Local and regionally important features (mostly identified by the Council); > Nationally important features (identified by national organisations or by the Council under national legislation); or, > Internationally important features (identified under government directives and European conventions).
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

HwLDP Policy	Policy Summary
	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.
64: Flood Risk	Concerns development and flooding.
67: Renewable Energy Developments	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 overall (individual or cumulative), having regard in particular to any significant effects on: > natural, built and cultural heritage features; > species and habitats; > visual impact and impact on the landscape character of the surrounding area; > amenity at sensitive locations; > safety and amenity of any regularly occupied buildings and their grounds (visual intrusion, noise, ice throw, shadow flicker or shadow throw); > ground water, surface water (including water supply), aquatic ecosystems and fisheries; > the safe use of airport, defence or emergency service operations; > other communications installations or the quality of radio or TV reception; > the amenity of users of any Core Path or other established public access for walking, cycling or horse riding; > tourism and recreation interests; > land and water-based traffic and transport interests.
72: Pollution	Detailed assessment required of developments which would result in the significant pollution relating to noise, air, water and light. Avoidance and mitigation measures needed if found to be necessary.
77: Public Access	Existing Core Paths or water access points should be retained or suitable alternative access provided. Access Plans required for a Major Development.

2.2.2 The planning policy assessment which follows is based on the relevant Development Plan policies detailed in **Error! Reference source not found.**, in addition to the 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 application of proposed mitigation measures.

2.2.3 This focus allows the policy assessment to concentrate on those issues which, based on the outcomes of the EIA, are of most significance to the policy framework. The outcomes of the EIA are key considerations in determining the sensitivity of receptors and therefore important to informing the overall acceptability of the proposed development.

2.2.4 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.

2.3 Policy Assessment: Policy 67

2.3.1 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. The proposed development has been assessed against Policy 67 and the associated OWSG and this is reported below.

2.3.2 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.

2.3.3 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 49.9 MW 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 are referred to below in Chapter 4.

2.3.4 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.

2.3.5 Fourthly, the 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.

2.3.6 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, and has also been designed to make best use of existing infrastructure.

2.3.7 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

2.3.8 The proposed development is assessed in terms of ecology and ornithology below. In terms of cultural heritage, this topic is addressed in Chapter 6 of the EIA Report.

2.3.9 A desk-based assessment and walk-over field survey has been carried out to establish the archaeology and cultural heritage baseline within the site. The assessment has been informed by consultation with HES and THC.

2.3.10 56 heritage assets were identified within the Inner EIA Study Area. The majority of these assets are related to post-medieval, pre-improvement period agricultural use of the landscape and include former crofts and farmsteads and other associated buildings and structures. There are also some probable prehistoric remains present within the site including a possible Bronze Age burial cairn assessed as being of regional importance and medium sensitivity. The majority of assets identified are of low and negligible sensitivity.

2.3.11 The layout of the Proposed Development has been designed to avoid direct effects on the identified heritage assets within the site and to minimise effects on the settings of designated heritage assets in the wider landscape (the EIA Outer Study Area).

2.3.12 Two heritage assets have been identified that could be affected by construction of the Proposed Development, but the predicted effect would be no more than minor and not significant. The potential for significant direct effects on buried archaeological remains is considered in the EIA Report to be low.

2.3.13 Moderately significant effects on the settings of two scheduled monuments are predicted. These predicted effects would arise as a result of the presence of the Proposed Development in the landscape surroundings of two brochs (Thing's Va, broch (SM 587) and Scrabster Mains, broch (SM 579)). The introduction of the Proposed Development would not however result in a change that would be so significant as to reduce the cultural significance or amenity value of the assets or to detract from the ability for any visitor to appreciate and understand the assets or their settings.

2.3.14 The EIA Report concludes that no significant cumulative impacts upon the settings of any designated cultural heritage assets are predicted.

Species and Habitats: Ecology & Ornithology

2.3.15 Ecology is assessed in Chapter 7 of the EIA Report. It was possible to scope out most species and habitats recorded in the respective EIA study areas from the assessment by virtue of their absence from the site, their low conservation value, the type and frequency of field signs present, the small extent of the sensitive habitat, or the negligible scale of potential impacts.

2.3.16 Potential construction and operational effects on wet dwarf shrub heath were assessed. The main effect being from direct and indirect habitat loss due to land take for infrastructure and associated hydrological disturbance. Habitat losses however would be minor adverse and not significant. Therefore, no significant effects are predicted in terms of ecology.

2.3.17 Ornithology is examined in Chapter 8 of the EIA Report. In summary, it reports on the baseline ornithological conditions recorded within and around the site and presents an assessment of likely significant effects on populations of identified target species.

2.3.18 Important Ornithological Features (IOFs) identified which are considered likely to experience significant effects and that were taken forward into the assessment are: Greenland white-fronted goose, greylag goose, whooper swan, pink-footed goose, golden plover, curlew and lapwing. Due to the proximity of the Caithness Lochs Special Protection Area (SPA) and the potential for connectivity with the proposed development, the SPA populations of Greenland white-fronted goose, greylag goose and whooper swan were also assessed under the Habitats Regulations.

2.3.19 Impacts related to direct and indirect habitat loss, construction disturbance and displacement, operational displacement, collision risk and cumulative impacts were all considered. The residual effects are considered to be not significant within the context of the EIA Regulations, and to have no adverse effect on the integrity of the Caithness Lochs SPA under the Habitats

Regulations Assessment (HRA) process. Cumulative/in-combination effects for Greenland white-fronted goose, greylag goose, whooper swan, curlew and lapwing were also assessed in relation to other relevant developments in relation to the Caithness Lochs SPA and the conclusion was reached that there would be no significant or adverse effect on the integrity of the SPA.

2.3.20 In summary, it is considered that the Proposed Development would not have a significant impact upon species and habitats or ornithological interests.

Visual Impact and Impact on Landscape Character

2.3.21 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.

2.3.22 The EIA Report Chapter 6 'Landscape and Visual' contains the results of the Landscape and Visual Impact Assessment (LVIA) undertaken and reports on the likely significant effects on the landscape and visual resource of the area arising from the proposed development. This should be referred to for its detail, but summary points are referenced below.

Design Approach

2.3.23 The siting and design approach followed for the proposed development is explained in Chapter 3 of the EIA Report. A number of the high-level siting principles have included the following:

- Locating the proposed development outwith areas subject to landscape designations or classifications, and which is set back from settlements and other concentrations of receptors.
- Positioning the Proposed Development in a landscape that is relatively settled and subject to existing wind farm developments and other large-scale structures, as opposed to one that has a higher degree of naturalness and consequently a higher landscape sensitivity.
- Selection of a location within a landscape of sufficient scale and simplicity to provide for the accommodation of the turbines.
- Positioning the turbines inland, away from key views of landmark features and views including the distinctive cliffs and bays of the northern coastline of Caithness, and the land mass of Orkney.
- Positioning the Proposed Development to ensure sufficient separation from other nearby wind farm sites to ensure that the Proposed Development is seen as distinct.
- Use of existing tracks on site to minimise effects associated with this aspect of the proposed development.
- Minimisation of the amount of site infrastructure and ancillary elements, and their careful positioning and design, to ensure that such elements are screened from the majority of external receptor locations.
- Careful siting and design of ancillary elements such as the proposed substation and control room along with potential associated energy storage facility to minimise visibility from external receptor locations.

Landscape Character

2.3.24 The Landscape and Visual Impact Assessment (LVIA) for the Proposed Development is set out in Chapter 5 of the EIA Report. In terms of landscape character, the site is located within Landscape Character Type (LCT) 143: Farmed Lowland Plain.

2.3.25 The following Landscape Character Types (LCTs) have been the subject of detailed assessment in the LVIA and a summary of effect on each is provided:

- SNH 143/ CT9: Farmed Lowland Plain (the host LCT). There would be a major(significant) effect across application site and reducing to moderate (significant) effect within 5km. Effects would be not significant beyond 5km of the site.
- SNH 141/ CT8: High Cliffs and Sheltered Bays. There would be a moderate (significant) effect from the high ground along the southern edge of the LCT between Brims Ness and Holburn Head. Minor (not significant) effects elsewhere.
- SNH 134/ CT3, 4, 5 and 6: Sweeping Moorland and Flows. Only minor (non-significant) effects are predicted.
- SNH 140/ CT7: Sandy Beaches and Dunes. Only minor (non-significant) effects are predicted.
- Seascape Unit 8: North Caithness and Pentland Firth Seascape Character Unit (the proposed development is located within this seascape unit). Moderate (significant) effects are predicted within 5km. Effects would be not significant beyond 5km.

Landscape Designations

2.3.26 The site is not within any designated landscapes but there are a number of designated landscapes within the LVIA study area. The following landscape designations were taken forward for detailed assessment and a summary of the predicted effect arsing in relation to each is provided.

2.3.27 Dunnet Head SLA: which is located 11.5 km to the east-northeast of the site. The LVIA sets out that there would be indirect effects on certain perceptual qualities including the “expansive views” and “edge of the world feeling”, due to the introduction of further vertical features in the surrounding landscape. However, operational turbines visible from the SLA have already altered these perceptual qualities and the Proposed Development would be seen in outward views from the SLA at over 10km, in a direction of view which has been altered by wind farms and other human influences (including the settlement of Thurso).

2.3.28 Given the viewing distance, and as turbines have already altered views to the south-west from the SLA; and as there will be no direct effects on the special qualities, it is concluded in the EIA Report that that the Proposed Development will not compromise the integrity of the SLA

2.3.29 Farr Bay, Strathy and Portskerra SLA: which is situated approximately 18.2 km to the west of the site.

2.3.30 The Zone of Theoretical Visibility (ZTV) indicates that theoretical visibility of the Proposed Development from within this SLA would be intermittent. The terrain is relatively complex along the coastal edge and through the SLA and theoretical visibility would be limited to site facing higher ground. Given the open nature of this landscape actual visibility will closely reflect theoretical.

2.3.31 The EIA Report states that there will be no direct effects on the special qualities of the SLA including qualities relating to the intricate coastline and sea. The Proposed Development would appear separate and distant from this SLA and would therefore be of insufficient prominence or scale to affect the scale of views from this SLA or the perception and

experience of immense space that is strongly influenced by the combination of big skies, distinctive coastal light, and the constantly changing influence of the weather.

2.3.32 The Proposed Development would not be interposed in, or detract from the extensive views to Orkney and along the coast to Cape Wrath and Dunnet Head in views from Strathy Point. It would be located within a section of the coast subject to extensive large-scale developments including Dounreay Power Station, as well as the Baillie and Forss Wind Farms.

2.3.33 As such, it is considered that the Proposed Development will not compromise the integrity of this SLA

2.3.34 The Flow Country and Berriedale Coast SLA: which is situated approximately 21.1 km to the south of the site.

2.3.35 It is explained in the LVIA that the ZTV indicates that theoretical visibility of the Proposed Development from within the SLA is more widespread from its northern extents, between 20 and 30 km from the site. Beyond this, visibility is more intermittent. Given the open nature of this landscape, actual visibility will closely reflect theoretical.

2.3.36 There will be no direct effects on the special qualities of the SLA. The Proposed Development would be seen distantly and separate from this SLA and set within an existing settled landscape which contains a number of large-scale developments. Consequently, it is not considered likely to have a significant effect on the combination of expansive peatland and isolated mountains or the simplicity, flatness and low relief of the surrounding Flow Country peatland.

2.3.37 Furthermore, as the Proposed Development would only be visible to the north of the SLA it would not be interposed in views towards the prominent and distinctive hills that form a key characteristic of this SLA and therefore would not adversely affect the pre-eminence or landmark profile of these features or affect their perceived scale.

2.3.38 Whilst visible from key mountain summits in the SLA, the proposed Development would not adversely affect views across the Flow Country peatlands, or key views out to sea, and would not affect the perception of remoteness and wildness experienced in this SLA. As such, it is considered that the proposed development will not compromise the integrity of the SLA

2.3.39 As set out in **Technical Appendix 4.5** in the EIA Report 'Residual Effects on Designated Landscapes', only those SLAs which would have potential visibility of the Proposed Development have been assessed. The assessment concludes that there is no likelihood of significant effects on the special qualities of these designated landscapes, either based on the existing cumulative baseline, or a scenario where proposed wind farms in the study area are also taken into account.

Wild Land Areas

2.3.40 There are three Wild Land Areas (WLAs) within the LVIA study area as follows:

- The Causeymire-Knockfin Flows WLA (36) and Hoy WLA (41) are both located over 20km from the application site. The Hoy WLA was scoped out of the 2020 LVIA for the previous development and no significant effects on the Causeymire-Knockfin Flows WLA were identified in the 2020 LVIA.
- The East Halladale Flows WLA (39), is located approximately 11km to the south-west of the site.
- The ZTV (Figure 5.1.2 in the EIA Report) highlights an intermittent and limited pattern of visibility, focused along the north-eastern edges and eastern parts of the WLA. No significant effects on the key attributes of East Halladale Flows WLA were identified in the

2020 LVIA. As such and based on the smaller Proposed Development, no significant effects on the key attributes of this WLA are considered likely.

Amenity at Sensitive Locations – Visual Effects

2.3.41 This criterion in Policy 67 deals with amenity at sensitive locations and has regard to residential properties, workplaces and recognised visitor sites. This primarily relates to visual considerations as noise and shadow flicker are considered under the following criterion. The visual appraisal in the LVIA is supported by consideration of 18 viewpoints.

2.3.42 Settlement in the LVIA study area is concentrated, for the most part, within the Farmed Lowland Plain character type that forms the coastal landscape at the north-eastern and eastern extents of Caithness. However, elsewhere, there are numerous crofting properties and farmsteads scattered across the landscape. Those settlements subject to theoretical visibility of the Proposed Development include:

- Thurso: At its closest to the Proposed Development, is located approximately 3.3 km to the east of the Proposed Development, at the mouth of the River Thurso and the confluence of the A9, A836 and B874;
- Reay: A village situated approximately 9.2 km to the west-southwest of the site on the A836;
- Castletown: A village situated 11.7 km to the east of the site, on the southern end of Dunnet Bay, on the junction of the A836 and the B876;
- Dunnet: A village situated approximately 15.2 km east-northeast of the site, on the junction of the A836 and the B855; and
- Portskerra: A village situated approximately 18.4 km west-south-west of the site, on a minor road off the A836.

2.3.43 A Residential Visual Amenity Assessment (RVAA) has been prepared (Appendix 5.2 of the EIA Report) which contains a detailed assessment of potential effects on the visual amenity of properties. The RVAA is intended to assist the decision maker in forming a judgement as to the effect of the wind farm on the visual component of residential amenity experienced by identified residential receptors (people in and around their homes). For the purpose of this assessment, the potential change in views and visual amenity has been considered from all properties within 2 km of the proposed development.

2.3.44 Although the RVAA identifies where significant visual effects would occur, it also seeks to determine whether such effects would constitute potentially 'overbearing' or 'overwhelming' effects that might be considered to render a property an unattractive place in which to live.

2.3.45 The THC Decision Notice for the previous scheme stated the following with regard to residential visual amenity: "*The development would appear overbearing when viewed from those individual properties assigned as Groups 14, 15, and 17, and Properties 11 in the submitted Residential Visual Amenity Assessment (Technical Appendix 4.8).*"

2.3.46 Wirelines based on the proposed five turbine layout (with a 138.5m to tip turbine height) were reviewed in the field from all properties and property groups across the 2 km study area for the RVAA. The detailed assessment includes all properties identified as a concern by THC, for the previous application. It also includes an updated assessment from other properties, scoped in for detailed assessment. Wirelines are provided in Volume 3b of the EIA Report in relation to the views from all the assessed properties.

2.3.47 It is concluded in the RVAA that the potential relationship between residential properties in proximity to the Proposed Development is not unusual when compared and calibrated with other existing and consented wind farm developments within Scotland and throughout the UK. The assessment confirms that no properties/property groups will be subject to effects on residential visual amenity which are judged to breach the residential visual amenity

'threshold': namely no effects would be arising in relation to any property that would be overwhelming or dominating such that the property would be regarded as an unattractive place in which to live.

2.3.48 The site is in a landscape which is open in character, with large scale views and expansive and wide skies. Many properties have views towards the coast, which draw the eye. When visible, the Proposed Development is seen in the context of these expansive and open views, which are typically available in multiple viewing directions. This helps to prevent residents from feeling any views of the Proposed Development are inescapable.

2.3.49 In relation to cumulative effects with operational wind farms, a number of properties considered in this RVAA have views orientated to the north-west and west looking over the Lythmore Strath/ Strath of Baillie towards operational wind farms (Baillie and Forss). The distance to operational wind farms to the west and north-west is such that the properties will not feel surrounded by wind farms to the extent that effects on residential visual amenity are unacceptable.

Safety and Amenity of Regularly Occupied Buildings

2.3.50 This criterion refers to visual intrusion, noise, ice throw, and shadow flicker / shadow throw. There are no issues arising in relation to shadow flick or the matter of ice throw.

2.3.51 Noise is addressed in Chapter 10 of the EIA Report. The acoustic impact for the operation of the Proposed Development on nearby residential properties has been assessed in accordance with the guidance on wind farm noise as issued in the DTI publication 'The Assessment and Rating of Noise from Wind Farms', otherwise known as ETSU-R-97, and Institute of Acoustics Good Practice Guide (IoA GPG), as recommended for use by relevant planning policy.

2.3.52 To establish baseline conditions, background noise surveys were carried out at four nearby properties and the measured background noise levels used to determine appropriate noise limits, as specified by ETSU-R-97 and the IoA GPG.

2.3.53 Operational noise levels were predicted using the recommended noise propagation model. The limit remaining for the Proposed Development was determined by subtracting the predicted noise levels due to nearby consented and existing sites from the total noise limit. The predicted noise levels for the Proposed Development are within the derived noise limits at all considered wind speeds with an appropriate noise management strategy in place. The Proposed Development therefore complies with the relevant guidance on wind farm noise and the impact on the amenity of all nearby residential properties would be regarded as acceptable.

2.3.54 A construction noise assessment has also been carried out in accordance with BS 5228-1:2009 'Noise control on construction and open sites Part 1 – Noise', and with due regard to mitigation, indicates that predicted noise levels likely to be experienced at representative critical residential properties would be below relevant criteria.

The Water Environment & Peat

2.3.55 The water environment is addressed in **Technical Appendix 2.5** of the EIA Report. The assessment characterises the water bodies within the catchment of the application site and sets out the general principles of design which the eventual appointed contractor would follow to minimise changes to the hydrological regime and reduce the potential effect of the construction activities on various hydrological features including watercourses and drains, public and private water supplies, Groundwater Dependent Terrestrial Ecosystems (GWDTE) and consideration is also given to flood risk.

2.3.56 The Proposed Development has been designed to utilise existing access tracks and, where feasible, design any new infrastructure out with a 50 m buffer from major watercourses and a

25 m buffer from minor watercourses. This design approach provides in-built mitigation for pollution prevention of the water environment.

2.3.57 There are no public water abstractions or active private water abstractions within 2 km of the Proposed Development that require further mitigation as a result of the proposal. The Proposed Development is not within an area identified by SEPA to be at risk of significant flooding from both rivers and coastal waters.

2.3.58 The application site contains heavily grazed heathland where there is moderate coverage of relatively shallow peat. A total of 1,262 peat depth probes were collected within the site and the results of these surveys are reported within **Technical Appendix 2.4** of the EIA Report which contains a draft Peat Management Plan (DPMP).

2.3.59 It is considered that the peat depths collected, and interpolations derived from these data, are representative of the site and have adequately informed the layout of the Proposed Development with respect to avoiding areas of deep peat.

2.3.60 The aim of the DPMP is to establish how peat excavated during the construction of the Proposed Development would be managed to allow valid reuse of peat and to avoid, or minimise, the generation of waste peat.

2.3.61 The results of the surveys revealed a dominance of shallow peat throughout the peat study area, with only two distinct pockets of deeper peat recorded. The only deep pocket within the site boundary was recorded at 333 cm depth. The site itself exists on a plateau, free from complex topography, with steeper contours to the north and west of the site beyond the proposed Turbine 4 buffer.

2.3.62 The DPMP would be developed into a final PMP post-consent and in advance of construction commencing, when the infrastructure contractor has been appointed. A finalised post-consent layout will be agreed with relevant consultees, once detailed ground investigations have been undertaken and before works commence. This will demonstrate how any further collected information has been used to inform the proposed layout and minimise impacts on features such as deep peat. The final PMP would remain a 'live document' throughout the pre-construction and construction phases and would be encapsulated within the wider Construction and Environmental Management Plan (CEMP) that is proposed and which can be secured by way of a standard planning condition.

Safety of Airport, Defence and Emergency Services Operations

2.3.63 There are no issues arising from the proposed development in relation to civil or military aviation radar or in relation to telecommunications interests.

Tourism and Recreation Interests

2.3.64 Chapter 13 of the EIA Report considers the potential socio-economic effects of the proposed development. This includes:

> consideration of direct employment and economic benefits during the construction and operation of the Proposed Development and associated indirect/induced employment and economic benefits, such as effects on local commerce.

> The effects arising in relation to public access (including rights of way, core paths and other routes) and indirect effects on recreational activities (such as effects on the visual amenity of users of recreational routes) during construction and operation within 15 km of the application site.

> Direct and indirect effects on tourism during construction and operation including cumulative effects in relation to public access and recreation and tourism during construction and operation in conjunction with other wind farms within 40 km of the site.

2.3.65 The EIA Report acknowledges that it is possible that the construction of the Proposed Development could lead to a decrease in the availability of tourist accommodation within the area surrounding the site, as construction workers from outside the area will require accommodation for the duration of the construction phase. However, it is considered that any reduction in accommodation will be compensated for by revenue generated by the accommodation of site workers.

2.3.66 The consideration of the Proposed Development in relation to tourism and recreation has taken into account predicted visual effects from the LVIA assessment in relation to viewpoints of relevance to recreation and/or tourism, either as tourist attractions or potential stopping points, and in relation to popular recreation walking or driving routes within approximately 15 km of the application site.

2.3.67 The appraisal in Chapter 13 of the EIA Report acknowledges that the effect which changes in views could have on public access, recreational activity and tourism will depend on the personal opinion of the viewer and is subjective; some people may be predisposed to dislike wind turbines while others could view them as complementary to the landscape. As a consequence, the alteration in views from surrounding areas (including hill summits and walking routes) may influence some individuals in their choice of location to visit or recreational activities to undertake. However, it is not considered that the changes in views from the viewpoints and routes assessed will result in a significant adverse effect on informal recreation or tourism.

2.3.68 It is inevitable that visitors to the immediate area would undoubtedly note the presence of the wind turbines, but there is no evidence to indicate the Proposed 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.

2.3.69 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. This conclusion is then 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.

2.3.70 Furthermore, from the review of various section 36 and Appeal decisions throughout the UK that have considered the relationship of wind farms, tourism and the local economy, there are consistent messages arising from determinations and these include:

> There is no compelling evidence to support concerns about the tourist industry being undermined to a material degree by wind farm development.

  Even in situations where wind farms are proposed in locations where tourism is a key sector in the local economy, Inspectors and Reporters have not been convinced that effects would be sufficient to deter potential visitors such that there would be a significant effect on the tourist or wider economy of an area.

> Submissions relating to a potential adverse impact on tourism are more often than not unproven and limited weight is attached to such submissions. Generally, very little or no evidence based analysis is supplied to support claims that there would be an adverse effect on tourism.

2.3.71 Furthermore, an assessment of the likely effects of the Proposed Development on specific local tourism assets, accommodation providers, and routes found that there are expected to be no significant adverse effects on tourism and recreation in the study area. No significant cumulative effects are expected.

2.3.72 In terms of public access, the Applicant is committed to keeping any effects on access and recreation during construction to an absolute minimum. This includes keeping the Core Path (CA13.07 'Thurso Skyline') open throughout the construction phase, without compromising

the health and safety of the public. The additional wider network of paths would not be directly affected during construction.

2.3.73 There will be no access restrictions within the site during the operational phase. The Applicant also proposes the encouragement of public access to the site with the upgrade of an on-site sheepfold, the creation of dry-stone fielding and car parking at the site entrance with a community noticeboard.

2.3.74 The Applicant's position is that the Proposed Development is considered to be acceptable in terms of tourism and recreation matters.

Traffic and Transport Interests

2.3.75 Traffic and Transport is addressed in the EIA Report. No significant adverse effects would arise in relation to this topic.

2.3.76 Overall, it is considered that there are no effects arising in relation to Policy 67 which are considered to be significantly detrimental overall.

2.4 Other Development Plan Policies

2.4.1 The other HwLDP policies cover topics relating to hydrology and peat, transport, cultural heritage, nature conservation interests, landscape and public access. These matters have been fully considered within the ambit of policy 67 and it is considered that no effects would arise from the proposed development which would be unacceptable in the context of these other policies.

2.5 Onshore Wind Energy Supplementary Guidance

2.5.1 The Onshore Wind Energy Supllementary Guidance (OWSG) was adopted by the Council in November 2016 and forms part of the statutory Development Plan. Policy 67 refers to the Supplementary Guidance (SG) and its role in providing further criteria for the consideration of onshore wind energy proposals. Accordingly, as the SG supplements Policy 67 and assists with its application.

2.5.2 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 tacking climate change*…".

2.5.3 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 are as follows:

- Landscape and Visual Effects;
- Safety and Amenity at Sensitive Locations;
- Safety of Airport, Defence and Emergency Service Operations;
- Operational Efficiency of Other Communications;
- Operational Efficiency of Wind Energy Developments;
- The Natural and Historic Environment;
- The Water Environment;
- Peat;
- Trees and Woodland;

- Tourism and Recreation;
- Public Access;
- Traffic and Transport Interests;
- Electricity and Gas Infrastructure;
- Noise Assessment;
- Borrow Pits;
- Mitigation;
- Construction Environmental Management Plans;
- Restoration Bonds; and
- Repowering.

2.5.4 At paragraph 4.16, the SG 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*".

2.5.5 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. An appraisal of how the proposed development relates to these criteria is set out in Table 5.42 in Chapter 5 of the EIA Report. The appraisal demonstrates that the Proposed Development can be successfully accommodated in relation to the criteria which refer to the following considerations:

- Relationship between settlements and the wider landscape;
- Respect to gateway locations and routes;
- Respect to natural and cultural landmarks;
- The amenity of recreational routes;
- The amenity of transport routes;
- Respect to the existing pattern of wind farm development;
- The need for separation between developments / clusters;
- Respect to the perception of landscape scale and distance;
- Respect to landscape setting of other wind farm developments; and
- Respect to landscape distinctiveness.

2.5.6 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.

2.5.7 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'. The Caithness appraisal is of relevance to the proposed development. The addendum to the guidance identifies that the Development is located within Landscape Character Area (LCA) CT9: 'North Caithness'.

2.5.8 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 Paragraph 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*".

2.6 Conclusions

2.6.1 It is considered that the principle of development is supported and that the effects arising from the Proposed Development would not be significantly detrimental overall within the terms of Policy 67 or unacceptable in terms of the provisions of other HwLDP policies. The more 'exacting' development management process required by SPP has therefore been applied by way of consideration of HwLDP policies in arriving at this conclusion.

2.6.2 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 HwLDP.

2.6.3 In addition, given the age of the Development Plan, the presumption in favour of development that contributes to sustainable development is a significant material consideration (as per paragraph 33 of SPP). As a result, in addition to the presumption, the tilted balance applies. No effects have been identified that would "significantly and demonstrably" outweigh the benefits that the proposed development would give rise to.

2.6.4 Moreover, through considering the other relevant policy guidance contained in the SG, it is concluded that the Proposed Development is consistent with that guidance and furthermore accords with the Development Plan when it is read as whole.

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 NPF3 was published on 23 June 2014. It 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.

3.2.2 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.

3.2.3 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…".

3.2.4 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'.

3.2.5 Paragraph 3.7 states onshore wind is *"…recognised as an opportunity to improve the long-term resilience of rural communities*".

3.2.6 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 electricity consumption from renewables.

3.2.7 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*…".

3.2.8 Paragraph 3.23 states that "*onshore wind will continue to make a significant contribution to diversification of energy supplies*".

3.2.9 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.

3.2.10 The Proposed Development is consistent with the provisions of the NPF3, as it is considered that it makes use of the natural wind resources to produce low carbon energy and diversify the energy mix. Moreover, 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.

3.2.11 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 (GHG) emission reductions.

3.3 Scottish Planning Policy

3.3.1 SPP was published in June 2014 and is Scottish Government policy on how nationally important land use planning matters should be addressed.

3.3.2 SPP contains a number of principal policies, one of which (Paragraph 27) contains a presumption in favour of development that "*contributes to sustainable development*".

3.3.3 Paragraph 28 states that:

"*the planning system should support economically, environmentally and socially sustainable places by enabling development that balances the costs and benefits of a proposal over the longer term. The aim is to achieve the right development in the right place; it is not to allow development at any cost*".

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 the relevant principles and a summary appraisal is presented below.

3.3.5 The conclusion reached is that the proposed development would be one that contributes to sustainable development, and therefore there is a presumption in favour of development.

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 as set out in Chapter 5 including job creation and wider stimulus through supply chain effects.
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. In the context of commercial-scale wind development, the Proposed Development represents good design as a satisfactory layout has been achieved, with regard to landscape character and local context while meeting functionality requirements - without unacceptable effects arising.

Policy Principle	Proposed Development
4 - Supporting delivery of infrastructure, for example transport, education, energy, digital and water	The Proposed Development would deliver necessary energy generation infrastructure.
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	A benefit of the Proposed Development will be the provision of access to tracks for recreational purposes, expanding local provision in the area. As explained, the recent draft OWPS highlights the recreational provision provided by Whitelee Wind Farm and states they "*would be encouraged to see more developments in Scotland with similar provisions*" (draft OWPS, para 5.7.6). There may also be further opportunities through the community investment funding.
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. While the 2016-21 Strategy has now been replaced by the 2021-26 Strategy, the principles set out in the 2016-21 Strategy remain relevant to SPP and this application. 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 and access to recreational opportunities will be encouraged.
8 - Protecting, enhancing and promoting access to cultural heritage, including the historic environment	This principle is not of particular relevance to the Proposed Development. 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 Proposed Development 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 has the capacity for the scale of the proposal.
010 - 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 relevant principles set out at paragraph 29 of SPP. 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 Presumption and the Tilted Balance

3.3.7 As noted, whether a Proposed Development is sustainable development is assessed according to the principles set out in paragraph 29 of the SPP. The principles in paragraph 29 of SPP cover broadly similar matters to the considerations identified in paragraph 169 of

SPP. Where a conclusion is reached that a proposal is or would contribute to sustainable development, the 'presumption' is a material consideration in favour of that proposal.

3.3.8 Based on the appraisal summarised above, the conclusion is that the Proposed Development would contribute to sustainable development.

3.3.9 Furthermore, the Proposed Development benefits from the 'tilted balance' set out in paragraph 33 of SPP (2014), which states:

"*Where relevant policies in a development plan are out-of-date or the plan does not contain policies relevant to the proposal, then the presumption in favour of development that contributes to sustainable development will be a significant material consideration. Decision-makers should also take into account any adverse impacts which would significantly and demonstrably outweigh the benefits when assessed against the wider policies in this SPP. The same principle should be applied where a development plan is more than five years old*". (emphasis added)

3.3.10 Applying this to the Proposed Development, following the same approach as the Ministers in the Glenshero Section 36 decision[2]:-

- The HwLDP is over five years old. It automatically follows that the presumption is a "*significant material consideration*" (emphasis added). This applies whether the relevant policies are considered "out of date" or not.
- The 'tilted balance' means adverse impacts have to significantly and demonstrably outweigh the benefits. It is not a standard planning balance that has to be struck.

3.3.11 The environmental effects arising on local receptors arising in this case are not considered to be out of the ordinary for commercial-scale wind development and in the Applicant's view are not considered to "significantly and demonstrably" outweigh the benefits of the proposal.

The Spatial Framework & Development Management Considerations

3.3.12 SPP sets out at paragraph 163 that the Spatial Framework approach for onshore wind should be followed to deliver consistency nationally. This is set out in Table 1: Spatial Frameworks of SPP.

3.3.13 **The majority of the site is in a Group 3 area –** 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. This is on the basis that the majority of the site is not within areas of significant protection.

3.3.14 Some areas of the site contain Class 1 peat which would fall within Group 2 of the Spatial Framework approach. However, given the development 'footprint' has avoided Group 2 peat and peatland habitat constraints, the site can be regarded as a Group 3 location i.e. an "*area with potential for wind farm development*" where "*wind farms are likely to be acceptable, subject to detailed consideration against identified policy criteria*" (SPP, page 39).

3.3.15 Furthermore, the Proposed Development 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. The detailed policy appraisal with reference to development management considerations is set out in Chapter 2 of this Statement in terms of the relevant HwLDP policies, which reflect the provisions of SPP paragraph 169.

[2] Glenshero Wind Farm, Scottish Ministers Section 36 Decision dated 4th March 2022 (Ref WIN-270-11).

3.4 The Draft Fourth National Planning Framework 'Scotland 2045'

3.4.1 The draft NPF4 was published in November 2021. Once approved, it will become part of the statutory Development Plan. Now that the document has been published it is a material consideration. It is recognised that the NPF4 remains in draft form and that the detailed policy wording may change prior to adoption. However, the draft NPF4 is a clear expression of Scottish Government policy support for net-zero and the consenting decisions necessary to achieve that statutory objective.

3.4.2 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*."

3.4.3 As explained with reference to the renewable energy policy framework (Chapter 4) 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 & Statement of Need for Renewable Generation

3.4.4 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*".

3.4.5 It is proposed that there are 18 national developments 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*".

3.4.6 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'.

3.4.7 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."

3.4.8 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*".

3.4.9 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*".

3.4.10 The Proposed Development would not have national development status if this policy provision is retained in the final version of NPF4, however the statement of need is informative in terms of the role of renewable energy generation in attaining net zero.

Draft National Planning Policy

3.4.11 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."*

3.4.12 There is therefore express recognition of firstly, the need for a rebalance – it is not to be what might be termed 'business as usual' in decision making if we are to meet net zero objectives, and secondly, climate change is to be one of the two primary guiding principles.

3.4.13 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*". This is an express statement that the Climate Emergency is a material consideration of significant weight.

3.4.14 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*."

3.4.15 The emissions reduction that the Proposed Development would give rise to is referenced in Chapter 5 of this Statement below and is a key benefit which should be afforded significant weight.

3.4.16 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." (emphasis added)

3.4.17 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 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*."

3.4.18 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. The various matters referred to have been addressed in relation to the lead Development Plan policy in the previous Chapter.

3.4.19 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 outwith these 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 unacceptable*".

3.4.20 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.

3.4.21 When proposed developments coincide with a spatial location that is free from national level designation constraints (i.e. the current SPP Group 3) then the question needs to be asked whether the local impacts that would arise from the proposal 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

3.4.22 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 A 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*".

3.4.23 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 or set by virtue of that Act*".

3.4.24 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".

3.4.25 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.

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

3.4.27 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.

3.4.28 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.

3.5 Conclusions on National Planning Policy & Guidance

3.5.1 Both NPF3 and SPP set out a strong position of support in relation to renewable energy and renewable energy targets. These documents recognise the significant energy resource to be 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. Such an appraisal is presented in this Planning Statement.

3.5.2 The Proposed Development benefits from the presumption in favour of sustainable development and can be regarded as being in a 'Group 3' location as per the SPP Spatial Framework in which wind farms are likely to be acceptable. In light of the policy appraisal which is set out in Chapter 2, it can be considered to be the right development in the right place (paragraph 28 of SPP).

3.5.3 The Proposed Development is not only in accordance with the guiding principles set out in paragraph 29 of SPP, but also is consistent with the planning Outcomes and with the new statutory purpose of planning.

3.5.4 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 set out in emissions reduction law. These 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 emissions reductions.

3.5.5 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.

3.5.6 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. Renewable Energy Policy & Legislative Framework

4.1 Introduction

4.1.1 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 and obligations, legally binding targets and climate change global advisory reports is the foundation upon which national energy policy and greenhouse gas 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.

4.1.2 Relevant Government policy is a material consideration. 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. The weight given to any policy, subject to taking a reasonable and rational approach, is a planning judgement and a matter for the decision maker.

4.1.3 The Proposed Development must therefore be considered against a background of 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 national planning policy.

4.1.4 It is evident that there is 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.

4.1.5 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.

4.1.6 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. It is important to be clear on the current position as it is a fast-moving topic of public policy.

4.2 International Commitments

The Paris Agreement (2016)

4.2.1 In December 2015, 195 countries adopted the first ever universal, legally binding global climate deal at the Paris Climate Conference (COP21). The Paris Agreement within the United Nations Framework Convention on Climate Change sets out a global action plan towards climate neutrality with the aims of stopping the increase in global average temperature to well below 2^0C above pre-industrial levels, and to pursue efforts to limit global warming to 1.5^0C.

4.2.2 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 & 2022), related Press Release and Statements

4.2.3 The first part of the Inter-Governmental Panel On Climate Change (IPCC) 6th Assessment Report (2021) was published on 9th August 2021 (the AR6 Report). The AR6 Report is the first major review of the science of climate change since 2013. The first part of the AR6 Report, in short, provides new estimates of the chances of crossing the global warming level at 1.5^{0}C in the next decade and reaches the sobering conclusion that, without immediate, rapid and large-scale reductions in GHG, limiting warming close to 1.5^{0}C or even 2^{0}C will be beyond reach. For this and many other reasons the UN Secretary General[3] described the AR6 Report as a "*Code Red for humanity*".

4.2.4 The second part of the AR6 report was recently published on 28th February 2022. It is, as described in the press release accompanying the second part of the AR6 report a "*dire warning about the consequences of inaction*". The press release refers to a narrowing window for action and states (emphasis added):

"*The scientific evidence is unequivocal: climate change is a threat to human wellbeing and the health of the planet. Any further delay in concerted global action will miss a brief and rapidly closing window to secure a liveable future*."

4.2.5 The third part of the IPCC's AR6 Report 'Mitigation of Climate Change[4]' was published on 04 April 2022. In summary, the urgent message from this latest report is that it confirms the harmful and permanent consequences of the failure to limit the rise of global temperatures and that reducing emissions is a crucial near-term necessity. The report underlines the need to radically and rapidly scale up global climate action to reduce GHG emissions.

4.2.6 The Press Release for the third report summarises a number of the key points from the publication including:

> "*limiting global warming will require major transitions in the energy sector. This will involve a substantial reduction in fossil fuel use, widespread electrification, improved energy efficiency and use of alternative fuels." The report sets out that the "next two years are critical*". (page 1)

> In the scenarios assessed, limiting warming to around 1.5°C "*requires global greenhouse gas emissions to peak before 2025 at the latest, and be reduced by 43% by 2030…. even if we do this, it is almost inevitable that we will temporarily exceed this temperature threshold but could return to below it by the end of the century*". (page 2)

4.2.7 The Report makes it clear that immediate short-term acceleration of low carbon energy is needed if limiting warming below danger levels is to stay feasible. The Report emphasises the particular cost reductions that have affected wind and solar development and that these technologies will play a key role in the energy transition.

4.2.8 This third report from the IPCC has focused on how human actions can mitigate climate change. In short, the principal message is that humanity is currently not on track to limit warming, but that it is still possible to make the progress necessary by 2030 by using existing technologies for example, by moving rapidly to non-fossil fuel sources of energy.

4.2.9 The timescale imperative set out in the IPCC report matches that of the Scottish Government - both are essentially saying through their policy documents that it is clear that the next decade can and must be transformative.

[3] Statement by UN secretary general Antonio Guterres, 09 August, 2021.
[4] IPCC, 2022: Climate Change 2022: Mitigation of Climate Change. Contribution of Working Group 3 to the Sixth Assessment Report of the Intergovernmental Panel on Climate Change.

4.3 UK Climate Change & Energy Legislation & Policy

The Climate Emergency

4.3.1 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 CCC) and in response to commitments under the Paris Agreement and what followed from it as a result of the declaration (new emissions reduction law).

The Climate Change Act 2008 & Carbon Budgets

4.3.2 The Climate Change Act 2008 (the 2008 Act) provides a system of carbon budgeting. Under the 2008 Act, the UK committed to a net reduction in GHG emissions by 2050 of 80% against the 1990 baseline. In June 2019, secondary legislation was passed that extended that target to at least 100% against the 1990 baseline by 2050, with Scotland committing to net zero by 2045.

4.3.3 The 2008 Act also established the CCC which advises the UK Government on emissions targets, and reports to Parliament on progress made in reducing GHG emissions.

4.3.4 The CCC has produced six four yearly carbon budgets, covering 2008 – 2037. These carbon budgets represent a progressive limitation on the total quantity of GHG emissions to be emitted over the five-year period as summarised in **Table 4.1** below.

4.3.5 These legally binding 'carbon budgets' act as stepping-stones toward the 2050 target. The CCC advises on the appropriate level of each carbon budget and once accepted by Government, the respective budgets are legislated by Parliament. All six carbon budgets have been put into law and run up to 2037. The UK is currently in the third carbon budget period 2018-2022.

Table 4.1: Carbon Budgets and Progress[5]

Budget	Carbon budget level	Reduction below 1990 levels	Met?
1st carbon budget (2008 – 2012)	3,018 $MtCO_2e$	25%	Yes
2nd carbon budget (2013 – 2017)	2,782 $MtCO_2e$	31%	Yes
3rd carbon budget (2018 – 2022)	2,544 $MtCO_2e$	37% by 2020	On Track
4th carbon budget (2023 – 2027)	1,950 $MtCO_2e$	51% by 2025	Off Track
5th carbon budget (2028 – 2032)	1,725 $MtCO_2e$	57% by 2030	Off Track
6th carbon budget (2033 – 2037)	965 $MtCO_2e$	78% by 2035	Off Track
Net Zero Target	100%	By 2050	

4.3.6 The Sixth Carbon Budget (CB6) requires a reduction in UK greenhouse gas emissions of 78% by 2035 relative to 1990 levels. 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*".

[5] Source: CCC (2022).

4.3.7 Page 23 of CB6 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".

4.3.8 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*".

> CB6 needs to be met 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*."

4.3.9 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[6]) to reduce emissions by 78% by 2035 compared to 1990 levels.

The UK Energy White Paper (December 2020)

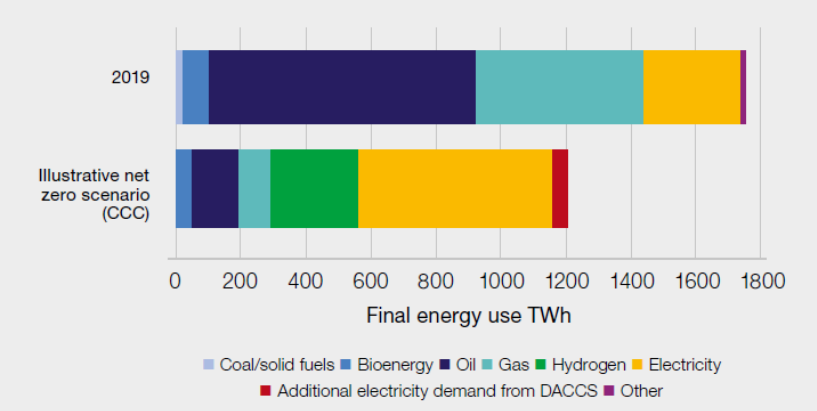
4.3.10 The Energy White Paper 'Powering our Net Zero Future' was published on 14 December 2020 represents a sea change in UK policy and highlights the importance of renewable electricity.

4.3.11 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).

4.3.12 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).

4.3.13 This anticipated growth of renewable electricity is illustrated in the graph below – **Figure 4.1**.

Figure 4.1: Illustrative UK Final Energy Use in 2050[7]



[6] The Order sets the carbon budget for the 2033-2037 budgetary period at 965 million tonnes of carbon dioxide equivalent. The net UK carbon account is defined in section 27 of the Climate Change Act 2008.

[7] Source: Energy White Paper page 9 (2020).

4.3.14 Other key points in the White Paper include:

- The White Paper builds on the Prime Minister's '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.

4.3.15 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)

4.3.16 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)[8] and establishes the long-term pathway to net zero by 2050

4.3.17 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 (UNFCC) as the UK's second long-term low greenhouse gas emission development strategy under the Paris Agreement.

4.3.18 Page 19 addresses the power sector and sets out that the power system will be fully decarbonised by 2035.

4.3.19 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).

4.3.20 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) (emphasis added).

4.3.21 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*".

[8] 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.

4.3.22 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.

The British Energy Security Strategy (April 2022)

4.3.23 The British Energy Security Strategy ("BESS") was published by the UK Government on 7 April 2022. The BESS focuses on energy supply and states that in the future nuclear will have an expanded role and that renewables have an important role: the foreword states *inter alia*:

"*this government will reverse decades of myopia, and make the big call to lead again in a technology the UK was the first to pioneer, by investing massively in nuclear power.*

Accelerating the transition away from oil and gas then depends critically on how quickly we can roll out new renewables.

The growing proportion of our electricity coming from renewables reduces our exposure to volatile fossil fuel markets. Indeed, without the renewables we are putting on the grid today, and the green levies that support them, energy bills would be higher than they are now. But now we need to be bolder in removing the red tape that holds back new clean energy developments and exploit the potential of all renewable technologies."

4.3.24 In terms of nuclear power, which is the centrepiece of the strategy, the BESS states that the plan would be to increase "*deployment of civil nuclear to up to 24GW by 2050 – 3 times more than now and representing up to 25% of our projected electricity demand*". This is caveated as being "*subject to value for money and relevant approvals*" (page 21).

4.3.25 In terms of offshore wind, the BESS states (page 16): "*Our ambition is to deliver up to 50GW by 2030, including up to 5GW of innovative floating wind*".

4.3.26 With regard to solar, the BESS notes (page 19) there is currently 14GW of solar capacity in the UK and the Government states that it expects "*a five-fold increase in deployment to 2035*" which would be a figure of circa 70GW.

4.3.27 In terms of onshore wind (pages 18) it states:

"*Onshore wind is one of the cheapest forms of renewable power. The UK already has over 14GW of onshore wind, with a strong pipeline of future projects in Scotland. We will improve national network infrastructure and, in England, support a number of new projects with strong local backing.*

The government is serious about delivering cheaper, cleaner, more secure power, so we need to consider all options. That is why we included onshore wind in the latest Contracts for Difference auction round and will include it in future rounds.

In Scotland, which has its own planning system, we will work with the Scottish Government to ensure communities and landscape issues are considered for future projects.

In Wales, we will support the work underway by the Welsh Government, Ofgem, and networks to improve grid connections.

In the more densely populated England, the government recognises the range of views on onshore wind. Our plans will prioritise putting local communities in control. We will not introduce wholesale changes to current planning regulations for onshore wind but will consult this year on developing local partnerships for a limited number of supportive communities who wish to host new onshore wind infrastructure in return for benefits, including lower energy bills. The consultation will consider how clear support can be demonstrated by local communities, local authorities and MPs.

We will also look at arrangements to support the repowering of existing onshore wind sites when they require updating or replacement. With advances in technology this process can enhance capacity and provide new opportunities for communities to benefit."

4.3.28 In terms of what the BESS means for Scotland – the nuclear growth is expected in England and Wales only given the Scottish Government has made it clear over many years that no new nuclear plants will be developed in Scotland. Offshore wind is already a key part of Scotland's Energy Strategy and onshore wind will continue to come forward and be supported. The restrictive planning rules for onshore wind remain in place in England – the BESS references "Scotland which has its own planning system". The UK Government is seeking to support a range of renewable energy sources and recognises policy differences between the UK nations. BESS both recognises and supports Scotland's positive approach to onshore wind, an approach to onshore wind which is emphasised in Scottish Government policy documents.

4.4 Climate Change & Renewable Energy Policy: Scotland

The Climate Emergency

4.4.1 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' and stated:

"*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...."

4.4.2 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".

4.4.3 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.

4.4.4 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, its potential effects and the need for urgent action to cut carbon dioxide and other GHG emissions.

4.4.5 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.

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

4.4.6 Against this severe backdrop, the Scottish Government has set legal obligations to decarbonise and reduce emissions. Most notably, the Scottish Government has a statutory target to achieve "net zero" by 2045, with interim targets of 75% by 2030 and 90% by 2040, further supported by annual targets. It is clear that to have any hope of achieving the net zero target, much needs to happen by 2030.

4.4.7 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.

4.4.8 The 75% target required to be met by 2030 is especially challenging[9]. 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 declaration of the Climate Emergency and recognises the urgent response that is required.

4.4.9 The Scottish Government publishes an annual report that sets out whether each annual emissions reduction target has been met. **Table 4.2** below sets out the annual targets for every year to net-zero. The report for the 2019 target year 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 were not met.

4.4.10 The Scottish GHG Statistics for 2020 were released in June 2022. These show that the GHG account reduced by some 58.7% between the baseline period and 2020. However according to the report[10], the drop in emissions between 2019 and 2020 was mainly down to lower emissions from domestic transport, international flights and shipping and energy supply. All other sectors demonstrated modest reductions over this period, except the housing sector.

4.4.11 Coronavirus restrictions were responsible for the large drop in emissions from transport, while residential emissions increased by 0.1 $MtCO_2e$ as more people worked from home during the pandemic. The Scottish Cabinet Secretary for Net Zero, Energy and Transport Michael Matheson made a Statement[11] to the Scottish Parliament on 07 June 2022 on the release of the latest statistics. In the Statement he commented as follows:

4.4.12 The Scottish Net Zero Secretary Michael Mathewson stated in June 2022 on the release of the latest statistics:

"*Nonetheless, the most significant changes are in the transport sector and are associated with the temporary measures taken in response to the Covid-19 pandemic. We must be prepared for these figures to substantially rebound in 2021. There can be no satisfaction taken in emissions reductions resulting from the health, economic and social harms of the pandemic*." (emphasis added)

4.4.13 This demonstrates the scale of change required over the next decade to achieve the 2030 target. This also 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.

[9] As set out in this Statement (paragraph 6.10), none of the five scenarios modelled by the CCC – even its most optimistic and stretching – suggests Scotland is close to achieving the 75% emissions reduction by 2030.

[10] Scottish Government. Official Statistics, Scottish Greenhouse Gas Statistics 2020, (June 2022).

[11] Ministerial Statement to Scottish Parliament by Cabinet Secretary for Net Zero, Energy and Transport on 07 June 2022, 'Greenhouse gas emission statistics 2020'.

Table 4.2: 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
2020	**56**	**58.7**	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	-	**2040**	**90 (Interim)**
2027	69.3	-	2041	92
2028	71.2	-	2042	94
2029	73.1	-	2043	96
2030	**75**	**Interim Target**	2044	98
2031	*76.5*	-	***2045***	***100% Net Zero***

Note: Current available data shown in yellow

4.4.14 The targets set out in the above Table clearly illustrate the speed and scale 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.

4.4.15 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.

4.4.16 It is no exaggeration to say that there is a 'mountain to climb' to meet Scotland's 75% target for 2030. The CCC modelled five scenarios in CB6 and in none – even its most optimistic – is Scotland close to achieving a 75% emissions reduction by 2030: "*Scotland's 75% target for 2030 will be extremely challenging to meet, even if Scotland gets on track for net zero by 2045, Our balance net zero pathway for the UK would not meet Scotland's 2030 target – reaching a 64% reduction by 2030 – while our most stretching tail winds scenario reaches a 69% reduction*" (CB6, page 229).

4.4.17 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),

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

4.4.18 This emphasises that the Scottish Government and 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.

4.4.19 Under Section 3A of the 1997 Act, the National Planning Framework 4 (NPF4) must contain a statement of what the Scottish Ministers consider development will contribute to "*meeting any targets relating to the reduction of emissions of greenhouse gases…"* Therefore, the objective has been set for the policies in NPF4 to provide for development that contributes to the push towards net zero.

4.4.20 It is clear from the amendments to the 1997 Act by the Planning (Scotland) Act 2019 that the long-term public interest in attaining net-zero 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.

4.4.21 Planning policy needs to 'catch up' with the law on net zero and is almost certain to do so through NPF4 – a key planning policy instrument for the delivery of net zero.

The Scottish Energy Strategy (2017)

4.4.22 The Scottish Energy Strategy (SES) was published in December 2017. 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.

4.4.23 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*".

4.4.24 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*".

4.4.25 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*".

4.4.26 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".

4.4.27 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 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)

4.4.28 The Onshore Wind Policy Statement (OWPS) was published in December 2017. A key message is the recognition that onshore wind is to play a "vital role" in meeting Scotland's energy needs and a "material" role in growing the economy. 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.

4.4.29 This language on the role of onshore wind is demonstrably stronger than that in the National Planning Framework 3 (NPF3) and Scottish Planning Policy (SPP) published in 2014. In addition, the context within which the NPF3 / SPP policy statements were made is demonstrably different due to the fundamentally different targets now in place.

4.4.30 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 policy support for a route to market. This is exactly what has happened in relation to the opening up of the CfD[12] auction to onshore wind by the UK Government in 2021.

4.4.31 An important context to this particular document was the removal of price 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 more efficient turbines.

4.4.32 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. Larger turbines can bring benefits in terms of energy yield and consequential larger contribution to targets.

4.4.33 Whilst the SES and the OWPS are evidence of a continuum of ever stronger policy support for 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 Update to the Climate Change Plan (2018-2032) (December 2020)

4.4.34 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).

[12] Contracts for Difference.

4.4.35 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). (emphasis added)

4.4.36 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*".

4.4.37 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*".

4.4.38 In addition, the target is maintained of "*a new renewable all energy consumption target of 50% by 2030, covering electricity, heat and transport*".

4.4.39 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 'Onshore Wind Policy Statement Refresh' Consultative Draft (October 2021)

4.4.40 The draft OWPS was published in October 2021. Notwithstanding that this is a draft document, it contains various statements of the Scottish Government's current position and views on onshore wind. The 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.

4.4.41 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*".

4.4.42 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).

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

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

4.4.45 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*."

4.4.46 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.

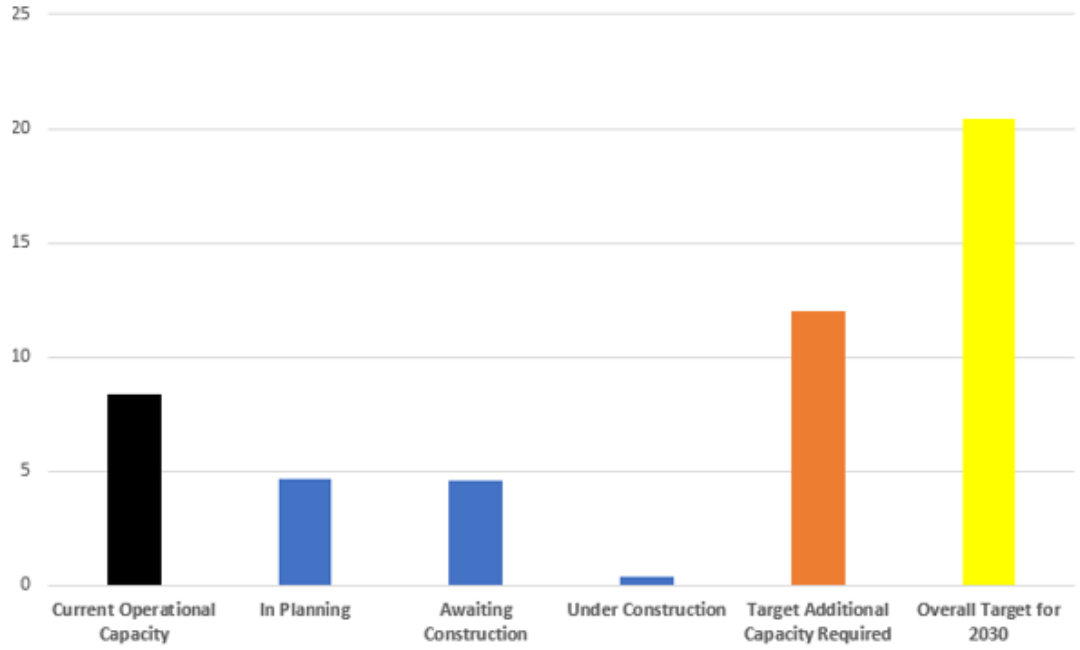
- In planning – 4.69GW
- Awaiting construction – 4.64GW
- Under construction – 0.43GW.

4.4.47 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).

4.4.48 If an assumption is made that only some 6GW[13] 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 20.4GW by 2030. This is illustrated in **Figure 4.2** below. Even if all in planning and consented sites were constructed (which is unrealistic) there would still be a shortfall.

[13] 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 3 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.

Figure 4.2: Scottish Onshore Wind Capacity & Ambition (GW) 2030



4.4.49 Reference is also made to CCC Sixth Carbon Budget, which 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*".

4.4.50 The draft OWPS states that against this context the Scottish 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*".

4.4.51 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 a clear expectation on what we believe on-shore wind capacity can contribute*". (emphasis added)

4.4.52 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 generation that this enables*".

4.4.53 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*."

4.4.54 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.

4.4.55 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 are 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*." (emphasis added)

4.4.56 Section 5 relates to **economic opportunities** and covers the topics of supply chain, CfD, benefits to Scotland skills, tourism and cultural economics and other related matters.

4.4.57 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 Gross Value Added (GVA) could be achieved in Scotland if there is deployment of an additional 12 GW of onshore wind by 2030.

4.4.58 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*".

4.4.59 The Scottish Government is clearly setting out that there is an important opportunity to capitalise on in relation to the economic benefits from onshore wind.

4.4.60 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.

4.4.61 The Scottish 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*".

4.4.62 Whilst the document is clearly issued for consultation, it sets out on the above topics, the Scottish Government's current position and a clear direction of travel of strong support for onshore wind.

4.4.63 Furthermore for the first time a 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*".

4.4.64 The draft OWPS is also informative on the Scottish 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*".

4.4.65 Battery storage is therefore highlighted in the draft OWPS as being an important and growing opportunity and the Proposed Development provides that additional benefit.

4.4.66 The Proposed Development would make a valuable contribution to the objective for substantially more onshore wind capacity in Scotland by 2030. Whilst the exact target figure for onshore wind capacity is to be consulted on, it would seem the minimum being considered is at least a doubling of existing installed capacity.

4.4.67 It is clear the Scottish 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.

4.4.68 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).

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

4.4.69 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.

4.4.70 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*".

4.4.71 In order to do this the parties state that they will "*set an ambition to deliver, subject to consultation, between 8 and 12 GW 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)

4.4.72 At the present time Scotland has approximately 8.4 GW of installed onshore wind capacity. Therefore, the Government is looking to, at the minimum, to double this capacity, by adding a minimum additional further 8 GW in just less than ten years.

The Programme for Government (2021)

4.4.73 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 CCC Report to Parliament 'Progress in reducing emissions in Scotland' (2021)

4.4.74 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*".

4.4.75 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*." (emphasis 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*".

4.4.76 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)

4.5 Key Zero Carbon Targets: Summary

4.5.1 There are a number of key zero carbon targets and dates as set out in **Table 4.3** below.

Table 4.3: Key Zero Carbon Targets

Year	Target	Summary	Current Position
2050	Net Zero in the UK	Means no net carbon emissions in UK. Given there will be some residual emissions remaining (e.g. from agriculture) therefore an equal amount of carbon removal will be required by means such as carbon capture, storage or usage.	In 2020 total greenhouse gas emissions were 48.8% lower than they were in 1990[14].
2045	Net Zero in Scotland	Scotland has already largely decarbonised electricity production, therefore the primary challenge is to replace fossil fuels used in industry, heating of buildings and transport, which will mostly require substitution of fossil fuels with zero carbon electricity, meaning a big expansion of generation, transmission, distribution and supply of renewable energy.	The Scottish greenhouse gas account 'GHG Account' reduced by only 58.7% between the baseline period and 2020[15].
2035	Zero Carbon Electricity in the UK	The UK Government target is for all electricity in 2035 to be generated zero carbon, i.e. with no unabated fossil generation.	In 2020 fossil fuels generated 40% of UK electricity[16], hence a large increase in renewables is required for this target.
2030	50% renewable energy in Scotland	Renewable energy generation to account for 50% of energy demand across electricity, heat and transport. This will mean a significant expansion of renewable energy sources and associated needs for energy storage, flexibility and stability services.	Total Scottish energy consumption from renewables was 23.8% in 2019[17].
2030	75% Interim Emissions Reduction Target in Scotland	Key interim target as set out in the Climate Change (Emissions Reduction Targets) (Scotland) Act 2019. 75% reduction in emissions lower than the baseline of 1990 levels.	The Scottish greenhouse gas account 'GHG Account' reduced by only 58.7% between the baseline period and 2020[18].
2025	Zero Carbon Electricity System Operation in Great Britain	National Grid Electricity System Operator (NGESO) has set a target to be able to operate the GB grid system with no fossil generation for a period (e.g. 1 hour or more) in 2025. Once this has been achieved the number of hours and durations of such operations can be increased.	In 2019 zero carbon sources outstripped fossil fuelled electricity generation for the first time ever and 1.30pm on 17 August of that year saw the highest share of zero carbon power ever seen at 85.1%[19]

[14] Department for Business, Energy & Industrial Strategy, 2020 UK Greenhouse Gas Emissions, National Statistics (25 March 2021).
[15] Scottish Government, Official Statistics, Scottish GHG Emissions 2020, (June 2022).
[16] Department for Business, Energy & Industrial Strategy, UK Energy in Brief, National Statistics (2021).
[17] Scottish Government, Energy Statistics for Scotland, Q2 2021 Figures (September 2021).
[18] Scottish Government, Official Statistics, Scottish GHG 2020, (June 2022).
[19] National Grid, The Road to Zero Carbon (2021).

Year	Target	Summary	Current Position
		At present National Grid needs to draw on conventional power plants (typically gas) to deliver system reliability. By 2025 it will have transformed its operation of the electricity system, so that when there is enough zero carbon generation available, it can deliver electricity to Great Britain without using any fossil fuels. This is seen as a 'key enabler' for a zero-carbon electricity system in 2035, in line with the Sixth Carbon Budget.	

4.6 Giving substantial weight to Renewable Energy Policy and Targets

4.6.1 The Applicant's position is that the Proposed Development is strongly supported by the current policy framework. Increased weight should be given to the benefits of the Proposed Development on the basis of the new material considerations that have arisen since SPP and NPF3 were published in 2014.

4.6.2 The need case for renewable energy generation and emissions reduction targets as set out in NPF3 and SPP, drafted in 2014, is considerably outdated. Drafting in these documents, while 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.

4.6.3 The trajectory, in terms of the scale and pace of action to reduce emissions, is steeper than before and it is essential that rapid progress is made through the 2020s. The rate of emission reductions must increase otherwise the legally binding target of an interim 75% reduction of GHG emissions by 2030 will not be met.

4.6.4 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/GHG 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.

4.6.5 It is clear from the UK Energy 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.

4.6.6 Decisions through the planning system must be responsive to this changed position. Decision makers can do this by affording substantial weight to the energy policy objectives articulated above, in the planning balance.

4.6.7 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.

4.6.8 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 are also material considerations of relevance that should be afforded weight, and indeed increasingly greater weight.

4.6.9 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 the 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 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.

4.6.10 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.

4.6.11 It must follow that the need case is to be afforded great weight in the planning balance. It is not an over-riding consideration; 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.

4.6.12 This position was acknowledged by the Reporter in the recent Strathy Wood Wind Farm section 36 Scottish Ministers' decision (December 2021). At paragraph 11.93 of the Inquiry Report[20], the Reporter stated the following, which was adopted by Ministers in their Decision of 08 December 2021:

"*At the same we recognise that these current planning policy documents pre-date the recent changes to the energy and climate change position, in particular the declaration of a climate emergency. Consequently we consider it is appropriate to attribute greater importance to the benefits of renewable energy in the overall planning balance*." (emphasis added)

[20] DPEA Case Reference WIN-270-12.

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 21.5 MW, 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.

> 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 earlier that steps towards decarbonisation are introduced, the greater their contribution to limiting climate change. The proposed development's delivery of an estimated renewable generation capacity of 21.5 MW in the near term will have a disproportionately higher benefit than the same capacity delivered later. 21.5 MW delivered by 2030 would provide 15 years of carbon reduction by the key 2045 deadline, whereas 21.5 MW delivered by 2040 would provide only 5 years of carbon reduction by 2045.

> Estimated carbon savings are addressed in Chapter 14 of the EIA Report. With an anticipated capacity factor of 49.7%, the amount of electricity produced by the development in the 'expected scenario' has been estimated to be approximately 91,429 Giga Watt hours (GWh) annually, equating to powering the equivalent of approximately 12,182 Scottish homes annually, based on the latest available figures from 2018.

> This equates to displacing approximately 21,925 tonnes of fossil fuel mix generation equivalent CO_2 emissions, based on DUKES emission factors[21], over the operational life of the Wind Farm which is a beneficial environmental effect. The savings in terms of 'grid mix' would be 16,746 tonnes of CO_2 emissions.

> Battery storage is proposed as part of the proposal. This will be able to store excess power generated by the wind farm and release the power on to the grid when the wind drops. Inclusion of a battery within the scheme significantly increases the sustainability of the power generated. Energy storage will increasingly enable renewable integration, help to balance supply and demand, and enhance security of supply.

Economic, Employment & Community Socio-Economic Benefits

5.1.2 The economic impact associated with the construction and operation of the proposed development would include the following:

> The estimated construction cost is approximately £21m.

[21] 8 DUKES (2018) Digest of United Kingdom Energy Statistics 2020.

- It is considered that construction phase will have an effect of minor beneficial significance on the local economy and employment in THC area. It is expected that the construction phase would generate approximately 3 Full Time Equivalent (FTE) jobs and in the operational phase, 2.5 FTE staff will be employed to operate the development and undertake routine maintenance work during its lifetime (35 years). There would also be potential indirect and induced job creation of a further 3.4 FTEs from the operation of the Proposed Development over its 35-year lifetime.
- The Applicant proposes to create additional benefit from the scheme through a community benefit package. The Applicant will work with the local community to gain feedback on their priorities and deliver projects that will help to secure long-term economic, social and environmental benefits. This approach will deliver a tailored package of benefits that are aligned with the local communities priorities. The Applicant is proposing that the package of additional benefits will be £5,000 per MW (or equivalent) of installed capacity per annum.

6. Conclusions

6.1 The Development Plan

6.1.1 The adopted HwLDP (2012) is now over five years old and considered to be out of date in accord with the provisions of SPP. Therefore, there is a presumption in favour of development that contributes to sustainable development, as set out in SPP and this is a significant material consideration. The tilted balance therefore applies.

6.1.2 The conclusion is that the proposed development would be consistent with all relevant policies of the Development Plan, and with the Development Plan when read as a whole.

6.2 National Planning Policy

6.2.1 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.

6.2.2 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.

6.2.3 The development is in an appropriate location, and 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.

6.2.4 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 to move to a 'net zero economy and society'. The proposed development can help achieve that clear policy objective.

6.2.5 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.

6.2.6 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. It 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.

6.3 Climate Emergency & the Renewable Energy Policy Framework

6.3.1 In summary, in order to combat climate change through decarbonisation of the energy system, Scotland and the UK, require new renewable sources of energy, which will ensure that a secure supply of electricity is available to meet the increased future demand. The provision of new renewable energy capacity will help the Scottish Government meet legally binding national and international commitments on climate change.

6.3.2 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.

6.3.3 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.

6.3.4 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.

6.3.5 Overall, the renewable energy policy framework is a central and crucial consideration, 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. 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.

6.3.6 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 improving security of supply and a green recovery.

6.3.7 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.

6.3.8 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.

6.4 Overall Conclusions

6.4.1 It has been demonstrated that the Proposed Development accords with local and national planning policy. Moreover, 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 GHG emission reductions can be met in time.

6.4.2 There is a climate emergency. That is a factor of importance and considerable weight in determining this application. 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.

6.4.3 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 12 GW of additional onshore wind capacity is clearly evidenced in the two documents means that they cannot be categorised and dismissed as just a continuing of what might be termed a 'business-as-usual' approach.

6.4.4 The NPF4 Position Statement heralded a rebalancing of the planning system, so as to recognise the climate and nature crises. Draft NPF4 seeks to deliver this rebalanced approach, which means that all decision makers will have to recalibrate their decision-making considerations.

6.4.5 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.

6.4.6 It is important to note that the Applicant is not relying on future policy to make its case. The Applicant is 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.

6.4.7 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.

6.4.8 The policy imperative must, in the Applicant's view, be acted on. 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.

6.4.9 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 planning permission should be granted, for the Proposed Development, subject to appropriate conditions.

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