



Creag Riabhach Wind Farm Extension Section 36 Application:

Planning Statement

June 2023



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1. Introduction

1.1 Background

- 1.1.1 This Planning Statement has been prepared by David Bell Planning Ltd (DBP) on behalf of Creag Riabhach Wind Farm Ltd (the Applicant) to construct and operate a 3-turbine extension (with associated infrastructure) and a battery energy storage system (BESS) to the operational Creag Riabhach Wind Farm (CRWF) (hereafter referred to as 'the Proposed Development') located within the Altnaharra Estate, in the Highland Council (THC) administrative area.
- 1.1.2 Consent is required from Scottish Ministers under Section 36 of the Electricity Act 1989 ('the 1989 Act'). In addition, a request is being made by the Applicant that planning permission is deemed to be granted under Section 57(2) of the Town and Country Planning (Scotland) Act 1997, as amended ('the 1997 Act').
- 1.1.3 The application for consent is accompanied by an Environmental Impact Assessment Report (EIA Report) which presents the findings of an EIA undertaken in accordance with the Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017 ('the EIA Regulations'). The EIA Report presents information on the identification and assessment of the likely significant environmental effects of the Proposed Development.
- 1.1.4 This Planning Statement makes various cross references to information contained in the EIA Report and presents an assessment of the Proposed Development against relevant policy with due regard given to the provisions of the statutory Development Plan, now made up of National Planning Framework 4 and the Local Development Plan for the THC area, and other relevant material considerations.
- 1.1.5 This 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 new planning policy framework and relevant material considerations.

1.2 The Applicant

- 1.2.1 ERG Group is a European renewable power producer, with an office in Edinburgh, which has been operating successfully in the energy sector for 80 years. As noted above, the Applicant is Creag Riabhach Wind Farm Ltd, a wholly owned subsidiary of ERG Holding Ltd.
- 1.2.2 In recent years ERG has transformed itself from one of Italy's leading oil and refining companies to one focused wholly on green power. ERG is active in nine countries — in the UK, France, Germany, Poland, Romania, Bulgaria, Spain, Sweden and Italy, where it is now the leading wind energy operator — owning and operating wind farms with a total installed capacity of approximately 2GW. ERG currently has operational wind farms in Northern Ireland and Scotland totalling c. 250MW.
- 1.2.3 ERG is committed to investing into Sutherland and the rest of the Highlands through renewable energy projects, with the community benefits and additional outcomes that renewable energy development can bring (including construction and post construction employment).

1.3 Site Location and Description

- 1.3.1 The Proposed Development is located on land in the ownership of Altnaharra Estate immediately adjacent to the east and partly within CRWF. The application site is located approximately 6.5km south of the settlement of Altnaharra on the A836 and approximately 21.5km north of the village of Lairg.

- 1.3.2 The extension turbines would be located immediately to the east of CRWF, to the south of turbine (T)13 and the east of T3, T6 and T8. The BESS would be located within the area currently being used as a temporary construction compound to the west of the substation and within the consented CRWF site. Access to the site would be taken from the A836, using the existing CRWF entrance immediately south of Vagastie Bridge.
- 1.3.3 The existing landform for the Proposed Development is the eastern shoulder of the main Creag Riabhach 'whaleback' ridge with the topography falling eastwards to Strath Vagastie and the A836. The ground cover in the application site is generally rough grassland and heather moorland with the area proposed for extension turbines 2 and 3 currently designated as low density, juvenile forest and planted in conifer and broadleaf.
- 1.3.4 The closest residential property to the Proposed Development is the Crask Inn, which is approximately 2km to the south and visually screened from the Proposed Development by The Crask hill and the shelterbelt planting along both sides of the A836.
- 1.3.5 Construction of the Proposed Development is anticipated to take approximately 23 months from mobilisation to completion.

1.4 The Proposed Development

The Proposed Development is described in detail in Chapter 3 of the EIA Report and a summary is provided below, starting with a summary description of the existing CRWF.

- 1.4.1 CRWF was granted Section 36 consent and deemed planning permission on 17 October 2016. The consent is for 22 wind turbines with a generating capacity exceeding 50 MW. The consent also included two anemometer masts, a borrow pit and ancillary development. The operational life from commissioning is 25 years with a decommissioning period of a further three years thereafter. CRWF consists of 22 Enercon E-115 turbines with a capacity of 4.2 MW, each giving an overall wind farm capacity of 92.4 MW. The turbines have a base to tip height of 125m with a rotor diameter of 115m and a hub height of 67.5m.
- 1.4.2 Consent is being sought for an extension of the CRWF by way of the installation and operation of three turbines, with a maximum blade tip height of 149.9m and an indicative rotor diameter of 115m.
- 1.4.3 The candidate extension turbines would have an indicative capacity of 12.6MW and the BESS would have an indicative capacity of 37.3MW. The combined export capacity would be up 49.9MW. The CRWF, with the extension, would have an overall generating capacity of some 105MW.
- 1.4.4 All traffic (including abnormal loads) will access the site via the existing CRWF access junction from the A836 to the east of the site. Track access along with crane bases and hardstandings will be required for the turbines. Underground cables will run alongside the tracks to take the power generated to the existing substation.
- 1.4.5 As explained, the Proposed Development includes a BESS, which will function with CRWF and the extension turbines. The BESS will help energy efficiency at CRWF by storing energy produced when the wind is blowing but the grid cannot take the power. This will help address intermittency and balance demand and supply for the grid. In turn this will support the flexible operation of the National Grid and the decarbonisation of electricity supply.
- 1.4.6 The proposed location for the BESS is in the area of the temporary construction compound for CRWF. This location was chosen after careful consideration based upon the concept of trying to focus the site infrastructure around the substation location. This approach has the additional advantage of requiring minimal ground works so minimising further environmental impact.

- 1.4.7 Each battery storage unit is approximately 12.8m x 18.2m with a height of approximately 2.35m. 16 units are envisaged on the existing temporary construction compound area. A bund, comprising re-used materials from site excavations is proposed adjacent to the south east of the proposed BESS, which would provide screening from the A836.
- 1.4.8 It should be noted that no offsite works are required for the grid connection. This is a significant environmental and technical benefit, allowing good use to be made of existing infrastructure capacity and for the extension turbines and BESS to make a timeous contribution to renewable energy generation and emission reduction targets.
- 1.4.9 The Proposed Development would require 2.28 hectares (ha) of woodland to be felled to facilitate construction and operation of the wind turbines and ancillary infrastructure. Compensatory planting is proposed.
- 1.4.10 Construction of the Proposed Development is anticipated to take approximately 18 months from mobilisation to completion.

1.5 The Statutory Framework

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

1.6 Scope & Structure of Planning Statement

- 1.6.1 The planning policy framework changed significantly at the start of 2023, in particular with the approval and coming into force of National Planning Framework 4 (NPF4), the publication of a new Onshore Wind Policy Statement and the Draft Energy Strategy and Just Transition Plan.
- 1.6.2 This Planning Statement addresses these new policy documents and provides an assessment of the Proposed Development against relevant new policy provisions and the new make-up of the statutory Development Plan. The appraisal also highlights policy differences with the former national planning policy and where there are incompatibilities between new national planning policies and those of the Local Development Plan.
- 1.6.3 This Planning Statement is structured as follows:
- > **Chapter 2** sets out the up-to-date position with regard to the renewable energy policy and emissions reduction legislative framework and includes reference to the new Onshore Wind Policy Statement and the Scottish Government's Draft Energy Strategy and Just Transition Plan; and
 - > **Chapter 3** appraises the Proposed Development against the most up to date element of the Development Plan, namely the relevant provisions of NPF4;
 - > **Chapter 4** appraises the Proposed Development against the relevant provisions of the Local Development Plan and related guidance; and
 - > **Chapter 5** presents overall conclusions.

2. The Renewable Energy Policy & Legislative Framework

2.1 Introduction

- 2.1.1 This Chapter refers to the renewable energy policy and emissions reduction legislative framework with reference to relevant international, UK and Scottish provisions. The framework of international agreements and obligations, legally binding targets and climate change global advisory reports is the foundation upon which national energy policy and greenhouse gas emissions (GHG) 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.
- 2.1.2 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.
- 2.1.3 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.
- 2.1.4 The Proposed Development would make a valuable contribution to help Scotland meet its renewable energy and electricity production targets, while supporting emissions reduction to combat global heating in the current Climate Emergency.
- 2.1.5 Government renewable energy policy and associated renewable energy and electricity targets are important considerations. It is important to be clear on the current position as it is a fast-moving topic of public policy.

2.2 International Commitments

The Paris Agreement (2016)

- 2.2.1 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°C above pre-industrial levels, and to pursue efforts to limit global warming to 1.5° C.
- 2.2.2 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 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.
- 2.2.3 The Paris Agreement does not itself represent Government policy in the UK or Scotland. However, the purpose of domestic and renewable energy and GHG reduction targets is to meet the UK's commitment in the Paris Agreement.

2.3 UK Climate Change & Energy Legislation & Policy

The Climate Emergency

2.3.1 A critical part of the response to the challenge of climate change was the Climate Emergency which was declared by the Scottish parliament in April 2019 and by the UK Parliament in May 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

2.3.2 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.

2.3.3 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.

2.3.4 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 2.1** below.

2.3.5 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. Table 2.1: Carbon Budgets and Progress¹

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

2.3.6 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*” (CB6, page 13).

¹ Source: CCC (2022).

2.3.7 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. 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.

2.3.8 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 2021²) to reduce emissions by 78% by 2035 compared to 1990 levels. This effectively brings forward the UK's previous commitment of an 80% reduction by 2050 by 15 years.

The UK Energy White Paper (December 2020)

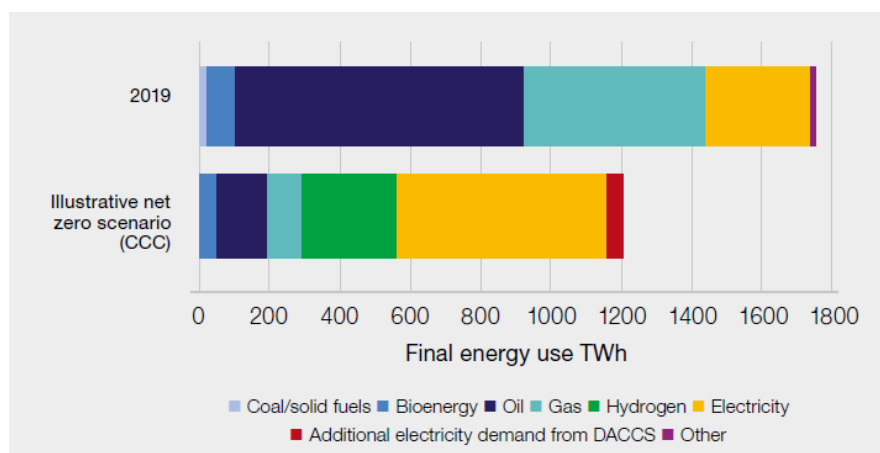
2.3.9 The Energy White Paper 'Powering our Net Zero Future' was published on 14 December 2020 represents a sea change in UK policy and highlights the importance of renewable electricity.

2.3.10 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).

2.3.11 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).

2.3.12 This anticipated growth of renewable electricity is illustrated in the graph below – **Figure 2.1**.

Figure 2.1: Illustrative UK Final Energy Use in 2050³



² 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.

³ Source: Energy White Paper page 9 (2020).

2.3.13 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)

2.3.14 The UK Government published the Net Zero strategy in October 2021. This set out policies and proposals for keeping the UK on track in relation to carbon budgets, the UK's nationally determined contribution (NDC)⁴ and establishes the long-term pathway to net zero by 2050.

2.3.15 The Net Zero Strategy sets out the Government's plans for reducing emissions from each sector of the UK economy, related to carbon budget and to the eventual target of net zero by 2050. The Strategy has been submitted to the United Nations Framework Convention on Climate (UNFCCC) as the UK's second long-term low greenhouse gas emission development strategy under the Paris Agreement.

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

2.3.17 Key policies are set out including that by 2030 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).

2.3.18 It is notable that in terms of power, the Strategy references the Energy White Paper (2020) which set out the goal of a fully decarbonised and low-cost power system by 2050. It adds that CB6 represents *“a very significant increase in the pace of power sector decarbonisation, coupled with increased demand due to accelerated action another sector dependent on low-carbon electricity”*. (page 98). It adds:

“although the Energy White Paper envisaged achieving an overwhelmingly decarbonised power system during the 2030s, we have since increased our ambition further. By 2035 all our electricity will need to come from low carbon sources, subject security of supply bringing forward the Government's commitment to a fully decarbonise power system by 15 years, whilst meeting at 40-60% increase in demand”.

2.3.19 The Strategy also sets out that the Government will be supporting sustained deployment of low-carbon generation (page 103), in this regards it states that there will need to continue to drive rapid deployment of renewables.

The British Energy Security Strategy (April 2022)

2.3.20 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 (page 3) *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,

⁴ 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.

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.”

- 2.3.21 Reducing Scotland’s and the wider UK’s dependency on hydrocarbons has important security of supply, electricity cost and fuel poverty avoidance benefits. Those actions already urgently required in the fight against climate change are now required more urgently for global political stability and insulation against dependencies on rogue nation states.

Powering up Britain

- 2.3.22 On 30 March 2023 the UK Government (Department for Energy Security and Net Zero) published ‘Power Up Britain’ which comprises a series of documents including an Energy Security Plan and Net Zero Growth Plan.
- 2.3.23 The Energy Security Plan sets out the steps that the UK Government is taking to ensure that the UK is more energy independent, secure and resilient. It builds upon the British Energy Security Strategy and the Net Zero Strategy. The report sets out that the Government is aiming for a doubling of Britain’s electricity generation capacity by the late 2030s in line with aim to fully decarbonise the power sector by 2035, subject to security of supply.
- 2.3.24 The introduction of the Net Zero Growth Plan states (page 5):

“Energy Security and Net Zero are two sides of the same coin. The energy transition and net zero are among the greatest opportunities facing this country and we are committed to ensuring that the UK takes advantage of its early mover status. Global action to mitigate climate change is essential to long term prosperity...”

2.4 Climate Change & Renewable Energy Policy: Scotland

The Climate Emergency

- 2.4.1 In April 2019, the then Scottish First Minister Nicola Sturgeon declared a "Climate Emergency" in her speech to the SNP Conference. 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...."*
- 2.4.2 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.
- 2.4.3 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.
- 2.4.4 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 and beyond.

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

- 2.4.5 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.
- 2.4.6 When it was enacted, the Climate Change (Scotland) Act 2009 set world leading greenhouse gas emissions reduction targets, including a target to reduce emissions by 80% by 2050. However, the new Climate Change (Emissions Reduction Targets) (Scotland) Act 2019 amends the 2009 Act and sets even more ambitious targets.
- 2.4.7 The 75% target required to be met by 2030 is especially challenging. 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.
- 2.4.8 The Scottish Government publishes an annual report that sets out whether each annual emissions reduction target has been met. **Table 2.2** below sets out the annual targets for every year to net-zero. The report for the 2019 target year was published in June 2021⁵. 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.
- 2.4.9 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 report⁶, 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.
- 2.4.10 Coronavirus restrictions were responsible for the large drop in emissions from transport, while residential emissions increased by 0.1 MtCO₂e as more people worked from home during the pandemic. The Scottish Cabinet Secretary for Net Zero, Energy and Transport, Michael Matheson, made a Statement⁷ to the Scottish Parliament on 07 June 2022 on the release of the latest statistics. In the Statement he commented as follows:

“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)

⁵ Scottish Government. Official Statistics, Scottish Greenhouse Gas Statistics 2020, (June 2021).

⁶ Scottish Government. Official Statistics, Scottish Greenhouse Gas Statistics 2020, (June 2022).

⁷ Ministerial Statement to Scottish Parliament by Cabinet Secretary for Net Zero, Energy and Transport on 07 June 2022, ‘Greenhouse gas emission statistics 2020’.

Table 2.2: 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

- 2.4.11 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.
- 2.4.12 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.
- 2.4.13 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).

The Scottish Energy Strategy (2017)

- 2.4.14 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.

- 2.4.15 The SES refers to “*Renewable and Low Carbon Solutions*” as a strategic priority (page 41) and states “*we will continue to champion and explore the potential of Scotland’s huge renewable energy resource, its ability to meet our local and national heat, transport and electricity needs – helping to achieve our ambitious emissions reduction targets*”.
- 2.4.16 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*”.
- 2.4.17 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.*”
- 2.4.18 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.

2.5 The Onshore Wind Policy Statement (2022)

- 2.5.1 The Scottish Government published an updated Onshore Wind Policy Statement (OWPS) on 21 December 2022. It replaces the version published in November 2017.
- 2.5.2 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*”.
- 2.5.3 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*”.
- 2.5.4 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

2.5.5 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."

2.5.6 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.

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

2.5.8 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 2.3**.

Table 2.3: 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	

2.5.9 Within the table, the figure of 4.56 is denoted as "Awaiting Construction", however a statement by way of a footnote (OWPS, page 8) 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.

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

- 2.5.11 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.
- 2.5.12 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".
- 2.5.13 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.
- 2.5.14 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".*
- 2.5.15 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".
- 2.5.16 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".*
- 2.5.17 Paragraph 2.4.2 states that *"onshore wind will play a crucial role in delivering our legally binding climate change targets".*
- 2.5.18 The Scottish Government has made clear that the 20 GW ambition of installed capacity is a "minimum". In short, there is a substantial 'hill to climb' to attain that figure and projects that are not yet in the planning system are unlikely to provide installed capacity by 2030. This underlines the importance of the benefits that the Proposed Development can deliver – namely near-term delivery of a substantial volume of installed capacity before 2030.
- 2.5.19 This means that the Scottish Government's ambition, as stated in December 2022, is to increase 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 around eight years. The Proposed Development and its contribution must be considered in the context of the sheer scale and urgency of the stated Scottish Government's position.

Delivering the Government's 20 Giga Watt Ambition for Onshore Wind

- 2.5.20 Chapter 2 of the OWPS entitled 'Delivering on our Ambition for Onshore Wind in Scotland' states that the Scottish Government is to form an Onshore Wind Strategic Leadership Group (SLG) and "*will task this SLG with taking forward the aspirations of this policy statement, and the development of an Onshore Wind Sector Deal*". This reflects the importance of the onshore wind sector.
- 2.5.21 Section 2.3 refers to a "Vision for Onshore Wind in Scotland" and states that Scottish Renewables, on behalf of the sector in Scotland, has produced a Vision Statement which the Government considers "*to lay the basis of a more detailed sector deal that the SLG will develop*".
- 2.5.22 The **Vision Statement** is contained within Annex 5 of the OWPS (page 66). A summary of the Vision for the onshore wind industry in Scotland is a future where:
- > An additional 12 GW of new onshore wind generation is constructed by 2030.
 - > Onshore wind continues to play a key role in decarbonising the power sector, reducing consumer costs and ensuring security of supply whilst playing a key role in the electrification of heat and transport.
 - > The selection of wind farm locations and technologies enables the use of the most productive modern turbines and balances the need to respect biodiversity and natural heritage.
 - > Land use for onshore wind is optimised and combined with other initiatives including reforestation and peatland restoration, as well as providing enhanced access to green space for recreation.
 - > New and repowering projects consistently receive high levels of public support.
 - > High skilled and sustainable jobs are created, including long term jobs in the operational phase.
 - > Material use is optimised, and carbon impact is minimised, through the principles of a circular economy.
 - > Community benefit and shared ownership provides lasting social and economic benefits; and
 - > Onshore wind plays a central role in ensuring a just transition for communities and people.
- 2.5.23 The Vision Statement states (page 67) that:
- "Onshore wind remains vital to meeting this increasing demand, providing fast deployment whilst minimising cost to the consumer. This will be achieved by deploying the most productive modern turbines that are taller than older models, by re-powering existing sites where possible and by maximising the use of our exceptional natural wind resource where environmental effects are acceptable."*
- 2.5.24 The Sector Deal has therefore still to be developed but it is clear that will be shared commitment between Government and industry to develop onshore wind as a key sector of the economy.
- 2.5.25 The Government states at paragraph 2.4.4 of the OWPS that "*given the scale and pace of delivery needed, we are committed to starting work on the Sector Deal immediately*".

Balancing Environmental Considerations and Benefits

- 2.5.26 Chapter 3 of the OWPS “Environmental Considerations: Achieving Balance and Maximising Benefits” refers to matters relating to specific environmental topics as follows:
- > Shared Land Use;
 - > Peat and Carbon-Rich Soils;
 - > Forestry;
 - > Biodiversity;
 - > Landscape and Visual Amenity; and
 - > Noise.
- 2.5.27 Landscape and Visual Amenity is addressed at Section 3.6 in Chapter 3 of the OWPS with direct cross references to NPF4. Paragraph 3.6.1 states:
- "Meeting our climate targets will require a rapid transformation across all sectors of our economy and society. This means ensuring the right development happens in the right place. Meeting the ambition of a minimum installed capacity of 20 GW of onshore wind in Scotland by 2030 will require taller and more efficient turbines. This will change the landscape." (original emphasis)*
- 2.5.28 As referenced above, NPF4 policy expressly recognises that significant landscape and visual impacts are to be expected and the OWPS emphasises that as a result there will be changes in Scotland’s landscape.
- 2.5.29 Paragraph 3.6.2 of the OWPS, in cross-referencing NPF4, makes it clear that outside of National Parks and National Scenic Areas *"the criteria for assessing proposals have been updated, including stronger weight being afforded to the contribution of the development to the climate emergency, as well as community benefits"*.
- 2.5.30 There is therefore express direction of greater weight being placed to the benefits of the development in terms of how it contributes to tackling the climate emergency. The removal of the Spatial Framework also gives rise to fewer locational constraints.
- 2.5.31 Paragraph 3.6.5 makes reference to Landscape Sensitivity Studies and makes it clear that these should not be used in isolation to determine matters of acceptability but can be a useful tool in assessing specific sensitivities within an area. It should be noted that the term is now Landscape sensitivity, in comparison with SPP paragraph 162 which encouraged Landscape Capacity Studies. This reflects NatureScot’s 2021 advice that even landscape capacity studies concluded no more than relative sensitivities.
- 2.5.32 Paragraph 3.6.3 also makes reference to the NPF4 Policy 11 criteria with regard to energy development stating that *"where impacts are localised and/or appropriate design mitigation has been applied, they will generally be considered to be acceptable"*.
- ### Energy Systems & Regulation
- 2.5.33 Chapter 8 of the OWPS deals with ‘Onshore Wind, Energy Systems and Regulation’. Section 8.2 refers to network planning and delivery and states:
- "Delivering our ambition of 20GW of onshore wind by 2030 will create demands on our electricity infrastructure. New developments will need to connect quickly to Scotland’s distribution and transmission networks. Networks must be able to invest quickly and ahead of need in order to ensure swift and efficient connections for onshore wind developments"*.

2.5.34 The Proposed Development could contribute to the 2030 target. It should also be noted that NPF4 Policy 11 advises that grid capacity should not constrain renewable energy development, therefore any challenges facing developers getting connected are not matters for the planning decision makers to be concerned with.

2.5.35 Section 8.4 of the OWPS refers to security of supply and storage potential. Paragraph 8.4.1 recognises that onshore wind can play a greater part in helping to address the substantial challenges of maintaining security of supply and network resilience in a decarbonised electricity system.

OWPS Conclusions

2.5.36 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*”.
- > 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*”.
- > The Government has established “*a clear expectation of delivery with our ambition for a **minimum** installed capacity of 20GW of onshore wind in Scotland by 2030 and providing a vehicle for that delivery through the creation of our Onshore Wind Strategic Leadership Group*”. (emphasis added)

2.5.37 It is stated that “*Onshore wind will remain an essential part of our energy mix and climate change mitigation efforts, but we are also in a nature crisis. Onshore wind farms must strike the right balance in how we care for and use our land...*”.

2.5.38 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.

2.6 The Draft Energy Strategy and Just Transition Plan

2.6.1 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 ran up until 4 April 2023. As a draft document it can only be afforded limited weight.

2.6.2 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 and 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.”

- 2.6.3 The Foreword adds that the draft Strategy sets out key ambitions for Scotland’s energy future including:
- > More than 20 GW of additional renewable 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.
- 2.6.4 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”.*
- 2.6.5 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.*
- We are setting an ambition of more than 20 GW of additional low cost renewable electricity generation capacity by 2030, including 12 GW of onshore wind....*
- An additional 20 GW of renewable generation will more than double our existing renewable generation capacity by 2030.....”*
- 2.6.6 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.
- 2.6.7 Section 3.1.2 (page 64) states:
- “Scotland will embrace the opportunity to increase onshore wind capacity through turbine improvements. Taller and more efficient turbines can be deployed at both new developments and when considering the repowering of existing sites, providing significantly increased capacity, often without increasing the footprint of an existing site”.*

2.7 Conclusions on the Renewable Energy Policy & Legislative Framework

- 2.7.1 The Applicant's position is that the Proposed Development is strongly supported by the current renewable energy policy and legislative framework.
- 2.7.2 The trajectory, in terms of the scale and pace of action to reduce emissions, grows ever 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.
- 2.7.3 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.
- 2.7.4 The need for energy security has also increased in importance over the last 18 months. The nationally important 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.
- 2.7.5 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.
- 2.7.6 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.
- 2.7.7 Overall, the Draft Energy Strategy forms part of the new policy approach alongside the new OWPS and the approved NPF4. These documents confirm 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.

3. Appraisal against NPF4

3.1 Programme and Procedure

- 3.1.1 NPF4 has been subject to consultation and Parliamentary Committee scrutiny over the last year and was first laid before the Scottish Parliament in November 2021. 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 Part 1 of the Planning (Scotland) Act 2019 (the '2019 Act') amends the Town and Country Planning (Scotland) Act 1997 (the '1997 Act'). Section 3CA of the 2019 Act deals with procedural matters for NPF4 and states:
- "The Scottish Ministers may not adopt a revised National Planning Framework until a draft of it has been approved by resolution of the Parliament".*
- 3.1.3 It adds:
- "As soon as practicable after the National Planning Framework as revised has been adopted, the Scottish Ministers are to publish it."*
- 3.1.4 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.
- 3.1.5 NPF4 came into force at 9am on 13 February 2023.
- 3.1.6 A Chief Planner's Letter was issued on 8th February 2023 entitled 'Transitional Arrangements for National Planning Framework 4'. It contains advice intended to support consistency in decision making ahead of new style LDPs being in place.
- 3.1.7 The Letter confirms with regard to the Development Plan, that from 13th February 2023, NPF3 and Scottish Planning Policy (SPP) will no longer represent Scottish Ministers' planning policy and should not form the basis for or be a consideration to be taken into account when determining planning applications.

3.2 Development Management

- 3.2.1 NPF4 now therefore forms part of the statutory Development Plan. For the purposes of Section 36 decision making, acknowledging that Section 25 of 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; and
 - > Any Local Development Plan (LDP).
- 3.2.3 The publication of NPF4 also has the effect that all Strategic Development Plans will cease to have effect. Therefore, the statutory Development Plan covering the application site will consist of NPF4 and the Highland wide Local Development Plan (HwLDP) (2012), the Caithness and Sutherland LDP (2018) and related Supplementary Guidance.

- 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 In this case, the HwLDP was adopted in 2012. It makes no mention of Net Zero and contains some policies which have aspects that are now incompatible with national policy in NPF4, and this will further reduce the weight to be afforded to this element of the Development Plan. This is examined further below.
- 3.2.6 Section 13 of the 2019 Act amends Section 24 of the Town and Country Planning (Scotland) Act 1997 (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.”*
- 3.2.7 The Chief Planner Letter of 8th February states with regard to Supplementary Guidance associated with LDPs which were in force before 12th February 2023 (the date on which Section 13 of the 2019 Act comes into force) that they will continue to be in force and be part of the Development Plan. In this case the related planning guidance is non-statutory.

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 Goals⁸. 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 Plan⁹ (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”*.

⁸ 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’.

⁹ 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.

3.4 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 Nation’s Sustainable Development Goals and the Scottish Government’s National Performance Framework¹⁰.
- 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
 - > ‘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 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.”*
- 3.4.6 Six National Developments (NDs) support the delivery of sustainable places, one being ‘Strategic Renewable Electricity Generation and Transmission Infrastructure’.
- 3.4.7 A summary description of this ND 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”*.
- 3.4.8 Page 8 of NPF4 sets out ‘Cross-cutting Outcome and Policy Links’ with regard to reducing greenhouse gas emissions. It states:

¹⁰ The Scottish Government National Performance Framework sets out ‘National Outcomes’ and measures progress against a range of economic, social and environmental ‘National Indicators’.

"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."

- 3.4.9 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 (NDs) 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 NDs and related Statements of Need. It explains that NDs 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 ND3 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 The location for ND3 is set out as being all of Scotland and in terms of need it is described as:

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

3.5.6 Reference is made to the designation and classes of development which would qualify as ND3, 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:

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

(b) new and/or replacement upgraded on and offshore high voltage electricity transmission lines, cables and interconnectors of 132kv or more; and

(c) new and/or upgraded Infrastructure directly supporting on and offshore high voltage electricity lines, cables and interconnectors including converter stations, switching stations and substations."

3.5.7 As regards the Proposed Development having a capacity in conjunction with the existing CRWF which exceeds the 50MW threshold set for a ND, means it would have national development status as per these provisions of NPF4. The Proposed Development is therefore of national importance for the delivery of the national Spatial Strategy.

3.5.8 The 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.

3.5.9 The Proposed Development would provide renewable generation and energy storage and would make a valuable contribution to targets within this key timescale, making use of existing grid capacity and that is a very important consideration. The energy storage will provide the vital services, including flexible response

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 to the Proposed Development include the following:

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

- > Policy 6: Forestry, Woodland and Trees;
- > Policy 7: Historic Assets and Places; and
- > Policy 11: Energy.

3.6.4 These policies are addressed below.

3.6.5 The Chief Planner's Letter of 8th February provides advice in relation to applying NPF4 policy. It states that the application of planning judgement to the circumstances of an individual situation remains essential for all decision making, informed by principles of proportionality and reasonableness. It states:

"It is important to bear in mind NPF4 must be read and applied as a whole. The intent of each of the 33 policies is set out in NPF4 and can be used to guide decision making. Conflicts between policies are to be expected. Factors for and against development will be weighed up in the balance of planning judgement." (underlining added)

3.6.6 The Letter adds:

"It is recognised that it may take some time for planning authorities and stakeholders to get to grips with the NPF4 policies, and in particular the interface with individual LDP policies. As outlined above, in the event of any incompatibility between the provision of NPF and the provision of an LDP, whichever of them is the later in date is to prevail. Provisions that are contradictory or in conflict would be likely to be considered incompatible".

3.7 NPF4 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. Significant weight should therefore be attributed to the Proposed Development given it would be consistent with the intent of Policy 1 and would help attain its outcome of Net Zero.

3.7.4 The Chief Planner's Letter of 8th February 2023 refers to Policy 1. It states:

"This policy prioritises the climate and nature crises in all decisions. It should be applied together with the other policies in NPF4. It will be for the decision maker to determine whether the significant weight to be applied tips the balance in favour for, or against a proposal on the basis of its positive or negative contribution to the climate and nature crises."

3.7.5 This statement from the Chief Planner confirms that the decision maker must apply significant weight but it is for the decision maker to decide if it is for or against the proposal.

3.7.6 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. Furthermore, NPF4 (page 8) refers to cross cutting outcomes and states with regard to Policy 1 that the policy gives significant weight *"to the global climate emergency in order to ensure that it is recognised as a priority in all plans and decisions"*.

3.7.7 It is considered that given the nature of the Proposed Development and its specific contribution in relation to targets and given it will directly further the policy intent and outcomes, that it should be afforded significant weight in terms of tackling the climate and indeed the nature crisis. As explained below with reference to NPF4 Policy 3, biodiversity enhancement is proposed as part of the proposal.

3.8 NPF4 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 Policy 11 is as follows:

"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;*
- ii. enabling works, such as grid transmission and distribution infrastructure;*
- iii. energy storage, such as battery storage and pumped storage hydro;*
- iv. small scale renewable energy generation technology;*
- v. solar arrays;*
- vi. proposals associated with negative emissions technologies and carbon capture; and*
- vii. proposals including co-location of these technologies.*

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 Proposed Development, would help further.
- 3.8.5 The wording of Policy 11 Paragraph (a)(i) makes it clear that the policy supports new onshore wind farms and a) ii) makes specific reference to energy storage..

Differences with Scottish Planning Policy

- 3.8.6 **Paragraph a) of Policy 11** states a position of express “support” for wind farm development.
- 3.8.7 The spatial and development management topic provisions within Policy 11 largely reflect those of the former SPP, but there are some significant differences, namely:
 - > the role of renewable energy generation and greenhouse gas emissions reduction targets and a specific instruction to decision makers to apply significant weight to that consideration;
 - > Wind Farms will not be supported in National Parks or National Scenic Areas but outside of these areas the policy is one, as noted of “general support”. This is a fundamental shift away from the previous Spatial Framework approach;
 - > the statement that significant landscape and visual impacts are “to be expected” i.e. they are to be treated as normal, and an understood and tolerable outcome of the policy objective, and that “localised” landscape and visual impacts are “generally” acceptable, and the role of design mitigation;
 - > renewed emphasis on economic benefits and the need to maximise economic impact including local and community socio-economic benefits; and
 - > the omission of references to tourism which is likely to be an acceptance of the lack of impact on tourism from wind farms.

- 3.8.8 **Paragraph c) of Policy 11** requires socio-economic benefits to be maximised, rather than just taken into account.
- 3.8.9 The Proposed Development would support jobs during construction and during operation across the Scottish economy. Overall, the socio-economic effects of the capital investment, employment and GVA to the economy would be beneficial (short term during construction, long term during operation).
- 3.8.10 Chapter 13 of the EIA Report addresses socio-economic effects. It is estimated that the Proposed Development would generate the following benefits:
- > During the construction phase, the proposed development could generate GVA worth a total of £229,847 in Caithness and Sutherland, £1.7 million in the Highlands and £5.1 million for Scotland. Over the construction phase, the proposed development could provide 3.9 jobs in Caithness and Sutherland, 23.6 jobs in the Highlands and up to 80.1 jobs in Scotland as a whole. This is in addition to the predicted contribution of CRWF, which was £20.7 million and 168 job years in the Highlands and £44.8 million and 422 job years for Scotland.
 - > Over the 40-year operational period, the proposed development could generate GVA worth a cumulative total of £2.2 million in Caithness and Sutherland, £4.7 million in the Highlands and £6.9 million for Scotland. Over the operational phase, the proposed development could provide 0.8 jobs in Caithness and Sutherland, 1.5 jobs in the Highlands and up to 2.4 jobs in Scotland as a whole.
- This is in addition to the predicted annual contribution of CRWF, which was £2 million and 20 job years in the Highlands and £3.8 million and 41 job years for Scotland. Over the consented 25 years GVA from CRWF could total £50 million in the Highlands (£80 million over 40 years if the Section 36C application is consented) and £94 million for Scotland as a whole (£152 million over 40 years if the Section 36C application is consented)^[2].
- 3.8.11 Aligned with standard industry practice¹¹, the Applicant would provide a community benefit payment of £5,000 or equivalent per MW (index linked) during the operation life of the Proposed Development. As the total installed capacity of the Proposed Development would be 12.6 MW (not including BESS), benefits would total over £63,000 per year. Following the Good Practice Principles for Community Benefit and continuing the community benefit arrangement in place for the existing CRWF, the Applicant is committed to the community benefit staying in the local area (and also in relation to communities in north and west Sutherland). It should be noted that the Applicant has committed to £3462,000 of community funding per annum for the existing CRWF.
- 3.8.12 The main contractor is likely to be Scotland-based, but it is assumed that whoever is appointed as the main contractor, that a significant proportion of the work will be carried out by sub-contractors and labour resident in the Highland region. The Applicant is committed to giving local businesses every possible opportunity to share in the financial and employment benefits of the construction and operation of the Proposed Development. If consented and constructed, the Proposed Development will offer opportunities for local businesses such as accommodation providers, hire companies, fencing contractors, tradesmen etc.
- 3.8.13 During the construction of CRWF, the Applicant used many businesses that are based in the surrounding area and the Highlands as well as Scotland. Expenditure across the local, regional and national study areas has totalled £46 million to date.

^[2] This is based on the per annum operational impacts predicted in the original CRWF Environmental Statement.

¹¹ Scottish Government (2019), Community Benefits from Onshore Renewable Energy Developments.

3.8.14 **Paragraph d) of Policy 11** states that development proposals that impact on international and national designations “*will be assessed in relation to Policy 4*”. Policy 4 also deals with impacts in relation to local landscape designations. Therefore, the matter of the impacts of the Proposed Development in relation to such designations is examined further below with specific regard to the provisions of Policy 4.

3.8.15 **Paragraph e) of Policy 11** states that project and design and mitigation “will demonstrate how” impacts are addressed. These are listed in the quotation of the policy above and are addressed in turn below.

Impacts on Communities and Individual Dwellings - Residential Visual Amenity

3.8.16 As set out in the EIA Report Chapter 5 (Landscape and Visual Impact Assessment (LVIA)), careful consideration has been given to the visual effects of the Proposed Development. The Proposed Development is distant from settlements or residential properties and therefore no such receptors would be significantly affected by the proposed development.

3.8.17 A detailed residential visual impact assessment was scoped out of the EIA due to the distance of the Proposed Development from individual properties and settlements. No unacceptable effects would arise in relation to residential visual amenity.

Noise and Shadow Flicker

3.8.18 Noise is addressed in Chapter 12 of the EIA Report. The assessment explains that operational noise impacts have been assessed in line with ‘*ETSU-R-97, The Assessment and Rating of Noise from Wind Farms*’, and the associated guidance provided by the Institute of Acoustics (IOA) document, ‘*A Good Practice Guide to the Application of ETSU-R-97 for the Assessment and Rating of Wind Turbine Noise*’. Predicted operational noise levels have been compared with relevant noise limits for the Proposed Development acting in combination with other consented wind farms in the vicinity.

3.8.19 Cumulative operational noise levels from the site operating in combination with the adjacent operational CRWF meet the relevant noise limits discussed and agreed with THC, and there are no other wind farms near enough for assessment of cumulative effects. The separation distance between the BESS and the nearest noise sensitive receptor is over 2km, such that operational noise would not be audible at the nearest noise sensitive receptor.

3.8.20 The assessment concludes that operational noise levels from the proposed turbines and BESS would not be significant, therefore, mitigation would not be necessary.

3.8.21 Shadow flicker was scoped out of the EIA.

Landscape and Visual Considerations

3.8.22 Before examining the landscape and visual effects of the Proposed Development, 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 the former 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.

Overview of Design Considerations

3.8.23 As set out in the EIA Report, the design of the Proposed Development aims to achieve a coherent and balanced turbine layout, in line with guidance provided by NatureScot¹². The rationale behind the design approach and documentation of the iterative design process in

¹² SNH (August 2017) Siting and Designing Wind Farms in the Landscape. Version 3a.

response to the technical and environmental constraints is identified in Chapter 3 of the EIA Report.

- 3.8.24 The Chapter explains that the objective in designing the wind farm has been to develop a layout that responds to its setting in terms of landform and the existing operational CRWF, and which presents a simple visual image whilst addressing environmental and technical constraints.
- 3.8.25 Chapter 3 of the EIA Report sets out design principles which have been applied as follows:
- > The extension turbines should form an integral part of the CRWF turbine array and be a logical infill as they are in the same alignment as current consented turbines.
 - > Ensure no lateral extension to the CRWF turbine array. The extension turbines should advantage of the natural topography and be broadly within the existing visual envelope of the CRWF turbine array.
 - > The candidate extension turbines will be the same make or similar as those at CRWF and there will be no discernible difference in tip heights.
 - > Overall, the design achieves an appropriate balance between scale of development, receiving environment and an opportunity to maximise generation potential.
- 3.8.26 The design approach aimed to provide a balance between achieving the maximum energy yield from the site and creating a layout which relates to the landform and scale of the site and the adjacent operational CRWF. The BESS would be screened by the provision of landscape bunding around its perimeter.
- 3.8.27 Overall, it is considered that the design has successfully achieved an appropriate balance between scale of development, receiving environment and an opportunity to maximise generation potential.

Landscape Character

- 3.8.28 Chapter 5 of the EIA Report explains that the Proposed Development spans two 'host' Landscape Character Types (LCTs), although in relation to the extent of the site, located at the transition between the LCTs, there is little discernible difference in landscape features.
- 3.8.29 The southernmost turbine (EXT-01) is located within 'LCT 134 - Sweeping Moorland and Flows'. This LCT covers an extensive area to the north-east of Scotland within Caithness and East Sutherland.
- 3.8.30 The two northern turbines (EXT-02 and EXT-03) would be located within 'Rounded Hills' LCT. This LCT comprises several large units covering a large geographic expanse within Caithness and Sutherland and extending into Ross and Cromarty.
- 3.8.31 The LVIA states that significant landscape effects are restricted to an area of Rounded Hills and Sweeping Moorland and Flows LCTs within 1.5-2km, and a small area of the western edge of the Lone Mountains LCT up to 2km from the proposed turbines.

Locally Designated Landscapes

- 3.8.32 It should be noted that Paragraph d) of Policy 11 states that development proposals that impact on national designations "will be assessed in relation to Policy 4". Therefore, the impacts in relation to National Scenic Areas (NSAs) are addressed further below.
- 3.8.33 As explained in the LVIA, part of Lone Mountains LCT is overlapped by the Ben Klibreck – Armine Forest Wild Land Area and the locally designated Ben Klibreck and Loch Choire Special Landscape Area (SLA). This SLA is located to the north-east of the site at a distance of approximately 2.1km.

3.8.34 The assessment states that despite its proximity to the proposed turbines, Zone of Theoretical Visibility (ZTV) coverage is limited to the western slopes, summit and ridgeline of Ben Klibreck with the remainder of the SLA outwith the ZTV due to intervening landform. The Proposed Development would have a limited effect on only two of the Special Qualities of the SLA. These effects would not be significant in EIA terms and there would be no adverse effect on the integrity of the SLA.

Visual Effects

3.8.35 The LVIA addresses the likely visibility of the Proposed Development in detail in relation to key visual receptors, including:

- > Road users; and
- > Those engaged in recreational activities (e.g. hill walkers and cyclists).

3.8.36 The viewpoint selection in the LVIA is based on the viewpoints identified in the 2013 LVIA of the existing CRWF. It is explained in Chapter 5 of the EIA Report that the viewpoint analysis has been conducted from 20 viewpoint locations with a detailed analysis for viewpoints 1, 4, 6, 8, 12, 13, 17, 18 and 20 (agreed through consultation with THC).

3.8.37 The ZTV for the Proposed Development is very limited, illustrating very few areas of additional visibility when compared with the existing CRWF, accounting for 0.03% of the 35km LVIA Study Area. It should be noted that where visible, the Proposed Development would always be viewed adjacent to the existing CRWF in all views.

3.8.38 The limited areas of additional visibility are restricted to small patches of theoretical visibility to the north-east along Strath Vagastie and in remote areas in the north-east near Beinn Stumanadh, Dalvina Lodge and Skail. They also indicate that the Proposed Development would be much less visible in areas to the north, north-west and south-east where ZTV coverage is indicated for the existing CRWF only.

3.8.39 Significant visual effects would be limited to the A836 affecting approximately 4.9km of the route as it approaches and passes the proposed turbines between the summit of The Crask and Druim Allt na h-Aire. At this section of the route, the proposed turbines would be visible at close proximity and to the fore of the existing CRWF. The significant visual effects would equate to 2.5% of the entire 196km route and would occur over a period of approximately 3-4 minutes, whilst travelling at 35-50mph. The remainder of the route would not be significantly affected by the Proposed Development. None of the other roads in the 35km LVIA study area would be significantly affected by the Proposed Development.

3.8.40 Significant visual effects would also be limited the same sections of the Sustrans Cycle Route 1 that overlaps with the A836. There would be no significant visual effects on the views from the remaining recreational routes or any tourist destinations within the LVIA study area.

3.8.41 There would be significant visual effects from Ben Klibreck. None of the other mountain summits in the LVIA study area would be significantly affected by the Proposed Development.

Cumulative Effects

3.8.42 The LVIA also assesses cumulative effects. Cumulative landscape and visual effects have been considered with all operational, consented, and proposed wind farms within the LVIA Study Area.

3.8.43 The Proposed Development would contribute to a significant, cumulative visual effect at three of the assessment viewpoints (Viewpoints 6, 8 and 20), all of which are within 5.6km distance from the Proposed Development. This is primarily with the existing CRWF and consented Sallachy Wind Farm (except at Viewpoint 20 where Sallachy is not visible). Other more

distant wind farms are also frequently visible from some of the assessment viewpoints, although they would not result in significant cumulative visual effects.

- 3.8.44 Importantly, the LVIA explains that these levels of effect are indicative of a visual effect on a particular viewpoint location, and they should not be assumed to translate into visual effects on the overall visual experience, as each of the viewpoints have been specifically located where the sensitivity of the receptor and / or the views of the proposed development would be greatest. In this sense they are not always typical or representative.

Public Access

- 3.8.45 Chapter 13 of the EIA Report (Socio-Economics, Recreation and Tourism) considers potential direct and indirect effects in relation to public access, recreation, and tourism.
- 3.8.46 There are no core paths within the application boundary, or within 5km of the Proposed Development. The closest paths are Borgie and Rosal (where the B871 meets the B873), Invershin and Lairg and Achfary (where the B838 meets the B894), all of which are located at least 18km from the Proposed Development. There are no known promoted horse-riding routes or bridleways within 5km of the Proposed Development.
- 3.8.47 No issues would arise in terms of any access route being obstructed either in the construction or operational period of the Proposed Development. No significant effects in relation to recreational and tourism receptors are predicted.

Aviation, Defence Interests and Telecommunications

- 3.8.48 Chapter 14 of the EIA Report addresses aviation and radar matters. The assessment was undertaken in relation to the potential effects of the Proposed Development on existing and planned military and civil aviation activities, including those resulting from impacts to radar. Consultation has been undertaken with all relevant stakeholders within the consenting process to reach a design which has been assessed to have no significant residual impacts on aviation infrastructure.
- 3.8.49 The application site is within Low Flying Area 14 within which military fixed wing aircraft are permitted to fly down to 250 feet (76.2 metres) above terrain features. The MOD has requested that the turbines be fitted with MOD accredited aviation safety lighting. The proposed development turbines would be fitted with MOD accredited lighting (infra-red) as necessary.
- 3.8.50 The turbines will not be visible to any civil or military radars or impinge upon any airport physical safeguarded areas.
- 3.8.51 The Proposed Development is not anticipated to have any effects on telecommunications infrastructure.

Impacts on Road Traffic and Trunk Roads

- 3.8.52 Chapter 10 of the EIA Report addresses transport and access. The assessment explains that during construction the Proposed Development would be accessed from the A836 via the existing CRWF site access junction located south of Vagastie Bridge. All vehicles would access and egress the site through this access and there are no proposals for any additional construction access junctions on the public road network. Following construction this access junction would remain in place during the operation phase of the proposed development.
- 3.8.53 For construction, bulk materials would be brought in from local suppliers from the south via the A836. Specialist loads, such the turbine components, would be transported to site from Nigg using specialist vehicles via the A9, A839 and A836.

- 3.8.54 The construction activities would lead to increased traffic volumes predominantly of the A836 during the construction phase only. Following commissioning of the proposed development, traffic flows would fall to below ten vehicles every week, during the operation phase, which would already be accounted for as part of the existing CRWF.
- 3.8.55 The transport assessment states that the following measures will be implemented to mitigate any adverse effects of construction traffic during the construction phase:
- > A Construction Traffic Management Plan; and
 - > An Abnormal Load Transport Management Plan.
- 3.8.56 The assessment concludes that with the implementation of appropriate mitigation, no significant residual effects are anticipated in respect of traffic and transport. The effects arising in relation to traffic can be satisfactorily addressed by way of standard planning conditions.

Historic Environment

- 3.8.57 Chapter 11 of the EIA Report considers the archaeological and historic environment value of the site and assesses the potential both for direct and setting effects on archaeological features and heritage assets resulting from the construction, operation, and decommissioning of the Proposed Development.
- 3.8.58 A baseline survey was undertaken in 2022 in order to identify any additional assets that may be affected by the extension of CRWF. It was found that no additional designated archaeological assets have been added to the Historic Environment Record or Canmore within 2km of the cultural heritage study area since the creation of the Environmental Statement (ES) for the CRWF in 2013. As a result, no significant effects on designated or non-designated heritage assets were identified as a result of the construction or operation of the Proposed Development.

Hydrology, the Water Environment and Flood Risk

- 3.8.59 Chapter 9 of the EIA Report assesses the potential impacts of the Proposed Development on geology, hydrology, hydrogeology and peat. This includes potential impacts on surface watercourses, groundwater, water abstractions, designated receptors and flood risk within the local area. Potential impacts to peat, including peat slide risk, are also assessed.
- 3.8.60 There are no known public water supply sources within the Site or within 3km of the Proposed Development infrastructure.
- 3.8.61 The assessment sets out that the site is dominated by Class 1 and Class 2 peat soils which are nationally important and have high conservation value. Notwithstanding this, the presence of artificial ditches and moorland grips associated with historic land drainage and more recent commercial forestry infer that the peat present within the site is modified and unlikely to be fully representative of pristine peatland habitat.
- 3.8.62 The highest proportion of recorded peat depths were shallow ($\leq 0.5\text{m}$). Areas of deepest peat (greater than 2.0m deep) were located near to EXT-03 and EXT-02 which informed the design to relocate these turbine locations to areas of shallower peat. Further information on the design evolution informed by peat probing is presented in Technical Appendix 9.1: Peat Management Plan within the EIA Report.
- 3.8.63 The mitigation measures set out will be included within a Construction Environment Management Plan (CEMP) prior to the commencement of construction activities. These mitigation measures are considered to be robust and implementable and will reduce the potential impacts on peat resources, watercourses and groundwater. The significance of residual effects on geology, peat, hydrology and hydrogeology receptors following the

implementation of these mitigation measures are considered to be not significant in EIA terms. The CEMP would be secured by way of a planning condition.

Biodiversity (Ornithology & Ecology)

- 3.8.64 Chapter 6 of the EIA Report addresses ecology and Chapter 7 covers freshwater ecology. The assessments consider the potential significant effects on important ecological and freshwater features associated with the construction, operation and decommissioning of the Proposed Development.
- 3.8.65 Chapter 8 of the EIA Report addresses ornithology and the potential significant effects on important ornithological features associated with the construction, operation and decommissioning of the Proposed Development.
- 3.8.66 The assessments conclude that in relation to both ecological and ornithological interests, provided best practice is followed to avoid disturbance to protected species, pollution, run off, sedimentation and other potential environmental effects during construction, that there will be no likely significant effects on any terrestrial ecology or ornithological important features. Mitigation is recommended to minimise potential effects on important ecological and ornithological features identified.
- 3.8.67 Overall, no significant residual effects of either construction or operation have been identified in relation to ecological or ornithological interests.
- 3.8.68 Proposed biodiversity enhancement measures are described below with regard to NPF4 Policy 3 (Biodiversity).

Balancing the Contribution of the Development and Conclusions on Policy 11

- 3.8.69 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 that was contained 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.
- 3.8.70 The Proposed Development is considered to be acceptable in relation to all of Policy 11's environmental and technical topic criteria.
- 3.8.71 The second last paragraph of **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.
- 3.8.72 The "contributions" are inextricably related to the scale of a proposed development and policy recognises that any identified impacts must be assessed in the context of these contributions.
- 3.8.73 In terms of contribution to targets, as a national development, the proposal would contribute as follows:
- > The candidate extension turbines would have an indicative capacity of 12.6MW and the BESS would have an indicative capacity of 37.3MW. The combined export capacity would be 49.9MW. The CRWF, with the extension, would have an overall generating capacity of some 105MW.
 - > The Proposed Development is anticipated to have an operational life of 40 years, after which it would be decommissioned, and the turbines dismantled and removed. With this in mind, total CO2 emissions savings over the assumed lifetime of the proposed development is expected to be 495,649 tCO2e. If the S36C application for an extension to the operational life of CRWF (Chapter 1: Introduction) is consented, then the Proposed

Development is likely to have a 37-year operational life. In this scenario the total CO2 emissions over the assumed lifetime would be 457,027 tCO2e.

3.8.74 The scale of the energy output and emissions savings, as part of the extension of the operational CRWF are of national importance.

3.9 NPF4 Policy 3: Biodiversity

3.9.1 In summary, there are no unacceptable effects arising in relation to biodiversity matters, nor in relation to nature conservation designations which NPF4 **Policies 3 and 4** (the latter in terms of designations – see below) respectively address.

3.9.2 **Policy 3** requires developments to wherever feasible, provide nature-based solutions that have been integrated and made best use of and for significant biodiversity enhancements to be provided.

3.9.3 It should be noted that Policy 3 does not provide any guidance on how ‘significant enhancements’ will be measured and assessed, simply referring to “*best practice assessment methods*”. In addition, in relation to the relevant wording in Policy 3, the Explanatory Report (as noted, issued alongside Revised Draft NPF4) states:

“The Scottish Government have commissioned research to explore options for developing a biodiversity metric or other tool, specifically for use in Scotland. This work is at early stages, we will work with NatureScot on a programme of engagement with stakeholders as this work progresses.”

3.9.4 Therefore, exactly how enhancement is to be measured in the longer-term is to be the subject of further guidance, but timescale for the production of this is at present unclear. The Scottish Government also issued a draft Biodiversity Strategy in December 2022, however it does not contain national biodiversity targets – these are to be prepared on a statutory basis later in 2023 and will be subject to a Bill in Parliament.

3.9.5 The letter from the Chief Planner issued on 8th February 2023 provides guidance on the application of new policy where specific supporting guidance / parameters for assessment are not yet available to aid assessments.

3.9.6 NPF4 Policy 3 Biodiversity is specifically recognised as one such policy area where final guidance is not yet available. The Chief Planner letter states:

“recognising that currently there is not a single accepted methodology for calculating and / or measuring biodiversity ‘enhancement’ – we have commissioned research to explore options for development a biodiversity metric or other tool, specifically for use in Scotland. There will be some proposals which will not give rise for opportunities to contribute to the enhancement of biodiversity, and it will be for the decision maker to take into account the policies in NPF4 as a whole, together with material considerations in each case”. (underlining added)

3.9.7 Nevertheless, notwithstanding the lack of policy guidance at the present time, in terms of environmental benefit, there will also be a permanent enhancement to the site area through the Applicant’s proposed improvements to the natural habitat which are addressed in the Biodiversity Enhancement and Restoration Plan (BERP) (Technical Appendix 6.2 in Volume 3 of the EIA Report).

3.9.8 Chapters 6, 7 and 8 of the EIA Report provide details in relation to the proposed BERP. In summary, the BERP will involve an increase to the restoration area to the north of the CRWF existing Habitat Management area. This increase will have a further positive effect on habitats, including those associated with Caithness and Sutherland Peatlands Special Protection Area (SPA). By increasing the available area of high quality and internationally important habitats in the vicinity of this SPA, this will help maintain the integrity of these peatlands in the long-term. Furthermore, enhancement of the bog habitats will maximise the biodiversity potential of the HMP area and improve habitat structure which will benefit many

groups including mammals, birds, reptiles, amphibians, invertebrates and plants. This is expected to enhance local biodiversity, increase habitat resilience within the wider landscape, and improve connections between nature networks.

- 3.9.9 By increasing the available area of high quality and internationally important habitats in the vicinity of this SPA, this would help maintain the integrity of these peatlands and associated populations of birds in the long-term. In addition, the proposed installation of barn owl nest boxes would increase the likelihood of this species breeding in the area.
- 3.9.10 The BERP supplements the existing Peat Habitat Restoration Plan (PHRP) associated with the original CRWF. The PHRP involved offsite compensation and included the blocking of drainage ditches, restoring the water table and enhancing the peatland habitats. The PHRP area to be restored is 439.8ha, which is larger than the original CRWF boundary of 356.37ha. The BERP includes an extension area to the PHRP (85.76ha) as compensation for the Proposed Development, which encompasses approximately 35.91ha.
- 3.9.11 The BERP includes the following prescriptions which are additions to the original PHRP. These are to be secured as part of the CEMP upon consent. The additional prescriptions included in the BERP are:
- > Peatland habitat restoration - drainage blocking and self-seeding trees and scrub removal to be included within the extension to the PHRP area;
 - > Enhancement of nectar resource for pollination insects – creation of flower-rich areas at blanket bog fringes to be included within the PHRP area, the extension to the PHRP area, CRWF site boundary and the proposed development;
 - > Creation of boggy pools – creation of a network of boggy pools to be included within the PHRP area, the extension to the PHRP area, CRWF site boundary and the proposed development;
 - > Deadwood management – provision of deadwood habitat types to support a diversity of saproxylic invertebrates and saprophytic fungi to be included within the PHRP area, the extension to the PHRP area, CRWF site boundary and the proposed development;
 - > Creation of solitary bee nest sites – creation of slopes and bare substrate using the BESS bund; and
 - > Creation of reptile hibernaculum – creation of a communal hibernation site for reptiles using the BESS bund.
- 3.9.12 The BERP will enhance local biodiversity, increase habitat resilience within the wider landscape and improve connections between nature networks. The BERP is predicted to have positive effect on habitats, invertebrates, reptiles, mammals and birds. As stated in the BERP, the monitoring plan described within the PHRP will include the extension of the PHRP area.
- 3.9.13 The proposals would therefore result in the site and wider area, from a biodiversity perspective, being in a “*demonstrably better state*” than without intervention, consistent with the provisions of Policy 3.
- 3.9.14 It is also important to keep in mind that the greatest threat to biodiversity is climate change. The principal and essential benefit of the Proposed Development is a significant contribution of renewable energy, to facilitate the earliest possible decarbonisation of the energy system and the achievement of “net zero” no later than 2045, in accordance with the objectives of the Climate Change (Scotland) Act 2009. The purpose of net zero is to protect biodiversity and the earlier it can be achieved, the greater the benefits to biodiversity.

3.10 NPF4 Policy 4: Natural Places

- 3.10.1 **Policy 4, Paragraph c)** deals with national landscape designations and has a similar approach in relation to the former SPP in terms of how a proposal that affects a NSA should be addressed.
- 3.10.2 Policy 4, Paragraph c) states that:
“Development proposals that will affect the National Park or National Scenic Area..... will only be supported where:
- > *the objectives of designation and the overall integrity of the areas will not be compromised; or*
 - > *any significant adverse effects on the qualities for which the area has been designated are clearly outweighed by social, environmental or economic benefits of national importance.”*
- 3.10.3 The assessment of effects on the special landscape qualities of NSAs is contained in Chapter 5 of the EIA Report. The assessment states that through post-scoping consultation as noted NatureScot was content to scope out the assessment of the Special Landscape Qualities (SLQs) SLQs of NSAs within the LVIA Study Area. However, THC requested a high-level assessment of these designations which is provided in the LVIA.
- 3.10.4 The Proposed Development would be located approximately 16km south of the boundary of the Kyle of Tongue NSA (NSA 23) and approximately 18km east of the boundary of the Assynt - Coigach NSA (NSA 36).
- 3.10.5 In conclusion, there would be no significant effects in relation to the SLQs, objectives of designation or integrity of any NSA within the LVIA study area.
- 3.10.6 The EIA Report also sets out an assessment of the effects of the Proposed Development in relation to SLAs and this is referenced above in relation to NPF4 Policy 11 above.
- 3.10.7 **Policy 4, Paragraph d)** deals with local landscape designations and contains a different policy approach to that which was contained within the former SPP. Policy 4 is as follows:
“Development proposals that affect a site designated as ...a local landscape area in the LDP will only be supported where:
- > *Development will not have significant adverse effects on the integrity of the area or the qualities for which it has been identified; or*
 - > *Any significant adverse effects on the integrity of the area are clearly outweighed by social, environmental or economic benefits of at least local importance”.*
- 3.10.8 The policy now follows a similar construct to that which deals with national level designations. The first limb of the policy refers to significant effects on the *“integrity”* of the area or *“the qualities for which it has been identified”*.
- 3.10.9 The policy set out in the second limb of NPF4 Policy 4, Part d) provides that development proposals that affect a site designated as a local landscape area in the HwLDP (namely a SLA) will only be supported where any significant adverse effects on the integrity of the area are clearly outweighed by social, environmental or economic benefits of at least local importance. It must be noted that:
- > this is a new policy provision, reflecting the wider NPF4 policy that adverse effects (including adverse landscape and visual effects outside of a National Park or National Scenic Area) must be balanced against the benefits of a proposed development;

- > the second limb is independent of the first (“or”) and is to be applied where a decision-maker concludes that a proposed development will have significant adverse effects on the integrity of a local designation;
- > NPF4, Policy 4, Part d) now expressly includes a balancing mechanism (“*clearly outweighed by social, environmental or economic benefits*”) and sets out the threshold to be used (“*of at least local importance*”).

- 3.10.10 As explained above with regard to NPF4 Policy 11, of the designated landscapes assessed, whilst there would be a limited significant effect in relation to the qualities of the Ben Klibreck and Loch Choire SLA there would not be a significant adverse effect on the integrity of the SLA.
- 3.10.11 Moreover, in this case the benefits are considered to be greater than local importance – they would be of national importance, allowing the Proposed Development to be supported.
- 3.10.12 **Paragraph g)** of Policy 4 deals with Wild Land and states: “*Buffer zones around wild land will not be applied, and effects of development outwith wild land areas will not be a significant consideration*”.
- 3.10.13 The Proposed Development is located outside of Wild Land Areas (WLA) but is in proximity to the both the Ben Klibreck – Armine Forest WLA (WLA 35) and the Foinaven – Ben Hee WLA (WLA 37).
- 3.10.14 The WLA assessment concludes that the adverse effects on the wild land qualities identified within the assessment are judged not to undermine the objectives for its protection, and the overall integrity of the WLA will not be compromised by the introduction of the Proposed Development. As noted, in any event Policy 4 makes it clear that effects in relation to a WLA in this case (whereby no development is in a WLA) is not a significant consideration.
- 3.10.15 The Proposed Development is considered to be in accordance with Policy 4.

3.11 NPF4 Policy 5: Soils

- 3.11.1 In terms of soils, **Policy 5** states that where development on peatland or carbon rich soils or priority peatland habitat is proposed, a detailed site-specific assessment is required to identify baseline, likely effects and net effects. The policy intent is to protect carbon rich soils, restore peatlands and minimise disturbance to soils from development. This is very similar to the policy position that was in SPP; however, a key difference is that renewable energy proposals are one of the types of development expressly envisaged to be acceptable in principle on peatlands (Paragraph c).
- 3.11.2 As explained above with regard to NPF4 Policy 11, the Applicant has proposed an appropriate design, mitigation and restoration approach to peatland. Appropriate planning conditions can be attached to a grant of consent in relation to peatland and carbon rich soil matters.
- 3.11.3 The Proposed Development is considered to be in accordance with Policy 5.

3.12 NPF4 Policy 6: Forestry, Woodland and Trees

- 3.12.1 The policy intent is to protect and expand forests, woodland and trees. It states that development proposals that enhance, expand and improve woodland and tree cover will be supported.
- 3.12.2 **Policy 6 Part b)** states that “*development proposals will not be supported where they will result in:*
- “*i. Any loss of ancient woodlands, ancient and veteran trees, or adverse impact on their ecological condition;*

ii. Adverse impacts on native woodlands, hedgerow and individual trees of high biodiversity value, or identified for protection in the Forestry and Woodland Strategy;

iii. Fragmenting or severing woodland habitats, unless appropriate mitigation measures are identified and implemented in line with the mitigation hierarchy;

iv Conflict with Restocking Direction, Remedial Notice or Registered Notice to Comply issued by Scottish Forestry.”

3.12.3 **Policy 6 Part c)** states that:

“Development proposals involving woodland removal will only be supported where they will achieve significant and clearly defined additional public benefits in accordance with relevant Scottish Government policy on woodland removal. Where woodland is removed, compensatory planting will most likely be expected to be delivered”.

3.12.4 Forestry is addressed in Chapter 14 of the EIA Report. It explains that there will be a loss of 2.28 ha of woodland and compensatory planting is proposed, consistent with Scottish Government policy.

3.12.5 The Proposed Development is in accordance with Policy 6.

3.13 **NPF4 Policy 7: Historic Assets and Places**

3.13.1 Finally, in terms of **Policy 7** which deals with Historic Assets and Places, the policy is very similar to that which was in SPP (paragraph 145).

3.13.2 Again, cultural heritage is addressed above in the context of NPF4 Policy 11. The assessment has considered the presence of cultural heritage assets which may be affected by the Proposed Development. The potential effects on the identified assets, mitigation measures for protecting known heritage assets during construction, and the residual effect of the Proposed Development has all been considered.

3.13.3 The Proposed Development would not significantly adversely affect the fabric or setting of any Listed Buildings, or the integrity of the setting of any Scheduled Monuments.

3.13.4 The Proposed Development is considered to be in accordance with Policy 7.

3.14 **Conclusions on NPF4 Appraisal**

3.14.1 The Proposed Development is considered to be acceptable in relation to all of Policy 11's environmental and technical topic criteria and with other relevant policies.

3.14.2 A key point within Policy 11 is that any identified impacts have to be weighed against a development's specific contribution to meeting climate change targets – which attracts significant weight.

3.14.3 Significant weight is also afforded in relation to Policy 1 with regard to the climate and nature crises. This policy direction fundamentally alters the planning balance compared to the position that was set out in in NPF3 and SPP.

3.14.4 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.

3.14.5 Overall, the Proposed Development, as a National Development is considered to be one that would make a valuable contribution to the NPF4 Spatial Strategy and would help deliver a ‘sustainable place’. Overall, it is considered that Proposed Development would accord with relevant policies of NPF4, and with NPF4 when read as a whole.

4. Appraisal against the Local Development Plan

4.1 Introduction

4.1.1 The other elements of the statutory Development Plan covering the site comprise

- > The Highland wide LDP (HwLDP) (April 2012);
- > The Caithness and Sutherland LDP¹³ (CasPlan) (2018); and
- > Relevant supplementary guidance, particularly the Onshore Wind Energy Supplementary Guidance (OWESG) (2016) and Addendum Supplementary Guidance: Part 2b (2017).

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.

4.2 The Lead HwLDP Policy

4.2.1 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 and indeed the topics are already covered by the provisions of NPF4 Policy 11 which has been considered in the previous Chapter.

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

4.2.3 Secondly, Policy 67 states the Council will consider a proposed development's contribution "*towards meeting renewable energy generation targets*". The Proposed Development would make a valuable (and nationally important) 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 5.

4.2.4 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.

4.2.5 Fourthly, a proposed development is to be assessed against other policies of the Development Plan and must have regard to any other material considerations.

4.2.6 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.

4.2.7 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*".

4.2.8 Based on the appraisal set out in Chapter 3 above with regard to NPF4, it is considered that the landscape and visual and wider environmental effects that the Proposed Development

¹³ The replacement IMFLDP – the Inner Moray Firth Proposed LDP 2 was submitted to the Scottish Ministers on 24 March 2023 for Examination.

would give rise to would not be unacceptable and would not be significantly detrimental overall as per the terms of Policy 67.

4.3 Other relevant HwLDP Policies

4.3.1 The other policies of relevance in the HwLDP are summarised below in **Table 4.1**:

Table 4.1: HwLDP Policy Summaries

HwLDP Policy	Topic	Policy Summary
Policy 28	Sustainable Design	Provides support for development which promotes and enhances social, economic and environmental wellbeing to communities in Highland. Proposals will be assessed on the extent to which they are compatible a range of listed factors and should utilise good siting and design etc. Developments which are considered detrimental will not accord with the LDP. All development must demonstrate compatibility with the Sustainable Design Guide: Supplementary Guidance to conserve and enhance the character of the area, use resources efficiently, minimise environmental impact and enhance the viability of Highland Communities. Where appropriate a Sustainable Design Statement should be submitted. The precautionary principle will be applied where appropriate, developments with significant detrimental impact will only be supported where this is demonstrable over-riding strategic benefit or if satisfactory mitigation measures are incorporated.
Policy 30	Physical Constraints	Requirement to consider physical constraints to development and refer to Supplementary Guidance of same name if relevant. Main principles are to ensure proposed developments do not adversely affect human health and safety or pose risk to safeguarded sites.
Policy 51	Trees and Development	Support for development which promotes significant protection to existing hedges, trees and woodlands on and around sites. Where appropriate, woodland management plans will be required. Enables the Council to secure additional planting to compensate for removal.
Policy 52	Principle of Development in Woodland	Requires applicants to demonstrate the need to develop a woodland site and to show that the site has capacity to accommodate that development. A strong presumption in favour of protecting woodland resources. Support is provided only where development offers clear and significant public benefit and where compensatory planting is provided.
Policy 55	Peat and Soils	Requires proposals to demonstrate how they have avoided unnecessary disturbance, degradation or erosion of peat and soils. Unacceptable disturbance will not be accepted unless it is shown that the adverse effects are clearly outweighed by social, environmental or economic benefits arising from the proposals. Requirement for Peat Management Plans where development on peat is demonstrated as unavoidable in order to show how impacts have been minimised and mitigated.
Policy 57	Natural, Built and Cultural Heritage	Requires proposals to be assessed taking into account the level of importance and type of heritage features, the form and scale of development and the impact on the feature and its setting. The policy sets a series of criteria based on level of features importance (local, regional or international). Appendix 2 of the HwLDP defines the features. For features of local / regional importance – developments will be permitted if it can be demonstrated that they will not

HwLDP Policy	Topic	Policy Summary
		have an unacceptable effect. For features of national importance, where any significant adverse effects arise, they must be clearly outweighed by social or economic benefits of national importance. In international designations development with adverse effects on integrity will only be allowed where no alternative solution exists and there are imperative reasons of overriding public interest (IROPI).
Policy 58	Protected Species	Requirement for surveys to establish presence of protected species and to consider necessary mitigation to avoid or minimise any impacts. Development likely to have an adverse effect, individually or cumulatively on European Protected Species will only be permitted where there is no satisfactory alternative, where there is IROPI, the development is required in the public interest, health or safety, where there is no other satisfactory solution, or it can be demonstrated the effects will not be detrimental to the population of species concerned, or impact on the conservation status thereof.
Policy 59	Other Important Species	Protection of other species not protected by other legislation or nature conservation site designations.
Policy 60	Other Important Habitats	Safeguards the integrity of features of the landscape which are of major importance because of their linear or continuous structure or combinations. The Council will also seek to create new habitats which are supportive of this concept.
Policy 61	Landscape	New development should be designed to reflect the landscape characteristics and special qualities identified in the area they are located as well as considering cumulative effects. Measures to enhance landscape characteristics of the area in which they are located are encouraged. The policy requires the Council to take into account Landscape Character Assessments.
Policy 63	Water Environment	Supports proposals that do not compromise the objectives of the Water Framework Directive (2000/60/EC), aimed at the protection of the water environment.
Policy 66	Surface Water Drainage	All proposals must be drained by Sustainable Urban Drainage Systems (SUDs) designed in accordance with CIRIA C697.
Policy 72	Pollution	Proposals that may result in significant pollution (noise, air, water and light) will only be approved where a detailed assessment on the levels character and transmission and receiving environment of the potential pollution is provided and mitigated if necessary.
Policy 77	Public Access	Provides protection to Core Paths and access points to water or rights of way and presumption of retention and enhancement of amenity value, and use of alternative access that is no less attractive or safe where necessary.

4.4 The Onshore Wind Energy Supplementary Guidance

- 4.4.1 The Onshore Wind Energy Supplementary Guidance (OWESG) gives further advice and guidance relating to Policy 67.
- 4.4.2 The OWESG was adopted by the Council in November 2016 and forms part of the statutory Development Plan. Policy 67 refers to the 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.
- 4.4.3 Paragraph 1.8 of the OWESG is helpful in understanding its role. It states: *“The advice that follows provides a fuller interpretation of HwLDP policies as they relate to onshore wind energy development. The Council will balance these considerations with wider strategic and environmental and economic objectives including sustainable economic growth in the Highlands, and our contribution to renewable energy targets and tackling climate change...”*.
- 4.4.4 At paragraph 4.16, the OWESG sets out that *“the following criteria set out key landscape and visual aspects that the Council will use as a framework and focus for assessing proposals, including discussions with applicants”*.
- 4.4.5 Paragraph 4.17 adds that the criteria do not set absolute requirements, but rather seek to ensure developers are aware of key potential constraints to development. Following paragraph 4.17 there is a list of 10 criteria, together with associated thresholds and measures for development.
- 4.4.6 An appraisal of how the Proposed Development relates to these criteria is set out in in the EIA Report, Technical Appendix 5.4.
- 4.4.7 The conclusion reached from the assessment of the various landscape and visual criteria, is that overall, the Proposed Development performs well against the various criteria.
- 4.4.8 In addition, when this guidance was drafted several years ago, turbine heights were much lower than those of today and Government policy documents such as the current OWPS, have made it very clear that turbine heights are increasing. This is as a result of technological change, market availability and the falling away of Government fiscal support for onshore wind development.

4.5 Position Statement on the Flow Country World Heritage Site

- 4.5.1 The Highland Council has put in place Planning Position Statement (April 2023) with regard to the Flow Country Candidate World Heritage Site (WHS). The Statement has not been consulted upon and is contains a different policy position to that within NPF4. NPF4 does not contain any interim policy provisions with regard to a Candidate WHS.
- 4.5.2 NPF4 Policy 7 states that development proposals affecting a WHS or its setting will only be supported where their Outstanding Universal Value (OUV) is protected and preserved. The Highland Council Position Statement highlights that the Flow Country World Heritage nomination was submitted in February 2023 and is now a Candidate site. The Position Statement sets out the Council's position with regard to proposed developments within the Candidate site or its setting for the period until the site is either inscribed on the World Heritage list or rejected. The Council has not defined setting and landscape setting was not one of the key attributes for the Candidate site.
- 4.5.3 The Proposed Development is not within the Candidate site and would not have an adverse effect on the OUV.

4.6 Conclusions on the LDP

- 4.6.1 The relevant development management considerations have been addressed above (Chapter 3) in the context of NPF4 Policy 11 and are not repeated with reference to the policies of the HwLDP.
- 4.6.2 It is considered that the effects arising from the Proposed Development would not be unacceptable in terms of Policy 67 or indeed other relevant policies within the HwLDP.
- 4.6.3 Moreover, through considering the other relevant policies, including the advice contained in the OWESG, it is considered that the Proposed Development accords with the HwLDP when it is read as whole.
- 4.6.4 The renewable energy policy provisions of the HwLDP are based on those of the pre 2014 SPP. In addition, HwLDP Policy 57 which deals with Wild Land and SLAs is incompatible with NPF4 Policy 4. This means, as per the amendments made to the 1997 Act, that as a result of these incompatibilities, the provisions of NPF4 must prevail.
- 4.6.5 Insofar as there are other relevant policies within the HwLDP, they are considered to be generally consistent with those of NPF4 and given the appraisal set out above in Chapter 3, there would be no conflict with their terms.

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 the individual topic sections of the EIA Report therefore enables Scottish Ministers to be satisfied that the obligations under Schedule 9 are met and that suitable mitigation has been identified. It is also considered that the detailed work undertaken in the formulation of the EIA overall has confirmed and provides confidence that the Proposed Development would be undertaken in an environmentally acceptable manner.

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, in line with the recommendations made by the CCC (2019) ‘net zero’ publication. Furthermore, the drive to attain net zero emissions is now legally binding at the UK and Scottish Government levels by way of amendments to the Climate Change Act 2008 and in Scotland 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, and the Scottish Government has recognised, most recently in the new OWPS, that a very substantial quantity of new onshore wind is required to meet the legal emissions reduction requirement by 2030 – namely a minimum of 20GW of operational capacity. Deployment of more onshore wind is described as being “mission critical for meeting our climate targets” in the OWPS.
- 5.2.4 The nationally important 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.

5.3 The Planning Balance

- 5.3.1 In NPF4 there is a clear recognition 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 The revised OWPS was published in December 2022. NPF4 came into force on 13 February 2023. Both are up to date statements of Scottish Government policy, directly applicable to determination of this application. Both 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, the crucial role of further onshore wind in doing so, and the scale and urgency of onshore wind deployment required. As described in this Planning 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*” (NPF4, page 2). The policy position, and the priority afforded to combatting the Climate Emergency, is different to that which was set out in 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 change. The matter of weight is no longer left entirely to the discretion of the decision maker; and
 - > Both NPF4 and the OWPS are clear that further onshore wind development, of scale and utilising modern, larger turbines, has a crucial role in combatting climate change, transitioning to a net-zero Scotland and ensuring security of energy supply. NPF4 Policy 11 strongly supports proposals for all forms of renewable, low-carbon and zero emissions technologies, including onshore wind farms.
- 5.3.4 It is important to fully recognise both the scale and urgency of the challenge set out in these documents and the required response from decision-makers. NPF4 is clear (page 2) that significant progress must be made by 2030 requiring, as set out in the OWPS, that “*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*” (paragraph 1.1.2).
- 5.3.5 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 is also embedded in the Scottish Government’s consultative Draft Energy Strategy and Just Transition Plan, together with the commitment to “**place the climate and nature at the centre of our planning system**” (Page 55) (original emphasis) in line with NPF4.
- 5.3.6 By any measure, the identified need for delivery of this additional capacity is a massive challenge requiring an urgent and positive response. As noted above, unless projects are in the planning system now, there is a high likelihood is that they cannot contribute to this ambition before 2030. The Proposed Development would contribute to the 2030 target.
- 5.3.7 This change in policy is also seen in the designation of individual renewable development applications as National Developments. National Developments are significant developments of national importance that will help to deliver the spatial strategy. As the Statement of Need for Strategic Renewable Electricity Generation and Transmission Infrastructure explains “*A large and rapid increase in electricity generation from renewable sources will be essential for Scotland to meet its net zero emissions targets.*” (Page 103).
- 5.3.8 The recognition of national development relates to the attainment of Scottish Government renewable generation and emission reduction targets. Moreover, it relates to the importance of developing electricity supplies which are not dependent on volatile international markets and are located within the UK’s national boundaries. The urgency for 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. The 'window' until the key date of 2030 for Scottish Government targets is also getting narrower.

- 5.3.9 Other policy support for development of large-scale wind farms and the deployment of larger turbines is found in NPF4 and the OWPS:
- > In addition to the cross-cutting NPF4 Policy 1, NPF Policy 11 directs that in considering the identified impacts of an onshore wind proposal significant weight will be placed on the contribution of the proposal to renewable energy generation targets and on greenhouse gas emissions reduction targets;
 - > The OWPS expressly recognises that meeting the ambition of a minimum installed capacity of 20GW of onshore wind in Scotland by 2030 will require taller and more efficient turbines and that this will change the landscape;
 - > NPF4 Policy 11 confirms that significant landscape and visual impacts are to be expected for some forms of renewable energy. Scottish Government policy, which will form part of the Development Plan, is that where such impacts are localised and / or appropriate design mitigation has been applied, they will generally be considered to be acceptable. Notably, policy recognises that significant landscape and visual effects are inevitable and generally acceptable;
 - > NPF4 Policy 4 provides in principle support for wind farm development in all locations with the exception of National Parks and NSAs.
 - > NPF4, Policy 4, Part d) specifically relates to a proposed development that may adversely affect the integrity of a local landscape designation. It provides that development will be supported, notwithstanding the impact where significant adverse effects on the integrity of the area are clearly outweighed by social, environmental or economic benefits of at least local importance.
- 5.3.10 The Applicant has gone to considerable lengths to ensure a satisfactory layout, design and composition for the proposed extension turbines and BESS. In short, appropriate design mitigation has been applied.
- 5.3.11 NPF4 and the OWPS of course require that the decision-maker must also identify and weigh the adverse effects of a proposed development. 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 stronger weight in the planning balance to the seriousness and importance of energy policy related considerations and the contribution of the Proposed Development in meeting green energy targets.
- 5.3.12 It is considered that this approach is very clearly reflected and articulated in NPF4 and the OWPS (subject to Scottish Government policy now expressly stating that significant weight will be given to the global climate and nature crises and a proposed development's contribution towards meeting targets). Moreover, Section 3.6 of the OWPS states that the criteria for assessing proposals (in NPF4) have been updated "*including stronger weight being afforded to the contribution of the development*". (emphasis added).
- 5.3.13 In this case, the Proposed Development is one of national importance that will help to deliver the national Spatial Strategy set out in NPF4. The Proposed Development would make a valuable and near-term contribution to help Scotland and the UK attain Net Zero, security of supply and related socio-economic objectives and would also deliver biodiversity enhancement. Specifically, the Proposed Development would contribute to the interim 2030 emissions reduction target, making use of the existing grid connection without the need for any offsite works. It is submitted that very substantial weight should be given to this contribution when weighing the need for the development and its identified effects within the planning balance.

5.3.14 The effects of the Proposed Development, including how relevant effects listed in NPF Policy 11 Paragraph (e) have been addressed, as detailed in the supporting information to the application. In terms of Policy 11, in considering the identified impacts of the Proposed Development significant weight must be placed on its nationally important contribution to renewable energy generation and greenhouse gas emissions reduction targets.

5.4 Overall Conclusion

5.4.1 The policy set out in NPF4 and the OWPS requires a rebalancing of the consenting of onshore wind developments in response to the challenges of tackling the climate and nature crises. Having regard to the weight to be ascribed to the important benefits of the Proposed Development it is considered that the benefits that would result clearly outweigh its adverse effects.

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.

5.4.3 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 insofar as that is a relevant matter in a Section 36 application.

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