

Corriegarth 2 Wind Farm

Highland

Planning Statement

January 2021

on behalf of

Corriegarth 2 Wind Farm Ltd

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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 Corriegarth 2 Wind Farm Ltd (the Applicant) to support a section 36 application under the Electricity Act 1989 (the 1989 Act), for consent to construct, operate a wind farm known as Corriegarth 2 Wind Farm, and associated infrastructure (“the proposed development”). In addition, the Applicant is also seeking consent for deemed planning permission under Section 57 of the Town and Country Planning (Scotland) Act 1997 (the 1997 Act), as amended.
- 1.1.2 The proposed development is located within the Highland Council (THC) area and comprises up to 16 horizontal axis turbines with a total installed generating capacity in excess of 50 megawatts (MW).
- 1.1.3 The application is accompanied by an Environmental Impact Assessment Report (EIA Report) which has been undertaken in accordance with the Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017 (the EIA Regulations). The EIA Report presents information on the identification and assessment of the likely significant positive and negative environmental effects of the proposed development.
- 1.1.4 This Planning Statement makes various cross references to information contained in the EIA Report and presents an assessment of the proposed development against relevant policy with due regard given to the provisions of the statutory Development Plan for The Highland Council (THC) area, national energy and planning policy, and other relevant material considerations. The Planning Statement is supplementary to, and should be read in conjunction with, the EIA Report submitted with the application. The Planning Statement also considers the potential benefits and harm which may arise and concludes as to the overall acceptability of the proposed development in relation to the planning policy framework and relevant material considerations.

1.2 The Applicant

- 1.2.1 The Applicant, Corriegarth 2 Windfarm Limited, is a wholly owned subsidiary of BayWa r.e. UK Limited.
- 1.2.2 BayWa r.e. UK Ltd is a leading international renewable energy project developer and service provider with offices in Glasgow, Edinburgh, Milton Keynes and Dublin. In the UK and Ireland, BayWa r.e. has installed over 650 MW of wind and solar renewable energy projects; including delivering over 150 MW of wind energy and is currently developing over 300 MW of onshore wind including the construction of 43 MW in Scotland. BayWa r.e. UK also provides technical and commercial services, and manages more than 1.5 Gigawatts (GW) of operational solar and wind assets for its clients.
- 1.2.3 The UK and Ireland are one of BayWa r.e.’s core markets, and its internationally trained and qualified teams cover the entire range of activities required for the production of renewable energy, from site development, through turnkey construction, project financing to electricity sales.
- 1.2.4 BayWa r.e. UK Ltd is part of the leading global renewable energy company BayWa r.e. Established in 2009 BayWa r.e. is a leading global renewable energy developer, service supplier, wholesaler and energy solutions provider. Globally, BayWa r.e. has brought over 2.5 GW of energy online, while managing over 5GW of assets.

1.3 The Statutory Framework

Schedule 9 to the Electricity Act 1989

1.3.1 A decision on the Application under the 1989 Act is the principal decision to be made in this case.

1.3.2 Paragraph 3 of Schedule 9 to the Electricity Act 1989 deals with preservation of amenity. In summary, the provisions set out a number of environmental features to which regard must be had and that mitigation must be considered. Sub-paragraph 1 can be relevant to an Applicant if they hold a License at the date a s.36 application is made. Sub-paragraph 2 applies in any event. Sub-paragraphs 1 and 2 state:

(1) "In formulating any relevant proposals, a licence holder or a person authorised by exemption to generate, transmit, distribute or supply electricity

(a) shall have regard to the desirability of preserving natural beauty, of conserving flora, fauna and geological or physiographical features of special interest and of protecting sites, buildings and objects of architectural, historic or archeological interest; and

(b) shall do what he reasonably can to mitigate any effect which the proposals would have on the natural beauty of the countryside or on any such flora, fauna, features, sites, buildings or objects.

(2) In considering any relevant proposals for which his consent is required under section 36 or 37 of this Act, the Secretary of State shall have regard to—

(a) the desirability of the matters mentioned in paragraph (a) of sub-paragraph (1) above; and

(b) the extent to which the person by whom the proposals were formulated has complied with his duty under paragraph (b) of that sub-paragraph."

3) Without prejudice to sub-paragraphs (1) and (2) above, in exercising any relevant functions each of the following, namely, a licence holder, a person authorised by exemption to generate or supply electricity and the Secretary of State shall avoid, so far as possible, causing injury to fisheries or to the stock of fish in any waters".

1.3.3 The Applicant has sought to develop a project that takes full account of the Schedule 9 duties. It is relevant to note the use of the terms 'desirability' and 'reasonably' with regard to project design, siting and mitigation. This recognises that there are balances and reconciliations to be considered in decision making for this type of application.

1.3.4 Although the Applicant is not bound at the present time by the requirements of Schedule 9 of the 1989 Act, the Scottish Ministers will have to have regard to sub paragraph 2 and 3. As a consequence, the Applicant has considered these matters during the design of the proposed development. This is demonstrated by the robust evaluation and assessment of effects as set out within the EIA Report.

1.3.5 In the Fauch Hill / Harburnhead s.36 decision (page 5, paragraph 1) it was set out by the Reporters with regard to Schedule 9 of the 1989 Act that:

"The provisions of Schedule 9 of the Electricity Act 1989 apply to the assessment of wind farms with an installed capacity of over 50 MW. The Scottish Government's position is that whether an applicant is licensed or not, Ministers will have regard to the Schedule 9 provisions and expect them to be addressed through the Environmental Statement. We are satisfied that both applications have submitted sufficient environmental information and that the relevant requirements have been complied with. We are also satisfied that both applications have had regard to the

relevant environmental matters and within the parameters of their chosen design have done what they reasonably could to mitigate any impact."

- 1.3.6 The EIA for the proposed development demonstrates that due regard has been paid to Schedule 9 of the 1989 Act and appropriate mitigation has been considered in detail.

The Role of the Development Plan

- 1.3.7 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. This matter is now settled following various High Court and Court of Session cases in recent years¹.

1.4 Site Location & Description

- 1.4.1 The site is located adjacent to the operational Corriegarth Wind Farm, within the Corriegarth Estate on the edge of the Monadhliath Mountains, approximately 15 kilometres (km) northeast of Fort Augustus and 10km southeast of Foyers. The site contains one public road (the U1221), which forms part of the site access from the B862.
- 1.4.2 In addition to the operational Corriegarth Wind Farm, the site and immediate vicinity consists of rural upland farmland used for grazing and grouse shooting. The site itself varies significantly in elevation ranging from approximately 550 - 810m Above Ordnance Datum (AOD) with elevations reducing to approximately 200m AOD along the access track as it slopes down towards the B862.
- 1.4.3 The operational Corriegarth Wind Farm lies within the central part of the site, which in turn is situated within a 'bowl' surrounded by higher hilltops. Carn na Saobhaidhe is a summit (603m AOD) located in the north west of the site and there are several other summits which are located along the site boundary,
- 1.4.4 The site includes the operational Corriegarth Wind Farm and associated infrastructure, consisting of:
- 23 turbines with a tip height of 120m and a combined installed capacity of up to 69 MW;
 - Approximately 25km of access tracks; and
 - A substation building.

1.5 Proposed Development

- 1.5.1 As shown on Figure 1.2 in the EIA Report, the proposed development is proposed to broadly encircle the operational Corriegarth wind turbines. Existing access tracks will be utilised to minimise the environmental impact of the development, with new access tracks branching off existing access tracks to new turbine locations. Full details of the final Development layout are provided in the EIA Report, Chapter 4 – Development Description.
- 1.5.2 In summary, the main elements of the proposed development can be summarised as follows:
- Up to 16 horizontal access wind turbines, each with a maximum tip height of 149. Based on currently available turbines, the proposed development would have an installed capacity of approximately 76 MW.
 - Associated foundations and crane hardstandings at each wind turbine location;

¹ See R (on the application of Samuel Smith Old Brewery (Tadcaster) v Secretary of State for Energy & Climate Change; William Grant / Dorenell s.36 Wind Farm Judicial Review case of June 2012; and, Fauch Hill / Harburnhead s.36 Wind Farm Decision (July 2014).

- Access tracks linking the turbine locations comprising of a combination of new and upgraded existing tracks;
- Temporary construction compound located at the same location as for the operational Corriegarth Wind Farm construction;
- Two temporary laydown areas located within existing hardstanding;
- Up to two borrow pits for aggregate extraction;
- Network of underground cabling; and
- New substation building, containing control elements, in close proximity to existing substation.

1.5.3 The Development will make use of the existing site access and junction off the B862 for the operational Corriegarth Wind Farm.

1.5.4 The siting and design of the proposed development has gone through an iterative process whereby the Applicant considered different turbine layouts, heights and access proposals. This has resulted in a scheme which seeks to maximise potential renewable energy generation whilst avoiding likely significant environmental effects. Further details on the design process are set out in EIA Report Chapter 3 'Site Selection and Design'.

1.6 Structure of Planning Statement

1.6.1 The structure of this Planning Statement is as follows:

- **Chapter 2** describes the renewable energy policy framework.
- **Chapter 3** addresses relevant national planning policy and guidance.
- **Chapter 4** provides a summary of the relevant Development Plan and applicable Supplementary Guidance. The proposed development is considered against THC's 'lead' policy which deals with renewable energy developments, namely, Highland-wide Local Development Plan Policy 67 and the Onshore Wind Energy Supplementary Guidance which supports policy 67. The assessment also refers other Development Plan policies.
- **Chapter 5** sets out the benefits that would arise from the proposed development.
- **Chapter 6** presents overall conclusions.

2. Climate Emergency & the Renewable Energy Policy Framework

2.1 Introduction

- 2.1.1 This Chapter refers to the renewable energy policy framework with reference relevant international, European, UK and Scottish energy policy provisions. The framework of international agreement, binding targets and climate change global advisory reports is the foundation upon which national energy policy is based. The international and national policy referred to demonstrates the need case for renewable energy from which the proposed development can draw a high level of support.
- 2.1.2 It is evident that there is unequivocal, clear and consistent policy support at all levels, from international to local, for the deployment of renewable energy generally and onshore wind particularly to combat global heating, diversify the mix of energy sources, achieve greater security of supply, and to attain legally binding renewable energy and emission reduction targets. The proposed development would make a valuable contribution to help Scotland meet its renewable energy and electricity production targets, while supporting CO₂ reduction to combat global heating in the current Climate Emergency.
- 2.1.3 Government renewable energy policy and associated renewable energy and electricity targets are an important material consideration and it is important to be clear on the current position as it is a fast-moving topic of public policy. More fundamentally, there have been new legally binding targets introduced at both a UK and Scottish level and declared Climate Emergencies.

2.2 International & European Policy Considerations

International Agreements and Obligations – The COP21 UN Paris Agreement

- 2.2.1 The Paris Agreement (12 December 2015) sets out (page 2) that it “*emphasises with serious concern*” the need to hold the increase in global average temperature to “*well below 2°C*” above pre-industrial levels and to pursue “*efforts to limit the temperature increase to 1.5°C*”. In order to achieve this long-term temperature target, the text states “*parties aim to reach global peaking of greenhouse gas emissions as soon as possible*”.
- 2.2.2 It is clear that moving to a low carbon economy is now a globally shared goal and will require absolute emission reduction targets
- 2.2.3 The **Court of Appeal Judgment² on the third Heathrow runway** dated 27 February 2020 is of relevance in that it firmly sets out that the UK Government’s commitment to the Paris Agreement (2015) is *part of Government policy*, therefore other policy documents and decision making must take into account and cannot ignore international commitments on climate change.
- 2.2.4 The UK Government’s commitment under the Paris Agreement links through to the Committee on Climate Changes’ (CCC) advice to both the UK and Scottish Governments on ‘net zero’ targets which have now, at both the UK and Scottish levels been translated into new legislative provisions and targets for both 2045 and 2050. This is referred to below.

The IPCC SR1.5 Report (2018)

- 2.2.5 The Intergovernmental Panel on Climate Change (IPPC) published a ‘Special Report on the impacts of global warming of 1.5°C above pre-industrial levels and related global greenhouse gas emission pathways’ in response to an invitation contained in the Decision of the Conference of Parties of the United Nations Framework Convention on Climate Change to adopt the Paris Agreement. The IPCC accepted the invitation in April 2016 and the Special Report known as ‘SR1.5’ was published in October 2018.

² [2020] EWCA Civ 214.

- 2.2.6 The report concludes that human-induced warming reached approximately 1°C above pre-industrial levels in 2017 and at the present rate, global temperatures would reach 1.5°C around 2040. The report makes it clear that delayed action, limited international cooperation, and weak or fragmented policies that lead to stagnating or increasing greenhouse gas emissions would put the possibility of limiting global temperature rise to 1.5°C above pre-industrial levels out of reach.
- 2.2.7 In response to the IPPC report, the Scottish Government stated it would seek updated advice from the CCC on meeting the 1.5°C target. The Government has received and acted on that advice (this is referred to below).

The United Nations ‘Gap Report’ (2019)

- 2.2.8 The United Nations Environment Programme ‘Gap Report 2019’³ published in November 2019 provides an assessment of scientific studies on current and estimated future greenhouse gas (GHG) emissions and compares these with the emission levels permissible for the world to progress on a least-cost pathway to achieve the goals of the Paris Agreement. This difference between “*where we are likely to be and where we need to be*” has become known as the ‘emissions gap’.
- 2.2.9 The Executive Summary (page 4) states that the “*summary findings are bleak. Countries collectively failed to stop the growth in global GHG emissions, meaning that deeper and faster cuts are now required.*” Key points in the report include *inter alia*:
- GHG emissions continue to rise despite scientific warnings and political commitments. There is no sign of emissions peaking in the next few years; every year of postponed peaking means that deeper and faster cuts will be required;
 - A continuation of current policies would lead to a global mean temperature rise of between 3.4°C and 3.7°C by 2100 relative to pre-industrial levels, and continuing thereafter.
 - The emissions gap is large – larger than ever;
 - Dramatic strengthening of ‘national contributions’ is needed – countries must increase ambitions fivefold to achieve the 1.5°C goal;
 - Given the time lag between policy decisions and associated emissions reductions – waiting until 2025 to strengthen contributions will be too late to close the 2030 emissions ‘gap’;
 - Renewables in combination with electrification is key to the energy transition and to drive down GHG emissions;
 - Unprecedented and immediate action is required; and
 - Postponing ambition and action are no longer an option.

European Policy & Targets

- 2.2.10 The Renewable Energy Directive 2009/28/EC established an overall policy for the production and promotion of energy from renewable sources in the EU. It requires the EU to fulfil at least 20% of its total energy needs with renewables by 2020 – to be achieved through the attainment of individual national targets. All EU countries must also ensure that at least 10% of their transport fuels come from renewable sources by 2020.
- 2.2.11 In December 2018, the new revised Renewables Energy Directive on the promotion of the use of energy from renewable sources (2018/2001) entered into force – establishing a new binding renewable energy target for the EU for 2030 of at least 32%, with a clause for a possible upwards revision by 2023.

³ United Nations Gap Report (November 2019).

- 2.2.12 On 29 March 2017, the UK formally notified of its intention to leave the EU under Article 50 of the Treaty of the EU. The European Union (Withdrawal) Act 2020 converts all EU laws, rules and targets into domestic UK governance. It is considered that the existing EU renewable energy targets for the UK, such as the requirements of the Renewable Energy Directive, will remain applicable. During the Transition Period existing rules and targets apply and there is currently no suggestion that those targets will not continue to apply beyond the end of the transition period.
- 2.2.13 For the UK, the EC's obligations include for 15% of all energy consumed in the UK to come from renewable sources by 2020. The position as of the end of 2019 (the last full year for which figures are available) was that renewable energy only accounted for approximately 12.3% of energy consumption in the UK, well short of the 15% target⁴. The national targets set for 2020 (under the previous 2009 Directive) are set out in the 2018 Directive as constituting the Members States' minimum contribution to the new '2030 Framework'.

2.3 United Kingdom Energy Policy

Relationship of UK / Scottish Energy Policy

- 2.3.1 Energy policy is a matter reserved to the Westminster Parliament. The UK Government therefore retains control of the overall direction of energy policy including the attainment of UK national targets on renewable energy generation.
- 2.3.2 Although the overarching position in the UK is that energy policy is not a devolved matter, important policy documents such as the UK Renewable Energy Strategy (2009) and the UK Renewable Energy Roadmap (2011 and its various Updates) have embraced and encouraged actions across the UK as a whole. Such documents have also made clear that the Devolved Administrations play an important role in the attainment of overall UK and European targets for renewable electricity.
- 2.3.3 While the Scottish Government does not have the core competency over energy policy, it has not prevented them issuing a range of policy statements and 'Routemaps' for renewable energy and the low carbon agenda for their own territory. The Scottish Government has been engaged in policy making over successive Governments on the topic of renewable energy often going further and faster than Whitehall or Westminster.
- 2.3.4 A key recent matter in terms of UK policy is the recommendations from the CCC and the UK Government's commitment to net zero emissions and the advice from the CCC on the recommended recovery approach from the COVID-19 crisis.

Committee on Climate Change Report (May 2019)

- 2.3.5 The CCC⁵ published its landmark report entitled 'Net Zero – UK's Contribution to Stopping Global Warming' in May 2019. The report responds to requests from the Governments of the UK, Wales and Scotland, asking the CCC to reassess the UK's long-term carbon emissions targets.
- 2.3.6 The Foreword (page 8) sets out that the CCC has "*reviewed the latest scientific evidence on climate change, including last year's IPCC special report on global warming of 1.50C and considered the appropriate role of the UK in the global challenge to limit future temperature increases*". It adds, "*Net Zero is a more fundamental aim than previous targets. By reducing emissions produced in the UK to zero, we also end our contribution to rising global temperatures*".

⁴ BEIS, Digest of UK Energy Statistics (July 2020), Chapter 6. Onshore wind remains the leading technology in terms of UK renewable capacity, at 29.9% recorded for 2019.

⁵ The CCC is an independent, statutory body established under the Climate Change Act 2008. Its purpose is to advise the UK Government and Devolved Administrations on emissions targets and report to Parliament on progress made in reducing greenhouse gas emissions and preparing for climate change.

- 2.3.7 The Foreword also sets out that “*we must now increase our ambition to tackle climate change. The science demands it; the evidence is before you; we must start at once; there is no time to lose*”.
- 2.3.8 The report makes recommendations for the UK economy including:
- UK overall: a new tougher emissions target of net zero⁶ greenhouse gases (GHG) by 2050, ending the UK’s contribution to global warming within 30 years. This would replace the previous target of an 80% reduction by 2050 from a 1990 baseline;
 - Scotland: a target of net-zero GHG economy by 2045, reflecting Scotland’s greater relative capacity to remove emissions than the UK as a whole;
 - A net zero GHG target for 2050 would deliver on the commitment that the UK made by signing the Paris Agreement.
- 2.3.9 In terms of the UK and Scottish targets, the report makes it clear that, “*this is only possible if clear, stable and well designed policies to reduce emissions further are introduced across the economy without delay. Current policy is insufficient for even the existing targets*”. (underlining added)
- 2.3.10 The report also adds for Scotland that:
- “*Scotland has proportionately greater potential for emissions removal than the UK overall and can credibly adopt a more ambitious target. It should aim for net zero greenhouse gas emissions by 2045. Interim targets should be set for Scottish emissions reductions (relatively to 1990) of 70% by 2030 and 90% by 2040*”.
- 2.3.11 The CCC report sets out various scenarios for UK net zero GHGs in 2050. These include one of extensive electrification, particularly of transport and heating. Page 23 of the Executive Summary states that this would need to be “*supported by major expansion of renewable and other low carbon power generation. The scenarios involve around a doubling of electricity demand, with all power produced from low carbon sources (compared to 50% today)*”. (underlining added)
- 2.3.12 The Technical Annexe to the CCC report specifically addresses integrating variable renewables into the UK electricity system. The Annexe makes it clear that variable renewable electricity such as large-scale onshore wind is now the cheapest form of electricity generation in the UK and can be deployed at scale to meet UK electricity demands.
- 2.3.13 The report contains a number of key messages including that “*intermittency of renewables does not prevent full decarbonisation of the power system. Deployment of variable renewables, alongside system flexibility, is a low regret and low cost means of de-carbonising the UK’s electricity system*”.

The UK Net Zero Target

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

CCC - Progress Report to Parliament (July 2019)

- 2.3.15 The Foreword of the Report states that in May 2019, the CCC’s Net Zero report offered compelling analysis of the need to reduce greenhouse gas emissions in the UK effectively to zero by 2050. The net-zero target meets the UK’s obligations under the Paris Agreement and responds to the

⁶ A net zero target would require 100% reduction in greenhouse gas emissions. It is referred to as ‘net’ as the expectation is that it would be met with some remaining sources of emissions which would need to be offset by removals of CO₂ from the atmosphere.

urgent need for action highlighted by the IPCC in the 2018 Special Report on 1.5°C of global warming.

2.3.16 The Report states that the CCC welcomes strongly the UK Parliament's decision to make net zero law – and the corresponding decisions of the Welsh Assembly and the Scottish Parliament. These are acknowledged to be positive steps which are of *“fundamental consequence for the future path of our economy, our society and the climate. Carbon neutrality has now become a mainstream goal”*.

2.3.17 Other key points included:

- It is time to act.
- The Adaptation and Mitigation Committees have reviewed the UK Government's approach to climate change adaptation and emissions reduction. The Report states *“we find a substantial gap between current plans and future requirements and an even greater shortfall in action”*.
- The Clean Growth Strategy, the UK's plan for emissions reduction, provides a solid foundation for the action needed to meet a net-zero GHG target but *“policy ambition and implementation now fall well short of what is required”*.

BEIS consultation on proposed amendments to the CfD scheme for low carbon electricity generation

2.3.18 The 'consultation on proposed amendments to the Contracts for Difference (CfD) scheme for low carbon electricity generation' was issued by the Department for Business Energy and Industrial Strategy (BEIS) in early March 2020. The Secretary of State confirmed on 02 March that onshore wind and solar developments would be able to bid in the 2021 CfD round and the consultation was on how best to facilitate this change to the CfD scheme.

2.3.19 The document is informative in setting out the UK latest policy position in relation to renewables and 'net zero'. Key points arising with regard to the policy position within the document include the following:

- The changes to the CfD scheme have been made to support the increase in ambition needed to achieve the Government's 2050 net zero target.
- It states that decarbonising the power sector is a vital part of the UK's effort to meet its world leading net zero target. It states whilst we cannot predict today exactly what the generating mix will look like in 2050, we can be confident that *“renewables will play a key role, alongside firm or flexible low carbon generating capacity”*. (underlining added)
- It adds that the UK was the first major economy to set a legally binding target to cut emissions to net zero by 2050 and end its contribution to global warming. It states, *“the target, which came into force on 27 June 2019, will require the UK to reduce all greenhouse gas emissions to net zero by 2050, compared with the previous target of an 80% reduction from 1990 levels. This is a landmark decision for the UK and one which demonstrates that we are continuing to lead the international effort to bring an end to climate change”*.
- It further adds that this is “.... an important step towards decarbonising the UK's energy system. The UK's new 2050 net zero emissions target means that we will continue to require substantial amounts of new, low carbon power sources to be built before 2050. In the report on net zero the Committee on Climate Change (CCC) states that the UK could require four times the amount of renewable generation from today's levels, requiring sustained and increased deployment between now and 2050”. (underlining added)
- Page 11 also adds that *“the transition to a net zero greenhouse gas economy will require change across the whole of society, and in this context the Government has considered how to ensure that CfD allocation rounds can best support an increase in the pace of renewable deployment needed to achieve its net zero ambitions....”*.

- 2.3.20 The aims of the consultation set out (page 11) are described as supporting the following themes, *inter alia*:
- Delivering net zero - by supporting the increased ambition required by the Government's economy wide legislative target to reach net zero GHG emissions by 2050; and
 - Maintaining energy security - by supporting deployment of new power sources needed to achieve a low cost and secure low carbon power system.
- 2.3.21 At page 15 of the document 'delivering net zero' is addressed and the Government sets out that *"on 27 June 2019, a new legally binding target to reach net zero greenhouse gas emissions by 2050 came into law in the UK. By 2050, the UK will need an ultra-low carbon power sector to meet this economy wide net zero emissions target. In parallel, generation will need to increase to meet future demand and at the same time as aging plants are being decommissioned. The CCC believes almost complete decarbonisation in the power sector can be achieved, but that to achieve this, low carbon electricity generation will need to quadruple by 2050. The CfD scheme therefore needs to be able to support a substantial increase in low carbon generation capacity"*. (underlining added)
- 2.3.22 The document continues by stating *"the UK's new 2050 net zero target will require a substantial amount of new, low carbon power sources to be built before 2050 and to produce the majority of power with renewables if we are to decarbonise at low cost... In its report on net zero, the CCC advise that the UK could require up to a four-fold increase in renewable generation under their 'further ambition' scenario"*.
- 2.3.23 With regard to the established technologies for CfD, importantly the consultation document sets out that Government is aware of a number of projects (mainly solar PV and onshore wind) and have deployed or are planning to deploy on a merchant basis since the last 'Pot 1' auction was held under the CfD regime. It adds:
- "however, there is a risk that if we were to rely on merchant deployment of these technologies alone at this point in time, we may not see the rate and scale of new projects needed in the near term to support decarbonisation of the power sector and meet the net zero commitment to low cost"*.
- 2.3.24 The consultation document from BEIS is therefore very important in further strengthening the overall policy case for onshore wind.

CCC Annual Report to UK Parliament (June 2020)

- 2.3.25 The CCC published its Annual Report⁷ to the UK Parliament (required under the Climate Change Act 2008) on 25 June 2020.
- 2.3.26 The report includes new advice to the UK Government on securing a green and resilient recovery following the COVID-19 pandemic. It recommends that Ministers *"seize the opportunity to turn the COVID-19 crisis into a defining moment in the fight against climate change"*. The CCC states that although a limited number of steps have been taken over the past year to support the transition to a net-zero economy and improve the UK's resilience to the impacts of climate change *"much remains to be done"*.
- 2.3.27 With reference to COVID-19, the CCC sets out that recovery from it will reshape how the climate crisis is tackled. It states in the Executive Summary:
- "Choices in the coming months must steer a recovery that drives vital new economic activity, accelerates our transition to Net Zero and strengthens our resilience to the impacts of climate change. UK domestic climate ambition can be the basis for UK international leadership in 2021, in the Presidency of the delayed UN climate summit in Glasgow (COP26) and in the G7 Presidency. It is 12 months since Net Zero became law, requiring the UK to reduce net emissions of greenhouse*

⁷ CCC 'Reducing UK emissions: 2020 Progress Report to Parliament' 25 June 2020.

gases to zero by 2050. Initial steps towards a net-zero policy package have been taken, but this was not the year of policy progress that the Committee called for in 2019.

Net Zero has been adopted as a key goal of the Governmentbut we are not making adequate progress in preparing for climate change. The delay of COP26 to November 2021 provides a window to address this policy deficit and establish a credible internationally-leading position”.

2.3.28 In terms of building a resilient recovery from the COVID-19 crisis the CCC state:

- Success requires that net-zero emissions and improved climate resilience are integral to the COVID-19 recovery;
- The extraordinary steps taken to slow infections in recent months have created new economic and social pressures;
- Climate investments will help create jobs and stimulate economic recovery, while changing the course of UK emissions and improving our resilience to climate change for the coming decade and beyond; and
- The fundamental requirements to achieve Net Zero are largely unchanged by COVID-19.

2.3.29 The report adds that the steps that the UK takes to rebuild from the COVID-19 pandemic and its economic damage can also accelerate the transition to low-carbon activities and improve climate resilience.

2.3.30 At page 16 of the report, the CCC state that in April 2020, the CCC wrote to the Prime Minister and the First Ministers of Scotland, Wales and Northern Ireland setting out six principles for a resilient recovery from COVID-19 as follows, *inter alia*:

- Use climate investments to support the economic recovery and jobs;
- Tackle the wider ‘resilience deficit’ on climate change.
- Ensure the recovery does not ‘lock-in’ greenhouse gas emissions or increased climate risk.

2.3.31 The report adds that the CCC ‘Costs and Benefits Advisory Group on Net Zero’, reconvened for the report endorsed these principles and concluded that *“the economic recovery from [COVID-19] gives the UK a chance to grow back in a way that is fit for the low-carbon future to which it aspires, and that can benefit from the industrial and economic developments that this future offers.”*

2.3.32 In terms of specific reference to the power sector, the report welcomes plans to bring onshore wind back into the system of power auctions and states a clear timetable for future auctions would support delivery and development of supply chains.

2.3.33 A fundamental part of the report is (Chapter 5 ‘Planning a resilient recovery’). The CCC state that:

“the economic impact of the pandemic is being felt worldwide, with the IMF predicting the worst global recession since the 1930s. The UK is heading for a recession. UK Gross Domestic Product (GDP) fell by 2% for the first quarter of 2020, covering only the very start of the crisis, and by over 20% in the month of April. The latest independent forecasts have, on average, predicted a fall of 8.6% in UK GDP for 2020.”

2.3.34 Overall, the Committee recommends that investments in low-carbon and climate adaptation infrastructure must be at the heart of measures to restore economic growth following COVID-19.

2.3.35 The report explains (page 184) that renewables can now be deployed at scale in the UK and Government should take advantage of the cost reductions in renewable electricity over the past decade and *“should continue to use the Contracts-for-Difference (CfD) auction mechanism to deliver ambitious power sector decarbonisation during the 2020s, consistent with plans for electrification of transport and heat”.*

- 2.3.36 Page 169 sets out that where powers are reserved to the UK level, the devolved administrations have an important role in ensuring that the emissions reductions take place. In particular, the devolved administrations should focus on various areas including “planning”, described as a *“useful lever over infrastructure that needs to be well aligned to objectives for emissions reduction”* by various means including *“a favourable planning regime for low-cost onshore wind.”*

2.4 Scottish Government Policy and Renewable Energy Generation Targets

- 2.4.1 In recent years there has been a large number of Scottish Government policy documents (as well as statute) on the topic of climate change and renewable energy. In this section the following more recent documents are referred to, with key policy objectives and targets highlighted:

- The Scottish Energy Strategy (2017);
- The Onshore Wind Policy Statement (2017);
- The Climate Change Plan (2018);
- Statements from the First Minister on the ‘Climate Emergency’;
- The Climate Change (Emissions Reduction Targets) (Scotland) Act 2019;
- The Programme for Government (2019);
- The CCC advice to the Scottish Government on recovery from the COVID-19 crisis (May 2020);
- The recommendations from the Scottish Government’s Advisory Group on Economic Recovery (June 2020);
- The Report from the Climate Emergency Response Group (CERG) ‘Eight Policy Packages for Scotland’s Green Recovery’ (July 2020); and
- The Programme for Government (2020).

The Scottish Energy Strategy (2017)

- 2.4.2 The Scottish Energy Strategy (SES) was published in December 2017 and sets a 2050 vision for energy in Scotland as *“a flourishing, competitive local and national energy sector, delivering secure, affordable, clean energy for Scotland’s households, communities and businesses”*.
- 2.4.3 The 2050 vision is expressed around six priorities including:
- “Renewable and low carbon solutions – we will continue to champion and explore the potential of Scotland’s huge renewable energy resource, and its ability to meet our local and national heat, transport and electricity needs – helping to achieve our ambitious emissions reduction targets.”*
- 2.4.4 The strategy also contains new whole system targets for 2030 as follows:
- The equivalent of 50% of the energy for Scotland’s heat, transport and electricity consumption to be supplied from renewable sources;
 - An increase by 30% in the productivity of energy use across the Scottish economy.
- 2.4.5 The longer-term target is further articulated on page 34 where it is stated: *“Scotland’s long-term climate change targets will require the near complete decarbonisation of our energy system by 2050, with renewable energy meeting a significant share of our needs.”*
- 2.4.6 The SES further states with regard to the 50% target: *“Scottish Government analysis underpinning this target, shows that renewable electricity could rise to over 140% of Scottish electricity consumption, ensuring its contribution to the wider renewable energy target for 2030. This assumes a considerably higher market penetration of renewable electricity than today – requiring in*

the region of 17 GW of installed capacity in 2030 (compared to 9.5 GW in June 2017)." (underlining added).

- 2.4.7 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"*.
- 2.4.8 Onshore wind is identified as a key technology and the SES states *"we will push for UK wide policy support for onshore wind, and take action of our own to prioritise and deliver a route to market – combined with a land use planning approach which continues to support development while protecting our landscapes"*.
- 2.4.9 The SES goes on to set out what is termed the "Opportunity" for onshore wind and there is explicit recognition that onshore wind is amongst the lowest cost forms of power generation. It is also recognised as *"a vital component of the huge industrial opportunity that renewables creates for Scotland"*. Reference is made to the employment levels and economic activity derived from onshore wind and the SES sets out that the Government is *"determined to build on these strengths"*.
- 2.4.10 The SES sets out the Government's clear position on onshore wind namely:
- "our energy and climate change goals mean that onshore wind must continue to play a vital role in Scotland's future – helping to decarbonise our electricity, heat and transport systems, boosting our economy, and meeting local and national demand."*
- "That means continuing to support development in the right places, and – increasing the extension and replacement of existing sites with new and larger turbines, all based on an appropriate, case by case assessment of their effects and impacts and it means developers and communities working together and continuing to strike the right balance between environmental impacts, local support, benefits, and – where possible economic benefits deriving from community ownership"*. (underlining added)
- 2.4.11 The SES adds:
- "this can be done in a way which is compatible with Scotland's magnificent landscapes, including our areas of wild land. This means that the relevant planning and consenting processes will remain vitally important. A major review of the Scottish planning system is well underway, and will continue as now to fully reflect the important role of renewable energy and energy infrastructure, in the right places"*.
- 2.4.12 The SES goes on to cross refer to further detail in relation to onshore wind as contained within the Onshore Wind Policy Statement (OWPS) which has been published alongside the SES. The SES therefore, in addition to setting new stretching renewable energy and electricity targets, gives unequivocal strong policy support for the further development of onshore wind. In short, there is a renewed and enhanced impetus being imparted, rather than just a continuation of previous support.
- 2.4.13 Page 69 references "near term actions" for onshore wind including:
- *"Build on the positive and practical provision for onshore wind in our planning system under the next National Planning Framework and Scottish Planning Policy; and*
 - *Implement the new Onshore Wind Policy Statement, which underlines the continued importance of this established low cost resource".* (underlining added).
- 2.4.14 On the basis of the near term actions for onshore wind in the SES (see above), it can be anticipated that these new national planning policy documents, with their enhanced status, will reflect this strong support for onshore wind now set out in the SES and OWPS. A National Planning Framework 4 (NPF4) 'Position Statement' is expected to be published in November 2020.

The Onshore Wind Policy Statement (2017)

- 2.4.15 The OWPS, published in December 2017 sets out the up to date national policy position in relation to onshore wind. The Ministerial Foreword sets out that *“there is no question that onshore wind is a vital component of the huge industrial opportunity that renewables more generally create for Scotland”*.
- 2.4.16 It adds *“our energy and climate change goals mean that onshore wind will continue to play a vital role in Scotland’s future – helping to substantively decarbonise our electricity supplies, heat and transport systems, thereby boosting our economy.”*
- 2.4.17 Chapter 1 is entitled ‘Route to Market’ and it sets out (paragraph 2) that onshore wind, as a mature and established technology, is now amongst the lowest cost forms of generating electricity, renewable or otherwise. It adds *“we expect onshore wind to remain at the heart of a clean, reliable and low carbon energy future in Scotland”*.
- 2.4.18 Establishing a route to market is essential to enable wider deployment and an increased contribution from onshore wind. In a subsidy free context, it will be the larger scale developments that can capture a good wind resource and which have cost effective grid connection arrangements which will make a valuable early contribution to targets.
- 2.4.19 Paragraph 3 continues
“In order for onshore wind to play its vital role in meeting Scotland’s energy needs, and a material role in growing our economy, its contribution must continue to grow. Onshore wind generation will remain crucial in terms of our goals for a decarbonised energy system, helping to meet the greater demand from our heat and transport sectors, as well as making further progress towards the ambitious renewable targets which the Scottish Government has set”.
- 2.4.20 The statement therefore makes it very clear that onshore wind is expected to make a significant contribution to Scotland’s energy needs including renewable targets into the long term.
- 2.4.21 Paragraph 4 of Chapter 1 states that given the recognised contribution that onshore is expected to make to Scotland’s future energy and renewable targets *“this means that Scotland will continue to need more onshore wind development and capacity, in locations across our landscapes where it can be accommodated”*. This statement not surprisingly therefore continues the current approach as set out in SPP that, whilst there is a very strong need case for further onshore wind development, environmental considerations are factors to be taken into account in the operation of the planning system. This principle is reflected throughout the OWPS.
- 2.4.22 Paragraph 8 of Chapter 1 emphasises the industrial opportunity presented by a growing onshore wind sector and it states that *“the extent to which we can continue to capture these benefits, remains a top priority for Scottish Ministers”*.
- 2.4.23 The role of onshore wind in sustaining and further growing the supply chain for the sector is therefore a very important consideration and this is recognised in SPP at paragraph 169.
- 2.4.24 Paragraph 23 states that the Scottish Ministers *“acknowledge that onshore wind technology and equipment manufacturers in the market are moving towards larger and more powerful (i.e. higher capacity) turbines and that these by necessity – will mean taller towers and blade tip heights”*.
(underling added)

The Climate Change Plan (2018)

- 2.4.25 The Scottish Government published a draft Climate Change Plan (CCP) – ‘the draft Third Report on Policies and Proposals 2017 – 2032 (RPP3)’ on 19 January 2017 under the provisions of the Climate Change (Scotland) Act 2009.
- 2.4.26 A final version of the CCP was published in February 2018 and is intended to be the last produced under the 2009 Act. The CCP confirms the Scottish Government supports the Paris Agreement, which sets the standard for the international response to climate change. In terms of the electricity sector, the CCP states that:
- By 2032, Scotland’s electricity system will supply a growing share of Scotland’s energy needs and by 2030, 50% of all Scotland’s energy needs will come from renewables (page 15).
 - By 2032, Scotland’s electricity system will be largely decarbonised and be increasingly important as a power source for heat and transport.
 - Electricity will be increasingly important as a power source for heat and in transport to charge Scotland’s growing fleet of ultra-low emission vehicles.
- 2.4.27 The CCP states that later in 2018, the Scottish Government will introduce a new Climate Change Bill with even more ambitious targets than those prescribed by the 2009 Act and, in so doing, Scotland will become one of the first countries in the world to legislate to support the aims of the Paris Agreement. (page 27)
- 2.4.28 Chapter 1 addresses electricity and states “*our ambition for the electricity sector, as set out in this chapter, is consistent with the Scottish Government’s Energy Strategy published in December 2017. In 2032, Scotland’s electricity system will be largely decarbonised. The system will be powered by a high penetration of renewables, with security of supply and system resilience aided by a range of flexible and responsive technologies*”. (page 67)
- 2.4.29 Reference is made to the SES which the CCP states contains proposals that will increase the level of renewable electricity generation, including new targets and commitments to continue supporting the key renewable generation technologies.

The declared Climate Emergency in Scotland

- 2.4.30 Scottish First Minister Nicola Sturgeon declared a "Climate Emergency" in her speech to the SNP Conference in April 2019, stating:
- "As First Minister of Scotland, I am declaring that there is a climate emergency. And Scotland will live up to our responsibility to tackle it."* Referring to the recently published CCC advice, Ms Sturgeon added *"if that advice says we can go further or go faster, we will do so"*.
- 2.4.31 Furthermore, Climate Change Secretary Roseanna Cunningham made a statement on 14 May to the Scottish Parliament on the 'Global Climate Emergency'. Again, with reference to the recent CCC Report:
- " There is a global climate emergency. The evidence is irrefutable. The science is clear And people have been clear: they expect action The Intergovernmental Panel on Climate Change issued a stark warning last year the world must act now By 2030 it will be too late to limit warming to 1.5 degrees.*
- We acted immediately with amendments to our Climate Change Bill to set a 2045 target for net zero emissions - as we said we'd do. If agreed by Parliament, these will be the most stringent legislative targets anywhere in the world and Scotland's contribution to climate change will end, definitively, within a generation. The CCC was clear that this will be enormously challenging...."*

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

"And subject to the passage of the Planning Bill at Stage 3, the next National Planning Framework and review of Scottish Planning Policy will include considerable focus on how the planning system can support our climate change goals."

The Scottish Government has therefore begun to act on the stark warnings issued by the IPCC who have stated that by 2030 it would be too late to limit global heating to 1.5 degrees – but there is much more to be done".

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

The Programme for Government (2019)

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

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

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

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

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

2.4.37 Page 38 also states that the Scottish Government is making a number of other major commitments in response to the climate emergency and in terms of 'planning' this will include the fourth NPF which will help to radically accelerate reduction of emissions. The publication of draft NPF4 has however, now been delayed until September 2021 (with an interim 'Position Statement' to be published in Autumn 2020).

2.4.38 Page 39 refers specifically to planning and key points referenced in this regard include:

- The global climate emergency means that the time is right for wide-ranging debate on more radical planning policy options;
- Planning is recognised as a vital tool in leveraging the changes needed to achieve goals; and
- Through engagement on the fourth NPF the Government will explore planning options that radically accelerate reduction of emissions.

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

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

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

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

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

- 2.4.47 The Scottish Government received the report of the Advisory Group on Economic Recovery - entitled 'towards a robust, resilient well-being economy for Scotland' in June 2020.
- 2.4.48 The group was established by the Scottish Government in April 2020 as a response to the long term impact of COVID-19 and was specifically asked to focus on Scotland's economic recovery with the emphasis on the period after the immediate emergency created by COVID-19 had been addressed.
- 2.4.49 The report provides advice to the Scottish Government on actions across businesses sectors and regions throughout Scotland and the solutions are intended to enable a swift economic recovery and one that also ensures the Scottish economy will emerge stronger and more resilient.
- 2.4.50 The report recognises amongst various measures that there is a need now to considerably increase the pace and scale of deployment of renewables to meet low carbon generating targets

over the next 25 years and to enable Scotland to: “*grasp the tremendous opportunities for a green recovery which such a transition offers*”.

- 2.4.51 It adds: “*This imperative presents increased and urgent challenges for the existing policy, planning and licensing framework to identify and consent suitable projects with a sufficient level of impact in the light of the climate emergency at a scale and to a timetable to deliver on Scotland's net zero targets*”.
- 2.4.52 The report sets out that the economic recovery will be long, but action needs to start now. It recommends that the Scottish Government needs to define and execute its recovery plan with purpose and urgency and that the response to the proposals and the Government's strategy in that regard for economic recovery should be published by the end of July 2020.

The Report of the Climate Emergency Response Group to the Scottish Government (July 2020)

- 2.4.53 The Report from the Climate Emergency Response Group⁸ (CERG) entitled ‘Eight Policy Packages for Scotland's Green Recovery’ was published in July 2020.
- 2.4.54 The Report sets out that the CCC has written to the Scottish Government with their own initial advice on ‘Building a resilient recovery from the COVID-19 crisis’ which has now been followed with more detail in its 2020 Progress Report to the UK Parliament. The CERG has developed its policy packages, building on the CCC advice as well as providing CERG principles for a green recovery.
- 2.4.55 The Report recognises that there has been an enormous impact on the economy in Scotland as a result of COVID-19, potentially of a scale not seen since the Great Depression of the 1920s. It adds:
- “*Going into this crisis, the Scottish Government's response to the climate emergency was beginning to gather pace following the Programme for Government announcements in September 2019. New policies were being developed across sectors, and new finance had been allocated to key areas by the 2020/21 Scottish Budget. However, gaps remained in translating policy ambition into policy delivery, and to this extent the necessary refocussing of government attention by the current COVID-19 crisis may have temporarily delayed our response to the climate emergency.*” (page 8)
- 2.4.56 This report is focussed on delivering practical, workable, solutions that the Scottish Government can implement now, in order to move Scotland towards a net-zero economy, while recovering from the COVID-19 crisis.
- 2.4.57 The recommendations include eight policy packages identified as priorities for accelerating Scotland's climate emergency response as part of a wider economic recovery package for a fairer and greener Scotland. The policy packages are divided into four priority areas for economic recovery and four priority strategies which describe the policy and fiscal approaches which are recommended.
- 2.4.58 One of the four priority strategies, is entitled ‘Unlocking private investment with greater policy certainty’. It states:

“*The recovery must be investment-led, and the demand for high-quality investments remains much greater than the supply – evidenced by very low interest rates, resilient stock markets, etc. The Scottish Government can secure additional investment by creating an attractive policy environment for investors, resulting in stronger business cases for a climate neutral economy and channelling*

⁸ The CERG comprises leaders spanning Scotland's private, public and third sectors, delivery organisations and membership bodies. The group aims to inform and influence the Scottish Government's response to the climate emergency by providing practical, workable solutions that can be implemented – now. After launching in August 2019, the group's 12-point plan for action was adopted by the Scottish Government as part of its 2019 Programme for Government to support its target of achieving net zero carbon emissions by 2045.

investment in the right direction. This securing of private investment through greater policy certainty will be at least as important as the role of public sector investment.”

- 2.4.59 Set out under what can be achieved in the near term (next 6-12 months) is reference to planning and onshore wind as follows:

“Planning policy. Update existing planning guidance to enable new and existing onshore wind planning consents and enhance the competitiveness of Scottish projects. This will help ensure that Scotland secures a high share of Contract for Difference or alternatively financed onshore renewable projects in the coming years.”

- 2.4.60 The CERG Report states that the Group:

“encourages the Scottish Government to embrace these policy packages as key components of its economic recovery plans for a fairer and greener Scotland. These commitments should be reflected in the key milestones over the next few months – starting with the Government’s response to the report from the Advisory Group on Economic Recovery, and continuing with the Programme for Government, the review of the Infrastructure Investment Plan, and the new Climate Change Plan”.

- 2.4.61 The Report concludes by stating that:

“Scotland’s response to COVID-19 is a massive opportunity to catapult and prioritise a just transition to a net-zero economy....This report has identified specific policy proposals which can help make that a reality - directly addressing the economic concerns resulting from the public health crisis while stepping up our response to the climate crisis – an existential emergency that has not gone away. The packages have also been designed to make the most of the wider social, health and well-being benefits.”

The Programme for Government (2020)

- 2.4.62 The Scottish Government’s Programme for 2020-21 was published in September 2020. Chapter 1 of the document is entitled ‘a National Mission to Create New Jobs, Good Jobs and Green Jobs’.

- 2.4.63 Page 4 sets out that central to the economic recovery is a new national mission in terms of employment creation. It adds:

“our economic recovery must be a green recovery. Even before the pandemic, we knew we had significant work to do in order to improve the state of nature and meet our statutory commitment to be a net zero society by 2045. The impact of the crisis has reinforced the need for that, but also the opportunities it presents.

We will immediately put a clear new focus on our updated Climate Change Plan, ensuring it reflects our new starting point and the central importance of a green recovery to Scotland’s progress”.

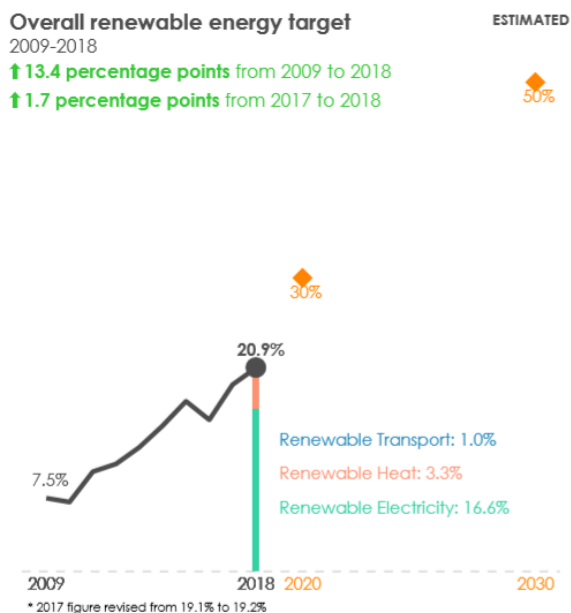
- 2.4.64 Page 36 sets out that *“the Government’s response will ensure that a green recovery is at the heart of the economic recovery”* and it states that *“an updated Climate Change Plan will be published before the end of 2020”.*

2.5 Progress to the Scottish 2020 Renewable Energy & Electricity Targets

Renewable Energy

- 2.5.1 The Scottish Government's targets are to achieve 30% of total Scottish energy use from renewable sources by 2020 and 50% by 2030. The Government's 'Energy Statistics for Scotland' (March 2020) show that in 2018, 20.9% of total Scottish energy consumption came from renewable sources. This is illustrated in Figure 2.1 below. It is evident that there is a steep trajectory that will need to be sustained in order to meet future targets.

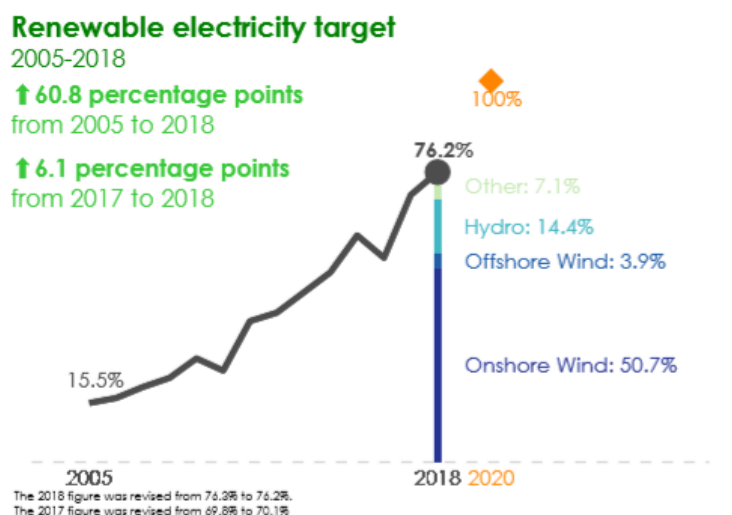
Figure 2.1: Performance against the 2020 & 2030 Renewable Energy Targets



Renewable Electricity

- 2.5.2 The Scottish Government estimates that in 2019, renewable sources generated the equivalent of approximately 90% gross electricity consumption⁹. This is illustrated in Figure 2.2 below. It can be seen that onshore wind is the key contributing technology and that role is expected to continue, as set out in both the SES and OWPS.

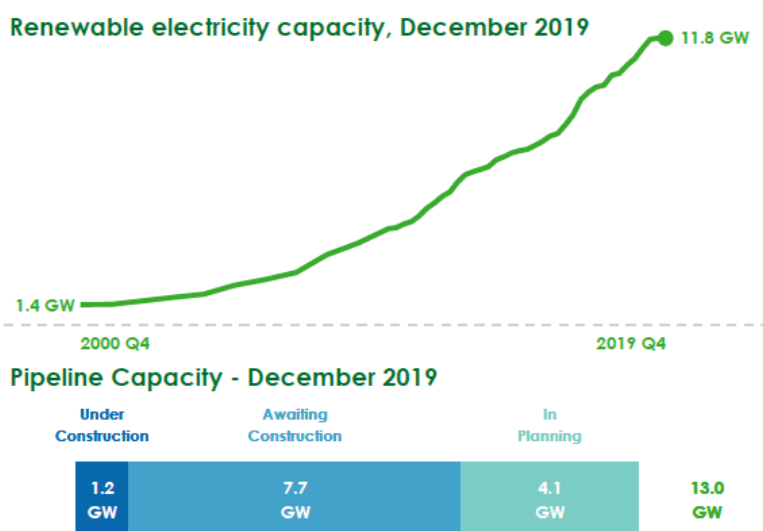
Figure 2.2: Performance against 2020 Renewable Electricity Target



Renewable Electricity Capacity

- 2.5.3 The Scottish Government's¹⁰ March 2020 statistics show that as of December 2019, Scotland had 11.8 Giga-Watts (GW) of installed (operational) renewable electricity generation capacity, with an additional 1.2 GW of capacity under construction and 7.7 GW consented. Figure 2.3 below illustrates Scotland's renewable capacity by stage in the planning process.

Figure 2.3: Renewable Capacity in Scotland by Planning Stage, as of December 2019



- 2.5.4 It can be seen that there remains a significant shortfall against the Scottish 2020 renewable electricity generation target as the 'operational' and 'under construction' figures together only

⁹ Scottish Government, Renewable Energy Statistics, March 2020.

¹⁰ *ibid.*

amount to 13GW. Not all consented projects will proceed to implementation. The proposed development would make a valuable contribution to what remains an unmet and uncapped target for 2020.

2.6 Conclusions on the Renewable Energy Policy Framework

- 2.6.1 The Scottish Energy Strategy (SES) (2017), which preceded the important events and publications referred to above, already sets out that onshore wind is recognised as a key contributor to the delivery of renewable energy targets – specifically the 2030 50% energy from renewable sources target – which could see renewable electricity rise to over 140% of Scottish electricity consumption. The Government set out (based on targets and circumstances at that time) that this may require in the region of 17GW of installed renewables capacity by 2030 (SES, page 34).
- 2.6.2 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 – this is expected to be addressed in an updated Climate Change Plan to be published in December 2020.
- 2.6.3 Regardless, the Government’s 2020 renewable electricity target remains unmet and has been supplemented by the stretching 2030 targets.
- 2.6.4 One of the key messages in the OWPS is the recognition that onshore wind is to play a “vital role” in meeting Scotland’s energy needs, a “material” role in growing the economy and it is specifically stated that the technology remains “crucial” in terms of Scotland’s goals for an overall decarbonised energy system and to attain ambitious renewable targets for the milestone dates of 2020, 2030 and 2045.
- 2.6.5 This language on the role of onshore wind is demonstrably stronger than that in the NPF and SPP published in 2014. Even if a view is taken that the language is no different, the context within which the NPF / SPP policy statements were given is demonstrably different by way of more stretching targets and no subsidy or certainty on route to market for onshore wind. The increased importance of the contribution that onshore wind is expected to make to targets and meeting future energy needs to be recognised.
- 2.6.6 The OWPS also makes specific reference to the move *“towards larger and more powerful (i.e. higher capacity) turbines and that these by necessity – will mean taller towers and blade tip heights”*. Notice is therefore given of market reality and evolving technological change and the benefits larger turbines can bring in terms of energy yield and a consequent larger contribution to targets.
- 2.6.7 Whilst the SES and the OWPS are evidence of a continuum of ever stronger positive advice on onshore wind development as part of the Scottish Government’s renewables strategy, the latest documents and legally binding targets for net zero introduced in 2019 go further.
- 2.6.8 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, as noted above, the new Climate Change (Emissions Reduction Targets) (Scotland) Act 2019 sets even more ambitious targets – which reflect the recommendations of the CCC for a net zero GHG emissions target by 2045 at the latest, with challenging interim stages – a 75% reduction target by 2030 and 90% by 2040.
- 2.6.9 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 generation.
- 2.6.10 This CCC report was published at the same time as a series of high-profile environmental reports, and political declarations of a “Climate Emergency”. It is very clear that the mood changed in 2019 with regard to the importance of tackling climate change and the global heating crisis. Timing is critical as with each year passing, the closer we are to the target dates, and time is lost in implementing the Government’s Energy Strategy.

- 2.6.11 The Scottish Energy Minister¹¹ has stated that in light of adopting the CCC recommendations “*this means we have the most stringent statutory targets in the world*”. Moreover, the CCC is unambiguous in stating that “*Current policy is insufficient for even the existing targets*”.
- 2.6.12 To reiterate key points made above: the Scottish Government has acted on the stark warnings issued by the IPCC who have stated that by 2030 it would be too late to limit global heating to 1.5 degrees.
- 2.6.13 In light of the CCC recommendations the Scottish Government is seeking “transformative change” – and that action has to be quick and decisive. An emergency is a grave situation that requires urgent action and cannot wait for new policies to emerge in years to come. Decisions through the planning system must be responsive to this position and bring these material matters into play in planning determinations, by according these factors proper weight through the application of the planning balance. The current situation must therefore go to the matter of weight to be attributed to benefits and the need case for the proposed development.

The Weight to be given to Renewable Energy Policy

- 2.6.14 It has to be acknowledged that the need case with regard to renewable generation and emissions reduction targets as set out in NPF3 and SPP, drafted in 2014, are more than 6 years old and do not reflect the new reality for the reasons outlined above. The documents are under review and have to a large extent been overtaken by new statutory provisions and related policy on renewable energy targets and GHG emissions reductions. We can only expect the expression of the need case to intensify in future policy documents such as NPF4.
- 2.6.15 The events of the last 18 months described above do not need formal planning policy articulation in order to be given weight in planning decisions by a decision maker. Significant weight should be given to the recent new law and net zero related pronouncements which clearly go much further than the current targets in SPP and NPF3.
- 2.6.16 The current situation is more urgent and more grave than that which prevailed in 2014 when SPP and NPF3 were published - that must therefore go to the matter of weight to be attributed to the benefits of the proposed development and the need case.
- 2.6.17 The Applicant does not suggest that the planning balance that needs to be struck should not reflect the advice in SPP. The fundamental planning principle that needs to be acknowledged and followed is that it is open to a decision maker to place the weight he or she thinks fit on a material consideration.
- 2.6.18 Any suggestion that the Climate Emergency does not give rise to an urgent need for action simply because, as yet, planning advice and guidance has not been amended would be misguided. As set out above, it is wholly legitimate for the planning system to take account updated and emerging issues as material considerations in arriving at a decision on a proposal.
- 2.6.19 The Applicant’s position is that the overall planning framework in which the planning balance has to be struck clearly needs to take into account SPP and NPF3 since they are important material considerations. However, as noted, other material considerations of relevance should be afforded weight and the amount of weight is for the decision maker to determine.
- 2.6.20 A recent Appeal Decision Notice helps to illustrate this approach. The Millenderdale Farm Appeal Decision Notice of 16 April 2020 (DPEA Reference: PPA-370-2077) involved a five-turbine wind farm in South Ayrshire which was the subject of an Appeal following a refusal of planning permission by South Ayrshire Council. Although the Appeal was not upheld, the reasoning within it is informative on the matter of energy policy and how it should be addressed by way of a material consideration in a planning or indeed an Electricity Act determination.

¹¹ Paul Wheelhouse, Minister for Energy, Connectivity and the Islands, Ministerial Foreword of the ‘Annual Energy Statement 2019’ Scottish Government.

- 2.6.21 In the decision, the Reporter at paragraph 78 states that both SPP and NPF3 offer strong support for onshore wind farms. At paragraph 80 she acknowledges that:

“SPP and NPF3 refer to, and are reflective of, the then legislative and policy context in relation to renewable energy and climate change. However, as the Appellant points out, this context has changed in the meantime”.

- 2.6.22 The Reporter went on at paragraph 81 to refer to new matters including the SES (2017) and the associated OWPS and the new Emissions Reduction Targets Act of 2019. Furthermore, the Reporter made a point of noting that as of 2019 the UK had not met its EU 2020 target for renewable energy and that there are further targets to be met by 2030 under that Directive which remain legally binding notwithstanding the UK's departure from the EU. The declared Climate Emergency in Scotland is also referenced.

- 2.6.23 At paragraph 83 of the decision, the Reporter states:

“I agree with the Appellant that all of this (and the various related documents supplied by the Appellant) demonstrates that they need to respond to climate change, the urgency and scale of that challenge, and the contribution of wind and other renewable energy in doing so, are all considerably heightened and important. I agree that, as a material consideration, this increases the value that should attach to the renewable energy benefits of the proposed development”.

- 2.6.24 The Reporter went on to state that those benefits would still need to be weighed in the overall planning balance. That is the approach that the Applicant is advocating in this case: namely that SPP and NPF3 provide the broad planning framework, in particular by way of the Spatial Framework and at paragraph 169 where there is reference to the various ‘considerations’ that need to come into play in a planning judgment.

- 2.6.25 SPP does not advise decision makers on the amount of weight that needs to be afforded to any given material consideration. It is clear from Millenderdale Farm that the Reporter in that case placed greater weight on the benefits that would flow from a wind farm as a result of the ‘considerably heightened’ importance “of the need to respond to climate change”.

- 2.6.26 The increased importance is justified on the basis of the new material considerations that have arisen since SPP and NPF3 were published in 2014. As the Reporter rightly highlights, the context since then has considerably changed and that is what needs to be taken into account in planning decisions.

3. National Planning Policy & Guidance

3.1 Introduction

- 3.1.1 Relevant national planning policy guidance and advice is addressed in this Chapter. Reference is made to the National Planning Framework, Scottish Planning Policy and Scottish Government advice on renewable developments. National planning policy is a very important consideration: amongst other matters it sets the framework of development management factors and the approach to Spatial Frameworks for onshore wind energy.

3.2 The National Planning Framework 3

- 3.2.1 The National Planning Framework 3 (NPF3) was published on 23 June 2014. NPF3 is a long-term strategy for Scotland and is the spatial expression of the Government's Economic Strategy and plans for development and investment in infrastructure. Together, NPF3 and SPP (2014), applied at the strategic and local levels, are intended to help the planning system deliver the Scottish Government's vision and outcomes for Scotland and to contribute to the Government's central purpose.
- 3.2.2 High level support for renewables is provided through the "vision" which is referred to as *inter alia*:
- A successful, sustainable place – *"we have a growing low carbon economy which provides opportunities..."*;
 - A low carbon place - *"we have seized the opportunities arising from our ambition to be a world leader in low carbon generation, both onshore and offshore..."*;
 - A natural resilient place - *"natural and cultural assets are respected; they are improving in condition and represent a sustainable economic, environmental and social resource for the nation..."*.
- 3.2.3 Further support is provided in Chapter 3 "A Low Carbon Place" which sets out the role that Planning will play in delivering the commitments set out in 'Low Carbon Scotland: The Scottish Government's Proposals and Policies'. It states:
- "the priorities identified in this spatial strategy set a clear direction of travel which is consistent with our world leading climate legalisation"*.
- 3.2.4 The introduction to Chapter 3 states that the Scottish Government's ambition *"is to achieve at least an 80% reduction of greenhouse gas emissions by 2020"*.
- 3.2.5 Paragraph 3.7 states onshore wind is *"...recognised as an opportunity to improve the long-term resilience of rural communities"*.
- 3.2.6 Paragraph 3.8 states that the Government's aim is to meet at least 30% of overall energy demand from renewables by 2020 – this includes generating the equivalent of at least 100% of gross consumption from renewables.
- 3.2.7 Paragraph 3.9 states:
- "Our Electricity Policy Statement sets out how our energy targets will be met. We are making good progress in diversifying Scotland's energy generation capacity, and lowering the carbon emissions associated with it, but more action is needed. Maintaining security of supplies and addressing fuel poverty remain key objectives. We want to continue to capitalise on our wind resource..."*.
- 3.2.8 Paragraph 3.23 states that *"onshore wind will continue to make a significant contribution to diversification of energy supplies"*.

- 3.2.9 In conclusion, it is clear that onshore wind development is recognised as a key technology in the energy mix which will contribute to Scotland becoming ‘a low carbon place’ which in turn will be a key part of the ‘vision’ for Scotland (as set out at paragraph 1.2 of NPF3). Furthermore, the Scottish Government has made it unequivocally clear that it wants to continue to “*capitalise on our wind resource*”. The Development would contribute to the renewable electricity and energy targets as set out in NPF3 and to longer term Government policy objectives and targets.
- 3.2.10 Together NPF3 and SPP (see below) applied at the national, strategic and local level will help the planning system to deliver the vision and outcomes for Scotland for sustainable and low carbon economy. The Development is consistent with the provisions of the NPF3, as it is considered that it makes a use of the natural wind resources to produce low carbon energy and diversify the energy mix. It is assessed to accord with the principle of sustainable development as it is designed and sited to minimise the effects on the environment, whilst bringing benefits to the local community and contributing to economic development.

3.3 Scottish Planning Policy

- 3.3.1 SPP was published on 23 June 2014. The purpose of SPP is to set out national planning policies which reflect Scottish Government Ministers’ priorities for the operation of the planning system, and for the development and use of land. Paragraph (iii) states that the content of SPP is a material consideration that carries significant weight, although it is for the decision maker to determine the appropriate weight to be afforded to it in each case.

Relationship of SPP to National Outcomes

- 3.3.2 Paragraph 9 of SPP refers to ‘Outcomes’ as they relate to the Scottish Government’s ‘Purpose’ “*of creating a more successful country, with opportunities for all of Scotland to flourish through increasing sustainable economic growth...*”.
- 3.3.3 Paragraph 10 adds that the Scottish Government’s 16 national outcomes articulate in more detail on how the Purpose is to be achieved. It adds that the pursuit of these outcomes provides the impetus for other national plans, policies and strategies and many of the principles and policies set out in them are reflected in both SPP and NPF3.
- 3.3.4 Paragraph 13 introduces four planning outcomes which explain “*how planning should support the vision*” for the planning system in Scotland. These are further referred to below.
- 3.3.5 Paragraph 18 makes reference to the Climate Change (Scotland) Act 2009 which has set a target of reducing greenhouse gas emissions by at least 80% by 2050, with an interim target of reducing emissions by at least 42% by 2020. As explained below, the Government has now set updated emission reduction targets.

Principal Policies of SPP

- 3.3.6 SPP contains two Principal Policies, namely ‘sustainability’ and ‘placemaking’¹². Sustainability is addressed at Page 9. SPP states at paragraph 24 that:
- “the Scottish Government’s central purpose is to focus Government and public services on creating a more successful country, with opportunities for all of Scotland to flourish, through increasing sustainable economic growth”.*
- 3.3.7 Paragraph 27 cross refers to the Government’s Economic Strategy which it states “*indicates that sustainable economic growth is the key to unlocking Scotland’s potential ... and to achieving a low carbon economy ...*”. It also makes reference to the need to maintain a high quality environment and to pass on “*a sustainable legacy for future generations*”.

Presumption in Favour of Development that contributes to Sustainable Development

¹² ‘Placemaking’ is not addressed in this Planning Statement as it is directed at the built environment and not development of this type, in the countryside.

- 3.3.8 An important 'Policy Principle' in the planning system, introduced by SPP is the statement at Paragraph 27, as follows:

"This SPP introduces a presumption in favour of development that contributes to sustainable development".

- 3.3.9 Paragraph 28 continues and states:

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

- 3.3.10 The presumption applies to all types of development – SPP does not specify any exclusions.

- 3.3.11 Paragraph 29 of SPP assists by setting out that policies and decisions should be guided by a number of principles. Those of relevance are listed in Table 3.1 below together with a summary response of the extent to which the proposed development would be consistent or otherwise with the respective principles:

SPP Principles

- 3.3.12 Paragraph 29 of SPP sets out that policies and decisions should be guided by a number of principles. Those of relevance are listed in Table 3.1 below together with a summary response of the extent to which the proposed development would be consistent or otherwise with the respective principles.

Table 3.1: SPP para. 29 Principles

Policy Principle	Proposed Development
1. Giving due weight to net economic benefit.	There would be net positive socio-economic effects.
2. Respond to economic issues, challenges and opportunities, outlined in local economic strategies.	The proposed development fits with the drive to encourage renewable energy development in the HwLDP.
3. Supporting good design and the six qualities of successful places.	Limited relevance - but a successful layout has been achieved that fits with landscape character - without unacceptable effects.
4. Supporting delivery of infrastructure, for example transport, education, energy, digital and water.	The proposed development would deliver energy infrastructure.
5. Supporting climate change mitigation and adaptation including taking account of flood risk.	The proposed development would help to support climate change mitigation by replacing fossil fuel energy generation with renewable energy, thereby reducing emissions of climate changing gases.
6. Improving health and well-being by offering opportunities for social interaction and physical activity, including sport and recreation.	The proposed development would provide opportunities for walking and biking on access tracks.
7. Having regard to the principles for sustainable land use set out in the Land Use Strategy.	The Land Use Strategy (2016-21) is a key commitment in the Climate Change (Scotland) Act 2009. The Strategy cross refers to development plans and their policies such landscape protection, biodiversity, and renewable energy development which, through planning decision making will help deliver the Strategy and the principles for sustainable land use. The proposed development would contribute positively to climate change action and demonstrate care for the landscape by being in what can be regarded as a 'Group 3' location and one which is consistent with a landscape capacity study – as set out in the OWSG.
8. Protecting, enhancing and promoting access to cultural heritage, including the historic environment.	The proposed development would have a neutral effect in relation to this principle.
9. Protecting, enhancing and promoting access to natural heritage, including green infrastructure, landscape and the wider environment.	The proposal would not restrict access and whilst there would be some significant landscape effects, the landscape has the capacity for the development at the scale proposed.
10. Avoiding over-development, protecting the amenity of new and existing development and considering the implications of development for water, air and soil quality.	There would be no conflict with this policy principle.

3.3.13 The fourth, fifth and twelfth principles in SPP relate to town centre and regeneration priorities and specifically housing, business, retail uses, and waste management and resource recovery etc. and are of no relevance to the proposed development.

3.3.14 As set out above, the proposed development satisfies the principles set out at paragraph 29 of SPP and it would also assist in delivering SPP Outcomes in particular Outcomes 1 and 2 (namely a successful sustainable and low carbon place) – indicating that overall the proposal is consistent with sustainable development. SPP sets out a presumption in favour of proposals that contribute to

sustainable development. Furthermore, the proposal is considered to be acceptable when considered against the development management considerations in relation to renewable energy developments as set out at paragraph 169 of SPP.

- 3.3.15 Furthermore, the proposal is considered to be acceptable when considered against the development management considerations in relation to renewable energy developments as set out at paragraph 169 of SPP.
- 3.3.16 The proposed development therefore benefits from the presumption in favour of development that contributes to sustainable development.
- 3.3.17 The operation of the presumption in favour has been examined at a number of section 36 Electricity Act 1989 Public Inquiries in recent years. The approach of Reporters to the application of the SPP advice on the presumption in these cases has explicitly taken into account paragraph 33 of SPP and held that the advice in that paragraph was relevant. Paragraph 33 of SPP states:
- “Where relevant policies in a development plan are out-of-date or the plan does not contain policies relevant to the proposal, then the presumption in favour of development that contributes to sustainable development will be a significant material consideration. Decision-makers should also take into account any adverse impacts which would significantly and demonstrably outweigh the benefits when assessed against the wider policies in this SPP. The same principle should be applied where a development plan is more than five years old”.* (underlining added)
- 3.3.18 The approach of Reporters to date now has to be addressed in the light of the recent judgement of the Inner House in the Gladman case¹³. The Court determined that in the case of housing development the starting point for considering the presumption was paragraph 33 of SPP. Paragraphs 32 and 33 address the presumption against the background of development plan primacy under section 25 of the 1997 Act and it would seem that the approach in Gladman will apply to all developments proceeding under the 1997 Act.
- 3.3.19 However, for cases proceeding under section 36 of the Electricity Act 1989, there is no development plan primacy. That being so it is difficult to see that paragraph 33 of SPP can apply to section 36 cases. Indeed, the advice on the tilted balance relates well only to cases where the development plan has primacy. Rather, the correct approach for section 36 cases is that set out above which starts from the position that the presumption is clearly intended to apply to all development regardless of the decision-making jurisdiction. The paragraph 29 SPP principles are applied to determine the applicability of the presumption from case to case¹⁴.

¹³ The judgement of the Inner House of the Court of Session in Gladman Developments Ltd v The Scottish Ministers [(2020) CSIH 28].

¹⁴ In July 2020 the Scottish Government issued a **consultation entitled ‘The Scottish Planning Policy and Housing’** – Technical Consultation on Proposed Policy Amendments. The consultation seeks to clarify specific parts of SPP that relate to planning for housing and any changes if made, would apply in the interim period ahead of the adoption of NPF4. The consultation is in response to Gladman – one of the proposals is the removal of the presumption in favour of development that contributes to sustainable development “*given that it is considered to have potential for conflict with a plan-led approach*” and has given rise to a significant number of issues for decision makers in its application. The consultation ends on 09 October 2020.

The Scottish Government also issued a **Chief Planner Letter** dated 04 September 2020 making it clear that until there is any change to SPP “*existing policy remains in place*”. It further adds “*I would like to make it clear to all authorities that none of the changes proposed in the consultation aim to undermine or contradict Ministers’ stated commitments to delivering good quality development, including housing and renewable energy projects*.” (underlining added)

SPP & National Outcomes

- 3.3.20 Paragraph 9 of SPP refers to ‘Outcomes’ as they relate to the Scottish Government’s ‘Purpose’ “*of creating a more successful country, with opportunities for all of Scotland to flourish through increasing sustainable economic growth...*”.
- 3.3.21 Paragraph 10 adds that “*The Scottish Government’s 16 national outcomes articulate in more detail on how the Purpose is to be achieved*”. It adds that “*The pursuit of these outcomes provides the impetus for other national plans, policies and strategies and many of the principles and policies set out in them are reflected in both SPP and NPF3*”.
- 3.3.22 Paragraph 13 of SPP introduces four planning outcomes which explain “*how planning should support the vision*” for the planning system in Scotland. Three of these outcomes are particularly relevant namely:
- Outcome 1: a successful sustainable place – supporting sustainable economic growth and regeneration, and the creation of well designed, sustainable places;
 - Outcome 2: a low carbon place – reducing our carbon emissions and adapting to climate change; and
 - Outcome 3: a natural, resilient place – helping to protect and enhance our natural and cultural assets and facilitating their sustainable use.
- 3.3.23 In particular, the proposed development would assist in delivering sustainable economic growth in line with Outcome 1.
- 3.3.24 The proposed development, given its nature and use would clearly assist in achieving Outcome 2 ‘a low carbon place’.
- 3.3.25 The proposed development would also assist in achieving Outcome 3 ‘a natural, resilient place’, by reference to paragraph 21 in particular, which deals with the concept of a natural, resilient place in a wider context than merely visual amenity or landscape character. The proposed development would contribute to a natural, resilient place through the part it plays in mitigating the effects of climate change. As explained, the application site can be regarded as a Group 3 location meaning that it is free of national level designations and many other types of constraints and is in a location in which wind farms are likely to be acceptable.
- 3.3.26 It also needs to be noted that very few developments would be able to contribute to all four outcomes – that the proposed development contributes positively to three (and the fourth one is not relevant) is to its credit and reinforces the engagement of the presumption.

Conclusions on the Presumption

- 3.3.27 The proposed development would contribute to sustainable development and following consideration of the principles set out at paragraph 29 of SPP and the desired SPP ‘outcomes’ the proposal should benefit from the presumption.

SPP: Development Management for Energy Infrastructure Developments

- 3.3.28 Paragraph 169 of SPP states that proposals for wind farms should always take into account Spatial Frameworks for wind energy developments. It adds that considerations will vary relative to the scale of a proposal and area characteristics, but are likely to include:
- net economic impact, including local and community socio-economic benefits such as employment, associated business and supply chain opportunities;
 - the scale of contribution to renewable energy generation targets;
 - effect on greenhouse gas emissions;

- cumulative impacts – planning authorities should be clear about the likely cumulative impacts arising from all of the considerations below ...;
- impacts on communities and individual dwellings, including visual impact, residential amenity, noise and shadow flicker;
- landscape and visual impacts, including effects on wild land;
- effects on the natural heritage, including birds;
- impacts on carbon rich soils, using the carbon calculator;
- public access, including impact on long distance walking and cycling routes and scenic routes identified in the NPF;
- impacts on the historic environment, including scheduled monuments, listed buildings and their settings;
- impacts on tourism and recreation;
- impacts on aviation and defence interests and seismological recording;
- impacts on telecommunications and broadcasting installations, particularly ensuring that transmission links are not compromised;
- impacts on road traffic;
- impacts on adjacent trunk roads;
- effects on hydrology, the water environment and flood risk;
- the need for conditions relating to the decommissioning of developments, including ancillary infrastructure, and site restoration;
- opportunities for energy storage;
- the need for a robust planning obligation to ensure that operators achieve site restoration.”

3.3.29 Given the findings of the EIA and in light of the policy appraisal set out in this Planning Statement, the proposed development is considered to be acceptable in terms of the above considerations.

SPP Subject Policies – A Low Carbon Place

- 3.3.30 SPP addresses ‘A Low Carbon Place’ as a ‘subject policy’ on page 36 and refers to ‘delivering electricity’. Paragraph 152 refers to the NPF context and states that NPF3 is clear that planning must facilitate the transition to a low carbon economy and help to deliver the aims of the Scottish Government. It is stated that Scotland has significant renewable energy resources, both onshore and offshore.
- 3.3.31 Paragraph 153 states that terrestrial planning “facilitates” development of renewable energy technologies, and guides new infrastructure to appropriate locations. It adds that “*efficient supply of low carbon and generation of electricity from renewable energy sources are vital to reducing greenhouse gas emissions...*”. It explains that renewable energy also presents a significant opportunity for associated development, investment and growth of the related supply chain.
- 3.3.32 In terms of ‘Policy Principles’, Paragraph 154 states that the planning system should:
- Support the transformational change to a low carbon economy, consistent with national objectives and targets, including deriving:
 - 30% of overall energy demand from renewable sources by 2020;

➤ The equivalent of 100% of electricity demand from renewable sources by 2020.

- Support the development of a diverse range of electricity generation from renewable energy technologies – including the expansion of renewable energy generation capacity;
- Guide development to appropriate locations and advise on the issues that will be taken into account when specific proposals are being assessed.

3.3.33 SPP also cross refers to “key documents” and those of relevance include:

- The Electricity Generation Policy Statement (EGPS);
- The 2020 Routemap for Renewable Energy in Scotland; and
- Low Carbon Scotland: Meeting Our Emissions Reductions Targets 2013 – 2027.

3.3.34 The proposed development would be consistent with the ‘low carbon place’ subject policy and would contribute to its attainment.

Onshore Wind

3.3.35 Onshore wind is specifically addressed at Paragraph 161 *et seq* of SPP. Detailed guidance is provided for Planning Authorities with regard to the preparation of Spatial Frameworks for onshore wind development, and it makes it clear that proposals for onshore wind turbine development should continue to be determined whilst Spatial Frameworks and local policies are being prepared and updated.

SPP: Spatial Framework Approach

3.3.36 With reference to the Spatial Framework approach set out in Table 1 of SPP (see below) the application site is largely within a Group 2 location: ‘Areas of significant protection’. As set out in Table 1 this means that wind farms in these areas “...*can be appropriate in some circumstances...*” but that “...*further consideration will be required to demonstrate that any significant effects on the qualities of these areas can be substantially overcome by siting, design or other mitigation*”.

3.3.37 This is due to the fact that there are some areas of “...*nationally important carbon-rich soils, deep peat and priority peatland habitat...*” shown to be present within the application site by reference to the SNH Carbon and Peatland 2016 Map.

3.3.38 The Applicant’s position is that given that no significant effects are predicted on peat or peatland habitat, there is no need, in planning policy terms, to go on to the “further consideration” test under Group 2, and that the proposed development accords with SPP.

3.3.39 Therefore, the site can be regarded as Group 3, an approach endorsed in the Cnoc an Eas Appeal Decision¹⁵ – namely an area with potential for wind farm development and in which wind energy development is likely to be acceptable subject to consideration against development management criteria.

3.3.40 In the Ardtaraig Appeal Decision Notice¹⁶, the Reporter in that case took an identical approach - at paragraph 74 of the decision the Reporter identified that in relation to consideration of soils and peat, he found that with mitigation in place, the proposed development would accord with relevant policy and he stated “...*as this addresses the only reason why the site of the proposed turbines is*

¹⁵ The Reporter in the Appeal Decision Notice (PPA-270-2155) for the Cnoc an Eas Wind Farm of 2 June 2017 took this approach: he set out in paragraph 111 that “...*the Appeal site straddles an ‘area of significant protection’ (Group 2) and an ‘area with potential for wind energy development’ (Group 3). The Group 2 area is identified as such on the basis of SNH’s Carbon and Peatland Map, which shows peat and carbon rich soils within the site boundary. However there is no issue with this constraint at the Appeal site, so it can be reasonably regarded as Group 3 in terms of the Spatial Framework.*”

¹⁶ Ardtaraig Appeal Decision Notice (PPA-130-2073) in relation to a 7 turbine Wind Farm, 15km west of Dunoon, Argyll & Bute, dated 7 November 2019.

identified as a Group 2 area, I find that the site may be considered in effect to be in a Group 3 area”.

Table 3.2: SPP Table 1: Spatial Frameworks

Table 1: Spatial Frameworks

Group 1: Areas where wind farms will not be acceptable: National Parks and National Scenic Areas.		
Group 2: Areas of significant protection: Recognising the need for significant protection, in these areas wind farms may be appropriate in some circumstances. Further consideration will be required to demonstrate that any significant effects on the qualities of these areas can be substantially overcome by siting, design or other mitigation.		
National and international designations: • World Heritage Sites; • Natura 2000 and Ramsar sites; • Sites of Special Scientific Interest; • National Nature Reserves; • Sites identified in the Inventory of Gardens and Designed Landscapes; • Sites identified in the Inventory of Historic Battlefields.	Other nationally important mapped environmental interests: • areas of wild land as shown on the 2014 SNH map of wild land areas; • carbon rich soils, deep peat and priority peatland habitat.	Community separation for consideration of visual impact: • an area not exceeding 2km around cities, towns and villages identified on the local development plan with an identified settlement envelope or edge. The extent of the area will be determined by the planning authority based on landform and other features which restrict views out from the settlement.
Group 3: Areas with potential for wind farm development: Beyond groups 1 and 2, wind farms are likely to be acceptable, subject to detailed consideration against identified policy criteria.		

- 3.3.41 In terms of development management, paragraph 169 of SPP sets out considerations for energy infrastructure and these have been referred to above.

3.4 Scottish Government Advice Notes & Renewables Guidance

Online Renewables Guidance & Planning Advice Notes

- 3.4.1 The Scottish Government’s online renewables guidance is dated May 2014 and is currently under review. No conflict is identified with the national online guidance.

Spatial Planning for Onshore Wind Turbines – Natural Heritage Considerations – Guidance

- 3.4.2 Scottish Natural Heritage (SNH, now renamed NatureScot) published a policy document on the topic of spatial planning in June 2015 entitled ‘Spatial Planning for onshore Wind Turbines – Natural Heritage Considerations – Guidance’. The document replaces the SNH ‘Strategic Locational Guidance’ for onshore wind farms. The guidance also makes the links between the SPP section on onshore wind (paras 161-172) and other parts of the policy which relate to natural heritage. The guidance states in the introduction on page 3:

“SPP identifies a clear need for wind energy development to be accommodated in appropriate locations across Scotland to meet energy generation targets and mitigate climate change. Most planning authorities should therefore assume that there will be a future level of landscape change within some of their areas from wind turbines; obvious exclusions will include the National Park Authorities and the most densely populated areas. This guidance seeks to help planning authorities plan for this change and is focused on helping to guide development to the right locations (SPP para 39)”.

3.5 Conclusions on National Planning Policy & Guidance

- 3.5.1 Both NPF3 and SPP set out a strong position of support in relation to renewable energy and renewable energy targets and recognise the significant energy resource provided by onshore wind. This is clearly not at any cost and development continues to be guided to appropriate locations and environmental effects need to be judged to be acceptable before consents are forthcoming.
- 3.5.2 The proposed development benefits from the presumption in favour of development that contributes to sustainable development. The proposed development is the right development in the right place (paragraph 28 of SPP) and not only because the proposal is in accordance with the guiding principles relevant to this type of development set out in paragraph 29 of SPP, but also because what is proposed has a strong consistency with the declared desirable planning Outcomes within SPP.
- 3.5.3 The application site is in a location that can be regarded as a Group 3 location in which wind farms are likely to be acceptable subject to consideration of the criteria at paragraph 169 of SPP with regard to specific site and design approach circumstances.
- 3.5.4 Finally, with regard to national planning policy, it has to be acknowledged that the need case with regard to renewable generation and emissions reduction targets as set out in NPF3 and SPP is both out of date and out of step with current targets. The documents are under review and have to a large extent been overtaken by new renewable energy targets and statutory provisions on Greenhouse Gas (GHG) emissions reductions which are further explained in the following Chapter.

4. The Development Plan

4.1 Introduction

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

4.2 Key Relevant Policies & Approach

- 4.2.1 The relevant policies within HwLDP are listed in Table 4.1: Relevant HwLDP Policies below. Policy 67 is the 'lead' and most pertinent policy with regard to the proposed development.

Table 4.1: Relevant HwLDP Policies

HwLDP Policy	Policy Summary
28: Sustainable Design	Sustainable design and climate change are to be taken into consideration in the design of all development.
51: Trees and Development	Existing hedges, trees and woodland regarded as a resource.
52: Principle of Development in Woodland	Strong presumption in favour of protecting woodland resources, especially where inventoried woodland, designated woodland or other important features (as defined in Trees, Woodland and Development Supplementary Guidance) are affected. Applicants are expected to demonstrate a need to develop a wooded site and demonstrate site capacity. The current Highland Forest and Woodland Strategy will also be a material consideration.
55: Peat and Soils	Concerns the unnecessary disturbance, degradation or erosion of peat and soils. Adverse, unacceptable disturbance would have to be outweighed by a development's social, environmental or economic benefit.
56: Travel	On- and off-site transport implications of a development to be considered.
57: Natural, Built and Cultural Heritage	All development proposals to be assessed taking into account the level of importance and type of heritage features, the form and scale of the development, any impact on the feature and its setting, in the context of a detailed policy framework and considering the following criteria: • Local and regionally important features (mostly identified by the Council); • Nationally important features (identified by national organisations or by THC under national legislation); or, • Internationally important features (identified under government directives and European conventions).
58: Protected Species	Concerns a development's individual or cumulative effects on European Protected Species and protected bird species. Adverse effects would only be permitted under certain circumstances depending on the species being affected, such as the development being required for preserving public health or safety.

HwLDP Policy	Policy Summary
59: Other Important Species	Concerns a development's individual or cumulative effects on species listed in Annexes II and V of the EC Habitats Directive (92/43/EEC), priority species listed in the UK and Local Biodiversity Action Plans and Species included on the Scottish Biodiversity List. Detrimental effects will be avoided through the use of conditions and agreements.
60: Other Important Habitats and Article 10 Features	Considers features of major importance because of their linear and continuous structure, or as they are a habitat 'stepping stone' (Article 10 Features). Additionally, those habitats not protected through a nature conservation site designation, namely habitats listed in Annex I of the EC Habitats Directive, habitats of priority and protected bird species, priority habitats listed in the UK and Local Biodiversity Action Plans, and habitats included on the Scottish Biodiversity List. Conditions, agreements or mitigation measures will be used where necessary.
61: Landscape	Landscape characteristics and special qualities identified in the Landscape Character Assessment should be reflected in development design. Landscape enhancement encouraged.
63: Water Environment	The objectives of the Water Framework Directive (2000/60/EC) to protect and improve the water environment should not be compromised.
64: Flood Risk	Concerns development and flooding.
66: Surface Water Drainage	Sets out requirements for developments to be drained by Sustainable Drainage Systems (SuDs).
67: Renewable Energy Developments	Wind resource, contribution towards targets and economic effects of a wind energy development will be considered by THC. Developments will be supported where they do not have a significantly detrimental effect overall (individual or cumulative), having regard in particular to any significant effects on: • natural, built and cultural heritage features; • species and habitats; • visual impact and impact on the landscape character of the surrounding area; • amenity at sensitive locations; • safety and amenity of any regularly occupied buildings and their grounds (visual intrusion, noise, ice throw, shadow flicker or shadow throw); • ground water, surface water (including water supply), aquatic ecosystems and fisheries; • the safe use of airport, defence or emergency service operations; • other communications installations or the quality of radio or TV reception; • the amenity of users of any Core Path or other established public access for walking, cycling or horse riding; • tourism and recreation interests; • land and water-based traffic and transport interests.
72: Pollution	Detailed assessment required of developments which would result in the significant pollution relating to noise, air, water and light. Avoidance and mitigation measures needed if found to be necessary.
77: Public Access	Existing Core Paths or water access points should be retained or suitable alternative access provided. Access Plans required for a Major Development.

- 4.2.2 The planning policy assessment which follows is based on the relevant Development Plan policies detailed in Table 4.1, in addition to the relevant Supplementary Guidance document, the OWSG. In order to provide a proportionate assessment, it also seeks to focus primarily on those residual adverse effects which have been identified as significant within the EIA Report following the application of the mitigation measures proposed.
- 4.2.3 This focus allows the policy assessment to concentrate on those issues which, based on the outcomes of the EIA, are of most significance to the policy aspirations for the area.
- 4.2.4 Policy 67 and the OWSG is addressed in detail, and this is followed by consideration of the remaining policies of most relevance in the HwLDP.

4.3 Policy Assessment – Policy 67

- 4.3.1 As set out above, Policy 67 is the key or 'lead' HwLDP policy for the assessment of onshore wind farm developments. The policy contains a number of criteria which generally address the environmental topics that are referred to in other policies within the Plan. The proposed development has been assessed against Policy 67 and the associated OWSG and this is reported below.
- 4.3.2 Firstly, Policy 67 refers to the need for renewable energy development proposals to be “*well related to the source of the primary renewable resources that are needed for their operation*”. The proposed development meets this requirement as the “*primary renewable resource*” for its operation is wind.
- 4.3.3 Secondly, Policy 67 states the Council will consider a proposed development’s contribution “*towards meeting renewable energy generation targets*”. Based on currently available turbines, the proposed development has a capacity of approximately 76 MW and would therefore make a valuable contribution to unmet international, UK and Scottish Government climate change and renewable electricity and energy generation targets. Such targets have been referred to in Chapter 2 of this Planning Statement.
- 4.3.4 Thirdly, Policy 67 states the Council will consider “*any positive or negative effects [the proposed development] is likely to have on the local and national economy*”. The proposed development would contribute to the attainment of economic development objectives at local and national levels. Employment and economic benefits that would arise from the proposed development are set out in Chapter 5 of this Planning Statement.
- 4.3.5 Fourthly, a proposed development is to be assessed against other policies of the Development Plan, the Highland Renewable Energy Strategy and Planning Guidelines (HRES) and must have regard to any other material considerations. This Planning Statement assesses the proposed development against other relevant Development Plan policies. HRES is no longer used by THC as a material policy / guidance document and is therefore of no relevance.
- 4.3.6 Fifthly, the Council will have regard to proposals able to “*demonstrate significant benefits including by making effective use of existing and proposed infrastructure or facilities*”. The proposed development will realise a range of benefits, as summarised below, and has also been designed to make best use of the existing infrastructure of the Corriegarth Wind Farm.
- 4.3.7 Finally, Policy 67 requires a proposed development to be assessed against 11 factors with regard to predicted significant effects, and a judgement has to be reached as to whether or not such effects would be “*significantly detrimental overall*”. Each of these 11 factors are considered below.

1. Natural, Built and Cultural Heritage Features

- 4.3.8 The Council's former Interim Supplementary Guidance of 2012, which is referred to in Policy 67, made it clear that this part of Policy 67 requires a cross reference to Policy 57 of the HwLDP. The proposed development is assessed against Policy 57 below with regard to natural, built and cultural heritage features.

2. Species and Habitats

- 4.3.9 The EIA Report addresses ecology and ornithology in Chapters 7 and 8 respectively and details the results of the surveys carried out in relation to species and habitats.
- 4.3.10 In summary, the proposed development would not have a significant impact upon species and habitats. Policies 58, 59 and 60 are considered below with regard to nature conservation interests.

3. Visual Impact and Impact on the Landscape Character

- 4.3.11 The third factor in Policy 67 relates to visual impact and impact on the landscape character of the surrounding area. This includes reference to not just landscape character, but landscape designations such as Special Landscape Areas (SLAs) National Scenic Areas (NSAs) and important public views. The appropriate approach is to determine whether a development would result in effects that are “*significantly detrimental*” overall, not if a development per se, would result in a significant adverse effect.
- 4.3.12 The EIA Report Chapter 6 ‘Landscape and Visual Amenity’ considers the likely significant effects on the landscape and visual resource of the area arising from the proposed development.

Design Approach

- 4.3.13 Before summarising the impact on visual amenity and landscape character effects of the proposed development, it is necessary to recognise that a carefully considered design approach has been followed in order to minimise significant effects on views and the landscape. This involved the application of a number of design principles which are explained in EIA Report Chapter 3. These principles sought to address policy considerations and identify and mitigate against any potential effects of the proposed development.
- 4.3.14 There have been various layout iterations at different stages in the project design process as explained in Chapter 3 of the EIA Report. The ultimate placement of the proposed turbines within the site boundary has facilitated effective mitigation, with potentially significant effects avoided or minimised as far as reasonably practicable through the design process
- 4.3.15 Whilst the site itself is not designated, there are a number of designated landscapes and Wild Land Areas (WLAs) within the wider study area. The final design has taken into consideration theoretical visibility of the proposed development from designated landscapes and WLAs, focusing on potential visibility of wind turbines from the following areas:
- Loch Ness and Duntelchaig Special Landscape Area (SLA): located 7.7km to the northwest of the site;
 - WLA 20: Monadhliath: located <1km to the east of the site; and
 - Cairngorms National Park (CNP): located 10.5km to the southeast of the nearest turbine (T7).
- 4.3.16 The scale of the development and turbine layout were considered with regard to the existing landscape character of the site and surrounding area, including potential indirect effects on more sensitive landscape character types. Compatibility of the development with the composition and scale of the Operational Corriegarth Wind Farm and the pattern of existing wind energy development on the western fringes of the Monadhliath Mountains and the wider study area were key considerations during the iterative design process.
- 4.3.17 Views experienced by sensitive receptors have influenced layout refinement, including views from promoted viewpoints, settlements, recreational routes and popular local hill summits.

Visual Amenity

- 4.3.18 The LVIA (EIA Report Chapter 6) presents an assessment of visual effects from 19 viewpoints selected to represent views of the proposed development.

- 4.3.19 Views experienced by sensitive receptors have influenced layout refinement, including views from promoted viewpoints, settlements, views that would be experienced by road users, those on recreational routes (walkers and cyclists) and popular local hill summits.
- 4.3.20 Within 5km of the outermost wind turbines of the proposed development, theoretical visibility is largely focused within the interior of the site, with the broad 'bowl'-shaped landform of the site containing visibility of turbines in views from lower lying areas to the west of the site. Theoretical visibility is indicated from lower lying areas along and adjacent to the existing access track, which passes to the north-west of the site to the B862.
- 4.3.21 Within 10-15km of the outermost wind turbines of the proposed development, theoretical visibility is indicated from Stratherrick, elevated slopes to the west of the Great Glen, and elevated summits and slopes within the interior of the Monadhliath Mountains to the east. Due to intervening landform and the dramatic profile of the Great Glen, very limited visibility is indicated across much of Loch Ness and its shoreline with actual visibility further limited by the presence of intervening woodland and forestry.
- 4.3.22 Beyond 15km of the outermost wind turbines, theoretical visibility is indicated from west-facing slopes of the Cairngorms Massif at the western interior of the of CNP, elevated summits within the Ardverikie Forest and Ben Alder to the south, elevated summits within the Central Highlands to the west and elevated landform within the Drynahan moor to the north-east of the site, and across Drum Mossie Muir, the Moray Firth and Kessock Bridge to the north of the site.
- 4.3.23 The comparative ZTV shown in the LVIA illustrates areas of existing visibility of the Operational Corriegarth Wind Farm, areas of theoretical visibility of the proposed development and areas where both wind farms will be visible. As indicated by the ZTV, the proposed development will typically be seen in combination with the Operational Corriegarth Wind Farm and will result in limited areas of introduced visibility.
- 4.3.24 During the operational phase, moderate (adverse) and significant visual effects will be experienced from four of the 19 representative viewpoints located within 10.9 km of the proposed development. These viewpoints are listed below:
- Viewpoint 3: B862 West of Corriegarth Lodge;
 - Viewpoint 4: South Loch Ness Trail, north of Whitebridge;
 - Viewpoint 5: Errogie;
 - Viewpoint 7: General Wade's Military Road.
- 4.3.25 From these locations, it is explained in the LVIA that the proposed development will be seen slightly increasing the horizontal extent and prominence of the Operational Corriegarth Wind Farm in views experienced by receptors considered to be of medium to high sensitivity. From other viewpoint locations considered in the assessment, the proposed development will be seen as a discrete extension to the Operational Corriegarth Wind Farm, typically in views with an existing presence of wind farm development. Whilst the proposed development will slightly increase the horizontal extent of the Operational Corriegarth Wind Farm, spacing between existing clusters of wind farm development will be maintained.
- 4.3.26 Whilst moderate adverse and significant effects will be experienced from localised sections of the B862, NCN Route 78 and the South Loch Ness Trail, an overall minor adverse and not significant effect will be experienced from each of these routes.

Impact on Landscape Character

- 4.3.27 The scale of the development and turbine layout were considered with regard to the existing landscape character of the site and surrounding area. Compatibility of the development with the composition and scale of the Operational Corriegarth Wind Farm and the pattern of existing wind energy development on the western fringes of the Monadhliath Mountains and the wider study area were considered during the iterative design process.

- 4.3.28 The majority of the proposed development will be located within upland plateau immediately adjacent to the operational Corriegarth Wind Farm. The existing site access, which extends south-east from the B862, will be utilised with some proposed widening of tracks and proposed additional tracks within the interior of the development. The development will slightly increase the extent of the landscape occupied by wind farm development.
- 4.3.29 Close proximity views into the site are limited to the elevated 'bowl'-like landform surrounding the site to the north, west and south. The topographical 'bowl' of the site is more open towards the east, and views are afforded into the site from lower-lying areas to the north-east along the general alignment of the existing access track.
- 4.3.30 Within the LVIA Study Area, the 'Rolling Uplands – Inverness' Landscape Character Type (LCT 221) covers a broad area extending north-east and south-west from the site. The majority of the site is located within this LCT.
- 4.3.31 A number of operational wind farms are located within this LCT including:
- Dunmaglass (33 turbines at 125 m tip height);
 - Farr (40 turbines at 101 m tip height);
 - Moy (20 turbines at 125 m tip height);
 - Kyllachy (under construction, 20 turbines at 110 m tip height) to the north-east of the proposed development; and
 - Stronelaig (67 turbines at 135 m tip height) to the south-west of the proposed development.
- 4.3.32 The LCT is identified as LN6: 'Monadhliath ridge and tops, Rolling Uplands' in the Highland Council's SG. LN6 shares the same boundary as LCT 221.
- 4.3.33 Direct operational effects will arise from the introduction of the proposed 16 wind turbines and associated infrastructure.
- 4.3.34 The LVIA sets out that given the presence of other existing wind farms within the LCT, including the Operational Corriegarth, Dunmaglass and Stronelaig wind farms, the proposed development will often be seen in the context of existing wind farm development, resulting in a small scale change to the landscape features of the LCT. The magnitude of change is judged to be medium locally, reducing to low for the LCT as a whole. Taking account of the low sensitivity, this will result in a minor (adverse) and not significant landscape effect.
- 4.3.35 The LVIA describes in detail the predicted effects of the proposed development on other LCTs within 20km of the application site – the assessment is limited to those LCTs where potentially significant effects are considered possible.
- 4.3.36 The LVIA states that the proposed development will result in moderate (adverse) and significant direct landscape effects within localised extent of the site. Given the existing presence of wind farm development within LCT 221, effects on the LCT as a whole are considered to be minor (adverse) and not significant. Indirect effects on other LCTs within the LVIA Study Area are considered to be not significant.
- 4.3.37 The design and location of the proposed development, as a result of inherent mitigation from the outset, is considered to reflect the scale and character of the landscape and has sought to minimise the landscape and visual impact.

Landscape Designations

- 4.3.38 The application site is not subject to any landscape designation, however, there are a number within the 40km LVIA Study Area, including National Scenic Areas (NSAs), Special Landscape Areas (SLAs), and the CNP.

- 4.3.39 The LVIA describes the likely effects on the special qualities and key qualities of designated landscapes resulting from the introduction of the proposed development during the operational phase and considers likely cumulative landscape effects arising in conjunction with other existing, consented and/or proposed wind farms. The assessment is limited to those designated landscapes where likely significant effects are considered possible. The assessment of effects on the special landscape qualities (AESLQ) of the CNP is presented in the EIA Report (Technical Appendix A6.3).
- 4.3.40 The final design of the development takes into consideration theoretical visibility of the proposed turbines from designated landscapes and WLAs, focusing on potential visibility of wind turbines from the following areas:
- The Loch Ness and Duntelchaig SLA: located 7.7 km to the northwest of the site;
 - WLA 20: Monadhliath: located <1km to the east of the site; and
 - The CNP: located 10.5 km to the southeast of the nearest turbine (T7).
- 4.3.41 The Loch Ness and Duntelchaig SLA is located approximately 7.3 km from the nearest wind turbine of the development. The ZTV indicates visibility of the development from within the SLA within 7-20 km of the proposed turbines. Whilst localised significant effects are anticipated from locations within the SLA (VP4: South Loch Ness Trail North of Whitebridge, VP7: General Wade's Military Road), the introduction of the turbines will not significantly affect or alter the Special Qualities of the SLA. An overall minor adverse and not significant effect was identified for the SLA. Given that existing wind farms, including the Operational Corriegarth Wind Farm are already present in views from the Loch Ness and Duntelchaig SLA, and as there will be no direct effects on key landscape features, it is considered that the proposed development will not significantly affect the integrity of the SLA by adversely impacting on the qualities for which it has been designated.
- 4.3.42 The CNP is located approximately 9.7 km from the nearest proposed wind turbine. An AESLQ of the CNP is included in Appendix A6.3 in the EIA Report. The AESLQ has established that the proposed development will not compromise any of the defined SLQs of the CNP. The development will lead to indirect effects experienced from a relatively small geographical area of the CNP, exclusively affecting these elevated areas and summits, from where the turbines of the development would appear consistent with the existing pattern of wind energy development in the landscapes outwith the CNP and as a coherent extension to the existing Operational Corriegarth Wind Farm. The adverse effects on the SLQs of the CNP identified within the assessment are judged not to undermine the objectives for its protection, and the overall integrity of the CNP will not be compromised by the introduction of the development.

Wild Land

- 4.3.43 In terms of Wild Land, WLAs are not designated but are identified and mapped as per the 2014 SNH Map, with accompanying WLA descriptions published by SNH in January 2017. There are six WLAs located within the LVIA Study Area. The proposed wind turbines and ancillary infrastructure forming the development are not located within the WLA. An assessment of effects on areas of wild land closest to the development has been undertaken.
- 4.3.44 A Wild Land Impact Assessment is included in Appendix A6.4 of the EIA Report. The existing influence of wind farm development to the south-west, west and north-west of the WLA 20 is acknowledged, with additional effects resulting from the development judged to be very localised in their extent. Large areas of the WLA will remain unaffected by the influence of wind farm development. 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 turbines.

Cumulative Effects

- 4.3.45 In addition to the operational Corriegarth Wind Farm, as noted there are several existing large scale wind farms located within the LVIA Study Area. Existing wind farms along the western periphery of the Monadhliath Mountains are generally set back into the interior of the plateau and

maintain a pattern of spacing between clusters of development such that coalescence between schemes is avoided in key views from the surrounding area.

- 4.3.46 It is set out in the LVIA that consented and proposed wind farm developments within the LVIA Study Area generally result in similar areas of theoretical visibility as the existing operational baseline, with some additional visibility and further prominence of wind farm development within WLA 20: 'Monadhliath' and from elevated landform and summits.
- 4.3.47 Operational wind farms and those under construction including the Operational Corriegarth Wind Farm are included as part of the baseline for the LVIA and considered as part of the primary LVIA assessment. Scenario 1 of the Cumulative Landscape and Visual Impact Assessment (CLVIA) considers the addition of the development to a landscape with operational, under construction and consented wind farms.
- 4.3.48 Scenario 2 of the CLVIA considers the addition of the development to a landscape with operational, under construction, consented and undetermined valid planning / section 36 applications.
- 4.3.49 No significant cumulative effects were identified in the CLVIA. In general, other developments considered as part of both cumulative scenarios will introduce wind farm development into the existing pattern of development, maintaining a perceptible gap between clusters of wind turbines. The cumulative effects resulting from the introduction of the development will typically be minor adverse and not significant, and in some instances no additional or total cumulative effects are predicted to occur.

4. Amenity at Sensitive Locations

- 4.3.50 The fourth criterion in Policy 67 deals with amenity at sensitive locations and has regard to residential properties, workplaces and recognised visitor sites. This primarily relates to visual considerations as noise and shadow flicker are considered under the following criterion.
- 4.3.51 There are no settlements located within 5km of the outermost wind turbines of the proposed development.
- 4.3.52 Whilst there are relatively few residential properties within 5km of the site, a number of scattered residential properties are located within 10km to the east and west of the site along Stratherrick. This includes farmsteads and small settlements along the B862 at Whitebridge, Gorthleck and Errogie. Within the wider LVIA Study Area, settlement is generally located along key communications corridors within glens and straths, whilst the city of Inverness is located approximately 30km to the north of the site.
- 4.3.53 Given the distance of the turbines from residential properties, visual effects are not considered likely to be 'overbearing' or 'overwhelming' to the extent that any property would be considered an unattractive or unsatisfactory place in which to live.
- 4.3.54 Experience of many other wind energy projects in Highland and further afield in the UK shows that overbearing visual effects in relation to residential properties are not anticipated outwith 2km and usually would not occur even well within that range.

5. Safety and Amenity of Regularly Occupied Buildings

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

Noise

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

- 4.3.57 As set out in Chapter 10 of the EIA Report, it has been shown that noise due to the development, in conjunction with the surrounding cumulative developments, would comply with the requirements of ETSU R-97 at all receptor locations. The proposed development therefore complies with the relevant guidance on wind farm noise and the impact on the amenity of all nearby residential properties would be regarded as acceptable.
- 4.3.58 A construction noise assessment has been carried out in accordance with BS 5228-1:2009 “Noise control on construction and open sites Part 1 - Noise”, and with due regard to mitigation outlined, indicates that predicted noise levels likely to be experienced at representative residential properties would be below relevant criteria.
- 4.3.59 Accordingly, the proposed development is considered to be in accordance with Policy 67 in this respect.

Ice Throw

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

Shadow Flicker / Throw

- 4.3.61 Shadow flicker is the effect caused when an operating turbine is located between the sun and a receptor, such as a dwelling or place of work. The potential effect is dependent upon a wide range of factors. The nearest residential properties to the development are located near Loch Killin approximately 3.5km south-west from the closest turbine (T1). As such, no properties have been identified that would be affected by shadow flicker.
- 4.3.62 In summary, the proposed development would not result in significant effects on the safety and amenity of any regularly occupied buildings and their grounds in terms of visual intrusion or the likely effect of noise generation, ice throw, shadow flicker, or shadow throw.

6. Water Environment

- 4.3.63 Chapter 12 of the EIA Report addresses hydrology, hydrogeology and water supply matters. The proposed development has been designed to utilise some existing access tracks and, where feasible, design any new infrastructure outwith a 50m buffer from major watercourses and a 25m buffer from minor watercourses. This design approach provides in-built mitigation for pollution prevention of the water environment. The proposed development has been assessed as having the potential to result in effects of negligible significance.
- 4.3.64 The proposed development would not be significantly detrimental overall in terms of the water environment.

7. Safety of Airport, Defence and Emergency Service Operation

- 4.3.65 There are no defence or emergency service operation issues arising as a result of the proposed development. Chapter 16 of the EIA Report addresses aviation matters and explains that the proposed development has marginal visibility to the Inverness primary surveillance radar. It has yet to be fully established that this degree of visibility will have any effects on the radar. Highlands and Islands Airport Ltd (HIAL) in their scoping response, have adopted a precautionary stance and determined that impacts are likely and hence that radar mitigation is required. HIAL has also stated that they are open to discussions with the Applicant to work to a resolution and establish suitable mitigation which would result in the objection being removed. These discussions are ongoing.

8. Operation and Efficiency of Other Communications

- 4.3.66 There are no communication installations or radio / television issues arising as a result of the proposed development.

9. Amenity of Walkers, Cyclists and Horse riders

- 4.3.67 The EIA Report Chapter 6 considers the effect of the proposed development on recreational routes, Core Paths and in relation to hill and mountain peaks in the LVIA Study Area.
- 4.3.68 Chapter 6 of the EIA Report makes the point that visibility from a route (including road routes) is rarely uniform along its entire length. This is because views of the surrounding landscape change as one moves along a route depending on the surrounding landform, the presence of built form, structures, tree cover and vegetation situated along a route. Theoretical visibility of the development from routes across the Study Area would be from a hierarchy of roads and recreational routes (promoted long distance footpaths, core paths and cycle routes). Road routes tend to use low lying areas or glens and passes, but walking routes are more variable and can pass over hills and along ridges often offering open and longer-distance views.
- 4.3.69 In terms of road routes, the two routes considered in the assessment are:
- The A82 – there would be visibility between Invermoriston and Drumnadrochit at distances of 11-15km to the west and north-west of the proposed development;
 - The B862 – there would be visibility indicated between Whitebridge and Errogie at a distance of 7- 9km to the west and north-west of the proposed development.
- 4.3.70 In terms of recreational routes, the three routes considered in the assessment are:
- NCN Route 78 - The Caledonia Way – There would be intermittent visibility indicated from route where it follows the B862 near Suidhe viewpoint within 12km to the west, south-west of the development and near the junction with B852 within 7km to the north-west of the development.
 - Great Glen Way¹⁷ – there is predicted to be visibility indicated from short sections of route between Invermoriston and Drumnadrochit, and Drumnadrochit and Abriachan Forest.
 - South Loch Ness Trail¹⁸ (Core Path IN25.01, IN17.09, IN17.05) – there is predicted to be intermittent visibility indicated near the B862 Suidhe viewpoint and as the route follows the B852 between the junction with the B862 and Inverfarigaig within 10km to the south-west, west and north-west of the development.
- 4.3.71 Significant effects are predicted on the amenity at some viewpoint locations. However, such effects are not considered to be significantly detrimental overall.

10. Tourism and Recreation Interests

- 4.3.72 It is inevitable that visitors to the immediate area would undoubtedly note the presence of the wind turbines, but there is no evidence to indicate the development would adversely affect visitor numbers or visitor spend within the local area or wider region to a significant, let alone to an unacceptable degree.
- 4.3.73 The proposed wind farm, when considered against the backdrop of available research, is not expected to have a negative impact on tourism and the economic value of this sector in the area's economy, when judged individually or cumulatively, with other projects proposed for the area. The available research documents are all consistent in their conclusion that the development of wind farms will not result in a significant reduction in tourist numbers, tourist experience or tourism revenue.

¹⁷ The Great Glen Way forms part of the Loch Ness 360 route between Fort Augustus and Inverness via Invermoriston and Drumnadrochit.

¹⁸ The South Loch Ness Trail forms part of the Loch Ness 360 route between Fort Augustus and Inverness via Whitebridge, Foyers, Inverfarigaig and Dores.

- 4.3.74 Furthermore, from the review of various s.36 and Appeal decisions throughout the UK that have considered the relationship of wind farms, tourism and the local economy, there are consistent messages arising from determinations and these include:
- There is no compelling evidence to support concerns about the tourist industry being undermined to a material degree by wind farm development.
 - Even in situations where wind farms are proposed in locations where tourism is a key sector in the local economy, Inspectors and Reporters have not been convinced that effects would be sufficient to deter potential visitors such that there would be a significant effect on the tourist or wider economy of an area.
 - Submissions relating to a potential adverse impact on tourism are more often than not unproven and limited weight is attached to such submissions. Generally, very little or no evidence based analysis is supplied to support claims that there would be an adverse effect on tourism.
- 4.3.75 Indeed, in the recent Limekiln 2 decision¹⁹ (located within Caithness and near the NC500 route) the Reporter concluded that *“there is no evidence to suggest that [the wind farm’s] presence would alter the overall visitor experience or appeal of the route ... There is no evidence before us to support a conclusion that the development would be significantly detrimental to the visitor economy. On the contrary, the weight of evidence available shows no correlation between wind farm development and visitor numbers in an area”* (para. 5.35).
- 4.3.76 There is no evidence to demonstrate that the proposed development would have a significant adverse effect on tourism and recreational activity and those aspects of the economy in this part of Highland. The Applicant’s position is that the proposed wind farm is considered to be acceptable in terms of tourism and recreation matters.

11. Traffic and Transport Interests

- 4.3.77 Chapter 11 of the EIA Report considers the likely significant effects on traffic and transport associated with the construction, operation and decommissioning of the proposed development.
- 4.3.78 In summary, it is predicted that the proposed development would not result in any significant impacts on traffic and transport interests either during construction or operation.

4.4 Onshore Wind Energy Supplementary Guidance (November 2016)

- 4.4.1 The Highland Council OWSG was adopted by the Council in November 2016 and now forms part of the 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 OWSG supplements Policy 67 and assists with its application.

The OWSG: Section 1 - Introduction

- 4.4.2 Paragraph 1.8 of the OWSG is helpful in understanding its role. It states: *“The advice that follows provides a fuller interpretation of HwLDP policies as they relate to onshore wind energy development. The Council will balance these considerations with wider strategic and environmental and economic objectives including sustainable economic growth in the Highlands, and our contribution to renewable energy targets and tackling climate change...”*.

¹⁹ Scottish Government Decision Letter dated 21 June 2019 and Inquiry Report dated 16 October 2018 – DPEA Reference WIN-270-8.

The OWSG: Section 2 – Highland Spatial Framework

- 4.4.3 The OWSG contains a Spatial Framework (“SF”) which accords with the provisions of Table 1: Spatial Frameworks in Scottish Planning Policy (SPP). The SF identifies those areas likely to be most appropriate for onshore wind farms.
- 4.4.4 The site does not lie within any ‘Group 1’ areas (where wind farms will not be acceptable). The majority of the site falls within ‘Group 2’ (areas of significant protection) for areas mapped for their nationally important environmental interests in relation to carbon rich soils, deep peat and priority peatland habitat.
- 4.4.5 Considering there are no predicted issues in terms of peat and carbon rich soils, the application site, in effect, can be regarded as Group 3. As noted at section 3.3.38, this approach was taken by the Reporter in the Cnoc an Eas decision. The Reporter set out in paragraph 111 of that decision that:
- “the Appeal site straddles an ‘area of significant protection’ (Group 2) and an ‘area with potential for wind energy development’ (Group 3). The Group 2 area is identified as such on the basis of SNH’s Carbon and Peatland Map, which shows peat and carbon rich soils within the site boundary. However, there is no issue with this constraint at the Appeal site, so it can be reasonably regarded as Group 3 in terms of the Spatial Framework.”*

The OWSG: Section 4 – Key Development Plan Considerations

- 4.4.6 Section 4 of the OWSG sets out “key development plan considerations” and the topic headings broadly follow those as set out within Policy 67 of the HwLDP. The relevant topics are addressed below:

Siting and Design of Wind Turbines and Wind Farms

- 4.4.7 Paragraphs 4.3 to 4.9 highlight the importance of sensitive siting and design of wind energy developments. As explained in Chapter 3 of the EIA Report, the particular circumstances of the site and its surrounding area have been thoroughly assessed and this has informed the siting and design of the proposed development.

Landscape and Visual Effects

- 4.4.8 Paragraph 4.11 of the OWSG lists various “key aspects” which may be relevant to the assessment of a proposal and it states that “*they are not tests, but rather highlight where there may be key issues to consider*”.
- 4.4.9 At paragraph 4.16, the OWSG sets out that “*the following criteria set out key landscape and visual aspects that the Council will use as a framework and focus for assessing proposals, including discussions with applicants*”.
- 4.4.10 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 then a list of 10 criteria, together with associated thresholds for development. Table 4.2, below, considers the proposed development against the 10 criteria. Overall, the proposed development would have a satisfactory and acceptable relationship with regard to the various physical considerations in the criteria.

Table 4.2: Landscape & Visual Criteria in Section 4 of the OWSG

Criterion	Measure	Evaluation
Criterion 1		
Relationship between Settlements/Key locations and wider landscape respected	The extent to which the proposal contributes to perception of settlements or key locations being encircled by wind energy development.	Settlements nearest the Development include a number of small villages located within Stratherrick. The location of wind turbines within the topographical 'bowl' of the Site and the relatively wooded/forested nature of Stratherrick will limit visibility of the Development from nearby settlements. Where views of the Development are afforded from settlements (illustrated by Figure 6.21 VP1: Gorthleck), wind turbines will be seen as a discrete extension to the Operational Corriegarth Wind Farm.
Development should seek to achieve a threshold where:	Turbines are not visually prominent in the majority of views within or from settlements/Key Locations or from the majority of its access routes.	Views of other operational, consented and proposed wind farms from settlements within Stratherrick will be limited as intervening topography typically screens views of these developments. Where views are afforded of operational Dunmaglass Wind Farm, wind turbines form a relatively distant feature beyond intervening landform. The Development, in combination with the Operational Corriegarth Wind Farm, will appear as a separate and distinct cluster to Dunmaglass Wind Farm. Given this separation and the limited visibility of Dunmaglass Wind Farm, the perception of settlements within Stratherrick being encircled by wind energy development will be avoided. Access to settlements within Stratherrick is afforded from the B862. Whilst occasional oblique views of the Development will be afforded from the road (Figure 6.23 VP3: B862 West of Corriegarth Lodge, and Figure 6.27 VP7: General Wade's Military Road), the Development is unlikely to form a key focal feature in views from the road or overwhelm the relatively small scale and landscape setting of the settlements within Stratherrick.
Criterion 2		
Key Gateway locations and routes are respected	The extent to which the proposal reduces or detracts from the transitional experience of key Gateway Locations and routes.	The SG identifies the following Key Routes for LN6: Monadhliath ridge and tops, Rolling Uplands: - B862 Stratherrick (theoretical visibility indicated within 7-9 km of the Development) - A9 (very limited theoretical visibility indicated at a distance of over 26 km from the Development, therefore not considered within the assessment)
Development should seek to achieve a threshold where:	Wind Turbines or other infrastructure do not overwhelm or otherwise detract from landscape characteristics which contribute the distinctive transitional experience found at key gateway locations and routes.	The SG does not identify any Gateway locations for LN6. A medium magnitude of change has been identified for localised extents of the B862. However, this will be limited to areas within the vicinity of the Suidhe viewpoint (Figure 6.27 VP 7: General Wade's Military Road), near the junction with the B852 (Figure 6.23 VP3: B862 West of Corriegarth Lodge) and Errogie (Figure 6.25 VP5: Errogie) in views with an existing presence of operational wind farm development. From these locations, the Development will be seen in oblique views from short extents of the road and will not significantly affect the overall sequential experience of road users travelling on the B862.

Criterion	Measure	Evaluation
		Given screening by intervening vegetation and landform, the Development will result in a minor and not significant visual effect for the B862 as a whole.
Criterion 3		
Valued natural and cultural landmarks are respected	The extent to which the proposal affects the fabric and setting of valued natural and cultural landmarks.	The Great Glen is located approximately 9 km from the nearest wind turbine of the Development. The setting and characteristics of this natural feature, including the dramatic and linear nature of the landform, will not be affected by the Development. Where views of the Development are afforded within the Great Glen (Figure 6.28 VP8: Great Glen Way, East of Creag Dhearg, and Figure 6.30 VP10: A82 Achnahannet), wind turbines will appear as a relatively distant feature beyond intervening landform and alongside the Operational Corriegarth Wind Farm.
Development should seek to achieve a threshold where:	The development does not, by its presence, diminish the prominence of the landmark or disrupt its relationship to its setting.	General Wade's Military Road (B862) passes within approximately 7 km of the nearest wind turbine of the Development. In views from the Suidhe viewpoint (Figure 6.27 VP 7: General Wade's Military Road), the Development will be seen extending across the angle of the view between the Operational Corriegarth Wind Farm and Dunmaglass Wind Farm. Given the existing presence of wind farm development in the view, the introduction of the Development will be unlikely to result in additional disruption to the setting of the promoted viewpoint. The Development will be less visible in views experienced from elsewhere on this historic route and is unlikely to disrupt the setting of the road to the landscape as it passes through Stratherrick. Cultural landmarks are discussed in Chapter 9: Archaeology and Cultural Heritage of the EIA Report.
Criterion 4		
The amenity of key recreational routes and ways is respected	The extent to which the proposal affects the amenity of key recreational routes and ways (e.g. Core Paths, Munros and Corbett's, Long Distance Routes etc.).	Key recreational routes that pass within in the Study Area, from which theoretical visibility of the Development is indicated, include the following: - Great Glen Way; - South Loch Ness Trail (Including Core Paths IN25.01, IN17.09, IN17.05); and - NCN Route 78 - The Caledonia Way;
Development should seek to achieve a threshold where:	Wind Turbines or other infrastructure do not overwhelm or otherwise significantly detract from the visual appeal of key routes and ways.	Whilst localised significant effects have been identified for the South Loch Ness Trail (Figure 6.24 VP4: South Loch Ness Trail, north of Whitebridge) and NCN Route 78 (Figure 6.27 VP7: General Wade's Military Road), the overall amenity of these routes will not be significantly affected by the introduction of the Development. The Development will be seen as a discrete extension to the Operational Corriegarth Wind Farm from these routes. A number of Munro, Corbett and smaller local hill summits form key recreational locations within the Study Area. From these elevated locations, the Development will be seen within the context of the operational wind farm development within the Study Area (Figure 6.29 VP9: Carn Sgulain, Figure 6.31 VP11: Meall Fuar-mhonaigh, Figure 6.33 VP13: Geal Charn, Figure 6.34 VP14: Corrieyairack Hill, Figure 6.35 VP15: Carn na Leitire, Figure 6.37

Criterion	Measure	Evaluation
		VP17: Ben Tee, and Figure 6.38 VP 18: Toll Creagach). Spacing between wind farm development will be maintained, and the Development will be seen as a relatively distant feature alongside the Operational Corriegarth Wind Farm.
Criterion 5		
The amenity of transport routes is respected	The extent to which the proposal affects the amenity of transport routes (tourist routes as well as rail, ferry routes and local road access)	Theoretical visibility of the Development is indicated for the A82 between Invermoriston and Drumnadrochit at distances of 11-15 km to the west and north-west of the Development. Within the Study Area, views east from the road are typically screened by intervening vegetation, however occasional views are afforded looking across Loch Ness (Figure 6.30 VP 10: Achnahannet). Proposed wind turbines will form a relatively distant feature in oblique views from the road and will be seen as a discrete extension to the Operational Corriegarth Wind Farm. A low magnitude of change has been identified for this section of the A82, resulting in a minor and not significant visual effect. For the road as a whole, the level of effect will reduce to negligible and not significant.
Development should seek to achieve a threshold where:	Wind Turbines or other infrastructure do not overwhelm or otherwise significantly detract from the visual appeal of transport routes	Whilst a moderate and significant visual effect has been identified for localised extents of the B862, this will be limited to short sections of the road from which glimpsed oblique views of the Development will be afforded. For the road as a whole, the Development will result in a minor and not significant effect.
Criterion 6		
The existing pattern of Wind Energy Development is respected	The degree to which the proposal fits with the existing pattern of nearby wind energy development, considerations include: • Turbine height and proportions, • Density and spacing of turbines within developments, • Density and spacing of developments, • Typical relationship of development to the landscape. • Previously instituted mitigation measures • Planning Authority stated aims for development of area	The Development is designed as an extension to the Operational Corriegarth Wind Farm and will be located within the interior of the wider plateau, similar to other operational, consented and proposed schemes located within the Rolling Uplands – Inverness (LCT 221). Where views of wind turbines will be afforded from lower-lying landscapes to the west of the site, the Development will appear beyond the containing ridgeline of the uplands. As such, the scale of the Development will not overwhelm the scale of more intimate and enclosed landscapes located to the west of the site.
Development should seek to achieve a threshold where:	The proposal contributes positively to existing pattern or objectives for	The layout of proposed wind turbines will be deeper along the axis perpendicular to the Great Glen, limiting the horizontal extent of the Development as seen in views experienced from elevated locations looking east across the Great Glen (Figure 6.31 VP 11: Meall Fuar-mhonaigh). The Development will appear as a discrete extension to the Operational Corriegarth Wind Farm in views from these locations.
		Overall composition, in conjunction with the Operational Corriegarth Wind Farm, will maintain simple and balanced spacing between wind turbines with minimal overlapping of wind turbine blades.
		Whilst the proposed turbine size of the Development will be slightly larger than that of the Operational Corriegarth Wind Farm, differences in wind turbine height and rotor diameter will only be discernible from locations in relatively close proximity to the

Criterion	Measure	Evaluation
	development in the area.	Development. The blade tip height of the proposed wind turbines will be below 150 m, avoiding the introduction of visible aviation lighting to wind turbines within the Study Area.
Criterion 7		
The need for separation between developments and/ or clusters is respected	The extent to which the proposal maintains or affects the spaces between existing developments and/ or clusters.	The pattern of operational, consented and proposed wind farm development within the Study Area comprises distinct clusters of wind farm development, located within the interior of the plateaux on either side of the Great Glen. Nearest the Development, this includes clusters of wind farm development comprising:
Development should seek to achieve a threshold where:	The proposal maintains appropriate and effective separation between developments and/ or clusters.	- Dunmaglass (operational) and Aberarder (consented) Wind Farms located 5.4 km to the north-east of the Development; - Stronelaig (operational), Dell (consented), Glenshero (at PLI) and Cloiche (application) Wind Farms located 7.2 km south-west of the Development; and - Kyllachy (under construction) and Farr (operational) Wind Farms located 18.7 km to the north-east of the Development. The Development will appear as a discrete extension to the Operational Corriegarth Wind Farm, which is located between the operational Stronelaig and Dunmaglass Wind Farms. Spacing of approximately 5-7 km between clusters of operational, consented and proposed wind farms will be maintained. Successive views of wind farm development within the Study Area are typically limited to elevated landform and summits. In these views, separation between clusters of wind farm development will be maintained (Figure 6.31 VP 11: Meall Fuar-mhonaigh and Figure 6.35 VP 15: Carn na Leitire).
Criterion 8		
The perception of landscape scale and distance is respected	The extent to which the proposal maintains or affects receptors' existing perception of landscape scale and distance.	In views from Stratherrick to the west of the site, proposed wind turbines will be set back from the edge of the uplands so as to avoid undermining the smaller scale of this landscape. The Development is located within a landscape of large scale with few scale indicators, apart from operational wind farm development.
Development should seek to achieve a threshold where:	The proposal maintains the apparent landscape scale and/or distance in the receptors' perception.	In views from hill summits within the WLA 20: Monadhliath, wind turbines will appear at a similar distance from the viewpoint as the Operational Corriegarth Wind Farm. Given the large landscape scale of the Monadhliath and existing presence of operational wind farms in views, wind turbines will not overwhelm the scale and perceived depth of the WLA 20 area beyond effects already experienced as a result of operational wind farms.
Criterion 9		
Landscape setting of nearby wind energy developments is respected	The extent to which the landscape setting of nearby wind energy developments is affected by the proposal.	The Development will be located within the topographical 'bowl' of the site, appearing as a discrete extension to the Operational Corriegarth Wind Farm within the larger-scale landscape of the Rolling Uplands – Inverness (LCT 221).

Criterion	Measure	Evaluation
Development should seek to achieve a threshold where:	Proposal relates well to the existing landscape setting and does not increase the perceived visual prominence of surrounding wind turbines.	In a limited number of views, the Development will slightly increase the prominence of the Operational Corriegarth Wind Farm, however this increase in prominence will typically be experienced in long-distance views with an existing presence of wind farm development, resulting in a relatively small scale change to the view.
Criterion 10		
Distinctiveness of Landscape character is respected	The extent to which a proposal affects the distinction between neighbouring landscape character types, in areas where the variety of character is important to the appreciation of the landscape.	The Development will be located within the Rolling Uplands – Inverness (LCT 221). There is an existing presence of wind farm development within this LCT, of which operational wind farms are typically located within the interior of the plateau so as to avoid visibility from more sensitive neighbouring landscape character types. Visibility of wind turbines from the nearby Broad Steep-Sided Glen (LCT 225), which is located within the Loch Ness and Duntelchaig Special Landscape Area (SLA), will be minimised due to intervening topography and to the location of proposed wind turbines within the interior of the plateau. Where visible, the Development will be seen in views with an existing presence of wind farm development, appearing comparable in scale and horizontal extent to the operational wind farms. Whilst the Development will be visible from the adjacent smaller-scale Farmed Strath – Inverness (LCT 227), the wooded nature of this LCT minimises visibility, and the Development will typically appear as a discrete extension to the Operational Corriegarth Wind Farm, partially screened by intervening landform in views with an existing presence of wind farm development.
Development should seek to achieve a threshold where:	Integrity and variety of Landscape Character Areas are maintained.	Given that existing wind farms, including the Operational Corriegarth Wind Farm are already present in views from the Loch Ness and Duntelchaig SLA, and as there will be no direct effects on key landscape features, it is considered that the Development will not significantly affect the integrity of the SLA by adversely impacting on the qualities for which it has been designated. The Development will be evident in views from elevated areas of the Cairngorms National Park (CNP), including from the edge of THC authority area at the eastern edge of the Monadhliath Mountains. The Development will lead to indirect effects experienced from a relatively small geographical area of the CNP, exclusively affecting these elevated areas and summits, from where the turbines of the Development would appear consistent with the existing pattern of wind energy development in the landscapes outwith the CNP and as a coherent extension to the existing Operational Corriegarth Wind Farm. The adverse effects on the Special Landscape Qualities (SLQs) of the CNP identified within the assessment are judged not to undermine the objectives for its protection, and the overall integrity of the CNP will not be compromised by the introduction of the Development. The assessment of effects on the SLQs of the CNP are presented in Appendix A6.3 of the EIA Report. The Monadhliath Wild Land Area (WLA 20) is located directly east of the Development. A Wild Land Impact Assessment is presented in Appendix

Criterion	Measure	Evaluation
		A6.4 of the EIA Report, with additional effects resulting from the Development judged to be very localised in their extent whilst large areas of the WLA will remain unaffected by the influence of wind farm development. 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 Development.

Other Considerations

4.4.11 Part 4 of the OWSG sets out the following considerations:

- Safety of Airport, Defence and Emergency Service Operations;
- Other Communications;
- The Natural and Historic Environment;
- The Water Environment;
- Peat;
- Trees and Woodland;
- Tourism and Recreation;
- Public Access;
- Traffic and Transport interests;
- Electricity and Gas Infrastructure;
- Noise Assessment;
- Borrow Pits;
- Mitigation;
- Construction and Environmental Management Plans; and
- Restoration Bonds.

4.4.12 These matters are addressed throughout this Planning Statement and the EIA Report.

The OWSG: Section 5 – Highland Strategic Capacity

4.4.13 Section 5 of the OWSG deals with strategic capacity. Paragraph 5.4 makes it clear that the section does not introduce additional constraints to those in the Spatial Framework. It adds that it is intended to provide “*additional strategic considerations that identify sensitivities and potential capacity*”. It explains that “the following serves as a guide” and that “assessment of specific proposals will take into account and site and proposal-specific factors”. These are important caveats.

4.4.14 Paragraph 5.4 adds that Applicants will be expected to “*demonstrate how their proposals align with the conclusions of the assessments, and if they do not, will be expected to demonstrate why they are still appropriate developments*”. Paragraph 5.6 states that it provides “general advice” and 5.7 makes it clear that “*finding the balance between the benefits of a particular scheme and the*

impacts it may present will be the subject of careful consideration on a case by case basis at the development management stage". Paragraph 5.8 adds that it is a "strategic level assessment".

- 4.4.15 Chapter 6 of the EIA Report has assessed the proposed development in terms of its impact upon Landscape Character Types. It is concluded that the scale of development proposed can be accommodated successfully in the receiving landscape.

Conclusions in relation to the OWSG

- 4.4.16 In terms of the role and function of the OWSG, it is supplementary to the 'lead' Policy 67 of the LDP which contains the applicable policy test. Therefore, the OWSG provides criteria against which to help assess a proposal with the application of Policy 67 but introduces no new or separate tests²⁰.

4.5 Overall Conclusion: Policy 67

- 4.5.1 In light of all the above, it is considered that the proposed development accords with Policy 67. No effects would arise that could be considered significantly detrimental overall, individually or cumulatively, with other developments having specific regard to the criteria contained within the policy.

4.6 Other HwLDP Policies

Policy 57 – Natural, Built, and Cultural Heritage

- 4.6.1 Policy 57 seeks to protect natural, built and cultural heritage of varying types and importance, and sets out criteria to be applied to the consideration of proposed development.
- 4.6.2 With reference to the findings in the EIA Report (Chapter 7 Ecology, Chapter 8 Ornithology and Chapter 9 Archaeology and Cultural Heritage) the proposed development is not predicted to compromise the natural environment, amenity and heritage resource of any features of international, national or local importance. In addition, no significant adverse effects are predicted to occur on such features.
- 4.6.3 It is considered that the proposed development would not have an unacceptable impact on the natural environment, amenity and heritage resource and that it is in accordance with Policy 57, insofar as it is relevant.

Policy 61 – Landscape

- 4.6.4 The thrust of Policy 61 is to ensure that new development is compatible with landscape characteristics and that relevant Landscape Character Assessments have been taken into account in development design. As explained in the consideration of Policy 67 above, the proposed development has been sited and designed to take account of existing landscape characteristics and overall it is concluded that the landscape has the capacity to accommodate the proposal successfully. The proposed development is considered to be in accordance with Policy 61.

Policy 55 – Peat and Soils

- 4.6.5 Chapter 13 of the EIA Report addresses geology, soils and peat. The Peatland and Carbon Map (2016, SNH) indicates that the majority of the site is classified as Class 1. There are pockets of both Class 2 and Class 4 near the site entrance and where the most westerly borrow pit and proposed construction compound is situated. There are also pockets of Class 3 south of proposed turbines 3, 4 and 5.
- 4.6.6 Peatland habitat is extensive across the EIA study area including the presence of blanket bog, although this has been classified as 'highly eroded', particularly around the steep slopes on the periphery of the existing Corriegarth Wind Farm. These are the areas that are proposed for the infrastructure as part of Corriegarth 2.
- 4.6.7 Careful detailed design, construction methods and reinstatement are proposed to minimise and avoid peat disturbance. The proposed Habitat Management Plan (HMP) will be an important factor

²⁰ This position is accepted by THC and endorsed in the Dell Wind Farm Appeal Decision (22 August 2019, Ref: PPA-270-2183) where the Reporter stated at para. 10: "*parties agreed that the guidance does not contain any further tests to assess compliance beyond what is contained with Policy 67*".

in balancing the carbon losses due to peat excavations through restoration of eroded blanket bog areas.

- 4.6.8 While the layout design process has sought to avoid areas where deep peat is recorded, ten turbines and associated crane hardstands as well as localised sections of track are located in deep peat, albeit it should be noted that these have been located in the shallowest peat pockets within the selected areas. Access tracks for the development would be micro-sited to avoid impinging on areas of heavily saturated ground.
- 4.6.9 Although the majority of soils affected by the site are peat deposits greater than 1.0 m, peat and other soils would be reinstated fully within the areas of origination, so that the significance of effects associated with the loss of soils would be minor and not significant.
- 4.6.10 The peat disturbance mitigation measures proposed can be secured by way of a planning condition, and are location-specific and relate to turbine locations and associated infrastructure. Probing data available indicates that turbines located in areas with peat depths greater than 1 m could be micro-sited within 50m of the original location, reducing significantly the impact on deep peat and peaty soils.
- 4.6.11 With the mitigation proposed, the it is set out in the EIA Report that the magnitude of effects on peat disturbance can be reduced from moderate to minor and are therefore not significant.
- 4.6.12 The proposed development is considered to be in accordance with Policy 55 as it avoids unnecessary disturbance, degradation and erosion of peat, and a Peat Management Plan would be put in place to establish how peat excavated during the construction of the proposed development would be managed to allow valid reuse of peat and to avoid, or minimise, the generation of waste peat.

Policy 58 – Protected Species

- 4.6.13 Policy 58 is a multi-criterion policy which applies to development proposals that may affect protected species, including European protected species. The relevant environmental assessments on protected species are reported within Chapters 7 ‘Ecology’ and 8 ‘Ornithology’ of the EIA Report. With the implementation of relevant mitigation measures, the proposed development is unlikely to have an adverse effect, either individually and/or cumulatively, on European Protected Species. The proposed development is therefore considered to be in accordance with Policy 58.

Policy 59 – Other Important Species

- 4.6.14 Policy 59 states that the Council will take into consideration any adverse effects of development proposals on certain species identified in the policy. The EIA does not identify any significant effects with regard to other important species therefore the proposed development is considered to be in accordance with Policy 59.

Policy 60 – Other Important Habitats and Article 10 Features

- 4.6.15 The proposed development would not impact upon the integrity of other important habitats and Article 10 Features and is therefore considered to be in accordance with Policy 60.

Policy 28 – Sustainable Design

- 4.6.16 Policy 28 sets out the requirement for all development to be designed in the context of sustainable development and climate change. The Policy sets out criteria which proposed developments are to be assessed against.
- 4.6.17 Criteria 1, 2, 5, 11 and 12 are considered to be more relevant to urban development as opposed to onshore wind farms and are therefore not assessed.
- 4.6.18 The proposed development is in accordance with criterion 3 as the proposed wind farm would generate, and has been designed to maximise, renewable energy.
- 4.6.19 There are no physical constraints to the development (criterion 4).

- 4.6.20 In terms of criterion 6, appropriate waste management would be implemented as part of the construction process for the development.
- 4.6.21 Residential amenity (criterion 7) has been assessed in relation to Policy 67, above.
- 4.6.22 The proposed development would not impact upon non-renewable resources (criterion 8).
- 4.6.23 The impact of the proposed development on the resources listed in criterion 9 are considered throughout this Chapter and the EIA Report.
- 4.6.24 Criterion 10 requires sensitive siting and high-quality design. As set out in the assessment of Policy 67 above, and in the EIA Report, the development has been sensitively sited and the design has been well considered and is appropriate for the proposed use.
- 4.6.25 In terms of the last criterion, the proposed development would contribute positively to the economic and social development of the community through the various local and wider benefits that would result. These are set out in Chapter 6, below.
- 4.6.26 Policy 28 states that development judged to be significantly detrimental, will not accord with the Development Plan. However, Policy 28 and the HwLDP need to be read as a whole before judgement is made in terms of the proposed development's accordance, or otherwise, with the Development Plan.
- 4.6.27 The Policy is only of limited relevance in terms of undertaking a comprehensive policy appraisal against the terms of the Development Plan. It adds nothing further to the existing detailed provisions of Policy 67 which deals specifically with renewable energy developments. Therefore, the proposed development is considered to be in accordance with Policy 28 insofar as it is relevant.

Policy 56 – Travel

- 4.6.28 Policy 56 seeks to ensure development is sustainable in terms of travel. The Policy is more relevant to urban or public facing development as opposed to renewable energy projects. Nonetheless, the principle of the Policy is relevant as the proposed development would involve travel generation, and a traffic and transport assessment has been included in Chapter 11 of the EIA Report to allow the Council to consider any likely on- and off-site transport implications of the development.
- 4.6.29 The proposed development is considered to be in accordance with Policy 56 as mitigation measures would be put in place to ensure the proposed development would not have any significant adverse effects on transport.

Policy 64 – Flood Risk

- 4.6.30 Policy 64 seeks to direct development away from areas susceptible to flooding and promotes sustainable flood management.
- 4.6.31 The proposed development incorporates good practice drainage design during construction and operation, using a sustainable drainage system (SUDS) approach to control the rate, volume and quality of runoff from the proposed development. In addition, all watercourse crossings would be designed to accommodate a 1 in 200-year return period peak flow.
- 4.6.32 The proposed development is considered to be in accordance with Policy 64.

Policy 66 – Surface Water Drainage

- 4.6.33 The proposed development is considered to be in accordance with Policy 66 as it incorporates good practice drainage design during construction and operation to control the rate, volume and quality of runoff from the proposed development.

Policy 77 – Public Access

- 4.6.34 An Access Management Plan would be implemented to manage public access to the site throughout the construction phase.

- 4.6.35 Following the completion of construction, there would be no reason, under normal circumstances, to restrict access to the site for public safety reasons however restrictions may occur where operational maintenance or health and safety restrictions require this. Current access arrangements to the site would therefore not change substantially, indeed, access would be improved by the laying of wind farm access tracks. The proposed development is considered to be in accordance with Policy 77.

4.7 Development Plan Policy Assessment Conclusions

- 4.7.1 The proposed development is considered to be in accordance with the relevant policies of the Development Plan and when the plan is read as a whole.

5. The Benefits of the Proposed Development

5.1 The Benefits: Summary

5.1.1 The proposed development would result in a wide range of benefits as follows:

- With an indicative installed capacity of approximately 76 MW, the proposed development would make a valuable contribution to the attainment of the UK and Scottish Government policies of encouraging renewable energy developments; and in turn contribute to the achievement of UK and Scottish Government currently unmet targets for renewable energy and electricity generation. The Government has confirmed its long-term commitment to the decarbonisation of electricity generation and the proposal would help advance this policy objective.
- The UK legally binding target of net zero GHG emissions by 2050 and the Scottish Government target of a 75% reduction of such emissions by 2030 and net zero by the earlier date of 2045 are major challenges. The Government has made it clear that onshore wind plays a vital role in the attainment of future targets in relation to helping to combat the crisis of global heating.
- Use of the carbon calculator with best estimate values, based on available information, indicates that the proposed development would 'pay back' the carbon emissions associated with its construction, operation and decommissioning in a 2-year period. The proposed development would result in an estimated carbon saving of 53,283 tCO₂ per annum²¹.
- The project has the potential to deliver supply chain benefits. The proposed development would provide opportunities for the involvement of local, regional and Scottish suppliers in a range of activities, including research and development, design, project management, civil engineering, component fabrication / manufacture, installation and maintenance. There is expertise in all of these areas in the wider region. The Applicant, during public engagement consultation, sought the details of local businesses which may be relevant to the construction of the Development, asking for details to be left on feedback forms. The Applicant is currently consulting with the Inverness Chamber of Commerce with respect to maximising the opportunities for local contractors and how best use of their online portal 'Open4Business' can be made.
- It is anticipated that a temporary workforce peaking at 60 people will be employed during the 18-month construction period. Calculated by 'job years', one individual working for 18 months would result in 1.5 job years; therefore, 60 individuals working during the 18-month construction period represents 90 job years.
- Overall, it is estimated that the operational phase of the development will generate employment opportunities equivalent to approximately 2-3 Full-Time Equivalent (FTE) workers. Induced effects will include local spending by the Applicant and maintenance contractors.
- The proposed development will contribute £5,000 per MW installed capacity to a Community Benefit Fund. Based on an assumed installed capacity of 76 MW, this will result in an annual value of approximately £380,000 per year. With a 30-year operational period, this will provide approximately £11.4 million in community benefit.

5.1.2 The importance of the economic benefits arising from the proposed development cannot be underestimated in today's circumstances. The Office of Budget Responsibility (OBR) has set out clear warnings in July 2020 that unemployment in the UK is likely to rise beyond levels seen in the 1980s as the nation struggles to regain its pre-COVID-19 virus footing. The OBR's position is that 2020 has seen the biggest collapse in economic activity since records began and there is now a significant likelihood of lasting economic 'scarring'. Reference has been made in Chapter 4 to the recent advice to the Scottish Government from their Advisory Group on Economic Recovery and from the Government's Climate Emergency Response Group – the consistent strong

²¹ Assumed national grid mix of energy generation - figures as set out in Chapter 15 of the EIA Report.

recommendation is that there is an economic and environmental imperative to seek to deliver projects that can contribute to the economic recovery and indeed which can make a positive response to the Climate Emergency. The proposed development can make such a valuable contribution.

6. Conclusions

6.1 The Electricity Act 1989

- 6.1.1 The statutory context for a s.36 application is now well established. The proposed development requires to be considered under the terms of the 1989 Act, in particular the Schedule 9 duties.
- 6.1.2 Paragraph 3(2) 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. The information that is contained within the individual topic sections of the EIA documentation addresses these. It is considered that the detailed work undertaken for the EIA has confirmed and provides confidence that the proposed development is environmentally acceptable. On this basis the Applicant has fulfilled the obligations under Schedule 9 of the Electricity Act.
- 6.1.3 The Schedule 9 duties apply whatever the relevant local policy circumstances expressed through a Development Plan may be. Therefore, the approach required in this case is fundamentally different to the conventional approach for planning decisions under s.25 of the 1997 Act. As has been explained, there is no primacy of the Development Plan in an Electricity Act case. Development Plan policies are relevant to understanding in a local context, the generic duties under Schedule 9 to the Electricity Act.
- 6.1.4 It is also important to note that Schedule 9 does not contain any substantive development management tests. This was recently confirmed in the Scottish Minister's Decision in relation to the Fallago Rig Wind Farm Extension issued on 25 June 2020. In that Decision, the Reporter had taken a position that the Applicant had "failed to fulfil their duty under Schedule 9" as a result of taking a particular design approach to the development. At Page 8 of the Decision letter, the Ministers state that they disagreed with the views of the Reporter on this particular matter and they stated:

"Scottish Ministers note that Schedule 9 of the Electricity Act contains no substantive development management tests. Ministers consider that the environmental information sufficiently accounts for the consideration of the design of the proposed development and its impacts on the environment. The company has demonstrated throughout their ES that they have had regard to the relevant environmental matters and, within the parameters of their chosen design, taking account of the environment as a whole, they have done what they reasonably could to mitigate any impact. Ministers are therefore satisfied that the relevant requirements have been complied with".

6.2 Climate Emergency & the Renewable Energy Policy Framework

- 6.2.1 The Scottish Energy Strategy (SES) (2017) sets out that onshore wind is recognised as a key contributor to the delivery of renewable energy targets - specifically the new 2030 50% energy from renewable sources target – which could see renewable electricity rise to over 140% of Scottish electricity consumption. The Government has set out that this may require in the region of 17GW of installed renewables capacity by 2030 (SES, page 34). The SES did not take account of what may be required in terms additional renewable generation capacity to attain the new legally binding 'net zero' targets – this is expected to be addressed in a new Climate Change Plan to be published in December 2020.
- 6.2.2 Furthermore, the Government's 2020 renewable electricity target remains unmet and has been supplemented by new stretching emission reduction targets.
- 6.2.3 One of the key messages in the Onshore Wind Policy Statement (OWPS) is the recognition that onshore wind is to play a "vital role" in meeting Scotland's energy needs, a "material" role in growing the economy and it is specifically stated that the technology remains "crucial" in terms of Scotland's goals for an overall decarbonised energy system and to attain ambitious renewable targets for the milestone dates of 2020, 2030 and 2045.

- 6.2.4 This language on the role of onshore wind is demonstrably stronger than that in the current NPF and SPP. Even if a view is taken that the language is no different, the context within which the NPF / SPP policy statements were given is demonstrably different by way of more stretching targets and no guarantee of subsidy or certainty on route to market for onshore wind.
- 6.2.5 The OWPS also makes specific reference to the move “*towards larger and more powerful (i.e. higher capacity) turbines and that these by necessity – will mean taller towers and blade tip heights*”. Notice is therefore given of market reality and evolving technological change and the benefits larger turbines can bring in terms of energy yield and consequent larger contribution to targets.
- 6.2.6 This Planning Statement has identified the more urgent need for onshore wind: an increase of this renewable energy technology is supported through a number of policy documents and by Scottish Government commitments. The technology 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 and, in line with the recommendations made by the CCC (2019) ‘net zero’ publication. Furthermore, the drive to attain net zero emissions is now legally binding at the UK and Scottish Government levels by way of recent amendments to the Climate Change Act 2008 and in Scotland with the provisions of the Climate Change (Emissions Reduction Targets) (Scotland) Act 2019.
- 6.2.7 Overall, the renewable energy policy framework is a very important consideration and one that should attract significant weight in the balance of factors in the determination of the application. It also needs to be acknowledged that the need case with regard to renewable generation and emissions reduction targets as set out in NPF3 and SPP are now dated. The documents are under review and have to a large extent been overtaken by new statutory provisions on renewable energy targets and GHG emissions reductions.

6.3 National Planning Policy & Guidance

- 6.3.1 NPF3 and SPP set out a strong position of support in relation to renewable energy and renewable energy targets and recognise the significant energy resource that can be provided by onshore wind. This is clearly not at any cost and environmental effects need to be judged to be acceptable.
- 6.3.2 Furthermore, each of the relevant sustainable development principles introduced through Paragraph 29 of SPP have been considered and it was shown through this appraisal that the proposed development would be consistent with each relevant principle and should benefit from the presumption in favour of development that contributes to sustainable development.
- 6.3.3 The proposed development is in an appropriate location and it is considered that the development is consistent with the relevant provisions of national planning policy and advice.

6.4 The Development Plan

- 6.4.1 The relevant policies of the Development Plan have been considered. The focus of the assessment was on those effects identified as significant through the EIA process following the application of mitigation measures proposed. This was in order for the assessment to be proportionate and, while it is recognised that the outcomes of the EIA are not in themselves a demonstration of planning policy accord, the EIA assessment process is a key consideration in determining the significance of receptors and in turn informing the overall acceptability of the proposed development.
- 6.4.2 The significant effects identified largely relate to landscape and visual matters, however taking into account other policy considerations relating to suitable wind resource, renewable energy targets and positive local economic effects and the various benefits (as required by Policy 67) the proposed development is considered to accord with Policy 67 with regard to landscape and visual effects and indeed with regard to the various other environmental topics set out in the policy.

- 6.4.3 The proposed development is also considered to be consistent with other relevant policies of the HwLDP and with relevant aspects of the Onshore Wind SG.
- 6.4.4 The conclusion reached is that the proposed development would be consistent with all relevant policies of the Development Plan, and with the Plan when read as a whole, insofar as that is a relevant consideration in an Electricity Act case.

6.5 Overall Conclusions

- 6.5.1 It has therefore not only been demonstrated that the proposed development accords with local and national planning policy, but that there is additionally a substantial need for this type of development in order that pressing future targets in relation to the global heating crisis and renewable energy generation and greenhouse gas emission reductions can be met in time.
- 6.5.2 The benefits of the proposed development have been set out in the context of the current Climate Emergency and economic crisis – they would help address the issue of global heating and challenging ‘net zero’ targets and moreover, would deliver economic benefits at a time of severe economic recession.
- 6.5.3 The socio-economic benefits are now of particular importance given the unprecedented current economic crisis and recession in Scotland and the wider UK. The Letter from the Chief Planner dated 03 April 2020 entitled ‘Planning Procedures and COVID-19’ is clear in stating that “*planning has a crucial part to play within and beyond the immediate emergency*” and makes reference to the planning system’s critical role in our “*future economic and societal recovery*”. The importance of this matter has been further confirmed in the Programme for Government published in September 2020 – it has stated that a ‘green recovery’ is at the heart of the Government’s new programme.
- 6.5.4 The renewable energy policy framework remains an extremely important consideration. It is of course not an over-riding matter, but it is one that should attract significant weight in the balance of factors in the determination of the application. The current situation is more urgent and more grave than that which prevailed in 2014 when SPP and NPF3 were published and that must therefore go to the matter of weight to be attributed to the benefits of the proposed development and the need case.
- 6.5.5 The overall conclusion reached is that the proposed development satisfies the terms of Schedule 9 of the 1989 Act taking into account other policy considerations including the relevant Development Plan policies. On this basis, it is recommended that Section 36 consent and deemed planning permission should be granted, for the proposed development.

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