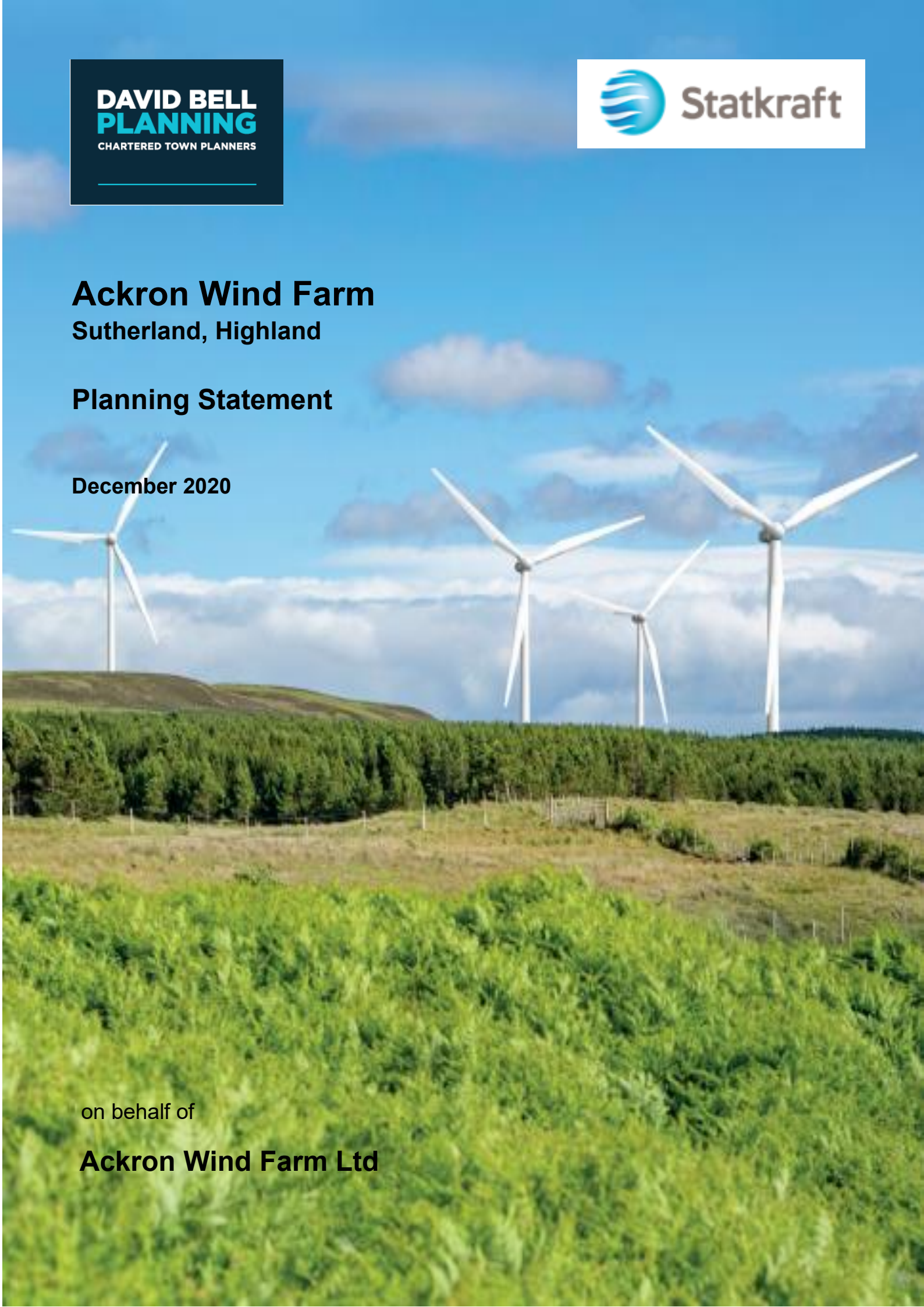

Ackron Wind Farm

Sutherland, Highland

Planning Statement

December 2020

on behalf of

Ackron Wind Farm Ltd

Contents

1. Introduction

1.1 Background

1.1.1 This Planning Statement has been prepared by David Bell Planning Ltd (DBP) on behalf of Ackron Wind Farm Ltd (the Applicant) to support a planning application under the Town and Country Planning (Scotland) Act 1997, as amended[1] (the 1997 Act), for consent to construct, operate a wind farm known as Ackron (hereafter referred to as "the proposed development"). The proposed development comprises up to 12 turbines with a combined generation capacity of up to 49.9 megawatts (MW), and associated infrastructure in north-east Sutherland (the site) and which would operate for a period of 30 years.

1.1.2 The planning application is also supported by an Environmental Impact Assessment (EIA) Report which sets out the findings of the EIA undertaken for the proposed development, which has been carried out in accordance with the Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 20172 (the EIA Regulations).

1.2 Purpose of Planning Statement

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

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

1.2.3 The EIA Report and the associated design progression of the proposed development reflects the advice provided by the Highland Council ("the Council") as Planning Authority and associated technical stakeholders and statutory consultees in an EIA Scoping Opinion, as well as feedback provided from the local community during the pre-application consultation process. The EIA Report and other relevant accompanying documents are referenced throughout this Planning Statement where they provide more detailed information that is not essential to repeat.

1.3 Site Location & Description

1.3.1 The application site covers an area of approximately 662 hectares (ha).

1.3.2 The site is located approximately 18 kilometres (km) west of Thurso and approximately 2km south-east of Melvich and is within the administrative boundary of Highland Council.

1.3.3 The topography of the site and immediate vicinity generally slopes westward. The elevation of the Site varies from approximately 163m Above Ordnance Datum (AOD) in the north-east near Caol-Loch, sloping westward to 30m AOD along the A897. There are two named knolls: Golval Hill (127m AOD) and Cnoc an Achadh (123m AOD).

1.3.4 The site predominately comprises of open moorland used for rough grazing. There is a small area of improved pasture in the north-west and a woodland grant scheme, comprising 13 ha along the lower elevations in the west of the site which extends outwith the site boundary on its north-east edge between the site and the A897.

1.3.5 No public roads are located within the site. The A836, part of the North Coast 500(NC500) route, lies to the north of the site with the A897 to the west. An overhead transmission line transects the

[1] As amended by the Planning etc. Scotland Act (2006).
[2] Town and Country Planning (2017) Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations (2017).

south-east corner of the site connecting Connagill Substation in the south-west, to Dounreay in the north-east.

1.3.6 There are no residential properties within the site with the closest residential properties being Ackron Farm and Golval (both financially involved with the proposed development) located 0.9 km to the west of the nearest turbine and 1km to the south-west of the nearest turbine, respectively.

1.4 The Proposed Development

1.4.1 In summary, the proposed development would comprise of up to 12 three-bladed horizontal axis wind turbines. The main components of the development are as follows:

- Up to 12 three-bladed turbines with a maximum tip height of 149.9 m including external transformers (if required);Associated foundations, blade laydown areas, crane hard-standings at each wind turbine location;
- Access tracks linking the turbine locations;
- Substation compound incorporating electrical switchgear and wind farm control elements;
- Temporary construction compound;
- Network of underground cabling running adjacent to the access tracks where possible;
- A permanent anemometry mast (up to 92m);
- Up to two onsite borrow pits; and
- New site access off the A897 public road.

1.4.2 A detailed description of the proposed development is provided in Chapter 4 of the EIA Report.

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

1.4.4 The proposed development is classified as a ‘Major Development’ under the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009, as it would have a generation capacity of more than 20 MW, but less than 50 MW (at 49.9 MW).

1.5 The Applicant

1.5.1 Ackron Wind Farm Ltd (‘the Applicant’) is a wholly owned subsidiary of Statkraft UK Ltd. Statkraft is a leading company in hydropower internationally and Europe’s largest generator of renewable energy; producing hydropower, wind power, solar power, gas-fired power, and supplies district heating. Statkraft owns and operates 11 wind farms in the UK and the Nordics with a combined installed capacity of almost 1,000 MW. In 2019, Statkraft acquired 100 per cent of the shares of Airvolution Clean Energy Ltd, including Ackron Wind Farm.

1.6 Structure of Planning Statement

1.6.1 The structure of this Planning Statement is as follows:

- Chapter 2 assesses the proposed development against Development Plan policies and applicable Supplementary Guidance;
- Chapter 3 addresses relevant national planning policy and guidance;
- Chapter 4 explains the renewable energy policy framework;

- Chapter 5 summarises the benefits that would arise from the proposed development;
- Chapter 6 presents overall conclusions.

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2. The Development Plan

2.1 Introduction

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

2.1.2 The statutory development plan covering the application site comprises the following:-

- The Highland Wide Local Development Plan (HwLDP) (2012);
- The Caithness and Sutherland Local Development Plan (CasPlan) (2018); and
- Relevant supplementary guidance, particularly the Onshore Wind Energy Supplementary (OWSG) Guidance (2016).

2.1.3 The CaSPlan focuses largely on settlements and communities, rather than presenting planning policies of relevance to onshore wind. It is only relevant from a broad policy perspective and does not present any specific planning policies of relevance to onshore wind. Further information on this plan is provided below.

2.1.4 The Council started consultation on a new HwLDP however suspended progress on a new Highland wide LDP until there is clarity on a new development planning approach as a result of the Planning Act 2019.

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

2.2 Age of the Development Plan & The Presumption in Favour

2.2.1 Before assessing the proposed development against the relevant policies of the Development Plan and specifically the HwLDP and the provisions of the OWSG, it is important to consider the current age of the Development Plan and the consequences of this for development management practice, as required by Scottish Planning Policy (SPP).

2.2.2 The HwLDP was adopted in 2012 and now exceeds the recommended lifespan of five years for a Development Plan.

2.2.3 SPP is a material consideration in the determination of this planning application and it introduces a presumption in favour of development that contributes to sustainable development. This is discussed further in Chapter 4 of this Planning Statement. This is of particular relevance to this planning application, as paragraph 33 of SPP specifically 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. <u>The same principle should be applied where a development plan is more than five years old</u>*". (underlining added)

2.2.4 As such, although the HwLDP retains primacy in the decision making process, the presumption in favour of development that contributes to sustainable development established by SPP is a significant material consideration, as a result of the age of the HwLDP. This policy principle needs to be considered and applied in the context of the following assessment of the proposed development against Development Plan policies.

2.2.5 The operation of the presumption in favour has been examined at a number of Public Inquiries and in Planning Appeals in Highland in recent years. The approach was addressed in detail in the Dell Wind Farm Planning Appeal Decision Notice[3] (22 August 2019).

2.2.6 At paragraph 88 of the Dell decision, the Reporter set out that:

"*Parties acknowledge that the local development plan is now more than five years old. In terms of Scottish Planning Policy and for the purposes of being regarded as out of date, the council considers that the council's Onshore Wind Energy Guidance has effectively updated the local development plan in this context. It views Scottish Planning Policy as unclear where constituent parts of a plan are still relevant. The appellant's view is that paragraph 33 of Scottish Planning Policy is engaged in this case and the presumption in favour of development that contributes to sustainable development will be a significant material consideration*".

2.2.7 At paragraph 89 the Reporter added:

"*Reference is made to two appeal decisions – PPA-270-2147 relating to Druim Ba Wind Farm and WIN-270-7 relating to the Caplich Wind Farm. In the case of Druim Ba, the reporter concludes that despite being recently adopted, the council's Onshore Wind Energy Guidance is supplementary to the key development plan policies that are more than five years old and therefore the sustainable development presumption is a significant material consideration*".

2.2.8 Furthermore, the Reporter continued at paragraph 94 of the decision as follows:

"*The appellant considers the planning balance to be tilted in favour of the proposed development and the presumption in favour of granting permission should prevail. I agree that paragraph 33 of Scottish Planning Policy is engaged and is a significant material consideration given that the local development plan is more than five years old. Based on my conclusions reached above, the proposal can also draw support from the planning outcomes within Scottish Planning Policy and the policy principles set out in paragraph 29, and would represent a development that contributes to sustainable development. Overall, I consider there to be a presumption in favour of the development. Drawing all the relevant considerations together, I am satisfied that any adverse impacts of the proposal would not significantly and demonstrably outweigh its benefits*."

2.2.9 These circumstances continue to apply at this time and in relation to the planning application for the proposed Ackron Wind Farm: namely the Development Plan is over five years, the presumption is a significant material consideration and the 'tilted balance' applies – it is not a standard planning balance that has to be struck.

2.2.10 The tilted balance applies in addition to the SPP presumption which, if it applies to the proposed development, is a presumption in favour of planning permission.

2.2.11 The approach was confirmed in the recent judgement of the Inner House in the Gladman[4] case. The Court determined that in the case of housing development the starting point for considering the presumption was paragraph 33 of SPP.

2.2.12 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[5].

[3] Dell Wind Farm, Planning Appeal Decision Notice, Case Reference PPA-270-2183, dated 22 August 2019.

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

[5] 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

2.2.13 The proposed development would contribute to sustainable development and following consideration of the principles set out at paragraph 29 of SPP and the desired 'outcomes' the proposal should benefit from the presumption (as noted, further detail on how the Development would relate to the SPP principles is addressed in Chapter 4).

2.3 Relevant Development Plan Policies & Approach

2.3.1 The relevant policies within HwLDP are listed in Table 2.1: Relevant HwLDP Policies below. Policy 67 is the 'lead' and most pertinent policy with regard to the proposed development.

Table 2.1: 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 the Council under national legislation); or, • Internationally important features (identified under government directives and European conventions).
58: Protected Species	Concerns a development's individual or cumulative effects on European Protected Species and protected bird species. Adverse effects would only be permitted under certain circumstances depending on the species being affected, such as the development being required for preserving public health or safety.
59: Other Important Species	Concerns a development's individual or cumulative effects on species listed in Annexes II and V of the EC Habitats Directive (92/43/EEC), priority species listed in the UK and Local Biodiversity Action Plans and Species included on the Scottish Biodiversity List. Detrimental effects will be avoided through the use of conditions and agreements.

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 ended 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)

HwLDP Policy	Policy Summary
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 the Council. Developments will be supported where they do not have a significantly detrimental effect overall (individual or cumulative), having regard in particular to any significant effects on:** • **natural, built and cultural heritage features;** • **species and habitats;** • **visual impact and impact on the landscape character of the surrounding area;** • **amenity at sensitive locations;** • **safety and amenity of any regularly occupied buildings and their grounds (visual intrusion, noise, ice throw, shadow flicker or shadow throw);** • **ground water, surface water (including water supply), aquatic ecosystems and fisheries;** • **the safe use of airport, defence or emergency service operations;** • **other communications installations or the quality of radio or TV reception;** • **the amenity of users of any Core Path or other established public access for walking, cycling or horse riding;** • **tourism and recreation interests;** • **land and water-based traffic and transport interests.**
72: Pollution	Detailed assessment required of developments which would result in the significant pollution relating to noise, air, water and light. Avoidance and mitigation measures needed if found to be necessary.
77: Public Access	Existing Core Paths or water access points should be retained or suitable alternative access provided. Access Plans required for a Major Development.

2.3.2 The planning policy assessment which follows is based on the relevant Development Plan policies detailed in Table 2.1, 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 proposed mitigation measures.

2.3.3 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. The outcomes of the EIA are key considerations in determining the sensitivity of receptors and therefore important to informing the overall acceptability of the proposed development.

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

2.4 Policy Assessment – Policy 67

2.4.1 As set out above, Policy 67 is the key or 'lead' HwLDP policy for the assessment of onshore wind farm developments. The policy contains a number of criteria which generally address the environmental topics that are referred to in other policies within the Plan. The proposed development has been assessed against Policy 67 and the associated OWSG and this is reported below.

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

2.4.3 Secondly, Policy 67 states the Council will consider a proposed development's contribution "*towards meeting renewable energy generation targets*". The proposed development has an indicative capacity of up to 49.9 MW and would therefore make a valuable contribution to unmet international, UK and Scottish Government climate change and renewable electricity and energy generation targets. Such targets are referred to below in Chapter 4.

2.4.4 Thirdly, Policy 67 states the Council will consider "*any positive or negative effects [the proposed development] is likely to have on the local and national economy*". The proposed development would contribute to the attainment of economic development objectives at local and national levels. Employment and economic benefits that would arise from the proposed development are set out in Chapter 5 of this Planning Statement.

2.4.5 Fourthly, a proposed development is to be assessed against other policies of the Development Plan, the Highland Renewable Energy Strategy and Planning Guidelines (HRES) and must have regard to any other material considerations. This Planning Statement assesses the proposed development against other relevant Development Plan policies. HRES is no longer used by the Council as a material policy / guidance document and is therefore of no relevance.

2.4.6 Fifthly, the Council will have regard to proposals able to "*demonstrate significant benefits including by making effective use of existing and proposed infrastructure or facilities*". The proposed development will realise a range of benefits, as summarised in Chapter 5, below, and has also been designed to make best use of existing infrastructure.

2.4.7 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

2.4.8 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

2.4.9 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.

Ecology

2.4.10 No significant ecological effects have been identified for the construction and operation of the proposed development, either alone or in combination with other developments. Embedded mitigation has been proposed to ensure the low magnitude of effects during the construction phase. A Habit Management Plan (HMP) is proposed aimed at increasing the biodiversity value of areas of degraded habits within the site, by restoring damaged and degraded blanket bog from the long-term management effects.

Ornithology

2.4.11 The EIA Report addresses ornithology and explains that the main ways in which a wind farm may affect Important Ornithological Features (IOFs) are via:

- Habitat loss due to land-take;
- Habitat modification;
- Disturbance/displacement; and
- Collision with turbines.

2.4.12 Each of these potential effects during each phase of the proposal's life cycle (construction, operation and decommissioning) is addressed in the EIA Report. In addition, cumulative effects are considered.

2.4.13 In summary, the EIA Report explains that the embedded mitigation in the design approach will ensure that potential effects on IOFs are avoided or minimised. No significant effects on IOFs are considered likely, and therefore no further mitigation is proposed. A Habitat Management Plan is proposed and would be secured by way of planning condition.

2.4.14 Two Sites of Special Scientific Interest (SSSIs) with potential connectivity with the application site were identified, namely East Halladale SSSI and West Halladale, both of which are components of the Caithness and Sutherland Peatlands Special Protection Area (SPA). Following full implementation of the embedded mitigation and specific mitigation to protect breeding common scoter and hen harrier, no significant effects on any of the qualifying interests of either SSSI is predicted and no adverse effects on the integrity of either site are predicted.

2.4.15 In summary, it is considered that 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

2.4.16 The third factor in Policy 67 relates to visual impact and impact on the landscape character of the surrounding area. This includes reference to not just landscape character, but landscape designations such as Special Landscape Areas (SLAs), National Scenic Areas (NSAs) and important public views. The appropriate approach is to determine whether a development would result in effects that are "significantly detrimental" overall, not if a development per se, would result in a significant adverse effect.

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

Design Approach

2.4.18 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 by the Applicant in order to minimise significant effects on views and the landscape. This involved the application of a number of design principles and approaches which are explained in

EIA Report Chapter 3 'Site Selection and Design', and the accompanying Design and Access Statement. These principles sought to address policy considerations and identify and mitigate against potential effects of the proposed development.

Impact on Landscape Character (design and location should reflect scale and character of landscape and seek to minimise landscape and visual impact)

2.4.19 The site is part of an extensive area of gently undulating moorland along the north coast of Sutherland. There are low hills emerging from the moorland, with Beinn Ràtha the closest to the site to the east and the highest locally.

2.4.20 The development is located within the Central Caithness (Highland LCA CT4) part of the Sweeping Moorland and Flows LCT (134), bounded by other LCTs – a full description of which is provided in the EIA Report.

2.4.21 In summary, the Sweeping Moorland and Flows LCT is characterised by large scale and smooth form, and gently sloping, undulating landform. This, combined with a simple landcover of moorland and some conifer plantations, gives it a generally uniform character. The site and immediate surrounding LCT displays the majority of key characteristics identified by NatureScot.

2.4.22 With respect to the overall effect on landscape character within the LVIA study area, introducing the development midway between the operational Baillie and Strathy North wind farms is predicted to have a significant (major to moderate) effect on character within approximately 5-11 km of the site. The area so affected will comprise limited tracts of the following LCTs:

- LCT 134 Sweeping Moorland and Flows;
- LCT 140 Sandy Beaches and Dunes;
- LCT 141 High Cliffs and Sheltered Bays;
- LCT 142 Strath – Caithness and Sutherland; and
- LCT 144 Coastal Crofts and Small Farms (Melvich / Portskerra).

2.4.23 The LVIA sets out that the character of the remainder of the study area will be affected to a lesser, not significant (minor to negligible) degree. Large parts of the study area will remain unchanged in terms of landscape character effects.

2.4.24 This assessment reflects the judgement that, although the development will introduce a new group of turbines into the northern part of the Sweeping Moorland and Flows, set back from the coast, it will not essentially alter the pattern of development across the wider area, which already extends wind farms west of Thurso.

Landscape Designations

2.4.25 The site is not covered by any statutorily or nationally protected landscape-based designations. There are, however, several designated areas within the LVIA study area. However, those beyond 20 km are unlikely to have significant effects that affect the reasons for which they are designated, and have been scoped out of the assessment.

2.4.26 Farr Bay, Strathy and Portskerra Special Landscape Area (SLA) is the only designated area that occurs within approximately 20km of the site and its closest point is some 2.2km to the north-west of the site at Bighouse and which covers the coastal strip.

2.4.27 Regarding the effect on the SLA's special qualities, the LVIA sets out that, although the development would be visible from within the eastern extremity of the SLA, broadly speaking as far as Strathy Point, it will not appreciably alter the dramatic intricate coastline of the SLA and forceful sea, the moorland and crofting mosaic, the big skies and extensive views, or the historic dimension of the SLA. Views out from the SLA to east will be affected by the development on the eastern side of Strath Halladale inland of the coast, and when seen over cliffs from Strathy Point.

2.4.28 Some views from the SLA are outwards along the coast. Significant visual effects have been identified for some views out from the SLA, such as from Viewpoint (VP) VP5 Melvich, VP6 Portskerra and VP7 Strathy Point. These outward views also include existing development such as Dounreay, Forss Wind Farm and settlement. Views out of the SLA towards the mountains will not be affected as the development will not be seen in the same direction as views to the mountains (south or south-westwards).

2.4.29 With regard to the observations made about scale in the SLA citation, the LVIA sets out that it is recognised throughout the LVIA that the turbines will be visible in some views along the coast, but they are set well back from settlements, roads and buildings such that they are seen in relation to the large scale moorland rather than the domestic scale of existing buildings and settlements.

2.4.30 In summary, the LVIA sets out that the introduction of the development will alter neither the physical landscape, nor the character and quality of the landscape experience except for views out of the SLA from its eastern extremity, where the turbines will be seen along the coast and in relation to the large scale moorland to the far side of Strath Halladale. It is judged that the development will not compromise the reasons for which the Farr Bay, Strathy Point and Portskerra SLA was designated.

Visual Amenity

2.4.31 The LVIA explains that the study area is not an area that people experience uniformly and from all directions. Unlike a lowland area with a regular network of roads, the site sits within a landscape of empty moorland and hills, with settlement, transport and most activity limited to the coast, Strath Halladale and further east where the landscape changes to farmed lowland plain.

2.4.32 The experience of the landscape is therefore of a coast with moorland hinterland for most, and the A836 running west / east is the main route for local people and visitors. The key visual sensitivities are therefore views along the coast from the A836, and the settlements and points of visitor interest along the coast (such as Reay, Melvich, Portskerra, Strathy Point, Dunnet Head, beaches and roadside viewpoints).

2.4.33 Other sensitivities include Strath Halladale, albeit with fewer residents and visitors than the coastal areas, and dispersed hills that are popular with walkers (Ben Dorrery, Bens Griam, Ben Loyal, Ben Klibreck).

2.4.34 To the east of the study area, across the Caithness farmlands, the viewing experience is very different, with a network of roads and scattered properties, though perhaps more used by local people than tourists. In contrast to the farmlands, the open moorlands are uninhabited, and for the large part unvisited. The extensive sweeping moorlands have few tracks, paths and almost no visitors and have substantive areas mapped as Wild land (referred to in more detail below).

2.4.35 Change to the visual amenity of the LVIA study area as seen by people has been assessed using representative viewpoints, as well as considering views from settlements and sequential views along routes. The assessment of visual effects considers the changes that people will see in views from various locations. Viewers include local residents, tourists, walkers and recreational route users, road users etc.

2.4.36 The LVIA explains that within 5km, the proposed development will be visible for much of the area except for land beyond Beinn Ràtha or in the lee of other smaller hills, and from the coastal cliffs and inshore waters. The development will be visible from the A836 between Reay and Portskerra, and the A897 within Strath Halladale. It will also be visible from the wider landscape inland and along the coast, from Melvich Bay and out to sea (beyond the immediate lee of the cliffs).

2.4.37 Within the distance range of 5-15km, the topography is variable and the theoretical visibility is more intermittent. The development will be visible from much of the area eastwards along the coast from Reay to Brims Ness, and to inland to Westfield, although not beyond the Hill of Shebster and within the Forss Water valley.

2.4.38 To the south-east, Beinn Ràtha and Sean Airigh screen views from much of the undulating lower lying land, although the turbines will be visible from higher points such as Beinn nam Bad Mòr. To the south, there is extensive visibility across the sweeping moorland either side of Strath Halladale, though the development will not be visible from within the strath. To west, the development will not be visible within the valleys such as the River Strathy, and whilst it will be visible from the ridges and headlands such as Strathy Point and Ardmore Point, it will not be visible in the bays and valleys between them around Strathy and Armadale.

2.4.39 In summary, the likely key visual effects of the development identified by the LVIA include effects on:

- The A836 which is part of the NC500 tourist route;
- Views from around Melvich and Portskerra;
- Views from around Strath Halladale;
- Views from around Reay; and
- Views and the experience of coastal landscapes and local landscape character.

Cumulative Effects

2.4.40 Cumulative effects are assessed following the methodology set out in Technical Appendix A6.1. The assessment considers:

- The 'Consented Scenario': the addition of the Development in the context of operational, under construction and consented wind farms, i.e. a likely future scenario; and
- The 'In-Planning Scenario': the addition of the Development in the context of operational, under construction, consented, undetermined planning applications and wind farm developments currently at appeal, i.e. a less certain future scenario.

2.4.41 In terms of the consented scenario, which as noted is most likely and which should be afforded most weight in planning terms, the development will introduce an additional group of turbines approximately 5km west of Limekiln, extending the presence of turbines westwards along the A836. It will extend the impression of this area of Sutherland/Caithness being a 'landscape with wind farms'.

2.4.42 The key relationship of the Development with other wind farms will be with Limekiln in the consented scenario. Other wind farms present in the wider landscape will not greatly alter this relationship although they contribute to the awareness of wind farms in the wider landscape.

2.4.43 In summary, the likely key cumulative effects of the development identified by the LVIA would be:

- Cumulative interaction with Limekiln Wind Farm (consented); and
- Cumulative interaction with Drum Hollistan 2 Wind Farm (refused planning permission – and only therefore should it progress to Appeal).

Wild Land

2.4.44 Two mapped Wild Land Areas (WLAs) lie within approximately 20km of the site, namely:

- WLA 39 'East Halladale Flows', 1.5 km south of the site at its closest point; and
- WLA 36 'Causeymire – Knockfin Flows', 19km south.

2.4.45 A detailed assessment of the effects on the key attributes and qualities of the WLA 39 East Halladale Flows is set out in Technical Appendix 6.4 in the EIA Report and it should be referred to for its detail. The assessment follows the approach set out in 2020 NatureScot guidance.

2.4.46 Given the distance to WLA 36, and the limited visibility of the development from it, significant effects on wild land qualities are unlikely and it was agreed with NatureScot that this WLA could be scoped out of the wild land assessment.

2.4.47 In terms of the 'Consented Scenario' the development will be to the west of Beinn Ràtha, with Limekiln to the east of Beinn Ràtha. For some locations within the WLA, both Limekiln and the development will be seen on either side of Beinn Ràtha, with Strathy South increasing the presence of wind farms across moorland to the south west. The cumulative effect will relate to the addition of another group of turbines in the panorama to the north towards the settled coast.

2.4.48 The LVIA explains that the development will increase the presence of wind farms in the landscape surrounding the WLA when experienced from higher ground within the north-western part of the WLA, but will not affect views southward into the interior of the WLA.

2.4.49 Views towards the WLA from Portskerra will not be altered in this scenario as neither Limekiln Extension nor Strathy Wood will be visible. From Ben Dorrery, Limekiln will be more visible than the proposed development and the LVIA states that the additional blade tips in the distance will not further affect the sense of wildness from that location.

2.4.50 The Wild Land Assessment in the LVIA concludes that in this scenario, the key attributes and some qualities of the WLA will be affected in the north-western part of the WLA to the level of a significant effect (within 7-8km of the proposed turbines) due to the introduction of the turbines as prominent vertical elements and the cumulative interactions with Limekiln and other wind farms around the WLA. For the remainder of the WLA beyond 7-8km from the development, the key qualities will not be affected to a significant level.

4. Amenity at Sensitive Locations

2.4.51 The fourth criterion in Policy 67 deals with amenity at sensitive locations and has regard to residential properties, work places and recognised visitor sites. This primarily relates to visual considerations as noise and shadow flicker are considered under the following criterion.

2.4.52 Settlements within approximately 10 km of the site with theoretical visibility include Portskerra, Melvich, Strathy, and Reay. Strathy is not within the ZTV. Although there are no settlements in Strath Halladale between Forsinard and Melvich, there are properties around Upper Bighouse, Achiemore and Calgarry that have been considered as dispersed settlement in the LVIA.

2.4.53 Other sizeable settlements within the LVIA study area are Thurso, Halkirk, Castletown, Bettyhill and Tongue. Halkirk is the only one of these that is inland and within the ZTV, the other settlements are focussed around coastal bays and are not within the ZTV.

2.4.54 The LVIA sets out that there would be significant effects from Melvich, Portskerra and Reay, but not from Strath Halladale or other settlements.

2.4.55 In terms of individual properties, a Residential Visual Amenity Assessment (RVAA) is presented in Technical Appendix 6.3 of the LVIA.

2.4.56 There are only five uninvolved properties within 2km of the proposed development. However, as noted in the RVAA, the key conclusion is that at no property would the proposed development result in significant visual effects such that they would be considered to be 'overbearing' or 'overwhelming' to the extent that the properties would be considered unattractive or unsatisfactory places in which to live.

5. Safety and Amenity of Regularly Occupied Buildings

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

Noise

2.4.58 Chapter 10 of the EIA Report addresses noise. 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.

2.4.59 An assessment has been made of the potential for significant effects of the proposed development on the acoustic aspects of the local environment.

2.4.60 Construction noise will be limited in duration and confined to working hours as specified by the Council and therefore can be adequately controlled through the application of good practice measures and secured by planning condition. This will ensure that any noise from the development site during construction will be adequately controlled.

2.4.61 Operational noise has been assessed in accordance with ETSU-R-97 and in line with current best practice. It has been shown that the proposed development would comply with the requirements of ETSU-R-97 at all receptor locations.

2.4.62 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. Accordingly, the proposed development is considered to be in accordance with Policy 67 in this respect.

Ice Throw

2.4.63 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

2.4.64 Shadow flicker is addressed in Chapter 16 of the EIA Report. Under certain combinations of geographical position and time of day, the sun may pass behind the rotors of a wind turbine and cast a shadow over neighbouring properties. Shadow flicker is an effect that can occur when the shadow of a blade passes over a small opening (such as window), briefly reducing the intensity of light within the room, and causing a flickering to be perceived. Shadow flicker effects only occur inside buildings where the blade casts a shadow across an entire window opening.

2.4.65 The assessment indicates that based upon weather conditions required to facilitate shadow flicker two properties could be affected. The likely number of hours per annum where shadow flicker could potentially occur is estimated at 28 hours at Ackron Farm and 23 hours at Golval. This equates to likely minutes per day to be 14 minutes at Ackron Farm and 11 minutes at Golval. These figures are likely to comprise an over-estimate of actual effects, given the conservative assumptions made in the shadow flicker assessment. Both properties are involved with the proposed development.

2.4.66 Mitigation is available by way of a shadow flicker protection system which can be incorporated into the SCADA[6] system. This calculates the locations of shadows in real time, determines whether these coincide the pre-programmed locations and takes into account ambient lighting before triggering shutdowns. In the event of a complaint received by the site operator or the Council, and an appropriate investigation confirms occurrence as a result of the development, then measures such as those outlined above will be used to prevent re-occurrence and protect residential amenity. Appropriate mitigation can therefore be secured by way of standard planning conditions.

[6] Supervisory Control and Data Acquisition – for remote supervision and control of wind turbines.

2.4.67 In summary, overall the proposed development would not result in significantly detrimental effects on the safety and amenity of any regularly occupied buildings and their grounds in terms of visual intrusion or the likely effect of noise generation, ice throw, shadow flicker, or shadow throw.

6. Water Environment

2.4.68 Chapter 12 of the EIA Report evaluates the likely effects of the proposed development on hydrology and hydrogeology.

2.4.69 Embedded design and mitigation measures, as outlined in the outline Construction and Environmental Management Plan (CEMP) are included and considered as part of the assessment of effects on hydrological receptors. Such embedded design measures include 50m watercourse buffers and standard good practice for wind farms and construction sites. Such measures are considered to be sufficient in minimising the effect of receptors to minor or negligible effects.

2.4.70 One private water supply associated with Ackron Farm is considered to be at risk from the proposed development and implementation of an alternative temporary or permanent water supply is required in line with, or an improvement upon, the quality and quantity of the current existing supply.

2.4.71 The effects on the hydrological and hydrogeological environment, including water supplies, are considered to be of negligible to minor significance which is not significant in terms of the EIA Regulations.

2.4.72 Overall, the proposed development would not be significantly detrimental overall in terms of the water environment.

7. Safety of Airport, Defence and Emergency Service Operation

2.4.73 Chapter 16 of the EIA Report addresses aviation matters. The application site is located in an area which is remote from military and civilian aviation infrastructure. The closet radar equipped civilian airport is at Wick Airport, 45km south east of the site. The closest military airfield is the Tain Royal Air Force (RAF) base, located 80km south.

2.4.74 The nearest known Ministry of Defence (MoD) training facility is the Cape Wrath Training Area, located approximately 66km north-west of the site. Given the distance between the training area and the site, and the nature of the facility, which is used for fire and dry exercises, this would not conflict with the development.

2.4.75 Furthermore, no primary or secondary radars provide coverage over the area which the Development is located. As such, the predicted impact on the National Air Traffic Services (NATS) radars is not significant. No significant effects are predicted on the safeguarding of any civil aviation facility. There are no defence or emergency service operation issues arising.

8. Operation and Efficiency of Other Communications

2.4.76 Chapter 16 of the EIA Report addresses telecommunications and utilities. By way of design and mitigation, no significant effects in relation to communication installations or radio / television or utilities will result from the proposed development.

9. Amenity of Walker, Cyclists and Horse riders

2.4.77 The effect of the proposed development on core paths and transportation routes has been addressed in the LVIA and is referenced above. Some significant effects are predicted on the amenity of certain transport routes and in terms of recreational users, as explained above. However, such effects are localised and are not considered to be significantly detrimental overall.

10. Tourism and Recreation Interests

2.4.78 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.

2.4.79 Chapter 14 of the EIA Report addresses socio-economic matters including tourism. It explains that the site is located within a relatively remote setting with recreation opportunity based around the natural environment such as hills, wildlife, lochs and rivers, with few formally recognised tourist attractions within the study area (taken as 5km around the site). The formally recognised tourist attractions and activities within the study area include: the NC500 route, located adjacent to the north-west boundary of the site and which is based in the A836 road and Melvich Beach, located approximately 1.6km north-west of the site.

2.4.80 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.

2.4.81 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.

2.4.82 Indeed, in the Limekiln 2 s.36 decision[7] (also 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).

2.4.83 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

2.4.84 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.

2.4.85 The main access for the development will be from the A897 to the west of the site and A836 near Halladale Bridge east of Melvich, but with restrictions on construction traffic northbound on the A897 from Helmsdale. Most traffic generated by the development is associated with the construction phase which is anticipated to last approximately 15 months. The main approach considered in the transport assessment assumes that wind turbine components will be transported as abnormal loads from the Port of Scrabster, and that the potential access corridor will be the A9,

[7] Limekiln 2 s.36 Wind Farm Public Inquiry Report, Case Reference WIN-270-8, dated 16 October 2018 and s.36 Decision dated 21 June 2019.

A836, A897 connecting to the site entrance. A Traffic Management Plan is proposed which would be developed in agreement with the Council and Transport Scotland detailing the exact measures to be implemented during construction of the development.

2.4.86 In summary, following the application of mitigation measures, it is predicted that development would not result in any significant impacts on traffic and transport interests either during construction or operation.

2.5 Onshore Wind Energy Supplementary Guidance (November 2016)

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

2.5.2 The statutory basis for SG is set out in:

- The Town and Country Planning (Scotland) Act 1997 – Section 22 with regard to Supplementary Guidance;
- The Town and Country Planning (Development) (Scotland) Regulations 2008 – specifically section 27 which deals with Supplementary Guidance; and
- Circular 6/2013 'Development Planning'.

2.5.3 Section 27(2) of the Regulations states "*supplementary guidance adopted and issued under section 22(1) of the Act in connection with a particular strategic development plan or local development plan may only deal with the provision of further information or detail in respect of the policies of proposals set out in that Plan and then only provided that those are matters which are expressly identified in a statement contained in the plan as matters which are to be dealt with in supplementary guidance*".

The OWSG: Section 1 – Introduction

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

The OWSG: Section 2 – Highland Spatial Framework

2.5.5 The OWSG contains a Spatial Framework (SF) which accords with the provisions of Table 1: Spatial Frameworks in SPP. The SF identifies those areas likely to be most appropriate for onshore wind farms. Paragraph 2.1 of the SG sets out that the SF is applicable to a proposal of the scale subject to the application as the proposal comprises more than one turbine with a height of 30m to blade tip.

2.5.6 The site does not lie within any 'Group 1' areas (where wind farms will not be acceptable), or within any national and international designations or areas of wild land. The application site is largely covered by Group 2 zoning (Areas of significant protection) as per the Spatial Framework due to the presence of carbon rich soil and priority peatland habitat shown to be present by the SNH Carbon and Peatland 2016 Map.

2.5.7 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*".

2.5.8 However peat and related habitats have been a key design influence and the EIA Report sets out that effects on these receptors will not be significant.

2.5.9 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. This approach was taken by the Reporter in the Cnoc an Eas Appeal Decision Notice[8]. The Reporter set out at 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*."

2.5.10 This position is also supported in the Clachaig Glen decision where in the Inquiry Report the Reporters set out (paragraph 2.78) that they agreed that the proposal was partly located within a 'Group 2' area as defined by Table 1 of the Spatial Framework within SPP and they added:

"*this is because of the presence of deep peat……. It is agreed by all parties that the proposal has addressed the requirements in relation to deep peat….. therefore we agree that there is no special reason why a proposal would not be acceptable, subject to normal policy considerations as if the site was wholly within a Group 3 area*."

2.5.11 In the Ardtaraig Appeal Decision Notice[9], 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 identified as a Group 2 area, I find that the site may be considered in effect to be in a Group 3 area*".

The OWSG: Section 4 – Key Development Plan Considerations

2.5.12 Section 4 of the OWSG sets out "*key development plan considerations*" and the topic headings broadly follow those as set out within policy 67 of the HwLDP. The topic headings, to which additional guidance is provided, broadly follow those as set out within HwLDP Policy 67 and are summarised as follows:

- Landscape and Visual Effects;
- Safety and Amenity at Sensitive Locations;
- Safety of Airport, Defence and Emergency Service Operations;
- Operational Efficiency of Other Communications;
- Operational Efficiency of Wind Energy Developments;
- The Natural and Historic Environment;
- The Water Environment;
- Peat;
- Trees and Woodland;
- Tourism and Recreation;
- Public Access;
- Traffic and Transport Interests;
- Electricity and Gas Infrastructure;

[8] Cnoc and Eas Appeal Decision Notice (Reference PPA-270-2155) Highland, dated 2 June 2017.
[9] Ardtaraig Appeal Decision Notice (Reference PPA-130-2073) in relation to a 7 turbine Wind Farm, 15km west of Dunoon, Argyll & Bute, dated 7 November 2019.

- Noise Assessment;
- Borrow Pits;
- Mitigation;
- Construction Environmental Management Plans;
- Restoration Bonds; and
- Repowering.

2.5.13 At paragraph 4.16, the SG sets out that "*the following criteria set out key landscape and visual aspects that the Council will use as a framework and focus for assessing proposals, including discussions with applicants*".

2.5.14 Paragraph 4.17 adds that the criteria do not set absolute requirements, but rather seek to ensure developers are aware of key potential constraints to development. Following paragraph 4.17 there is a list of 10 criteria, together with associated thresholds and measures for development. An appraisal of how the proposed development relates to these criteria is set out in Table A6.5.1 in EIA Report Technical Appendix 6 – and for convenience is replicated below in Table 2.2:

Table 2.2: Criteria & Framework of 'Landscape and Visual Aspects' to assist with Assessing Proposals

Criterion 1: Relationship between Settlements/Key locations and wider landscape respected	
Measure	• The extent to which the proposal contributes to perception of settlements or key locations being encircled by wind energy development. • Development should seek to achieve a threshold where: Turbines are not visually prominent in the majority of views within or from settlements/Key Locations or from the majority of its access routes.
Evaluation	Key settlements in the local area include Melvich, Portskerra and Reay. Thurso is not within the ZTV. The Development will be approximately 2.3 km from the southern end of Melvich and approximately 4 km from the southern edge of Portskerra. Viewpoints 5 and 6 are relevant (Figures 6.16 and 6.17[10]). The Development will be visible to the south-east from these settlements where local screening by properties allows, as a group of turbines on the open moorland in the middle distance on the other side of Strath Halladale. The Development will be prominent in views inland, but will not affect the key views (along the coast), nor will it contribute to a sense of being encircled by wind farms. The Development will be visible from the A836 on approach to the settlements. The Development will be approximately 3.7 km from the western edge of Reay, and with Baillie and Forss present to the south-east and north-east respectively, the addition of the Development to the west will mean that there are turbines in another part of the panorama. It will contribute to a sense of having wind farms present in different directions of view, but it is noted that there will be relatively few places within the settlement where all of these wind farms will be visible. The Development will be visible from the A836 on approach to the settlement.
Criterion 2: Key Gateway locations and routes are respected	
Measure	• The extent to which the proposal reduces or detracts from the transitional experience of key Gateway Locations and routes. • 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.
Evaluation	Key Gateway Locations[11] are Scrabster Hill, Ben Dorrery, Dunnet Head, and the '*transition from the open flat moorland/agricultural plain of Caithness, to the more undulating and rugged moorland of Sutherland*'.

[10] Figure references in this Table relate to the Figures in the Landscape and Visual Assessment in the EIA Report.
[11] Gateway locations are based on Onshore Wind Energy Supplementary Guidance, Addendum part 2, 2017.

	Scrabster Hill is at the edge of the Thurso basin with panoramic views eastwards from the A836. There are no views west from the layby on the A836 above Scrabster Lodge, nor until one reaches VP1 at New Houses (Figure 6.12), at which point views open along the coast towards distant rugged moorland. Whilst the Development will be visible approximately 15 km away, it will be a distant feature and will not overwhelm or otherwise detract from landscape characteristics that contribute to the experience of this transition. Ben Dorrery (VP13, Figure 6.24) is located inland of the coast, with views from the summit over agricultural farmland to the east and moorland to the west, with extensive areas of forest plantation along the north-west to south-east transition. From this location the Development will be seen low on the horizon to the north-west approximately 16 km away. It will not affect the perception of the transition that occurs either side of Ben Dorrery. From Dunnet Head (see VP11, Figure 6.22), the Development will be over 30 km away, seen along the coast to the west beyond Baillie and Forss Wind Farms. The Development will not affect the key views from this location which are over the dramatic coastal stretches nearby and over the Pentland Firth to Orkney. The '*transition from the open flat moorland/agricultural plain of Caithness, to the more undulating and rugged moorland of Sutherland*' is gradual. This transition can be seen to an extent from VP10 on Hill of Shebster (Figure 6.21), from which the Development will be seen on the horizon to the west beyond the transition to moorland.
Criterion 3: Valued natural and cultural landmarks are respected	
Measure	• The extent to which the proposal affects the fabric and setting of valued natural and cultural landmarks. • 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.
Evaluation	Natural landmarks may include Beinn Ràtha, Ben Dorrery (see criterion 2 above), and Dunnet Head (see criterion 2 above). Cultural landmarks are dealt with in Chapter 9 of the EIA Report. Beinn Ràtha (VP9, Figure 6.20) is a local landmark to the south of Reay, seen as a hill emerging from lower moorland and forested ground in views from the east, although it is less prominent in views from the west. The Development will be seen to the west of it, and in views from it, located on the moorland below to the west. It will not diminish the presence of this landmark. Viewpoints 2, 3 and 9 are relevant.
Criterion 4: The amenity of key recreational routes and ways is respected	
Measure	• The extent to which the proposal affects the amenity of key recreational routes and ways (e.g. Core Paths, Munros and Corbetts, Long Distance Routes etc.). • 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.
Evaluation	A number of recreational routes have been assessed in the LVIA, the key route listed in the Supplementary Guidance[12] within 15 km of the Site is the A836 between Thurso and Drum Hollistan. The A836 carries the NC500route, and part of the National Cycle Route NCN1. The Scrabster Hill to Portskerra section of the A836 as generally open views but for some sections of the route the Development will be hidden by local topography. The Development will be visible to the west from sections east of Reay, the route will pass the site over Drum Hollistan Moss, and the Development will be seen across Strath Halladale from sections west of Strath Halladale. It will form one of a series of wind farms visible along the route. Significant (major or moderate) visual effects are identified for road users between Forss and Armadale. Viewpoints 1-7 are relevant. National Cycle Route NCN1 runs along the A836 but leaves it at Reay to run past Shebster and Westfield. From this route the Development will be visible ahead for westbound road users, who will pass Baillie Wind Farm adjacent to the route.
Criterion 5: The amenity of transport routes is respected	
Measure	• The extent to which the proposal affects the amenity of transport routes (tourist routes as well as rail, ferry routes and local road access).

[12] Ibid.

	• 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.
Evaluation	A number of transport routes have been assessed in the LVIA, including the A836 (see criterion 4 above), the A897 and the Thurso-Westfield-Shebster-Reay road (see criterion 4 above). The A897 runs along Strath Halladale. There will be limited visibility of the Development from this route, from around Forsinard where it will be seen at a distance (approximately 21km, VP14 Figure 6.25), and from sections close to the site, north of Craigton (VP8, Figure 6.19). Significant visual effects were identified for the sections north of Craigton. However, it is judged that the Development will not overwhelm the visual appeal of this transport route.
Criterion 6: The existing pattern of Wind Energy Development is respected	
Measure	• 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 • Development should seek to achieve a threshold where: The proposal contributes positively to existing pattern or objectives for development in the area.
Evaluation	The Development will form an additional group of turbines to the west of a series of wind farm sites along the north coast, extending that series westwards. The turbines will be larger than at other sites, although the distance between schemes will mean that comparisons will not be direct. Whilst there will be an increase in the perception of wind farms along the north, it is not solely attributable to the Development. It is noted in the cumulative assessment that the role of the Development in the changing perception of landscape character and visual amenity of the study area in the consented scenario is considered to be significant (moderate) as it will extend the area that can be described as a 'landscape with wind farms' westwards, but that in the in-planning scenario, the cumulative effect is considered to be not significant (minor) as Drum Hollistan will be present to the west of Beinn Ràtha and the Development will not extend the 'landscape with wind farms'.
Criterion 7: The need for separation between developments and/ or clusters is respected	
Measure	• The extent to which the proposal maintains or affects the spaces between existing developments and/ or clusters. • Development should seek to achieve a threshold where: The proposal maintains appropriate and effective separation between developments and/ or clusters.
Evaluation	The Development will be at a distance from other wind farms, the closest being Strathy North approximately 10 km to the south-west, and Baillie, approximately 10 km to the east. This maintains effective separation between the Development other wind farms. Viewpoint 9 is relevant. The Development is 4.9km from the consented Limekiln Wind Farm, separated by Beinn Ràtha. The Development is 9.8km from the consented Strathy South Wind Farm.
Criterion 8: The perception of landscape scale and distance is respected	
Measure	• The extent to which the proposal maintains or affects receptors' existing perception of landscape scale and distance. • Development should seek to achieve a threshold where: The proposal maintains the apparent landscape scale and/or distance in the receptors' perception.
Evaluation	The scale of the host landscape is large, although it is seen in view from smaller scale landscapes. The size of the turbines will be large, but will not overpower the scale of the host landscape. They will however, be prominent in views from across Strath Halladale around Melvich and Portskerra which include smaller scale landscapes. Viewpoints 5 and 6 are relevant.

Criterion 9: Landscape setting of nearby wind energy developments is respected	
Measure	• The extent to which the landscape setting of nearby wind energy developments is affected by the proposal. • 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.
Evaluation	The Development is approximately 10 km from existing wind farms, will not affect the visual prominence of the existing turbines. The Development is 4.9 km from the consented Limekiln Wind Farm, separated by Beinn Ràtha. The Development is 9.8km from the consented Strathy South Wind Farm.
Criterion 10: Distinctiveness of Landscape character is respected	
Measure	• 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. • Development should seek to achieve a threshold where: Integrity and variety of Landscape Character Areas are maintained.
Evaluation	The Development will be located within the Central Caithness (Highland LCA CT4) part of the Sweeping Moorland and Flows LCT (134). Whilst there will be significant effects on the LCT within approximately 6 km of the Site, the Development will not affect the distinction between neighbouring LCTs, nor the integrity of the host LCT.

The SG: Section 5 – Highland Strategic Capacity

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

2.5.16 The OWSG includes Addendum Supplementary Guidance 'Part 2B' which was adopted in December 2017 and provides landscape sensitivity appraisals for 'Black Isle, Surrounding Hills and Moray Firth Coast Caithness'. The Caithness appraisal is of relevance to the proposed development.

2.5.17 The Addendum (2017)[13] to the guidance identifies that the proposed development is located within Landscape Character Area (LCA) 'CT4 Central Caithness'. For this area the landscape character sensitivity in the Supplementary Guidance is '3' of a scale of 1-4, 1 being the most susceptible to change.

2.5.18 On page 101, the SG notes that the potential for wind energy development in CT4 is constrained by wild land characteristics, the visual setting of Lone Mountains, and areas of transition to adjacent LCTs. The SG notes that there is 'no scope' for "*larger scale development to the west of the LCA where it impinges upon experience of the important landscape transition between Caithness and Sutherland. Even wind energy development within 10 to 15 km could significantly erode this experience*". The section goes on to state "*Limited scope for: Larger turbines. Turbines should: concentrate and consolidate with existing development; maintain open, clear and direct views, which allow the appreciation of the wild landscape, in particular from the A9; be designed so that the logical relationship between development scale; and landscape character is maintained*".

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

[13] The Highland Council (2017) Onshore Wind Energy: Supplementary Guidance Part 2b.

the impacts it may present will be the subject of careful consideration on a case by case basis at the development management stage".

Conclusions in relation to the SG

2.5.20 In terms of the role and function of the SG, it is supplementary to the 'lead' Policy 67 of the LDP which contains the applicable policy test. The SG provides criteria against which to help assess a proposal with the application of Policy 67 but introduces no new or separate tests. This position is accepted by the Council and endorsed in the Dell Wind Farm Appeal Decision Notice[14], in which the Reporter stated at paragraph10: "*parties agreed that the guidance does not contain any further tests to assess compliance beyond what is contained with Policy 67*".

2.5.21 The conclusion reached from the assessment of the various landscape and visual criteria, as reported in the EIA Report, and as summarised above, is that for none of the criteria there will be sufficient adverse effect as to unacceptably undermine the purpose of any of the criterion.

2.6 Other Development Plan Policies

2.6.1 Beyond policy 67, the other relevant policies within the HwLDP are considered below.

Policy 28 – Sustainable Design

2.6.2 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. The position with regard to these is as follows:

- 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.
- The proposed development is in accordance with criterion 3 as the wind farm would generate and has been designed to maximise, renewable energy.
- Physical constraints (criterion 4) is assessed in relation to Policy 30, below.
- In terms of criterion 6, appropriate waste management would be implemented as part of the construction process for the proposed development.
- Residential amenity (criterion 7) has been assessed in relation to Policy 67, above.
- The proposed development would not impact upon non-renewable resources (criterion 8).
- The impact of the proposed development on the resources listed in criterion 9 are considered throughout this Chapter and the EIA Report.
- 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 proposed development has been sensitively sited and the design has been well considered and is appropriate for the proposed use.
- 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 5, below.

2.6.3 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.

[14] Dell Appeal Decision Notice, DPEA Reference, PPA-270-2183, dated 22 August 2019.

2.6.4 Policy 28 is considered to be 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. The proposed development is considered to be in accordance with Policy 28 insofar as it is relevant.

Policy 51 – Trees and Development' and Policy 52 'Principle of Development in Woodland'

2.6.5 As set out in Chapter 3 of the EIA Report, the site predominately comprises of open moorland used for rough grazing. There is a woodland grant scheme comprising an area of 13ha along the lower elevations in the west of the site which extends outwith the site boundary on its north-east edge between the site and the A897. The woodland planted in 2013 covers portions of the site, however as noted in the EIA Report, this appears to have been only marginally successful.

2.6.6 The development will require the felling of approximately 0.15ha of habitat identified as unsuccessful woodland (conifer) to accommodate the laydown area for turbine No.2. This would be replanted within the application site or compensated by habitat restoration measures as part of the proposed HMP. The proposed development is considered to be in accordance with policy 51.

Policy 55 – Peat and Soils

2.6.7 Chapter 13 of the EIA Report addresses geology, soils and peat. Peatland habitats and peat have been addressed in detail with reference to policy 67 above. SNH's Carbon and Peatland Map 2016 has been assessed and, as it is a high-level tool, detailed habitat and peat depth surveys have also been carried out across the site area to inform the detailed site assessment on peatland and associated habitats, which is required to identify actual effects of the proposed development; including siting, design and mitigation..

2.6.8 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. No turbine is proposed within deep peat (i.e. greater than 1m). The proposed development is considered to be in accordance with policy 55.

Policy 56 – Travel

2.6.9 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 proposed development.

2.6.10 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 traffic or transport.

Policy 57 – Natural, Built, and Cultural Heritage

2.6.11 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.

2.6.12 Chapter 9 of the EIA Report addresses 'Archaeology and Cultural Heritage'. There are considered to be no significant direct effects likely upon known archaeological features within the core study area and there is low potential for damage to or destruction of unknown buried archaeological remains.

2.6.13 All changes to setting were identified as not significant except at the Halladale Hut Circles Scheduled Monument which identified moderate effects that would be significant. No mitigation is considered feasible for this effect: however, the landowner has indicated his intention to retain the woodland between the monument and turbines which would provide a visual barrier separating the two. Any effect is considered reversible upon decommissioning.

2.6.14 No significant cumulative indirect (setting effects) from the proposed development and other wind farm developments is considered likely. All cumulative effects are considered to be not significant.

2.6.15 With reference to the other Chapters of the EIA Report that deal with natural heritage matters, the proposed development is not predicted to compromise the natural environment resource of any features of international, national or local importance. In addition, no significant adverse effects are predicted to occur on such features.

2.6.16 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 58 – Protected Species

2.6.17 Policy 58 is a multi-criteria based 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

2.6.18 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 undertaken 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

2.6.19 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 61 – Landscape

2.6.20 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. 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 64 – Flood Risk

2.6.21 Policy 64 seeks to direct development away from areas susceptible to flooding and promotes sustainable flood management.

2.6.22 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 run-off from the proposed development. The proposed development is considered to be in accordance with Policy 64.

Policy 66 – Surface Water Drainage

2.6.23 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

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. The proposed development is therefore considered to be in accordance with Policy 77.

2.7 The Caithness & Sutherland LDP

2.7.1 The Council adopted CaSPlan, on 31st August 2018. CaSPlan replaced the previous Sutherland Local Plan and Caithness Local Plan. Points of relevance within CaSPlan include:

- CaSPlan establishes a "*Vision for Caithness and Sutherland in 2035" which states that the area is to have "a strong, diverse and sustainable economy characterised as being an internationally renowned centre for renewable energy*….";
- Maximising opportunities arising from the energy sector, particularly within the Area for Energy Business Expansion in the north east of Caithness – the proposed development would fall within this area, however the intention for this area to be used for maximising opportunities for off offshore renewables and oil and gas, rather than a specific land allocation policy;
- Supporting and enabling a High Voltage Energy Transmission Network (as identified in NPF3), recognising the strategic need of the region;
- Paragraph 56 states that "*investment in renewable energy generation in North Highland is not only helping to meet Council and national climate change targets but it has also delivered economic benefits for the area*";
- Paragraph 72 recognises that renewables is a "*key growth sector*" for the Caithness economy; and,
- Paragraph 85 recognises that *"the area also has a substantial renewable energy resource, with many onshore wind and hydro energy developments well established and offshore and marine energy developments currently emerging*."

2.7.2 The CaSPlan's Strategy and policies make a focused, emphasised reference to the renewable energy industry in terms of the growth opportunity it presents for the local and Highland economy. Further references in CaSPlan recognise the contribution the area can make towards meeting the aim of a 'low carbon' Highlands by 2025.

2.7.3 Whilst the most relevant development management policies remain in the HwLDP, there are certain strategic objectives within CaSPlan relating to the encouragement given to renewables, energy infrastructure, employment and economic growth and addressing climate change – all of which are relevant to and supportive of the proposed development, from a broad policy perspective.

2.8 Development Plan Assessment - Conclusion

2.8.1 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 policy 67.

2.8.2 Moreover, through considering the other relevant policies of the HwLDP to the proposed development, including the Supplementary Guidance, against a focus on those significant effects identified in the EIA Report, it has been established that the proposed development accords with the Development Plan when read as whole.

2.8.3 Furthermore, as explained at the start of this Chapter, the Development Plan in this case needs to be viewed from the perspective of the presumption in favour of development that contributes to sustainable development which is engaged (as the key Development Plan policies are more than five years old) as per paragraph 33 of SPP. Furthermore, separately, in addition to the presumption, the tilted balance applies. No effects have been identified that would significantly and demonstrably outweigh the benefits that the proposed development would give rise to.

2.8.4 As further discussed in Chapter 3 below, the presumption is an important matter which should lend significant support in favour of a positive determination of the application – i.e. the presumption is in favour of giving consent.

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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*…"; and
- 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 in Chapter 4 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'[15]. 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*".

[15] '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.

Presumption in Favour of Development that contributes to Sustainable Development

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 introduction of the presumption in favour of development that contributes to sustainable development has important consequences for development management practice and this has been explained in detail in section 2.2 above in the specific context of the HwLDP and recent case law.

3.3.11 Paragraph 32 states that "*the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision-making*". SPP directs decision makers as follows:

"*proposals that accord with up-to-date plans should be considered acceptable in principle and consideration should focus on the detailed matters arising …*".

3.3.12 Paragraph 33 adds:

"*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)

3.3.13 The approach set out above, requires that in circumstances where the relevant policies are out of date, or where the Development Plan document is more than five years old, the presumption in favour of sustainable development is engaged.

3.3.14 In this case, although the CaSPlan is less than five years old, as is the OWSG, the key Development Plan policies which are set out in the HwLDP are more than five years old. The Reporter in the Dell Wind Farm Appeal Decision addressed this point, stating that even if some constituent parts of a Development Plan are up to date, that paragraph 33 of SPP can be engaged. The Reporter (paragraph 93) concluded that "*paragraph 33 of SPP is engaged and is a significant material consideration given that the local development plan is more than five years old*" (underlining added).

SPP Principles

3.3.15 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 Ackron Wind Farm Development
1. Giving due weight to net economic benefit.	There would be net positive socio-economic effects, as summarised in Chapter 5.
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 both the HwLDP and the CaSPlan.
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.
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 promote access to the surrounding area 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.

SPP & National Outcomes

3.3.16 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*…".

3.3.17 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*".

3.3.18 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.

3.3.19 In particular, the proposed development would assist in delivering sustainable economic growth in line with Outcome 1.

3.3.20 The proposed development, given its nature and use would clearly assist in achieving Outcome 2 'a low carbon place'. Indeed, as set out in the Carbon Balance Assessment contained within Chapter 15 of the EIA Report, the proposed development would over its proposed operational period deliver an expected carbon saving of 1,159,980 tCO_2 of fossil fuel mix generation equivalent CO_2.

3.3.21 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.

3.3.22 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.

Conclusion on the SPP Presumption in Favour

3.3.23 The tilted balance applies and furthermore, as set out above, the proposed development satisfies the principles set out at paragraph 29 of SPP and it would assist in delivering Outcomes 1, 2 and 3 – indicating that overall the proposed development is consistent with sustainable development. Moreover, the proposed development is considered to be acceptable when considered against the development management considerations in relation to renewable energy developments as set out at paragraph 169 of SPP.

3.3.24 From the overall planning appraisal undertaken the significant impacts that would arise would not significantly and demonstrably outweigh the benefits that would arise from the project.

SPP: Development Management for Energy Infrastructure Developments

3.3.25 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;

- 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."

3.3.26 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

3.3.27 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.

3.3.28 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.

3.3.29 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.

3.3.30 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.

3.3.31 The proposed development would be consistent with the 'low carbon place' subject policy and would contribute to its attainment. As explained in the next Chapter, there are now many more recent renewable energy policy documents that are material.

Onshore Wind

3.3.32 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

3.3.33 With reference to the Spatial Framework approach set out in Table 1 of SPP, the application site is in a Group 2 area however the design approach has identified and successfully avoided areas of deep peat and priority peatland habitat. Accordingly, the site is considered to have the properties of a site within Group 3: 'Areas with potential for wind farm development'.

Table 1: Spatial Frameworks

<table>
<tr><td colspan="3">Group 1: Areas where wind farms will not be acceptable:
National Parks and National Scenic Areas.</td></tr>
<tr><td colspan="3">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.</td></tr>
<tr><td>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.</td><td>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.</td><td>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.</td></tr>
<tr><td colspan="3">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.</td></tr>
</table>

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

3.3.35 Paragraph 170 of SPP states that areas identified for wind farms should be suitable for use in perpetuity. It further adds that consents may be time limited, but nevertheless "*wind farms should … be sited and designed to ensure impacts are minimised and to protect an acceptable level of amenity for adjacent communities*".

3.3.36 The provision of paragraph 170 is not a new matter. Circular 4/98 in relation to the use of conditions in planning permissions sets out paragraph 105 that "*the reason for granting a temporary permission can never be that a time limit is necessary because of the effect of the development on the amenity of the area*".

3.3.37 The Applicant does not take the position that because the proposed development would have a time limited life that this is a factor that makes the development acceptable in amenity terms.

3.3.38 Furthermore, the provisions of paragraph 170 are different from the matter of reversibility. The proposed development would remain a reversible type of development and whether this occurs in 35 or 100 years, it remains reversible compared to most other conventional types of development.

3.3.39 Reversibility is an important issue. Were it otherwise, no conditions requiring decommissioning, restoration and aftercare should be imposed. Reversibility is a positive feature of wind energy development and some weight should be given to reversibility as an inherent positive attribute of this type of development (but not to the temporary nature of the consent).

3.3.40 Another important point to note with regard to paragraph 170 of SPP is that it further supports the Government's position that wind energy developments play an important role in the long term renewable generation platform of the country, thereby sustaining carbon savings and renewable energy generation targets. As explained below in Chapter 4, there are now further very challenging carbon saving and renewable energy targets set for the long term that go beyond those referenced in NPF3 and SPP. Wind farms operating on a long term basis will clearly sustain and uphold those targets.

Wild Land Policy References in SPP

3.3.41 In terms of policy on wild land, paragraph 200 of SPP states:

"*Wild land character is displayed in some of Scotland's remoter uplands, mountain and coastal areas, which are very sensitive to any form of intrusive human activity and have little or no capacity to accept new development. Plans should identify and safeguard the character of areas of wild land as identified on the 2014 SNH map of wild land areas*."

3.3.42 The second sentence of paragraph 200 relates to forward planning and the need for Development Plans to identify and safeguard the character and areas of wild land. The first sentence of paragraph 200 does not rule out development within WLAs but highlights matters of sensitivity and potentially limited capacity.

3.3.43 Paragraph 215 of SPP provides a specific development management policy test for wild land and states:-

"In areas of wild land (see paragraph 200), development 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".

3.3.44 This policy applies to development proposals that are located within the identified WLAs. The policy is not therefore applicable in this case given all of the proposed turbines are located outwith WLAs. In such circumstances it is paragraph 169 of SPP that contains guidance on development management decisions with regard to Wild Land. Paragraph 169 highlights the need to consider

the effects on Wild Land and that it is one of a number of considerations. It should also be noted that the policy approach relates to all types of development, not just onshore wind.

3.3.45 The effects of the proposed development on WLAs have been referenced in Chapter 2 above.

3.4 NPF4 Position Statement

3.4.1 National Planning Framework 4 (NPF4) is being prepared by the Scottish Government to replace NPF3 and SPP and will represent a new National Plan. The NPF4 'Position Statement' was published by the Scottish Government on 26th November 2020.

3.4.2 A call for ideas for NPF4 was undertaken by the Scottish Government in early 2020 and the Position Statement "*sets out our current thinking to inform further discussions on the content of a draft revised framework for consultation. It aims to support those discussions and is not, in itself, a document setting out policy*".

3.4.3 The Statement makes it clear that the current NPF3 and SPP "*remain in place until NPF4 is adopted by Ministers*". Page 40 of the Statement states however that "*the Position Statement provides an idea of the direction of travel*" to inform a full draft of NPF4.

3.4.4 The plan looks ahead to 2050 and it is clear that a central element is a planning approach to deliver 'net-zero' emissions. The introductory section entitled 'Our Future Places' states that:

- "*a significant shift is required to achieve net-zero emissions by 2045*"; and that
- "*we will have to rebalance the planning system so that climate change is a guiding principle for all plans and decisions*".

3.4.5 It is also clear that a central part of the new policy approach will be to help stimulate the green economy.

Key Opportunities

3.4.6 In terms of future places, the Government has set out twelve "*key opportunities to achieve this*" and with specific reference to renewables, 'Opportunity 8' states "*supporting renewable energy developments, including the re-powering and extension of existing wind farms …* " (page 3).

Outcomes

3.4.7 The Statement sets out various outcomes for 2050 (page 5) and states that the long-term strategy "*will be driven by the overarching goal of addressing climate change. We must play our full part in tackling the global climate emergency by reducing greenhouse gas emissions in line with our legal targets*."

3.4.8 The four key outcomes for NPF4 are expected to be as follows:

- Net-Zero Emissions;
- A Wellbeing Economy;
- Resilient Communities; and
- Better, Greener Places.

3.4.9 The Statement addresses each of these outcomes in turn, covering a summary of the principal consultation responses on these matters, emerging spatial priorities and outlines potential policy changes. In terms of the net-zero emissions outcome, the Statement sets out "*a plan for net-zero emissions*". Key points in this include that the Government will build on the Climate Change Plan and take forward the advice provided by the UK Committee on Climate Change. The Statement sets out that the new spatial strategy will:

- Prioritise emissions reduction – in this regard it states: "*climate change will be the overarching priority for a spatial strategy. To achieve a net-zero Scotland by 2045 and meet the interim emissions reduction targets of 75% by 2030 and 90% by 2040, an urgent and radical shift in our spatial plan and policies is required. Scotland's updated Climate Change Plan will be published later this year, setting a course for achieving the targets in the Climate Change (Emissions Reductions Targets) (Scotland) Act 2019. NPF4 will take forward proposals and policies to support it*."

- Deliver infrastructure to reduce emissions – it states: "*we expect that NPF4 will confirm our view that the Global Climate Emergency should be a material consideration in considering applications for appropriately located renewable energy developments*." (page 9).

Potential National Planning Policy Changes

3.4.10 In terms of potential policy changes (page 10), there are various proposals which are intended to "*support a spatial strategy for net-zero emissions*" and those of particular relevance include:

- "*Strengthening our support for re-powering and expanding existing wind farms*"; and

- *"Updating the current spatial framework for onshore wind to continue to protect National Parks and National Scenic Areas, whilst allowing development outwith these areas where they are demonstrated to be acceptable on the basis of site-specific assessments*".

3.4.11 In terms of the Wellbeing Economy outcome, the Statement sets out that the new spatial strategy will support a sustainable and green economic recovery and references the need to recover from the impacts of COVID-19 through "*a sustainable, green economic recovery, as recognised in the 2020 report by the Advisory Group on Economic Recovery*" (page 22).

Next Steps on NPF4

3.4.12 The Government is continuing its engagement process on NPF4 and has opened a further consultation period running up to 19 February 2021. A full draft of NPF4 is to be published in September 2021 at which time it will be laid before the Scottish Parliament and will also be the subject of wider public consultation with a view to being adopted in 2022.

3.4.13 Whilst the Statement does not yet provide any detail of any changes to spatial planning for onshore wind, the document provides an insight into the Government's direction of travel for policy. Onshore wind is the specific renewable technology referenced in the key opportunities and is therefore expected to play a significant role in the plan for net-zero emissions.

3.4.14 It is clear that the Government is following the clear recommendations of the CCC, namely the need for an urgent and radical shift in policies and recognition that the climate emergency should be a material consideration in considering applications for renewable energy developments. Whilst the document does not represent policy change, it is, as noted, a clear insight into the direction of travel of policy and the Statement represents a material consideration in the determination of the application.

3.5 Scottish Government Advice Notes & Renewables Guidance

Online Renewables Guidance & Planning Advice Notes

3.5.1 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. In addition, the Scottish Government has a range of Planning Advice Notes (PANs) in place on various environmental topics. These have been referenced in Chapter 2 'Policy' of the EIA Report and have been taken into account as appropriate in the EIA process.

SPP – Some Questions Answered

3.5.2 On 5 December 2014, the Scottish Government released a document answering 'questions' in relation to the SPP and Onshore Wind. The answers provided relate to the following topics:

landscape capacity assessment; Spatial Frameworks; separation distances; areas of strategic capacity; cumulative impacts; the life span of wind farms; wild land; scenic routes; and the carbon calculator. The proposed development is considered to be consistent with the guidance with regard to all of these topics.

3.5.3 The Government's 'Some Questions Answered' document on SPP also provides guidance in relation to the life span of operational wind farms and refers to the matter of sustaining targets in the long term. In relation to paragraph 170 of SPP and specifically to 'use in perpetuity', the document states:

"*Even where an individual wind farm proposal may have an operational life span specified by condition the site should be suitable for use as a wind farm in other respects. The identification of an operational lifespan, commonly spanning 25 years for wind turbines, should not be used as a mitigation for negative impacts arising from the operation of the wind turbine. This is to ensure that developments which will be in place for an inter-generational length of time are appropriately sited and designed to have acceptable impacts*."

The permanent suitability of a site for wind farm use is important as it has a relationship to the potential repowering of a site and the expectation that a wind farm in use today will in principle be acceptable in the long term if reconfigured.

Identifying sites that are suitable for permanent use is important to ensure that we not only meet our targets for renewable electricity generation but can sustain them in the future."

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

3.5.4 SNH 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)".

3.6 Conclusions on National Planning Policy & Guidance

3.6.1 Both NPF3 and SPP set out a strong position of support in relation to renewable energy and renewable energy targets and recognise the significant energy resource provided by onshore wind. This is clearly not at any cost and development continues to be guided to appropriate locations and environmental effects need to be judged to be acceptable before consents are forthcoming.

3.6.2 The proposed development can claim the presumption in favour of development that contributes to sustainable development, given the age of the Development Plan – as a result the presumption is a significant material consideration and the tilted balance applies. 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.

3.6.3 This provision of national planning policy must mean that positive support should be given in favour of the proposed development, driving to the matter of giving consent unless rebutted by factors sufficient to negate the presumption.

3.6.4 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.

3.6.5 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. Climate Emergency & The Renewable Energy Policy Framework

4.1 Introduction

4.1.1 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.

4.1.2 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 CO_2 reduction to combat global heating in the current Climate Emergency.

4.1.3 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.

4.2 International & European Policy Considerations

International Agreements and Obligations – The COP21 UN Paris Agreement

4.2.1 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^{o}C*" above pre-industrial levels and to pursue "*efforts to limit the temperature increase to 1.5^{o}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*".

4.2.2 It is clear that moving to a low carbon economy is now a globally shared goal and will require absolute emission reduction targets.

4.2.3 The **Court of Appeal Judgment[16] 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.

4.2.4 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 IPPC SR1.5 Report (2018)

4.2.5 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.

[16] [2020] EWCA Civ 214.

4.2.6 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.

4.2.7 In response to the IPPC report, the Scottish Government stated it would seek updated advice from the CCC on meeting the 1.5ºC target. The Government has received and acted on that advice (this is referred to below).

European Policy & Targets

4.2.8 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.

4.2.9 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.

4.2.10 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.

4.2.11 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 2018 (the last full year for which figures are available) was that renewable energy only accounted for approximately 11% of energy consumption in the UK, well short of the 15% target[17]. 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'.

4.3 United Kingdom Energy Policy

Relationship of UK / Scottish Energy Policy

4.3.1 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.

4.3.2 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.

4.3.3 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

[17] BEIS, Digest of UK Energy Statistics (July 2019), Chapter 6. Onshore wind remains the leading technology in terms of UK renewable capacity, at 30.6% recorded for 2018.

policy making over successive Governments on the topic of renewable energy often going further and faster than UK wide policy and targets.

4.3.4 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)

4.3.5 The CCC[18] 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.

4.3.6 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*".

4.3.7 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*".

4.3.8 The report makes recommendations for the UK economy including:

- UK overall: a new tougher emissions target of net zero[19] 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.

4.3.9 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)

4.3.10 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*".

4.3.11 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)

[18] 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.

[19] 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 CO_2 from the atmosphere.

4.3.12 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.

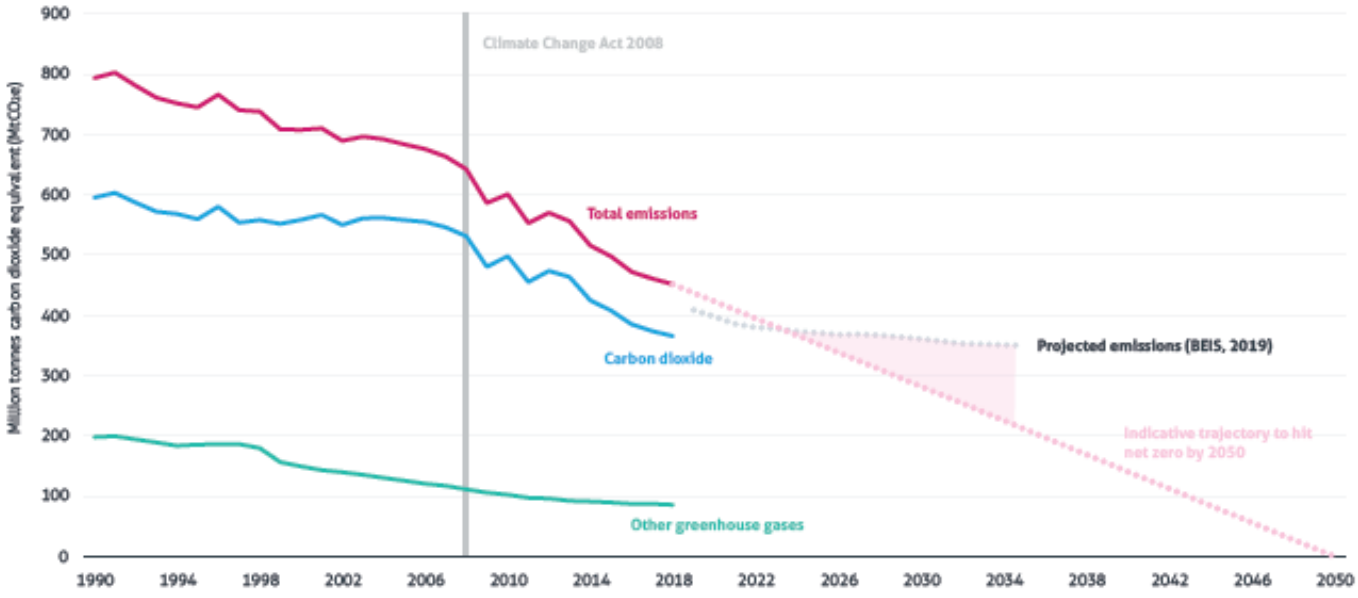
4.3.13 The report contains a number of key messages including that *"intermittency of renewables does not prevent full decarbonisation of the power system. Deployment of variable renewables, alongside system flexibility, is a low regret and low cost means of de-carbonising the UK's electricity system*".

The UK Net Zero Target

4.3.14 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.

4.3.15 The scale of the challenge of net zero has recently been highlighted in a report from the Institute of Government published in September 2020. The Institute refers to the CCC's latest assessment of June 2020 (see below) which states that "*not nearly enough progress had been made a year on from the net zero target being adopted*" (page 16). The extract from the report provided below as Figure 4.1, shows that the UK is on track to meet its third carbon budget (covering 2018-22), but is off track to meet its fourth (2023-27) and fifth (2028-32).

Figure 4.1: UK Emissions of GHG: Actual (1990-2018) and Projected (2019-35)



Source: Department for Business, Energy and Industrial Strategy, 'Final UK greenhouse gas emissions national statistics', February 2020, and 'Updated Energy & Emissions Projections: 2018'.

CCC - Progress Report to Parliament (July 2019)

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

4.3.17 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*".

4.3.18 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

4.3.19 A recent and relevant material consideration with regard to evolving energy policy is the 'consultation on proposed amendments to the Contracts for Difference (CfD) scheme for low carbon electricity generation' 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.

4.3.20 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*….".

4.3.21 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.

4.3.22 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)

4.3.23 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*".

4.3.24 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*".

4.3.25 The recent 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)

4.3.26 The CCC published its Annual Report[20] to the UK Parliament (required under the Climate Change Act 2008) on 25 June 2020.

4.3.27 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*".

[20] CCC 'Reducing UK emissions: 2020 Progress Report to Parliament' 25 June 2020.

4.3.28 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 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 Government ……but 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".

4.3.29 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.

4.3.30 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.

4.3.31 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; and
- Ensure the recovery does not 'lock-in' greenhouse gas emissions or increased climate risk.

4.3.32 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*."

4.3.33 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.

4.3.34 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*."

4.3.35 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.

4.3.36 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*".

4.3.37 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*."

UK Government Response to CCC Progress Report (October 2020)

4.3.38 The Government published its response to the CCC Progress Report to Parliament in October 2020. The Executive Summary (page 7) sets out that attaining net zero will involve fundamental changes across the UK economy and: "*under any feasible scenario, meeting net zero will require reductions in emissions across the economy on a scale not previously seen; ambitious and early deployment of existing technologies and approaches; and innovation in new technologies… will enable us to offset emissions from sectors which cannot fully decarbonise*".

4.3.39 In addition, the report sets out that the Government's position is that in delivering net zero "*we want to ensure that we deliver emissions reductions at a rate which maximises the economic opportunities for the UK, both from domestic deployment of clean technologies as well as through realising export opportunities in what promises to be large and growing international markets in low carbon technologies and services such as renewables*…"

4.3.40 The report sets out that in recovering from Covid-19 "*we must build back better and greener and do that at the pace that this moment requires by investing in and accelerating infrastructure across the UK to promote a clean, green recovery*" (page 10).

4.3.41 In this regard it is recognised that green investments such as renewables is an effective means of delivering jobs and the Government clearly sets out that it is "*determined to seize the once in a generation economic opportunities of the net zero transition – creating new business opportunities and up to two million green jobs by 2030 across all regions of the UK*" (page 13).

4.3.42 The report adds "*the year ahead is critical for global progress on climate change and a major test of global cooperation after Covid-19. We agree that it will be crucial for the UK to demonstrate strong climate leadership*".

4.3.43 The report addresses sector specific action and power is addressed from page 15. A key objective is the delivery of more renewables. In this regard there is recognition of growing electricity demand and it is stated that "*by 2050, electricity demand could double as it is used to decarbonise heat and transport. We will need a substantial increase in low carbon generation and a mix of technologies to deliver a low carbon, low cost and reliable electricity system that can adapt to our needs*" (page 17).

4.3.44 In terms of the international leadership position, the Governments set out that "*the science is clear. To limit global warming to 1.5° Celsius, we need to halve global emissions over the next decade. However current commitments made under the Paris Agreement fall far short of what is required. We must scale up action to respond to the climate emergency, and the world must act together to achieve this*".

4.3.45 In terms of future policy, the Ministerial Foreword sets out that the Government intends to produce an energy White Paper and a comprehensive Net Zero Strategy in 2021: and that the strategy "*will set out the Government's vision for transitioning to a net zero economy, making the most of new*

growth and employment opportunities across the UK. These will raise ambition as we outline our path to hit our 2050 target".

4.3.46 The UK Energy White Paper, a statement of the Government's intent for future policy proposals, is expected to be published in December 2020.

4.4 Scottish Government Policy and Renewable Energy Generation Targets

4.4.1 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);
- The Programme for Government (2020); and
- The CCC Progress Report to the Scottish Parliament (October 2020).

The Scottish Energy Strategy (2017)

4.4.2 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*".

4.4.3 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.*"

4.4.4 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.

4.4.5 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*."

4.4.6 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).

4.4.7 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*".

4.4.8 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*".

4.4.9 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*".

4.4.10 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)

4.4.11 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".

4.4.12 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.

4.4.13 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).

4.4.14 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.

The Onshore Wind Policy Statement (2017)

4.4.15 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*".

4.4.16 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*."

4.4.17 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*".

4.4.18 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.

4.4.19 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*".

4.4.20 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.

4.4.21 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.

4.4.22 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*".

4.4.23 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.

4.4.24 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*".

The Climate Change Plan (2018)

4.4.25 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.

4.4.26 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; and
- 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.

4.4.27 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)

4.4.28 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)

4.4.29 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 Climate Emergency in Scotland

4.4.30 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*".

4.4.31 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...."

4.4.32 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*".

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

4.4.34 The current situation is more urgent and more grave than that which prevailed in 2014 when SPP and NPF3 where 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.

Programme for Government (2019)

4.4.35 The Scottish Government published the Government Programme for 2019-20 entitled 'Protecting Scotland's Future' on 3 September 2019. The document 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)

4.4.36 The Introduction also refers to the forthcoming renewal of the 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.

4.4.37 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.

4.4.38 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. An NPF4 'Position Statement' was published in November 2020.

4.4.39 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

4.4.40 It is important to take into account the Climate Change (Emissions Reduction Targets) (Scotland) Act 2019 ('the 2019 Act'). The Scottish Government, having taken advice from the Committee on Climate Change, progressed this legislation which received Royal Assent on 31 October 2019. The Act sets a legally binding target of 'net zero' emissions for Scotland by 2045 at the latest, five years ahead of the date set for the whole of the UK. The Act amends the Climate Change (Scotland) Act 2009.

4.4.41 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)[21]. The new targets were brought into force by way of Commencement Regulations on 23 March 2020[22].

4.4.42 The Interim Targets (and pre-2020 targets) are:

- 2018 – 54%;
- 2019 – 55%;
- 2020 – 56%;
- 2030 – 75%;
- 2040 – 90%;
- 2045 – 100% (net-zero emissions).

4.4.43 The Scottish Government publishes an Annual Target Report[23] that sets out whether each annual emissions reduction target has been met. The latest report is for the 2018 target year which was published in June 2020. The Report states that the 'GHG Account' reduced by 50% between the baseline period and 2018. As noted, the 2019 Act specifies a 54% reduction over the same period – therefore the target for 2018 has not been met.

4.4.44 The Scottish Government is currently updating the 2018 Climate Change Plan to reflect the increased ambition of the targets set in the 2019 Act. To help ensure delivery of the long-term targets for every year to net-zero.

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

4.4.45 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.

4.4.46 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*".

4.4.47 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).

4.4.48 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*".

4.4.49 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).

4.4.50 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

[21] Progress against the targets is measured against 1990 levels of carbon dioxide, methane and nitrous oxide and 1995 levels of hydroflurocarbons, perflurocarbons, sulphur hexafluoride and nitrogen trifluoride.
[22] The Climate Change (Emissions Reduction Targets) (Scotland) Act 2019 (Commencement) Regulations 2020.
[23] Scottish Government, Official Statistics, Scottish Greenhouse Gas Emissions 2018, (June 2020).

infrastructure, hydrogen production and "onshore wind". The letter adds that "*acceleration of these projects should take priority*". (underlining added)

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

4.4.51 The Scottish Government has received the report of the Advisory Group on Economic Recovery - entitled 'towards a robust, resilient well-being economy for Scotland'.

4.4.52 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.

4.4.53 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.

4.4.54 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*".

4.4.55 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*".

4.4.56 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.

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

4.4.57 The Report from the Climate Emergency Response Group[24] (CERG) entitled 'Eight Policy Packages for Scotland's Green Recovery' was published in July 2020.

4.4.58 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.

4.4.59 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*

[24] 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.

current COVID-19 crisis may have temporarily delayed our response to the climate emergency." (page 8)

4.4.60 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.

4.4.61 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.

4.4.62 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 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."

4.4.63 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*."

4.4.64 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*".

4.4.65 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)

4.4.66 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'.

4.4.67 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".

4.4.68 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*".

Committee on Climate Change, 'Reducing Emissions in Scotland, Progress Report to Parliament' (October 2020)

4.4.69 The Committee on Climate Change (CCC) submitted its Progress Report to the Scottish Parliament pursuant to Section 9(1) of the Climate Change (Scotland) Act 2009 in October 2020.

4.4.70 The report sets out that Scotland has decarbonised much more quickly than the rest of the UK, and highlights that the vast majority of emission reductions have been limited to the power sector which contributed to two thirds of the total fall in emissions in Scotland from 2008 to 2018.

4.4.71 A key point in the report is that the key structural changes that are needed to drive emissions reductions in sectors outside of electricity generation have not yet been achieved. The CCC acknowledge that the 2019 updates to the Climate Change (Scotland) Act (by way of the Emissions Reductions (Scotland) Act 2019) significantly increased the ambition of Scotland's emissions reduction targets and it is recognised that a 'new era' for climate action in Scotland is now starting at the beginning of the 2020s, underpinned by following factors: -

- The adoption of a Net Zero target for 2045 and the recognition that all parts of the Scottish economy will need to contribute fully.
- The prospective end of unabated fossil-fuelled electricity generation and the rapid rise of cheap low-carbon electricity in Scotland – and the recognition that the decarbonisation of other sectors of the economy will be achieved by way of electrification.
- The Covid-19 pandemic has set a new context for all policy making and will have a lasting impact on the way we live, work and travel. Although as a result of lockdown it is recognised that emissions have reduced, this is seen as only as a temporary effect and greenhouse gas emissions will need to be cut consistently year after year until they reach net-zero to slow and halt global warming.

4.4.72 The report acknowledges that Scotland is progressing a number of initiatives and included within these are plans for a new NPF which is "aimed at radically accelerating emissions reduction".

4.4.73 The report highlights that the Scottish Government has also delayed the planned update to the Scottish Climate Change Plan, which is now due to be published in December 2020. This document is intended to set to the foundations for a new era of climate change action and the CCC state that it must put Scotland on a path to sharper emissions reduction in the near-term, and establish a course to Net Zero by 2045.

4.4.74 In terms of key recommendations, various actions are set out for the Scottish Government and with specific reference to national planning policy is the recommendation to "*align the next National Planning Framework (NPF4) closely to Net Zero and adaptation, providing a favourable planning and consenting regime for a low-carbon and efficient energy system and climate–resilient infrastructure*".

4.4.75 It is clear that extensive electrification is required, particularly of transport and heating supported by major expansion of renewable and other low-carbon power generation. The CCC sets out that they estimate that there will be a doubling of today's annual electricity demand, with all power in the UK to be produced from low-carbon sources.

4.4.76 Page 96 further adds with regard to planning that the forthcoming NPF "*is a useful lever over infrastructure that needs to be well aligned to objectives for emissions reduction in Scotland (e.g. through encouraging walking, cycling and use of public transport, ensuring readiness for or*

installation of electric vehicle charging points in new developments, co-location of new housing with services and major centres of employment, and a favourable planning regime for low-cost onshore wind)". (underlining added)

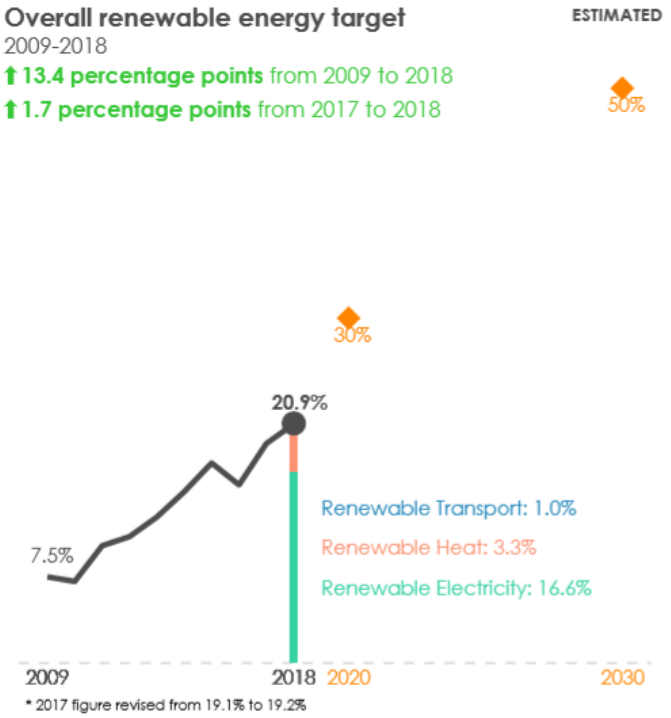
4.4.77 An 'Position Statement' is due to be published by the end of 2020. While that is awaited, it is nevertheless clear that the CCC views the planning system as key to the delivery of reduced emissions and onshore wind is seen as a key low cost renewable technology.

4.5 Progress to the Scottish Renewable Energy and Electricity Generation and Emission Reduction Targets

Renewable Energy

4.5.1 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 4.1 below. It is evident that there is a steep trajectory that will need to be sustained in order to meet future targets.

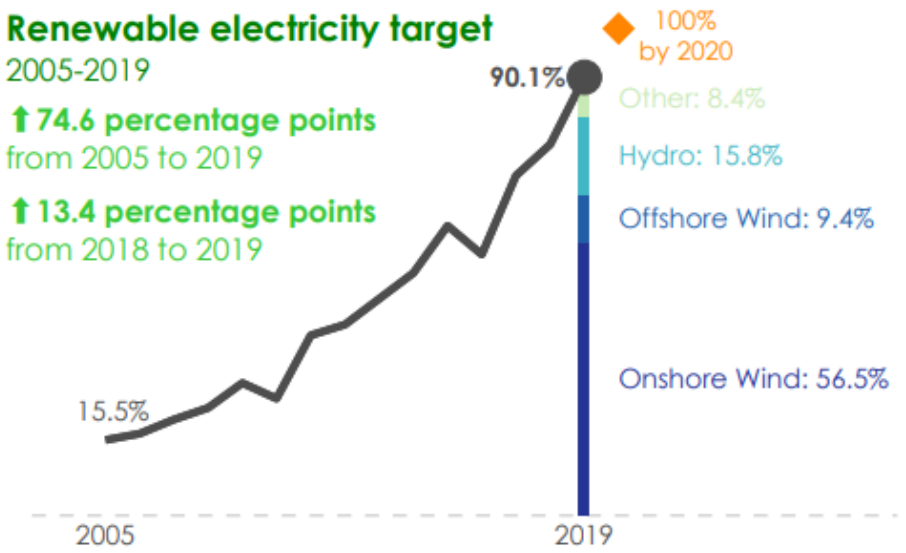
Figure 4.2: Performance against the 2020 & 2030 Renewable Energy Targets



Renewable Electricity

4.5.2 The Scottish Government estimates that in 2019, renewable sources generated the equivalent of approximately 90.1% gross electricity consumption[25]. This is illustrated in Figure 4.3 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.

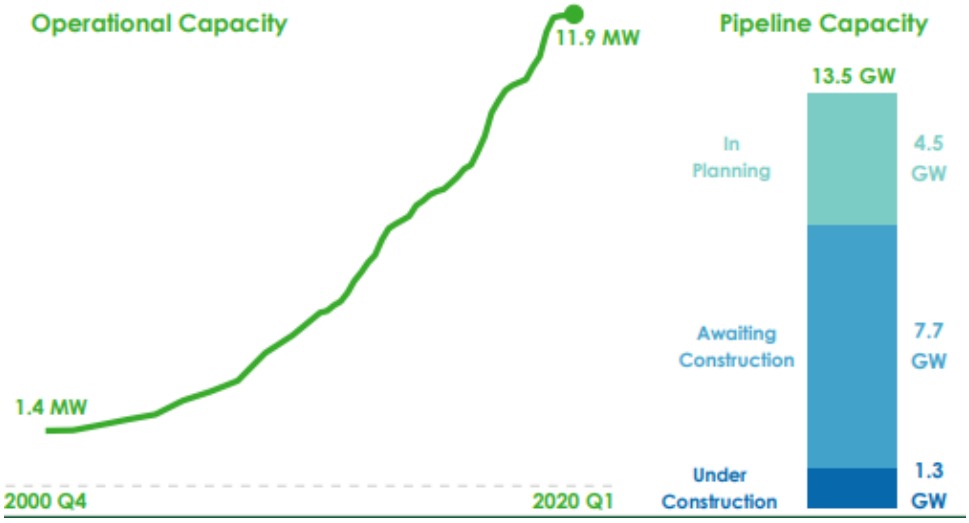
Figure 4.3: Performance against 2020 Renewable Electricity Target



Renewable Electricity Capacity

4.5.3 The Scottish Government's[26] June 2020 statistics show that as of March 2020, Scotland had 11.9 Giga-Watts (GW) of installed (operational) renewable electricity generation capacity, with an additional 1.3 GW of capacity under construction and 7.7 GW consented. Figure 4.4 below illustrates Scotland's renewable capacity by stage in the planning process.

Figure 4.4: Renewable Capacity in Scotland by Planning Stage, as of March 2020



[25] Scottish Government, Renewable Energy Statistics, June 2020.

[26] *ibid*.

4.5.4 Not all consented projects will proceed to implementation. The proposed development would make a valuable contribution to Scotland's renewable energy, electricity and emissions reductions targets.

GHG Emissions Reduction – Progress to Net Zero

4.5.5 As noted in section 4.4 above, the Scottish Government Annual Target Report[27] sets out whether each annual emissions reduction target set under the 2019 Act has been met. The latest report for the 2018 target year was published in June 2020. The Report states that the 'GHG Account' reduced by 50% between the baseline period and 2018. As noted, the 2019 Act specifies a 54% reduction over the same period – therefore the target for 2018 has not been met. The target for 2020 is 56%.

4.6 Conclusions on the Renewable Energy Policy Framework

4.6.1 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).

4.6.2 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 late 2020.

4.6.3 Regardless, the Government's 2020 renewable electricity target remains unmet and has been supplemented by the stretching 2030 targets.

4.6.4 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.

4.6.5 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.

4.6.6 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.

4.6.7 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.

4.6.8 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

[27] Scottish Government, Official Statistics, Scottish Greenhouse Gas Emissions 2018, (June 2020).

emissions target by 2045 at the latest, with challenging interim stages – a 75% reduction target by 2030 and 90% by 2040.

4.6.9 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.

4.6.10 This CCC report was published at the same time as a series of high-profile environmental reports, the Extinction Rebellion protests 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.

4.6.11 The Scottish Energy Minister[28] 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".*

4.6.12 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.

4.6.13 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

4.6.14 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 which will require to facilitate the meeting of the new targets set by the 2019 Act.

4.6.15 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.

4.6.16 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.

4.6.17 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.

4.6.18 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

[28] Paul Wheelhouse, Minister for Energy, Connectivity and he Islands, Ministerial Foreword of the 'Annual Energy Statement 2019' Scottish Government.

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.

4.6.19 Furthermore, it needs to be recognised that the current national planning policy framework does not currently reflect the weight that needs to be afforded to benefits and the speed of response of deployment that is needed, as set out by the provisions of the 2019 Act. SPP and NPF3 did not predict the scale of the transformation needed to a carbon free society however it is clear now (by way of the 2019 Act) that Scotland has not been moving fast enough to achieve sufficient emissions reduction.

4.6.20 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.

4.6.21 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*".

4.6.22 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 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.

4.6.23 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".*

4.6.24 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.

4.6.25 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".

4.6.26 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.

4.6.27 The new targets set by the provisions of the 2019 Act demonstrate the sea change that is needed over a relatively short period of time and it will be necessary to drive further renewables deployment, particularly in the next decade to reach those targets. As the Scottish Ministers have said, Scotland has the most stringent framework of statutory targets of any country in the world. As a result, it means decisions on developments are needed which can drive attainment of those targets.

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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 up to 49.9 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 2020 emissions reduction target has been missed, as indeed has the earlier 2018 target, as shown by the June 2020 Scottish Government statistics. 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. Energy policy is an important material consideration in the determination of the application and should be afforded significant weight in favour of the proposed development.

- The potential annual carbon emission savings for the proposed development have been set out in Chapter 15 of the EIA Report. This explains that based on an anticipated capacity factor 42.6%, it is expected the proposed development would result in the production of approximately 179,124 Mega Watt Hours (MWh) annually, equating to powering the equivalent of over 45,800 homes annually. This level of renewable energy generation would also equate to displacing approximately 2.418,180 tonnes of fossil fuel mix generation equivalent CO2 emissions over the operational life of the project which is a beneficial environmental effect.

- A carbon balance assessment for the proposed development has been undertaken[29] which shows that the project has an expected carbon dioxide payback time of up to 2.5 years compared to grid-mix electricity generation. This payback period is calculated as the length of time it will take the carbon savings produced as a result of the wind farm operation, to amount to the carbon costs used through construction of the development.

- It is estimated that, during the construction phase, the proposed development will be worth approximately £29.6 million to the UK economy. Of that, £22.7 million is expected to be spent within Scotland (national) and £7.6 million is expected to be spent within Highland (regional).

- It is anticipated that a temporary workforce averaging up to 60 people at any one time will be employed during the 15-month construction period. It is also likely that there will be some local employment generated as an indirect result of the construction of the Development. This could include supply chain spin-offs for local businesses and sub-contracted work relating to the transportation of labour and materials. The Applicant is committed to maximising the local economic impact from the proposed development and will work with stakeholders to ensure that local enterprises have an opportunity to bid for contracts.

- During the operational period, there will be limited employment opportunities which are likely to include a part-time maintenance engineer (local site operator) and a small number of staff to occasionally service the turbines. Annual operating expenditure is expected to be in the region of £2.8 million per annum. Of this total spend, some 42% will be spent in the local area while 87% of the total operation and maintenance expenditure will likely be within the UK.

[29] As presented in Chapter 15 of the EIA Report.

- Given the presence of damaged and degraded peatland habitat on the site, a Habitat Management Plan (HMP) to inform and guide the commencement of practical habitat creation and to restore degraded bog during development construction has been drafted. The HMP, which will be fully developed post-consent, will aim to increase the biodiversity value of areas of degraded habits within the site, by restoring damaged and degraded blanket bog from the long-term management effects, but will, as a minimum, compensate for the direct loss of blanket bog habitats as a result of the development.

- The proposal will contribute £5,000 per MW installed capacity to a Community Fund. This will result in an annual value of approximately £240,000 per year. With a 30-year operational period, this will provide approximately £7.2 million in community benefit. These payments are acknowledged not to be a material planning consideration.

- In addition to the community benefit fund the Applicant has provided the opportunity for local community organisations to invest in the Development through shared ownership. Shared ownership is defined as any structure that involves a community group as a meaningful financial partner in a renewable energy project.

- An identified barrier to economic development of the area of Caithness and Sutherland is access to reliable, high-speed broadband. The Applicant has commissioned a feasibility study to show the potential for the site to bring enhanced provision to over 250 residents and businesses. No commitments have been made at this application stage, and discussions are ongoing via a broadband working group to facilitate exploration of the potential benefits.

5.1.2 The importance of the economic benefits arising from the proposed development cannot be under estimated 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'.

5.1.3 Reference has been made above 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 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 Introduction

6.1.1 In setting out conclusions, the following two questions are posed:

- Firstly, does the proposed development accord with the statutory Development Plan consistent with the requirements of Section 25 of the 1997 Act? and
- Secondly, does the consideration of applicable material considerations indicate otherwise?

6.2 Does the Development accord with the statutory Development Plan?

6.2.1 The relevant policies of the Development Plan, the HwLDP, were considered in Chapter 2. The main focus of this assessment was only on those effects identified as significant through the EIA Report following the 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 accordance, 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.

6.2.2 The significant effects identified relate to landscape and visual matters and cultural heritage, 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 the 'lead' policy, namely Policy 67 of the HwLDP with regard to landscape and visual effects and indeed with regard to the various other environmental topics set out in policy 67. Overall, it is considered that none of the effects arising would be "significantly detrimental overall" – the key test set out in policy 67. In arriving at this judgment, full account has been taken of the provisions of the OWSG which assists in the consideration and application of policy 67.

6.2.3 The proposed development is also considered to be consistent with other relevant policies of the HwLDP.

6.2.4 The conclusion reached with regard to the first question, 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.

6.3 Do Material Considerations Indicate Otherwise?

6.3.1 In terms of national planning policy, SPP has been identified as being a significant material consideration in the determination of this application, as the HwLDP was published in 2012 and so now exceeds the recommended lifespan of five years for such policy documents. The presumption in favour of development that contributes to sustainable development as set out at paragraph 33 of SPP is engaged. The tilted balance applies – therefore as a starting point, the planning balance should be tilted in favour of approval when weighing a development's positive and negative aspects. As explained, it is not therefore a standard planning balance that needs to be struck in this case.

6.3.2 Furthermore, each of the relevant sustainable development principles introduced through Paragraph 29 of SPP were considered in turn in Chapter 4, in order to assess whether the proposed development could be considered sustainable. It was shown through this process that the proposal is consistent with each relevant principle. The significant effects identified through the EIA and assessment of the development plan would not 'significantly and demonstrably' outweigh the sustainable development benefits of the proposed development.

6.3.3 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.

6.3.4 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.

6.3.5 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.

6.3.6 The socio-economic benefits are also now of particular importance given the unprecedented current economic crisis and expected 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*". When this is considered alongside the policy imperative in response to the Climate Emergency – very significant weight should be placed on the benefits that would arise from the Proposed Development.

6.3.7 It cannot be 'business as usual' and there needs to be a notable shift in the planning balance: not to grapple with and embrace the clear new messages of 'Net Zero' would be to fail to take what is happening so fast in public policy seriously. 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 very 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 where 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.

6.3.8 Taken together, these are important material considerations which further support the position that planning permission should be granted for the proposed development, subject to appropriately worded conditions.

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