



Creag Riabhach Wind Farm Section 36C Variation Application:

Supporting Statement

March 2023

Contents

1.	Introduction	3
1.1	Background	3
1.2	The Section 36 Consent	3
1.3	The Proposed Development (as varied)	3
1.4	Documents Submitted	4
1.5	Scope of this Supporting Statement	5
2.	Environmental Considerations	6
2.1	Environmental Impact Assessment	6
2.2	Supporting Environmental Information	6
3.	Consideration of NPF4	9
3.1	Programme and Procedure	9
3.2	Development Management	9
3.3	How NPF4 is to be used	10
3.4	The National Spatial Strategy – Delivery of Sustainable Places	10
3.5	National Developments	11
3.6	National Planning Policy	13
3.7	Policy 1: Tackling the Climate and Nature Crisis	13
3.8	Policy 11: Energy	13
3.9	Conclusions on NPF4 Appraisal	15
4.	Other Policy Provisions	16
4.1	Introduction	16
4.2	The Onshore Wind Policy Statement	16
4.3	The Draft Energy Strategy and Just Transition Plan	19
4.4	Conclusions on other Policy Provisions	20
5.	Conclusions	21
5.1	The Electricity Act 1989	21
5.2	The Climate Crisis & Renewable Energy Policy Framework	21
5.3	National Planning Policy & the Development Plan	21
5.4	Overall Conclusion	22

1. Introduction

1.1 Background

- 1.1.1 Creag Riabhach Wind Farm Limited (referred to as 'the Applicant') is the owner and operator of the Creag Riabhach Wind Farm (CRWF).
- 1.1.2 CRWF is located on the Altnaharra Estate, Sutherland, approximately 6.5 kilometres south of Altnaharra and approximately 33.5 kilometres north of Lairg with access from the A836.
- 1.1.3 Creag Riabhach Wind Farm Limited has submitted a variation application under Section 36(C) of the Electricity Act 1989 (the '1989 Act') for the CRWF on the basis of the terms set out below. The application submitted under Section 36(C) is hereinafter referred to as the 'Variation Application'.

1.2 The Section 36 Consent and Creag Riabhach Wind Farm

- 1.2.1 The existing Section 36 consent for the CRWF (the 'Section 36 consent') and the associated deemed planning permission were granted to the Applicant by way of a Decision Letter issued by the Scottish Ministers dated 17 October 2016.
- 1.2.2 The application is submitted in accordance with the requirements of Regulation 3(1)(d)(iii) of the Electricity Generating Stations (Applications for Variation of Consent) (Scotland) Regulations 2013 (the '2013 Regulations').
- 1.2.3 The Applicant remains the owner of the CRWF and is entitled to the benefit of the Section 36 consent. The Applicant is therefore entitled to make the Variation Application as submitted.
- 1.2.4 CRWF is now an operational wind farm, having completed first commissioning and commenced commercial operations on 24 November 2022 (the Date of First Commissioning). The CRWF has been built out on the basis of the Section 36 Consent and deemed planning permission granted by the Scottish Ministers in 2016. There have been no Section 42 Applications submitted or such consents granted.

1.3 The Proposed Development (as varied)

- 1.3.1 Condition 1 attached to the Section 36 consent currently provides that the consent to operate the CRWF will expire after a period of 25 years from the Date of Final Commissioning. The Variation Application seeks only to amend Condition 1 of the Section 36 consent to extend the duration of the operational lifespan from 25 years (current) by 15 years to 40 years (proposed), from the Date of Final Commissioning of CRWF.
- 1.3.2 The Date of Final Commission is 21st February 2023. As discussed in pre-application discussions, the ECU will be advised of the actual final date in due course.
- 1.3.3 It is important to note that there are no changes proposed to the site boundary, the physical layout of CRWF or to any other conditions which control the manner of operation of CRWF.
- 1.3.4 There are consequential changes required to conditions in consequence of the proposed variation to Condition 1.
- 1.3.5 In particular, the deemed planning permission is subject to two planning conditions which require variations in terms of the 25-year period which they refer to as follows:
- > Condition 22 of the deemed planning permission entitled "duration of consent" requires the wind turbines to be decommissioned and removed from the site upon the expiration of a period of 25 years from the Date of Final Commissioning.

- > Condition 23 of the deemed planning permission entitled 'site decommissioning, restoration and aftercare' requires the development to be decommissioned and to cease to generate electricity by no later than the date following 25 years from the Date of Final Commissioning.

1.3.6 These conditions would also require to be varied from 25 to 40 years.

1.3.7 The Applicant is therefore also seeking a Direction from the Scottish Ministers under Section 57(2ZA) of the Town and Country Planning (Scotland) Act 1997, that the deemed planning permission is varied in respect of these two conditions which form part of the current deemed planning permission.

1.3.8 A draft of the proposed variations to the terms of Condition 1 of the Section 36 consent and Conditions 22 and 23 of the deemed planning permission is provided with the Variation Application.

1.3.9 In accordance with Regulation 3(1)(C) of the 2013 Regulations, the reasons for seeking a variation to the Section 36 consent are set out in this Supporting Statement that accompanies the Variation Application.

1.4 Reasons for and benefits of the Proposed Variation

1.4.1 Wind turbine technology continues to evolve and it is now commonly expected that turbines will be capable of producing electricity over a longer period than has historically been assumed which gives rise to a number of benefits, in particular extending the production of renewable energy generation. In light of this it is considered reasonable to expect and indeed the Applicant is confident that the CRWF will have a viable operational lifespan of up to 40 years.

1.4.2 In summary, the extension to the operational life of CRWF would contribute to an increased energy output over the life of the wind farm and would secure the continued provision of a renewable source of energy for a further 15 years – making a valuable contribution to sustaining Scottish onshore wind installed / operational capacity and helping to reduce greenhouse gas emissions in line with statutory Net Zero targets. This is further explained below in terms of the up-to-date energy and planning policy framework.

1.5 Documents Submitted

1.5.1 The documentation submitted with the Variation Application comprises the following:

- > A cover letter with three Appendices as follows:
 - Appendix 1: a draft of the proposed Variation;
 - Appendix 2: a copy of the press advertisement; and
 - Appendix 3: a copy of the Notice served upon the owner and occupier of the land to which the application relates.
- > a Site Plan - the Original Layout and 'As Built' Layout;
- > a copy of the original Section 36 Consent and Decision Letter;
- > an Ornithological Report prepared by Caledonian Conservation Limited;
- > a Landscape and Visual Technical Note prepared by WSP Environment and Infrastructure Solutions UK Limited;
- > a technical paper documenting the infrastructure lifespan entitled "ERG Lifetime Extension Process"; and
- > a Supporting Statement.

1.6 Scope of this Supporting Statement

- 1.6.1 This Supporting Statement contains reasoning as to why the variation is requested. Reference is made to the planning and energy legislative and policy framework.
- 1.6.2 The policy framework has changed recently with the approval of the National Planning Framework 4 (NPF4), the publication of the new Onshore Wind Policy Statement and the Scottish Government's Draft Energy Strategy and Just Transition Plan.
- 1.6.3 This Statement therefore addresses these new policy documents and provides as assessment of the Proposed Development against relevant new policy provisions.
- 1.6.4 This Update Planning Statement explains the reasons for the Variation Application in the context of this new policy framework.
- > **Chapter 2** considers the matter of Environmental Impact Assessment and reports on supporting environmental appraisals undertaken by the Applicant.
 - > **Chapter 3** considers the Variation Application against the relevant provisions of NPF4.
 - > **Chapter 4** examines the relevant provisions of the Onshore Wind Policy Statement and Draft Energy Strategy; and
 - > **Chapter 5** presents overall conclusions and recommendations.

2. Environmental Considerations

2.1 Environmental Impact Assessment

- 2.1.1 The Applicant has considered the need for EIA under the terms of the Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017 (the '2017 EIA Regulations').
- 2.1.2 The 2017 EIA Regulations were amended in December 2017 to clarify the EIA should only be required where the changes proposed by a variation may themselves be likely to give rise to significant environmental effects. Where the proposed variation itself is unlikely to have significant effects, no EIA report is required for a variation application.
- 2.1.3 Based on advice from David Bell Planning Ltd and other environmental experts, it has been concluded that the proposed variation would not be likely to give rise to any new or different significant effects on the environment. As such, the Variation Application is not considered to constitute EIA Development.
- 2.1.4 The original application for a Section 36 consent was supported by comprehensive Environmental Statement (ES) which identified any likely significant events arising from the construction, operation and decommissioning of CRWF. Subject to the various mitigation measures, the ES did not identify any significant adverse effects apart from a number of limited visual and landscape character effects.
- 2.1.5 In determining the original application, the Scottish Ministers considered all the environmental effects and concluded that the effects arising from the CRWF were (subject to conditions) acceptable in land use planning terms.
- 2.1.6 Although no EIA is required for the Variation Application the Applicant has, nevertheless, instructed a landscape expert and an ornithological expert in order to confirm that no new significant environmental effects would arise should the lifespan of the CRWF be extended for an additional 15 years. The summary findings from these technical reviews are provided in Section 2.2 below. The two reports are as follows:
- > A Non-Avian Ecology and Ornithological Assessment Note prepared by Caledonian Conservation Limited ('CCL'); and
 - > a Landscape and Visual Technical Note prepared by WSP Environment and Infrastructure Solutions UK Limited ('WSP').
- 2.1.7 These reports are submitted with the Variation Application. They should be referred to for their detail, but a summary of their findings is set out below.

2.2 Supporting Environmental Information

Landscape and Visual Appraisal

- 2.2.1 WSP has undertaken a re-appraisal of the Landscape and Visual Impact Assessment ('LVIA') in relation to extending the operational period of CRWF from 25 years to 40 years.
- 2.2.2 Since the 2013 LVIA, there have been changes in planning policy in relation to wind energy development, as well as the names and boundaries of some landscape planning designations and Wild Land Areas.
- 2.2.3 The appraisal notes that Policy 4 'Natural Places' within the approved NPF4 states that "*the effects of development outwith wild land areas will not be a significant consideration*".
- 2.2.4 The reappraisal assesses whether the increase in duration of operation of CRWF is likely to result in any significant effects on landscape character and designated landscapes, over and

above those identified in the 2013 LVIA. It also considers the effects in the context of the current landscape baseline, which includes CRWF and other wind farms.

- 2.2.5 In summary, based on the reappraisal, the 15-year increase in the operational life of CRWF will result in the landscape effects identified in the 2013 LVIA being experienced for a longer period of time. The land area across which significant effects are experienced will not change from the previous assessment. There will be no new likely significant effects.
- 2.2.6 There will be no change in the receptors affected (except for Vagastie Cottage which has now been demolished) and no increase in the scale or geographical extent of any effect. The increased duration will mean the continuation of significant effects on a small number of receptors, but will not give rise to new significant effects, given the current baseline.
- 2.2.7 In addition, the cumulative effects of extending the operational life of CRWF by 15 years will not notably change but will increase slightly in duration.
- 2.2.8 In summary, the operational period extension would not incur any new or additional landscape and visual effects other than those presented in the 2013 LVIA.

Non-Avian Ecology & Ornithological Assessment

- 2.2.9 CCL was commissioned to carry out an assessment of impacts on non-avian ecology and ornithology that may result from a 15 year operational life extension for CRWF, not already considered in the original ES for CRWF.
- 2.2.10 As the Variation Application relates only to changes to length of operational life, only impacts relating to operation have been considered, unless there has been a notable change to the baseline. Key updates to legislation, policy, and guidance have also been taken into account where relevant, as have planning conditions. The methodology involved:
- > Correspondence with NatureScot;
 - > Desk-based study involving a data search and detailed discussions with Highland Raptor Study Group;
 - > Review of existing ecology and ornithology survey data including:
 - Creag Riabhach Wind Farm Environmental Statement;
 - Natural Power updated collision mortality assessment;
 - Natural Power post-consent protected species monitoring;
 - Anecdotal observations made during construction;
 - > Updating collision risk modelling (for life extension and/or changes in recommended avoidance rates);
 - > Consideration of the Golden Eagle Topographical (GET) model dataset.
- 2.2.11 All Important Ecological Features identified in the original CRWF ES, and associated effects, have been reconsidered in the context of the proposed 15 year operational life extension. Where there is potential for a new effect or a change to a predicted effect to a particular Important Ecological Feature, this has been assessed in detail. Cumulative effects were considered where appropriate. No new Important Ecological Features were identified.
- 2.2.12 After consideration of available information, evaluation of Important Ecological Features found that only four required re-assessment, either as a result of potential changes to effects due to the extension of the operational life from 25 to 40 years (pink-footed goose, golden eagle, and Arctic skua), or change to baseline (water vole). After completing re-assessment for these Important Ecological Features, no significant effects were predicted.

2.2.13 Therefore, no significant impacts are predicted as a result of extending the operational life of CRWF from 25 to 40 years.

3. Consideration of NPF4

3.1 Programme and Procedure

- 3.1.1 NPF4 has been subject to consultation and Parliamentary Committee scrutiny and was first laid before the Scottish Parliament in November 2021. On 8th November 2022, the Revised Draft NPF4 was laid before Parliament for approval. It was accompanied by an Explanatory Report which explains how the Scottish Government has considered responses to the initial draft NPF4 received during the preceding period of Parliamentary scrutiny and consultation, in line with its statutory duty.
- 3.1.2 NPF4, in the same form as the Revised Draft NPF4 laid before the Scottish Parliament on 8 November 2022, was approved by resolution of the Scottish Parliament on 11 January 2023.
- 3.1.3 Regulations have been put before the Scottish Parliament to commence the provisions of the 2019 Act so that NPF4 will become part of the statutory Development Plan. Subject to adoption by the Scottish Ministers and publication, NPF4 will become the new statement of national planning policy. A Chief Planners' letter was issued on 16 January which confirmed that NPF4 will come into force at 9am on 13 February 2023.

3.2 Development Management

- 3.2.1 NPF4 will form part of the statutory Development Plan on adoption and publication. For the purposes of Section 36 decision making, acknowledging that Section 25 of the Town and Country Planning (Scotland) Act 1997 (the 1997 Act) is not engaged, NPF4 in its approved form is a significant material consideration in the overall decision-making process.
- 3.2.2 Section 13 of the 2019 Act amends Section 24 of the 1997 Act regarding the meaning of the statutory 'development plan', such that for the purposes of the 1997 Act, the Development Plan for an area is taken as consisting of the provisions of:
- > The National Planning Framework;
 - > Any Strategic Development Plan; and
 - > Any Local Development Plan (LDP).
- 3.2.3 The publication of NPF4 will also have the effect that all Strategic Development Plans will cease to have effect. Therefore the statutory Development Plan covering the application site will consist of:
- > 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) and its Addendum (2017).
- 3.2.4 The publication of NPF4 has coincided with the implementation of certain parts of the Planning (Scotland) Act 2019 (the 2019 Act). A key provision is that in the event of any incompatibility between a provision of NPF4 and a provision of an LDP, then whichever of them is the later in date will prevail. That will include where a LDP is silent on an issue that is now provided for in NPF4.
- 3.2.5 Section 13 of the 2019 Act amends Section 24 of the 1997 Act to provide that:
- "In the event of any incompatibility between a provision of the National Planning Framework and a provision of a local development plan, whichever of them is the later in date is to prevail."*

3.3 How NPF4 is to be used

3.3.1 Annex A (page 94) of NPF4 explains how it is to be used. It states:

"The purpose of planning is to manage the development and use of land in the long-term public interest ... Scotland in 2045 will be different. We must embrace and deliver radical change so we can tackle and adapt to climate change, restore biodiversity loss, improve health and wellbeing, reduce inequalities, build a wellbeing economy and create great places."

3.3.2 Annex A states that NPF4 is required by law to set out the Scottish Ministers' policies and proposals for the development and use of land. It adds:

"It plays a key role in supporting the delivery of Scotland's national outcomes and the United Nations Sustainable Development Goals¹. NPF4 includes a long-term spatial strategy to 2045."

3.3.3 NPF4 contains a spatial strategy and Scottish Government development management policies to be applied in all consenting decisions, and it identifies national developments which are aligned to the strategic themes of the Government's Infrastructure Investment Plan² (IIP).

3.3.4 NPF4 therefore for the first time, introduces centralised development management policies which are to be applied Scotland wide. It also provides guidance to Planning Authorities with regard to the content and preparation of LDPs.

3.3.5 Annex A adds that NPF4 is required by law to contribute to six outcomes. These relate to meeting housing needs, health and wellbeing, population of rural areas, addressing equality and discrimination and also, of particular relevance to the proposed development "**meeting any targets relating to the reduction of emissions of greenhouses gases, and, securing positive effects for biodiversity**". (emphasis added)

3.4 The National Spatial Strategy – Delivery of Sustainable Places

3.4.1 Part 1 of NPF4 sets out the Spatial Strategy for Scotland to 2045 based on six spatial principles which are to influence all plans and decisions. The introductory text to the Spatial Strategy starts by stating (page 3):

"The world is facing unprecedented challenges. The global climate emergency means that we need to reduce greenhouse gas emissions and adapt to the future impacts of climate change."

3.4.2 The principles are stated as playing a key role in delivering the United Nations Sustainable Development Goals and the Scottish Government's National Performance Framework³.

3.4.3 The Spatial Strategy is aimed at supporting the delivery of:

- > 'Sustainable Places': "where we reduce emissions, restore and better connect biodiversity";
- > 'Liveable Places': "where we can all live better, healthier lives"; and

¹ The 17 UN Sustainable Development Goals are set out at page 95 of NPF4 and include *inter alia* 'affordable and clean energy' and 'climate action'.

² The Scottish Government's five-year Infrastructure Investment Plan (2021-22 to 2025-26) was published in February 2021. It set out a vision for Scotland's future infrastructure in order to support and enable an inclusive net zero emissions economy.

³ The Scottish Government National Performance Framework sets out 'National Outcomes' and measures progress against a range of economic, social and environmental 'National Indicators'.

- > 'Productive places': "where we have a greener, fairer and more inclusive wellbeing economy".

3.4.4 Page 6 of NPF4 addresses the delivery of sustainable places. Reference is made to the consequences of Scotland's changing climate, and it states, *inter alia*:

"Scotland's Climate Change Plan, backed by legislation, has set our approach to achieving net zero emissions by 2045, and we must make significant progress towards this by 2030.....Scotland's Energy Strategy will set a new agenda for the energy sector in anticipation of continuing innovation and investment."

3.4.5 The new Energy Strategy and Just Transition Plan for Scotland (as referenced in NPF4) was published as a consultative draft on 10 January 2023 (see below).

3.4.6 The National Spatial Strategy in relation to 'sustainable places' is described (page 7) as follows:

"Scotland's future places will be net zero, nature-positive places that are designed to reduce emissions and adapt to the impacts of climate change, whilst protecting, recovering and restoring our environment."

Meeting our climate ambition will require a rapid transformation across all sectors of our economy and society. This means ensuring the right development happens in the right place."

Every decision on our future development must contribute to making Scotland a more sustainable place. We will encourage low and zero carbon design and energy efficiency, development that is accessible by sustainable travel, and expansion of renewable energy generation."

3.4.7 Six National Developments (NADs) support the delivery of sustainable places, one being 'Strategic Renewable Electricity Generation and Transmission Infrastructure'.

3.4.8 A summary description of this NAD is provided at page 7 of NPF4 as follows:

"Supports electricity generation and associated grid infrastructure throughout Scotland, providing employment and opportunities for community benefit, helping to reduce emissions and improve security of supply".

3.4.9 Page 8 of NPF4 sets out 'Cross-cutting Outcome and Policy Links' with regard to reducing greenhouse gas emissions. It states:

"The global climate emergency and the nature crisis have formed the foundations for the spatial strategy as a whole. The regional priorities share opportunities and challenges for reducing emissions and adapting to the long-term impacts of climate change, in a way which protects and enhances our natural environment."

3.4.10 A key point in this statement is that the climate emergency and nature crisis are expressly stated as forming the foundations of the national spatial strategy. Recognising that tackling climate change and the nature crisis is an overriding imperative which is key to the outcomes of almost all policies within NPF4.

3.5 National Developments

Overview

3.5.1 Page 97 of NPF4 sets out that 18 National Developments have been identified. These are described as:

"significant developments of national importance that will help to deliver the spatial strategy ... National development status does not grant planning permission for the development and all relevant consents are required".

3.5.2 It adds that:

"Their designation means that the principle for development does not need to be agreed in later consenting processes, providing more certainty for communities, businesses and investors. ... In addition to the statement of need at Annex B, decision makers for applications for consent for national developments should take into account all relevant policies".

3.5.3 Annex B of NPF4 sets out the various NADs and related Statements of Need. It explains that NADs are significant developments of national importance that will help to deliver the Spatial Strategy. It states (page 99) that:

"The statements of need set out in this annex are a requirement of the Town and Country Planning (Scotland) Act 1997 and describe the development to be considered as a national development for consent handling purposes".

National Development 3 "Strategic Renewable Electricity Generation and Transmission Infrastructure"

3.5.4 Page 103 of NPF4 describes NAD3 and it states:

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

A large and rapid increase in electricity generation from renewable sources will be essential for Scotland to meet its net zero emissions targets. Certain types of renewable electricity generation will also be required, which will include energy storage technology and capacity, to provide the vital services, including flexible response, that a zero carbon network will require. Generation is for domestic consumption 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.

The electricity transmission grid will need substantial reinforcement including the addition of new infrastructure to connect and transmit the output from new on and offshore capacity to consumers in Scotland, the rest of the UK and beyond. Delivery of this national development will be informed by market, policy and regulatory developments and decisions."

3.5.5 Reference is made to the designation and classes of development which would qualify as NAD3, and it states in this regard:

"A development contributing to 'Strategic Renewable Electricity Generation and Transmission' in the location described, within one or more of the Classes of Development described below and that is of a scale or type that would otherwise have been classified as 'major' by 'The Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009', is designated a national development, including:

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

3.5.6 The CRWF has an installed capacity of over 50MW, therefore it satisfies the threshold set for a NAD therefore it has national development status. **The CRWF is of national importance for the delivery of the national Spatial Strategy and the extension of operational life would extend the contribution the wind farm would make to sustaining the overall level of renewable generation in Scotland.**

3.5.7 The Spatial Strategy requires a "large and rapid increase" in electricity generation from renewables and the National Spatial Strategy makes it clear (NPF4, page 6) that "we must make significant progress" by 2030.

3.6 National Planning Policy

3.6.1 Part 2 of NPF4 (page 36) addresses national planning policy by topic with reference to three themes formulated with the aim of delivering sustainable, liveable and productive places.

3.6.2 In terms of planning, development management and the application of the national level policies, NPF4 states:

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

3.6.3 In terms of "sustainable places" relevant policies include the following:

- > Policy 1: Tackling the Climate and Nature Crisis;
- > Policy 3: Biodiversity;
- > Policy 4: Natural Places;
- > Policy 5: Soils;
- > Policy 11: Energy.

3.6.4 Given the nature of the Variation Application it is only considered relevant to focus on Policies 1 and 11, although the other policies have been considered.

3.7 Policy 1: Tackling the Climate and Nature Crisis

3.7.1 The intent of Policy 1 is *"to encourage, promote and facilitate development that addresses the global climate emergency and nature crisis"*.

3.7.2 **Policy 1** directs decision makers that *"when considering all development proposals significant weight will be given to the global climate and nature crises."*

3.7.3 This is a radical departure from the usual approach to policy and weight, and clearly denotes a step change in planning policy response to climate change. The matter of weight is no longer left entirely to the discretion of the decision maker.

3.8 Policy 11: Energy

3.8.1 For the consideration of wind energy development, Policy 11 'Energy' (page 53) is the lead policy. Policy 11's intent is set out as:

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

3.8.2 Policy Outcomes are identified as: *"expansion of renewable, low carbon and zero emission technologies"*.

3.8.3 For convenience the policy wording is set out below:

"a) Development proposals for all forms of renewable, low-carbon and zero emissions technologies will be supported. These include:

- *i. wind farms including repowering, extending, expanding and **extending the life of existing wind farms**; (emphasis added)*

b) Development proposals for wind farms in National Parks and National Scenic Areas will not be supported.

c) Development proposals will only be supported where they maximise net economic impact, including local and community socio-economic benefits such as employment, associated business and supply chain opportunities.

d) Development proposals that impact on international or national designations will be assessed in relation to Policy 4.

e) In addition, project design and mitigation will demonstrate how the following impacts are addressed:

- i. impacts on communities and individual dwellings, including, residential amenity, visual impact, noise and shadow flicker;*
- ii. significant landscape and visual impacts, recognising that such impacts are to be expected for some forms of renewable energy. Where impacts are localised and/ or appropriate design mitigation has been applied, they will generally be considered to be acceptable;*
- iii. public access, including impact on long distance walking and cycling routes and scenic routes;*
- iv. impacts on aviation and defence interests including seismological recording;*
- v. impacts on telecommunications and broadcasting installations, particularly ensuring that transmission links are not compromised;*
- vi. impacts on road traffic and on adjacent trunk roads, including during construction;*
- vii. impacts on historic environment;*
- viii. effects on hydrology, the water environment and flood risk;*
- ix. biodiversity including impacts on birds;*
- x. impacts on trees, woods and forests;*
- xi. proposals for the decommissioning of developments, including ancillary infrastructure, and site restoration;*
- xii. the quality of site restoration plans including the measures in place to safeguard or guarantee availability of finances to effectively implement those plans; and*
- xiii. cumulative impacts.*

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

Grid capacity should not constrain renewable energy development. It is for developers to agree connections to the grid with the relevant network operator. In the case of proposals for grid infrastructure, consideration should be given to underground connections where possible.

f) Consents for development proposals may be time-limited. Areas identified for wind farms are, however, expected to be suitable for use in perpetuity”.

3.8.4

The intent and desired outcome of the policy is expressly clear – the expansion of renewable energy, through encouragement, promotion and facilitation which the extended life of the CRWF, as a nationally important development would help further.

- 3.8.5 **Paragraph e) of Policy 11** is expressly clear that in considering any identified impacts of developments, that significant weight must be placed on the contribution of the proposal to renewable energy generation targets and greenhouse gas emissions reduction targets. In particular, the Policy recognises that landscape and visual impacts are to be expected but provided they are localised and / or appropriate design mitigation has been applied, they are likely to be considered acceptable.
- 3.8.6 NPF4 makes it clear that in considering the impacts of a development, significant weight will be placed on the contribution of the proposal to renewable energy generation targets and on greenhouse gas emissions reduction targets. The contributions are inextricably related to the scale of the proposed development and policy recognises that any identified impacts must be assessed in the context of these contributions.
- 3.8.7 The application of significant weight to be afforded in relation to targets also needs to be applied *in addition to* the provisions of **Policy 1 ‘Tackling the Climate and Nature Crises’** – referred to above.
- 3.8.8 In terms of contribution to targets:
- > As a national development, the proposal would contribute 92.4MW of capacity to the Scottish Government’s minimum target for having 20GW of onshore wind operational by 2030 for a longer period – therefore sustaining a level of renewable generation;
 - > The annual estimated carbon savings would be approximately 130 ktCO₂ per annum.
- 3.8.9 The scale of the energy output and emissions savings are of national importance.
- 3.8.10 The term “tackling” the respective crises in Policy 1 is also important – this means that decision makers should ensure an urgent and positive response to these issues and take positive action.
- 3.8.11 **Part e(ii) of Policy 11** makes it clear and recognises that in terms of significant landscape and visual impacts, such impacts are to be expected for some forms of renewable energy. This is a very different starting point compared to the position in SPP and there is a very clear steer that significant effects are to be expected, and where localised and/or subject to design mitigation, they should generally be acceptable.
- 3.8.12 The appraisal prepared by WSP, as referred to above, confirms that the operational period extension for CRWF would not incur any new or additional landscape and visual effects other than those presented in the 2013 LVIA.
- 3.8.13 The Variation Application is considered to be acceptable in relation to all of Policy 11’s environmental and technical topic criteria. The new policy has a much stronger context and is even more supportive of further renewables deployment than the policy contained in the outgoing NPF3 and SPP.
- 3.8.14 A key point is that any identified impacts have to be weighed against a development’s specific contribution to meeting targets – which attracts significant weight. Significant weight is *also* afforded in relation to Policy 1. This policy direction fundamentally alters the planning balance compared to the position in NPF3 and SPP.
- ### 3.9 Conclusions on NPF4 Appraisal
- 3.9.1 Overall, the Variation Application would extend the operational life of the CRWF, which as a National Development is one that would make a continued valuable contribution to the NPF4 Spatial Strategy and would help deliver a ‘sustainable place’ in the long term. Overall, it is considered that Variation Application would accord with relevant policies of NPF4, and with NPF4 when read as a whole.

4. Other Policy Provisions

4.1 Introduction

4.1.1 This Chapter examines how the Variation Application relates to relevant aspects of the new Onshore Wind Policy Statement and Draft Energy Strategy and Just Transition Plan, both of which, as explained, are new important material considerations which have been published recently and therefore represent the most up to date Scottish Government position in relation to onshore wind development.

4.2 The Onshore Wind Policy Statement

4.2.1 The Scottish Government published an updated Onshore Wind Policy Statement (OWPS) on 21 December 2022. It replaces the version published in November 2017.

4.2.2 The Ministerial Foreword makes it explicitly clear that seeking greater security of supply and lower cost electricity generation are now key drivers alongside the need to deal with the climate emergency. In this regard, the Cabinet Secretary for Net Zero, Energy and Transport states (page 3):

"that is why we must accelerate our transition towards a net zero society. Scotland already has some of the most ambitious targets in the world to meet net zero but we must go further and faster to protect future generations from the spectre of irreversible climate damage".

"Scotland has been a frontrunner in onshore wind and, while other renewable technologies are starting to reach commercial maturity, continued deployment of onshore wind will be key to ensuring our 2030 targets are met".

4.2.3 The Foreword states that onshore wind has the ability to be deployed quickly, is good value for consumers and is also widely supported by the public. The Minister further states that:

"This Statement, which is the culmination of an extensive consultative process with industry, our statutory consultees and the public, sets an overall ambition of 20 GW of installed onshore wind capacity in Scotland by 2030.

While imperative to meet our net zero targets it is also vital that this ambition is delivered in a way that is fully aligned with, and continues to enhance, our rich natural heritage and native flora and fauna, and supports our actions to address the nature crisis and the climate crisis".

4.2.4 The OWPS is structured on the basis of eight chapters which contain a mix of policy guidance and also technical information. Key content of relevance to the proposed development is referenced below.

Renewable Energy Generation & Greenhouse Gas Emission Targets

4.2.5 Chapter 1 "Ambitions and Aspirations" (page 5) refers to current deployment of onshore wind in Scotland and states:

"We must now go further and faster than before. We expect the next decade to see a substantial increase in demand for electricity to support net zero delivery across all sectors, including heat, transport and industrial processes."

4.2.6 It is explained that National Grid's Future Energy Scenarios project concludes that Scotland's peak demand for electricity will at least double within the next two decades and that this will require a substantial increase in installed capacity across all renewable technologies.

4.2.7 Paragraph 1.1.4 states "our aim is to maintain the supportive policy and regulatory framework which will enable us to increase that deployment".

4.2.8 In terms of existing deployment, paragraph 1.1.5 states that as of June 2022 the UK had 14.6 GW of installed onshore wind, with around 8.7 GW of this capacity within Scotland. Reference is made to a figure of 11.3 GW of onshore wind "*currently in the pipeline, spread over 217 potential projects*". The breakdown of capacity within the pipeline is shown below in **Table 4.1**.

Table 4.1: Onshore Wind Development Pipeline (December 2022)

Status of Onshore Wind Projects	Giga Watt (GW)	Comments
In the Planning / Consenting Process	5.53	Footnote on page 6 of OWPS applies. Not all projects will receive consent.
Awaiting Construction	4.56	The figures are subject to some duplication – e.g. where some projects have consent but are also subject say to applications for tip height increases.
Under Construction	1.17	
<i>Sub Total</i>	11.26	
Operational Onshore Wind in Scotland	8.70	A number of projects will reach the end of their operational life. Not all will necessarily be repowered or life extended. A considerable proportion of the operational capacity will have passed its notional design life by 2030 and will be under consideration for decommissioning or repowering.
<i>Total</i>	19.96	

4.2.9 Within the table, the figure of 4.56 is denoted as "Awaiting Construction", however a footnote acknowledges that some of those projects with consent will need to re-apply or vary such consent to make changes to developments such as to increase tip heights, etc. It is also recognised that this will reduce the deliverable capacity.

4.2.10 There is also a figure of some 5.53 GW as representing projects that are within the planning system; but again, the footnote makes it clear that not all projects will receive consent.

4.2.11 A further point arising is that given consenting and construction timescales for onshore wind developments, projects that are not yet in the planning system are therefore unlikely to provide the "installed" capacity by the Scottish Government's key date of 2030.

4.2.12 The footnote to the figures set out on page 6 of the OWPS is therefore highly pertinent and is as follows:

"Developments in the planning/consenting process have not yet been considered and given permission to proceed. Some of these projects will receive consent, but some may not, and it is unlikely that all of this noted capacity will be fully realised. A degree of duplication within the planning system must also be considered, where developments which have consent re-apply to adjust the parameters of that consent. This will also reduce the capacity which is deliverable from this overall figure".

4.2.13 Section 1.2 of the OWPS refers to the Deployment Ambition to 2030. Reference is made to the Climate Change Committee's position as set out in their exploratory scenarios for emissions to 2050 and also as referred to within the Sixth Carbon Budget.

- 4.2.14 Paragraph 1.2.2 of the 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 government targets - which would mean doubling the current UK installed capacity*".
- 4.2.15 Section 1.3 of the OWPS further refers to the new 20 GW ambition and acknowledges that the Scottish Government's Programme for Government 2022/2023 committed Government to enabling up to 12 GW of onshore wind to be developed and it is stated that:
- "It is vital to send a strong signal and set a clear expectation on what we believe onshore wind capacity will contribute in the coming years.*
- In line with this commitment, and reflecting the natural life cycles of existing wind farms, this statement sets a new ambition for the deployment of onshore wind in Scotland:*
- A minimum installed capacity of 20 GW of onshore wind in Scotland by 2030.*
- This ambition will help support the rapid decarbonisation of our energy system, and the sectors which depend upon it, as well as aligning with a just transition to net zero whilst other technologies reach maturity".*
- 4.2.16 This statement is followed by reference to the "Legislative Context", in particular the Climate Change (Emissions Reduction Targets) (Scotland) Act 2019 and the related Net Zero greenhouse gas emissions targets. The OWPS states (paragraph 1.4.1) "*meeting these targets will require decisive and meaningful action across all sectors*".
- 4.2.17 Paragraph 2.4.2 states that "*onshore wind will play a crucial role in delivering our legally binding climate change targets*".
- 4.2.18 The CRWF with an installed capacity of 92.4MW is within the current operational category of 8.70GW. The extension of operational like will allow the Scottish Government's operational capacity to be sustained for a longer period, out to 2063. Moreover, this date would be beyond the UK Net Zero legally binding date of 2050, therefore would also sustain the UK target position.

OWPS Conclusions

- 4.2.19 Page 49 of the OWPS sets out overall conclusions and these include *inter alia* the following key points:
- > Deployment of onshore wind is "*mission critical for meeting our climate targets*". (underlining added)
 - > As an affordable and reliable source of electricity generation, "*we must continue to maximise our natural resource and deliver net zero in a way that is fully aligned with, and continues to protect our natural heritage and native flora and fauna*".
 - > A renewed commitment to this technology will ensure we keep "*leading the way in onshore wind deployment and support within the UK*".
- 4.2.20 The term "mission critical" is strong language and indicates onshore wind is crucial and extremely important to the attainment of the Government's policy and legislative objectives. This is fundamentally different policy language to that contained within NPF3 and SPP.

4.3 The Draft Energy Strategy and Just Transition Plan

- 4.3.1 The Scottish Government published a new Draft 'Energy Strategy and Just Transition Plan' entitled 'Delivering a fair and secure zero carbon energy system for Scotland' on 10 January 2023. The new Strategy is to replace the one previously published in 2017. The consultation period on the draft runs up until 4 April 2023.
- 4.3.2 The Ministerial Foreword states:
- "The imperative is clear: in this decisive decade, we must deliver an energy system that meets the challenge of becoming a net zero nation by 2045, supply safe and secure energy for all, generate economic opportunities, and build a just transition..."*
- The delivery of this draft Energy Strategy and Just Transition Plan will reduce energy costs in the long term and reduce the likelihood of future energy cost crises.*
- It is also clear that as part of our response to the climate crisis we must reduce our dependence on oil and gas as that Scotland is well positioned to do so in a way that ensures we have sufficient, secure and affordable energy to meet our needs, to support economic growth and to capture sustainable export opportunities.*
- For all these reasons, this draft Strategy and Plan supports the fastest possible just transition for the oil and gas sector in order to secure a bright future for a revitalised North Sea energy sector focused on renewables."*
- 4.3.3 The Foreword adds that the draft Strategy sets out key ambitions for Scotland's energy future including:
- > More than 20 GW of additional renewal electricity on and offshore by 2030.
 - > Accelerated decarbonisation of domestic industry, transport and heat.
 - > Generation of surplus electricity, enabling export of electricity and renewable hydrogen to support decarbonisation across Europe.
 - > Energy security through development of our own resources and additional energy storage.
 - > A just transition by maintaining or increasing employment in Scotland's energy production sector against a decline in North Sea production.
- 4.3.4 The draft Strategy states (page 7, Executive Summary) that the vision for Scotland's energy system is:
- "That by 2045 Scotland will have a flourishing, climate friendly energy system that delivers affordable, resilient and clean energy supplies for Scotland's households, communities and business. This will deliver maximum benefit for Scotland, enabling us to achieve a wider climate and environmental ambitions, drive the development of a wellbeing economy and deliver a just transition for our workers, businesses, communities and regions.*
- In order to deliver that vision, this Strategy sets out clear policy positions and a route map of actions with a focus out to 2030".*
- 4.3.5 A fundamental part of the Strategy is expanding the energy generation sector. The Executive Summary states (page 8) that Scotland's renewable resources mean that:
- "we can not only generate enough cheap green electricity to power Scotland's economy, but also export electricity to our neighbours, supporting jobs here in Scotland and the decarbonisation ambitions of our partners.*
- An additional 20 GW of renewable generation will more than double our existing renewable generation capacity by 2030....."*

4.3.6 In terms of policy and onshore wind, the Strategy cross refers to NPF4 and the recently published OWPS and reiterates the new ambition for a deployment of a minimum further 12 GW of onshore wind by 2030.

4.4 Conclusions on other Policy Provisions

4.4.1 Overall, the Draft Energy Strategy forms part of the new policy approach alongside the OWPS and NPF4 and confirms the Scottish Government's policy objectives and related targets reaffirming the crucial role that onshore wind will play in response to the climate crisis which is at the heart of all these policies. The longer operation of the CRWF would allow the nationally important level of renewable generation to continue for a materially longer period, helping to sustain target levels in relation to renewable generation and greenhouse gas emission savings.

5. Conclusions

5.1 The Electricity Act 1989

- 5.1.1 Paragraph 3 of Schedule 9 to the 1989 Act provides a specific statutory requirement on the Scottish Ministers to have regard to various matters when considering development proposals for consent under section 36 of the 1989 Act.
- 5.1.2 The information that is contained within this Variation Application therefore enables Scottish Ministers to be satisfied that the obligations under Schedule 9 are met. The CRWF has been developed in an environmentally acceptable manner and is operating successfully.

5.2 The Climate Crisis & Renewable Energy Policy Framework

- 5.2.1 The urgent need for onshore wind has been set out: a large increase in the deployment of this renewable energy technology is supported through a number of policy documents and by Scottish Government commitments – most recently expressed in the new OWPS and in NPF4.
- 5.2.2 Onshore wind was already viewed and described as “vital” to the attainment of targets in 2017. This imperative has only increased since a ‘climate emergency’ was declared by the Scottish First Minister in April 2019. 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 through the provisions of the Climate Change (Scotland) Act 2009 and the Climate Change (Emissions Reduction Targets) (Scotland) Act 2019.
- 5.2.3 Achieving net zero is a legal requirement. Net Zero is not an end in itself and it will be essential to maintain and sustain a high level of renewable generating capacity and ensure security of supply and low cost electricity generation in the long term.
- 5.2.4 Deployment of onshore wind is described as being “*mission critical for meeting our climate targets*” in the OWPS.

5.3 National Planning Policy & the Development Plan

- 5.3.1 There is a clear recognition in NPF4 that climate change must become a primary guiding principle for all plans and decisions. Significant weight is to be given to the Climate Emergency and the contribution of individual developments to tackling climate change.
- 5.3.2 NPF4 has now been approved and along with the new OWPS should be afforded very considerable weight in decision-making.
- 5.3.3 NPF4 and the OWPS are unambiguous as regards the policy imperative to combat climate change, and the scale and urgency of onshore wind deployment required. As described in this statement:
- > The global climate emergency and the nature crisis are the foundations for the NPF4 Spatial Strategy as a whole. The twin global climate and nature crises are “*at the heart of our vision for a future Scotland*” so that “*the decisions we make today will be in the long-term interest of our country*”⁴. The policy position, and the priority afforded to combatting the Climate Emergency, is different to that under NPF3 and SPP;
 - > NPF4 Policy 1 directs decision-makers to give significant weight to the global Climate Emergency in all decisions. This is a radical departure from the usual approach to policy and weight and clearly denotes a step change in planning policy response to climate

⁴ NPF4, page 2.

change. The matter of weight is no longer left entirely to the discretion of the decision maker; and

- > NPF4 Policy 11 strongly supports proposals for all forms of renewable, low-carbon and zero emissions technologies, including onshore wind farms and specifically “*extending the life of existing wind farms*”.

5.3.4 Publication of the OWPS followed and cross-refers to NPF4 and, for the first time, sets an onshore wind target: a Scottish Government ambition for a minimum of 20GW of installed onshore wind capacity by 2030. New policy therefore supports an increase in the installed capacity of onshore wind in Scotland by a minimum amount equivalent to about 130% of the entire installed capacity of all current operational onshore wind farms in Scotland in a period of less than ten years. This level of renewable generation will not only need to be achieved, it will need to be sustained over the long term.

5.3.5 The importance of an electricity system which is self-reliant and not reliant on fossil fuels is now enormous, in order to protect consumers from high and volatile energy prices, and to reduce opportunities for destructive geopolitical intrusion into national electricity supplies and economics has grown in importance in recent months.

5.4 Overall Conclusion

5.4.1 The proposed Variation Application is considered to be consistent with the Scottish Government policy objectives set out in the policy documents examined above.

5.4.2 The up-to-date policy set out in NPF4 and the OWPS and the policy being consulted upon in the draft Energy Strategy provide strong and increased support for the grant of consent for the Variation Application.

5.4.3 The overall conclusion is that the Variation Application would be consistent with all relevant policies of the Development Plan, and with the Development Plan when read as a whole insofar as that is a relevant matter in a Section 36 application.

5.4.4 As an operational wind farm CRWF is already providing a valuable contribution to the Scottish Government's net zero and renewable energy generation targets.

5.4.5 The additional 15 years of operational life for the development would maximise the benefits of renewable energy infrastructure at the site, contributing to the efforts to address the climate emergency. The extension of life would ensure that the renewable energy capacity provided by CRWF remains online and installed beyond the 2045 target date for net zero for Scotland and indeed 2050 for the UK.

5.4.6 There are no significant environmental disbenefits as a consequence of approving the Variation Application and there is no technical reason for discontinuing the wind farm after 25 years given the expected low levels of degradation of plant and equipment. It is therefore recommended that the Scottish Ministers approve the Variation Application and also grant a Direction that the deemed planning permission is varied on the basis set out in the Application.

David Bell Planning Ltd
26 Alva Street
Edinburgh
EH2 4PY

dbplanning.co.uk

© David Bell Planning Ltd Copyright 2023
