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# Craig Watch Wind Farm

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Supplementary Planning and Energy Policy  
Statement



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## 1. Introduction

### 1.1. Background

- 1.1.1. This Supplementary Planning and Energy Statement has been prepared by Savills UK Limited on behalf of Craig Watch Wind Farm Limited (the Applicant), which is wholly owned by Statkraft UK Ltd. In June 2022, an application was submitted to the Scottish Ministers under Section 36 (S36) of the Electricity Act 1989 (the Electricity Act) for a development known as Craig Watch Wind Farm (the Proposed Development). The application was accompanied by a Planning and Energy Statement (the Original Planning Statement). In response to consultee comments to the Proposed Development, the Applicant has made some changes which are summarised in Section 2.2 of this Supplementary Planning and Energy Statement.
- 1.1.2. The purpose of this Supplementary Planning and Energy Statement is to consider the Proposed Development against new planning and energy policy changes that have occurred since submission of the application in June 2022.
- 1.1.3. This Supplementary Planning and Energy Statement has been informed by a Supplementary Environmental Information (SEI) Report and other supporting documents which have been prepared by the Applicant to consider the environmental effects of the Proposed Development. The Original Planning Statement considered the Proposed Development against local and national planning policy applicable at that time. In the interim, Scottish Planning Policy (SPP) and National Planning Framework 3 (NPF3) have been replaced in their entirety by National Planning Framework 4 (NPF4) and a new Local Development Plan (LDP2) for Aberdeenshire was adopted by Aberdeenshire Council in 2023.
- 1.1.4. In order to ensure a robust assessment against this new planning policy framework, the policy appraisal in this Revised Planning Statement goes beyond just considering the changes in the Proposed Development, as set out in the SEI Report. Where there are no changes to previous assessments set out in the Environmental Impact Assessment (EIA) Report prepared in 2022 (the 2022 EIA Report) and previous findings remain relevant, those previous assessments have been used to inform an entirely new policy appraisal against NPF4 and the new Aberdeenshire LDP2. Those appraisals supersede the previous policy conclusions against SPP, NPF3 and the previous Aberdeenshire LDP2.
- 1.1.5. In addition, this Supplementary Planning and Energy Statement details key energy policy changes that have emerged since June 2022, including a review of the Onshore Wind Policy Statement (OWPS), the Draft Energy Strategy and Just Transition Plan and a review of the renewable energy policy provisions with reference to the Climate Change Committee (CCC) reports and Scottish emission reduction targets published in December 2022.
- 1.1.6. The SEI Report should be read together with the 2022 EIA Report, and together both documents ensure all relevant information is available to Scottish Ministers and consultees when considering the application.
- 1.1.7. This Supplementary Planning and Energy Statement does not replace the Original Planning Statement. It should be read alongside the Original Planning Statement as many of the comments and previous policy conclusions remain relevant. The policy conclusions in this Supplementary Planning and Energy Statement focus on the Proposed Development by utilising the findings within the SEI Report and the 2022 EIA Report, where they remain relevant.

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### 1.2. Structure of the Statement

1.2.1. This Supplementary Planning and Energy Statement is set out in sections. Following this introductory section, subsequent sections are set out as follows:-

- Section 2 summarises the key changes to the Proposed Development;
- Section 3 discusses changes to energy legislation and policy matters that have emerged since the application for the Proposed Development was submitted in June 2022, and their implications for the Proposed Development;
- Section 4 assesses the Proposed Development against the relevant policies of the Development Plan including commentary on NPF4 and Aberdeenshire LDP2 2023, which have both been adopted since the Original Planning Statement was prepared;
- Section 5 sets out the key other material considerations which need to be taken into account when assessing the acceptability of the Proposed Development; and
- Section 6 weighs up the case for the Proposed Development providing concluding remarks on its overall acceptability, having regard to all material factors.

## 2. Changes to Proposed Development

### 2.1. The Proposed Development

2.1.1. As originally submitted, the Proposed Development comprised the construction, 33-year operation and subsequent decommissioning of up to 11 wind turbines, a battery storage area and associated infrastructure, with an overall generating capacity in excess of 50 megawatts (MW). Key elements included:-

- Up to 11 wind turbines, each with a maximum tip height of 200 metres (m) and each with a generating capacity of between 6-7 MW;
- Associated permanent turbine foundations and crane hardstandings;
- A permanent free-standing meteorological mast including associated foundation and hardstanding;
- A total of approximately 9.4 kilometres (km) of on-site tracks with associated water crossings, passing places and turning heads, of which 2.18 km would be formed through upgrading existing tracks. Additionally, a total of approximately 760 m of on-site emergency access track was proposed;
- A main Site entrance for use during construction and operation, designed to accommodate abnormal indivisible loads required for turbine component delivery as well as to provide parking for component deliveries;
- A substation compound, including a battery energy storage unit (BESS) (if required) and control building (if required);
- Two temporary Site construction compounds;
- A network of on-site buried electrical cables connecting the turbines to the on-site substation compound;
- A borrow pit search area;
- Engineering operations which include for example turbine foundations, access tracks, and peat excavation and restoration work; and
- Associated ancillary works, including:
  - Habitat Management Plan areas, forest felling and replanting;
  - Extraction of rock from borrow pits to be located within an identified borrow pit search area (if suitable); and
  - Concrete batching plant. This would be located within one of the temporary construction compounds or borrow pit search areas.

2.1.2. The Proposed Development, as originally proposed, would have a total maximum capacity of 100 MW, consisting of approximately 72.6 MW turbine capacity and approximately 27.4 MW of BESS capacity.

### 2.2. Changes to Proposed Development

2.2.1. Unless otherwise specifically noted by the following commentary, those aspects of the Proposed Development set out above remain unchanged, with further detail included within Section 3.2 of the Original Planning Statement. Further details on each of the changes to the Proposed Development are set out in the SEI Report, Volume 1, Chapter 2: Changes to Proposed Development.

2.2.2. In brief, and in response to matters raised by certain consultees (principally Historic Environment Scotland

(HES)), the Applicant has removed one wind turbine (turbine T9) and the battery energy storage unit. As a result, the anticipated generating capacity of the Proposed Development is now 72MW, based on the reduced number of turbines and slightly increased generating capacity of each, as noted in Table 1 below. The full extent of changes to the Proposed Development are summarised below in Table 1.

*Table 1: Changes to Proposed Development (replicated from SEI Report, Table 2.1)*

Proposed Development Element	Proposed Development assessed in 2022 EIA Report	Proposed Development	Summary of Variations
Number of Turbines	11	10	Removal of turbine T9.
Tip Height	200 m	200 m	No change.
Hub Height	122.5 m	118.5 m	Reduction by 4 m.
Rotor Diameter	155 m	163 m	Increase by 8 m.
New Access Track Length	7.2 km	6.85 km	Removal of 0.5 km of track associated with turbine T9 and addition of 0.15 km of track associated with new substation location.
Turbine Capacity	6-7 MW	7.2 MW	Increase in turbine capacity.
Battery Energy Storage Unit	Included	Removed	Removal of BESS
Turbine Foundations & Hardstandings	<p>Temporary infrastructure land take (per turbine): 5.2 hectares (ha).</p> <p>Permanent infrastructure land take (per turbine): 2.2 ha.</p>	<p>Temporary infrastructure land take (per turbine): 3.7 ha.</p> <p>Permanent infrastructure land take (per turbine): 2.9 ha.</p>	<p>Temporary land take decrease of 1.5 ha (per turbine).</p> <p>Permanent land take increase of 0.7 ha (per turbine).</p>
Substation	<p>Permanent land take: 0.85 ha.</p> <p>The substation compound would take up an area of approximately 8,500m<sup>2</sup> (170 m x 50 m)</p>	<p>Permanent land take: 1.65 ha.</p> <p>The substation compound would take up an area of approximately 16,537.5m<sup>2</sup> (175 m x 94.5 m)</p>	<p>New location</p> <p>Increase in substation area and permanent land take of 0.8 ha.</p>

Proposed Development Element	Proposed Development assessed in 2022 EIA Report	Proposed Development	Summary of Variations
Construction Compound	Construction Compound A and B	New location for Construction Compound A and new Construction Compound C included.	New location for Construction Compound A and new Construction Compound C included.

- 2.2.3. The grid references for the wind turbines are set out in Table 2.2, Chapter 2, Volume 1 of the SEI Report. The coordinates remain the same except for the removal of turbine T9.
- 2.2.4. The Site area remains the same, approximately 1,074 hectares (ha). Within this area, the permanent land take has however increased to 0.82% (8.82 ha) from 0.52% (8.03 ha). This change is primarily related to the increase in permanent land required to facilitate an increase to the size of the substation, which is now to be shared with SSEN.
- 2.2.5. While the Site layout has been amended, the principle of minimising the number of watercourse crossings remains. It is anticipated that two water (one new and one upgraded) and two field drain crossings will be required as part of the Proposed Development which is unchanged from the 2022 EIA Report.

### 3. Energy Legislation and Policy Considerations

#### 3.1. Introduction

3.1.1. This Section discusses new and updated energy policy publications that have emerged in the period since the application for the Proposed Development was submitted in June 2022.

#### 3.2. The Legislative Context

##### *Energy Act 2023*

3.2.1. The Energy Act 2023 received Royal Assent on 26 October 2023<sup>1</sup>. Originally introduced as the Energy Security Bill in 2022, it seeks to build on the commitment set out in the April 2022 British Energy Security Strategy<sup>2</sup> to reduce the UK's dependence on volatile fossil fuel markets, by improving domestic energy production and make the UK more self-sufficient when it come to the energy it uses.

3.2.2. Following the introduction of the Act into law, the then Energy Security Secretary Claire Coutinho commented that '*The Energy Act is the largest piece of energy legislation in a generation. It will boost investment in clean energy technologies and support thousands of skilled jobs across the country. It lays the foundations for greater UK energy independence, making us more secure against tyrants like Putin, and helps us to power Britain from Britain*'.

##### *Climate Change (Scotland) Act 2009 and the Climate Change (Emissions Reduction Targets) (Scotland) Act 2019 (the 2019 Act)*

3.2.3. The Original Planning Statement discussed the legislative basis for delivery of net zero greenhouse gas (GHG) emissions in Scotland, specifically through reference to the Climate Change (Scotland) Act 2009<sup>3</sup> and the Climate Change (Emissions Reduction Targets) (Scotland) Act 2019 (the 2019 Act)<sup>4</sup>, which amended the Climate Change (Scotland) Act 2009, and introduced ambitious GHG reduction targets leading to net-zero GHG emissions by 2045. The Climate Change (Emissions Reduction Targets) (Scotland) Bill was introduced on 5 September 2024 and is currently at the final stage of consideration by the Scottish Parliament.

3.2.4. In addition to setting a target date of 2045 for reaching net zero emissions, the 2019 Act also introduced interim targets which included a target to reduce GHG emissions by 75% by 2030 (compared to 1990 levels). In April 2024, the Scottish Government abandoned its target of achieving a 75% reduction in emissions by 2030, recognising that the target is '*out of reach*'. The Scottish Government did however note its '*unwavering commitment*' to reaching net zero by 2045, a target that remains embedded in statute.

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<sup>1</sup> <https://www.legislation.gov.uk/ukpga/2023/52/contents>

<sup>2</sup> <https://www.gov.uk/government/publications/british-energy-security-strategy/british-energy-security-strategy>

<sup>3</sup> <https://www.legislation.gov.uk/asp/2009/12/contents>

<sup>4</sup> <https://www.legislation.gov.uk/asp/2019/15>



- 3.2.5. At the same time as announcing that the 2030 GHG reduction target had been abandoned, the Scottish Government also confirmed that it would drop the legally binding annual targets on reducing emissions. The most recent annual targets in the lead up to 2045 are set out in Table 2 below.
- 3.2.6. The most recent Ministerial Statement on GHG emissions was made to the Scottish Parliament on 19 June 2024<sup>5</sup> when the Net Zero and Energy Cabinet Secretary confirmed that GHG emissions reduced by 50% over the period 1990 to 2022, against a target of 53.8% - therefore the 2022 target was missed.

Table 2: GHG Reduction Targets by Year

Year	GHG Reduction Targets (as % of 1990 baseline)	Year (continued)	GHG Reduction Targets (as % of 1990 baseline)
<b>2020 (interim target)</b>	48.5%	2033	79.5%
2021	51.1%	2034	81%
2022	53.8%	2035	82.5%
2023	56.4%	2036	84%
2024	59.1%	2037	85.5%
2025	61.7%	2038	87%
2026	64.4%	2039	88.5%
2027	67.0%	<b>2040 (interim target)</b>	90%
2028	69.7%	2041	92%
2029	72.3%	2042	94%
<b>2030 (interim target)</b>	75%	2043	96%
2031	76.5%	2044	98%
2032	78%	2045	100% (net zero emissions)

- 3.2.7. The June 2024 announcement to Parliament about missing the 2022 target and the earlier decision to abandon the 2030 interim target shows how much work still requires to be done to achieve the long term goal of net zero GHG emissions by 2045. The Proposed Development can make a National Development (see later discussion on NPF4) level contribution to this goal and while the overall generating capacity has been reduced, largely due to removal of the BESS facility, the Proposed Development will nevertheless make a significant and positive contribution to attainment of the 2045 target.

### 3.3. International

*United Nations (UN) Emissions Gap Report 2024 – No more hot air ... please!*

- 3.3.1. For more than a decade the UN Gap Reports have compared where GHG emissions are heading, against where they need to be, and highlights ways to close the gap. The latest Gap Report, *No more hot air ... please!*, was published on 24 October 2024<sup>6</sup>.
- 3.3.2. The 2024 Gap Report notes in the Foreword that GHG emissions reached a new high in 2023. This context

<sup>5</sup><https://www.parliament.scot/chamber-and-committees/official-report/search-what-was-said-in-parliament/meeting-of-parliament-19-06-2024?meeting=15945&iob=136097>

<sup>6</sup> <https://www.unep.org/resources/emissions-gap-report-2024>

coupled with the promises made to date put us *‘on track for best-case global warming of 2.6 degrees this century and necessitating future costly and large-scale removal of carbon dioxide from the atmosphere to bring down the overshoot.’* It is outlined that the *‘Increased deployment of solar photovoltaic technologies and wind energy could deliver 27 per cent of the total emission reduction potential in 2030 and 38 per cent in 2035.’*

3.3.3. The Report notes in the Executive Summary that:

*‘The magnitude of the challenge is indisputable. At the same time, there are abundant opportunities for accelerating mitigation action alongside achieving pressing development needs and Sustainable Development Goals. Technology developments, particularly in wind and solar energy, continue to exceed expectations, lowering deployment costs and driving their market expansion.’*

3.3.4. As a result, the Report notes that unprecedented action is now needed by all countries and this *‘will require overcoming formidable policy, governance, institutional and technical barriers as well as an unprecedented increase in the support provided to developing countries along with a redesigning of the international financial architecture.’*

### 3.4. UK Energy Policy

*CCC - Progress in Reducing Emissions – 2024 Progress Report to Parliament*

- 3.4.1. The 2024 Progress Report to the UK Parliament<sup>7</sup> was published in July 2024 and considers the global picture with regards to emissions reductions and adaptation to climate change. It discusses the UK’s role in a global context before discussing a range of sectors such as transport, building, manufacturing, electricity supply, fuel supply, aviation and shipping etc. Each sector is looked at in terms of emission trends and drivers, indicators of progress, next steps and major risks.
- 3.4.2. In the Executive Summary, it is outlined that the UK has *‘a successful track record of emissions reductions’*. However, *‘despite some progress, the previous Government signalled a slowing of pace and reversed or delayed key policies’*. The new Government needs to *‘act fast’* to ensure the UK remains on track to meet its current commitments.
- 3.4.3. The report notes that we’ve seen the wettest 18 months on record in England. The impacts on farmland have been extensive with areas submerged for extended periods, leading to the loss of crops and animals. Livelihoods have also been disrupted and lives lost in the UK and overseas as a direct consequence of climate impacts, which are becoming more severe.
- 3.4.4. The report sets out that the cost of key low-carbon technologies is continuing to fall, creating an opportunity for the UK to boost investment, reclaim global climate leadership and enhance energy security by accelerating take-up. British-based renewable energy is the cheapest and fastest way to reduce vulnerability to volatile global fossil fuel markets. The faster we get off fossil fuels, the more secure we become.

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<sup>7</sup> <https://www.theccc.org.uk/wp-content/uploads/2024/07/Progress-in-reducing-emissions-2024-Report-to-Parliament-Web.pdf>

- 3.4.5. There is overarching support for the roll out of clean energy technology and due to the targets needing to be met, the Report states *‘Annual offshore wind installations must increase by at least three times, onshore wind installations will need to double and solar installations must increase by five times.’*
- 3.4.6. On Planning, a key priority area is to remove planning barriers for heat pumps, electric vehicle charge points and onshore wind. In Scotland, NPF4 has set a positive policy framework to achieve this, which is discussed in Section 4.
- 3.4.7. As noted, there has been a change in UK Government. In July 2024 the new UK Government published a ‘Policy Statement on onshore wind’<sup>8</sup>, which noted its commitment to *‘doubling onshore wind energy by 2030. That means immediately removing the de facto ban on onshore wind in England, in place since 2015’*. It is recognised that this policy position did not apply in Scotland, but the swift publication of the July 2024 Policy Statement following the election of a new Government at Westminster highlights the UK Government’s commitment to onshore wind.
- 3.5. **Scottish Energy Policy**
- Onshore Wind Policy Statement (OWPS) 2022*
- 3.5.1. The OWPS<sup>9</sup> was published in December 2022 and clearly sets out that onshore wind will be a critical technology to help deliver the 2030 (now abandoned) and 2045 climate change targets.
- 3.5.2. The Ministerial Forward notes that *‘we must accelerate our transition towards a net zero society’*. It adds that *‘Scotland has been a frontrunner in onshore wind and, while other renewable technologies are starting to reach commercial maturity, continued deployment of onshore wind will be key to ensuring our 2030 targets are met’* (emphasis added).
- 3.5.3. The OWPS quantifies the amount of new onshore wind that is needed in order to meet GHG reduction targets and notes in the Ministerial Foreword that there is an *‘ambition of 20GW [GigaWatts] of onshore wind capacity in Scotland by 2030’* to encourage decarbonisation of the energy system. Paragraph 1.1.5 states that Scotland has 8.7GW of onshore wind as of June 2022 with an additional 11.3GW in the pipeline at various stages for the future.
- 3.5.4. Paragraph 8.4.1 states that onshore wind can also play a greater part in ensuring energy supply security, a key focus of the previously discussed Energy Act 2023.
- 3.5.5. Chapter 3 ‘Environmental Considerations: Achieving Balance and Maximising Benefits’ references Scotland’s Land Use Strategy and recognises that as the country moves towards a net zero economy, there will need to be a significant land use change, from current uses to forestry and peatland restoration and that this needs to happen alongside other essential activities, including onshore wind, while protecting and enhancing habitats.
- 3.5.6. Paragraph 3.5.6 recognises that as an *‘essential part of our energy mix’*, onshore wind deployment will

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<sup>8</sup> <https://www.gov.uk/government/publications/policy-statement-on-onshore-wind/policy-statement-on-onshore-wind>

<sup>9</sup> <https://www.gov.scot/publications/onshore-wind-policy-statement-2022/>

increase in the coming years, providing further opportunities for the sector to contribute significantly to biodiversity ambitions. In the commentary on peat and carbon-rich soils, the OWPS notes that reversing degradation of peat through peatland restoration is central to mitigating and adapting to the linked climate and nature crises. Paragraph 3.3.6 notes that in some cases it will be necessary to construct onshore wind farms on areas of peat, *'given the established need for additional onshore wind turbines to tackle climate change and to ensure long-term availability of cheap renewable energy'* (emphasis added).

- 3.5.7. In Section 3.6, the OWPS discusses landscape and visual matters and links with NPF4 (discussed in Section 4 of this Statement). Paragraph 3.6.1 notes that in order to ensure climate change targets are met, taller and more efficient turbines will be required and that *'this will change the landscape'* (no emphasis added). This very clear statement from the Scottish Government recognises that facilitating the route to net zero will result in noticeable changes to the landscape, and this is something as a society we will have to accept. This point is also recognised in Policy 11(e)(ii) of NPF4. Not all renewable energy projects will receive permission however, and the OPWS recognises in paragraph 3.6.1 that the aspiration is to ensure *'the right development happens in the right place'*.
- 3.5.8. Importantly, the OWPS states in paragraph 3.6.2 that *'stronger weight'* (emphasis added) is now to be given to the contribution of a development to the climate emergency in the planning balance, as well as community benefits. If the legally binding climate change targets are to be met, the enhanced need case for more onshore wind to deliver the 2030 20GW ambition needs to be recognised by decision makers.
- 3.5.9. Chapter 5 'Benefits to Local Communities and Financial Mechanisms' notes the Scottish Government's commitment to the principles of a just transition to a net zero economy, meaning that communities across Scotland feel the benefits of this transition. The Applicant is proposing a suite of packages aimed at maximising the socio-economic benefits of the Proposed Development as detailed in SEI Report, Chapter 10 and 2022 EIA Report, Chapter 13: Socio-Economics.
- 3.5.10. In the concluding chapter, the OWPS describes the deployment of onshore wind as *'mission critical'* for meeting climate targets. There is a clear desire to see the deployment of greater volumes of onshore wind over the coming decade to deliver the ambition of a minimum installed capacity of 20GW by 2030. Critically, the OWPS does not just want developers to deliver onshore wind energy in isolation. Proposals need to maximise the economic, social and environmental benefits too, to help the just transition to a net zero society.

### *CCC – Progress in Reducing Emissions – 2023 Report to Parliament*

- 3.5.11. The above 2023 Report to the Scottish Parliament was published in March 2024. One of the key messages of the report is that Scotland missed the 2021 annual target of a 51.1% reduction in GHG emissions which is the eighth target Scotland has missed within the last 12 years. Secondly, the report noted that the acceleration required in emissions reduction to meet the 2030 target is *'now beyond what is credible'*. The report also noted that *'current overall policies and plans in Scotland fall far short of what is needed'* to achieve the legal emissions reduction targets.
- 3.5.12. In April 2024, in response to the findings of the CCC report, the Scottish Government abandoned its target of achieving a 75% reduction in emissions by 2030, recognising that the target is *'out of reach'*. The Scottish Government did however note its *'unwavering commitment'* to reaching net zero by 2045, a target that

remains embedded in statute.

### *Serving Scotland – Programme for Government 2024-2025*

3.5.13. The Programme for Government was published in September 2024<sup>10</sup> and therefore represents the most recent statement of the Scottish Government's priorities on a range of issues. While the Programme for Government is not an energy policy specific publication, it does set out important statements about how the Scottish Government intends to address various matters relating to the climate emergency, nature crisis and renewable energy, amongst other issues.

3.5.14. The First Minister's Foreword notes that the Programme for Government will focus on four key priorities with one being '*tackling the climate crisis emergency*'. Section 3 outlines:

*'The twin crises of climate change and biodiversity loss represent the existential threat of our times, underlined by recent confirmation that the global temperature has pushed past the internationally agreed 1.5 degrees Celsius warming threshold for a 12-month period. We must reduce emissions and our vulnerability to the future impacts of climate change and restore our natural environment.'*

3.5.15. This theme is revisited throughout the document and mirrors the foreword to NPF4 (discussed in Section 4) which puts the twin global climate and nature crisis at the heart of the future vision for Scotland.

3.5.16. It is clearly noted that '*our potential for renewable energy generation is one of our greatest environmental and economic opportunities*'. It goes on to outline that in order to support a just transition to a green economy the Scottish Government will shortly publish the Energy Strategy and Just Transition Plan. As well as doubling the ambitions for renewable energy generation, this will set out actions to deliver a clean energy pipeline and its economic benefits.

### *Scottish Energy Strategy (SES) 2017 & Draft Energy Strategy and Just Transition Plan (2023)*

3.5.17. The SES<sup>11</sup> was published in December 2017 and sets out the Scottish Government's strategy through to 2050, marking a 'major transition' over the next three decades in terms of energy management, demand reduction and generation.

3.5.18. The Strategy sets a new 2030 'all energy' target for the equivalent of 50% of Scotland's heat, transport and electricity consumption to be supplied from renewable sources. The Strategy also targets an increase by 30% in the productivity of energy use across the Scottish economy.

3.5.19. Page 57 acknowledges that the possible electrification of heat and transport on a large scale could place much greater demand on the renewable electricity sector. Accordingly, page 33 notes that achieving the equivalent of 50% of Scotland's heat, transport and electricity consumption to be supplied from renewable

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<sup>10</sup> <https://www.gov.scot/binaries/content/documents/govscot/publications/strategy-plan/2024/09/programme-government-2024-25-serving-scotland/documents/programme-government-2024-25-serving-scotland/programme-government-2024-25-serving-scotland/govscot%3Adocument/programme-government-2024-25-serving-scotland.pdf>

<sup>11</sup> <https://www.gov.scot/binaries/content/documents/govscot/publications/strategy-plan/2017/12/scottish-energy-strategy-future-energy-scotland-9781788515276/documents/00529523-pdf/00529523-pdf/govscot%3Adocument/00529523.pdf>

sources by 2030 will be challenging but the target '*demonstrates the Scottish Government's commitment to a low carbon energy system and to the continued growth of the renewable energy sector in Scotland*' (emphasis added).

- 3.5.20. Page 41 notes that renewable and low carbon energy will provide the foundation of our future energy system, offering Scotland a huge opportunity for economic and industrial growth. While the SES acknowledges that all renewable energy technologies will have a role to play in the future energy system, the nature of the energy and climate change goals means 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*' (page 43) (emphasis added).
- 3.5.21. The Scottish Government published the Draft Energy Strategy & Just Transition Plan<sup>12</sup> (hereafter referred to as the Draft SES) for consultation purposes in January 2023. While the Draft SES may be subject to change following consideration of responses, brief commentary is merited here on certain aspects of its content.
- 3.5.22. The Ministerial Foreword describes the 2020s as a '*decisive decade*' when we must deliver an energy system that meets the challenge of becoming a net zero nation by 2045. It notes the need to reduce dependency on oil and gas, as a means of combating the climate crisis and reducing our exposure to global market volatility in the energy market. The Draft SES seeks to reduce energy costs in the long term and reduce the likelihood of future energy cost crises. It also seeks to achieve the transition to a net zero society in a just manner, so that the employment and economic opportunities associated with it are fully realised.
- 3.5.23. The overall vision is that by 2045:-
- 'Scotland will have a flourishing, climate friendly energy system that delivers affordable, resilient and clean energy supplies for Scotland's households, communities and business. This will deliver maximum benefit for Scotland, enabling us to achieve our wider climate and environmental ambitions, drive the development of a wellbeing economy and deliver a just transition for our workers, businesses, communities and regions.'*
- 3.5.24. A series of actions are listed on page 24 to achieve this vision, including the need to '*significantly scale up renewable energy production, including on-and offshore wind power, renewable hydrogen, marine energy, solar and hydro*' (emphasis added).
- 3.5.25. Meeting the anticipated increase in demand for domestic electricity forms a key component of the Draft SES, but exporting electricity generated in Scotland is recognised as an economic opportunity. In 'Delivering the Vision' on page 22, the Draft SES states that by 2030 '*Scotland will be a renewable powerhouse, exporting renewable hydrogen and electricity to support decarbonisation in Europe as part of an integrated system with the rest of Europe*'. This opportunity is illustrated in Figure 6 on page 19.
- 3.5.26. Section 3.1 notes that '*increasing levels of home-grown renewable supply will make energy more affordable and ensure it is always available when we need it*'. The Draft SES is not technology specific and there are comments, aspirations and targets for different technology types. It is clear that the Draft SES sees onshore wind as playing a key role in meeting the target of an additional 20GW of renewable energy capacity by

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<sup>12</sup> <https://www.gov.scot/publications/draft-energy-strategy-transition-plan/>

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2030. In this respect, onshore wind is expected to provide 12GW of this additional capacity and the Draft SES notes at paragraph 3.1.2 that *'taller and more efficient turbines can be deployed at both new developments and when considering the repowering of existing sites, providing significantly increased capacity, often without increasing the footprint of an existing site. There are also substantial opportunities associated with repowering onshore wind farms as they come to the end of their lives'*.

- 3.5.27. Consistent with the OWPS, the Draft SES seeks to ensure that economic benefits and benefits to communities are maximised as part of the drive to deliver significant additional onshore wind capacity. This is reflected in the wording of NPF4 Policy 11(c).
- 3.5.28. The need to address the nature crisis as we deploy greater volumes of onshore wind is discussed on page 66, recognising that peatland impacts of onshore wind can be significant. As such, there remains a need to balance the benefits of onshore wind deployment with impacts on carbon rich habitats.
- 3.5.29. In Section 3.2 'Reducing Our Reliance on Other Energy Sources', the Draft SES notes that the Scottish Government wishes to ensure the fastest possible transition from dependence on a fossil fuel energy system to one that maximises the value we obtain from Scotland's rich and varied renewable energy resource. This section references NPF4 and states that the Scottish Government will encourage, promote and facilitate all forms of renewable energy development, both onshore and offshore.

## 4. The Development Plan

### 4.1. Introduction

- 4.1.1. Since the application for the Proposed Development was submitted in June 2022, there have been a number of significant changes to the national and local policy landscape. NPF4 was adopted in February 2023 and now forms part of the Development Plan while Aberdeenshire Council progressed and adopted a LDP2 on 13 January 2023.
- 4.1.2. This section considers the Proposed Development against the statutory Development Plan which now comprises:
- NPF4<sup>13</sup> (2023);
  - Aberdeenshire Local Development Plan 2<sup>14</sup> (LDP2) (2023); and
  - Moray Local Development Plan<sup>15</sup> (MLDP) (adopted July 2020).
- 4.1.3. Despite the Site not being within the Cairngorms National Park area, for completeness this Statement considers the Cairngorms National Park Partnership Plan 2022 - 2027<sup>16</sup> and relevant policies as there is some theoretical visibility of the Proposed Development from within the Park.
- 4.1.4. The Scottish Government's Chief Planner issued a letter on 8 February 2023<sup>17</sup> relating to 'Transitional Arrangements for National Planning Framework 4' to provide advice on NPF4 becoming part of the statutory Development Plan. The letter reiterates that, as per Section 13(2)(3) of the Planning (Scotland) Act 2019, in the event of any incompatibility (which is not defined) between a NPF4 provision and a LDP provision, whichever of them is later in date shall prevail. In the case of the Proposed Development therefore, in the event of any policy incompatibility, NPF4 carries greater weight in the planning balance as the more recent document.
- 4.1.5. The following assessment against the current policy position for the Proposed Development draws upon the findings of the SEI Report. As noted in Section 1, in certain instances and where appropriate, reference is also made to the earlier assessment of the Proposed Development set out within the 2022 EIA Report to ensure a complete appraisal is undertaken against the new national and local planning policy framework. Notwithstanding, all policy commentary and conclusions in Section 4 relate to the Proposed Development. Certain topic specific information or technical assessments have not been updated (as there is no need to) within the SEI Report. Where this is the case, the findings of the 2022 EIA Report remain valid and are detailed in the following assessments where relevant.

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<sup>13</sup> <https://www.gov.scot/publications/national-planning-framework-4/>

<sup>14</sup> <https://www.aberdeenshire.gov.uk/planning/plans-and-policies/ldp-2023>

<sup>15</sup> [http://www.moray.gov.uk/moray\\_standard/page\\_133431.html](http://www.moray.gov.uk/moray_standard/page_133431.html)

<sup>16</sup> <https://cairngorms.co.uk/wp-content/uploads/2022/09/Cairngorms-National-Park-Partnership-Plan-plain-text-FINAL-1.pdf>

<sup>17</sup> <https://www.gov.scot/publications/chief-planner-letter-transitional-arrangements-for-national-planning-framework-4/>



### 4.2. National Planning Framework 4 (NPF4) (2023)

#### *Introduction*

- 4.2.1. NPF4 was adopted on 13 February 2023 and now comprises the national element of the statutory Development Plan. NPF4 sets out the long-term vision for development and investment across Scotland and replaces Scottish Planning Policy (SPP) and National Planning Framework 3 (NPF3) in their entirety.
- 4.2.2. NPF4 sets out a list of national planning policies to assess applications against, alongside national developments and spatial priorities for different regions within Scotland. NPF4 is an Outcome focused document, with each of the 33 planning policies accompanied by statements on 'Policy Intent' and 'Policy Outcomes'.
- 4.2.3. This marks a significant change from the status of the now replaced NPF3 and SPP, which did not form part of the statutory Development Plan. Not only has the status of the document changed, but the wording of key national planning policies has materially altered too, as discussed below.
- 4.2.4. There are two central themes running through NPF4 namely addressing i) the climate emergency and ii) the nature crisis. These key themes are reflected in the detailed wording of many policies, as well as their stated Intent and Outcomes. As the Ministerial Foreword notes:-

*'Putting the twin global climate and nature crises at the heart of our vision for a future Scotland will ensure the decisions we make today will be in the long-term interest of our country'.*

- 4.2.5. The Ministerial Foreword also notes that delivering net zero greenhouse gas emissions is one of three 'strategic priorities' alongside addressing child poverty and delivering a wellbeing economy.
- 4.2.6. While not all renewable energy applications will be granted permission and it is still necessary for decision makers to apply the 'planning balance', it is clear that the introduction of NPF4 is having a material effect upon the weight that decision makers give to the global climate emergency and nature crisis. In two Section 36 wind farm cases, both following the introduction of NPF4, Reporters changed their initial recommendations to refuse permission to recommendations to approve. Those two schemes are:-
- Clashindarroch II Wind Farm (Aberdeenshire); and
  - Shepherds Rig Wind Farm (Dumfries & Galloway).
- 4.2.7. In the case of Clashindarroch II, in the post NPF4 Supplementary Report to Ministers (DPEA Reference WIN-110-2, 3 March 2023), the Reporter concluded in paragraph 2.90 that:-

*'I find the weight that should be given to the contribution these proposals make towards renewable energy generation and greenhouse gas emission targets is now greater and necessitates a change to my previous assessment of acceptable'.*

- 4.2.8. A judicial review of the decision of the Scottish Ministers relating to consideration of impacts on wild cat in relation to Clashindarroch II was dismissed by the Court of Session in February 2024.
- 4.2.9. In the Shepherds Rig Wind Farm case, in that post NPF4 Supplementary Report to Ministers (DPEA Reference WIN-170-2005, 2 March 2023), the Reporter reached similar conclusions in paragraph 3.14:-

*'... we recognise the urgent policy imperative in OWPS and NPF4 to deliver additional installed wind farm capacity. These recently published policy statements demonstrate a significant strengthening of policy support for renewable energy developments, to which the proposal would make an obvious contribution. In our original report, we found that the significant effects on the area's recreational resources should be given significant weight, to the extent that they outweighed the aims of delivering renewable energy. In the updated policy context, we find that the proposal's obvious contribution to renewable energy targets causes the benefits as a whole to now clearly outweigh the significant landscape and visual effects'.*

- 4.2.10. Not all post NPF4 wind farm applications have been granted permission and Ministers have refused permission for consent at sites including Clauchrie Wind Farm and Kintradwell Wind Farm. For the reasons discussed more fully in the following paragraphs, it is considered that the planning balance in the case of the Proposed Development clearly falls on the side of granting consent, particularly in light of the changes to the layout of the Proposed Development that the Applicant has made, in response to comments from consultees.
- 4.2.11. Not only will the Proposed Development contribute positively to the global climate emergency (and also benefit from National Development status), it will make a positive contribution to the nature crisis, through the implementation of a variety of biodiversity compensation and enhancement measures, further details of which are set out in the Outline Habitat Management Plan (OHMP), SEI Report, Volume 3, Technical Appendix (TA) 5.1.
- 4.2.12. The positive contribution that the Proposed Development can make to addressing the twin nature and climate crises is set out in the following policy assessment. The following commentary starts with Part 1 of NPF4, working through the document in chronological order, and considering the Proposed Development against specific planning policies and wider stated outcomes and spatial priorities.

### *NPF4 Part 1 – A National Spatial Strategy for Scotland 2045*

- 4.2.13. Part 1 of NPF4 sets out the national spatial strategy and regional spatial priorities for different parts of Scotland. Six spatial principles are identified which will influence all plans and decisions as follows:-
- Just Transition;
  - Conserving and Recycling Assets;
  - Local Living;
  - Compact Urban Growth;
  - Rebalanced Development; and
  - Rural Revitalisation.

- 4.2.14. Application of these spatial principles will support the planning and delivery of:-

- Sustainable Places – where we reduce emissions, restore and better connect biodiversity;
- Liveable Places – where we can all live better, healthier lives; and
- Productive Places – where we have a greener, fairer and more inclusive wellbeing economy.

4.2.15. The commentary in NPF4 on ‘Sustainable Places’ is the most relevant section of Part 1 to this application. Page 6 notes the legislative basis for Scotland’s net zero GHG emissions target by 2045. As a headline objective, the commentary on page 7 states that *‘Scotland’s future places will be net zero, nature-positive places that are designed to reduce emissions and adapt to the impacts of climate change, whilst protecting, recovering and restoring our environment’*.

4.2.16. Page 7 states that *‘every decision on our future development must contribute to make Scotland a more sustainable place’* and there is encouragement for the expansion of renewable energy generation. To respond to the global biodiversity crisis, *‘nature recovery must be at the heart of future places’* (page 7).

4.2.17. In the ‘Cross-Cutting Outcome and Policy Links’ Box on page 8 ‘Reducing Greenhouse Gas Emissions’, NPF4 states that:-

*‘The global climate emergency and the nature crisis have formed the foundations for the spatial strategy as a whole’.*

4.2.18. In the ‘Cross-Cutting Outcome and Policy Links’ Box on page 9 ‘Improving Biodiversity’, NPF4 notes that the nature crisis and the global climate emergency underpin the spatial strategy as a whole.

4.2.19. These Policy Link Boxes clarify how NPF4 will help achieve the stated outcomes through reference to relevant policies and summary commentary on each. Those NPF4 policies of most relevance to the Proposed Development are discussed in the section below on NPF4 Part 2.

### *NPF4 Part 2 – National Planning Policy*

4.2.20. Part 2 of NPF4 sets out the national planning policies. There are 33 national planning policies in total, set out under the three headings of:-

- Sustainable Places;
- Liveable Places; and
- Productive Places.

4.2.21. For each policy, NPF4 provides commentary on Policy Intent, Policy Outcomes and then discusses implications of the policy for Local Development Plans. Following the policy wording, NPF4 then sets out statements on Policy Impact and cross references to other Key Policy Connections.

4.2.22. Those policies considered to be of relevance to the Proposed Development are discussed in the following paragraphs, starting with Policy 11 ‘Energy’, being the most relevant in this case. Thereafter, commentary on policies follows in numerical order.

### Policy 11: Energy

- 4.2.23. This policy is the most relevant to the Proposed Development. The Policy Intent is to:
- ‘encourage, promote and facilitate all forms of renewable energy development onshore and offshore. This includes energy generation, storage, new and replacement transmission and distribution infrastructure and emerging low-carbon and zero emissions technologies including hydrogen and carbon capture utilisation and storage (CCUS)’.*
- 4.2.24. The Policy Outcomes are the *‘expansion of renewable, low-carbon and zero emissions technologies’*.
- 4.2.25. To achieve these Outcomes, Policy 11 states in part (a) that *‘development proposals for all forms of renewable, low-carbon and zero emissions technologies will be supported’* (emphasis added). This includes, *‘wind farms including repowering, extending, expanding and extending the life of existing wind farms’* outwith National Parks and National Scenic Areas (NSA) (parts (a)(i) and (b)).
- 4.2.26. On the basis of the above, given the Site’s location outwith the aforementioned national designations, it is considered that the Proposed Development can draw support from Policy 11 part (a) in principle.
- 4.2.27. Of relevance, it is noted that the Cairngorms National Park Authority (CNPA) confirmed in its consultation response from 11 November 2022 that it did not object to the Proposed Development, noting that it did not consider that the Proposed Development would compromise the integrity or objectives of the National Park, and as such it was in accordance with paragraph 212 of SPP. SPP has been replaced by NPF4 and the CNPA will be re-consulted on the Proposed Development, and will no doubt consider its response in light of NPF4. Noting the earlier position of ‘do not object’, and the reduced scale of the Proposed Development, it is considered a CNPA objection is unlikely.
- 4.2.28. NPF4 Part 3 states, *‘where a policy states that development will be supported, it is in principle, and it is for the decision maker to take account of all other relevant policies’*. It is also recognised that each application must be treated on its own merits, having regard in particular to the assessment criteria in part (e) of Policy 11.
- 4.2.29. These criteria are discussed below in Table 3, but what is important to highlight at this point is that the final part of Policy 11(e) requires decision makers to give *‘significant weight’* to the contribution that a proposal makes to *‘renewable energy generation targets and on greenhouse gas emissions reduction targets’*. This policy requirement did not exist when the Proposed Development was submitted in June 2022.
- 4.2.30. Part (c) of Policy 11 deals with the socio-economic impacts of renewable energy proposals. It states that *‘proposals will only be supported where they maximise net economic-impact, including local and community socio-economic benefits such as employment associated business and supply chain opportunities’*. The Chief Planners letter from 20 September 2024<sup>18</sup> notes that community benefits *‘are voluntary arrangements that sit independent of our planning and consenting systems, and NPF4 policy 11(c) does not alter this’*.
- 4.2.31. The socio-economic benefits associated with the Proposed Development are set out in the 2022 EIA

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<sup>18</sup> <https://www.gov.scot/publications/planning-work-programme-update-chief-planner-and-ministerial-letter-september-2024/>

Report, Chapter 13 'Socio-economics' and SEI Report, Chapter 10 'Socio-Economics'. Key factors worthy of note are:-

- During the construction phase, approximately £7.92 million (12%) of the total construction costs could be spent within Aberdeenshire and Moray;
- During the operational phase, the annual operation and maintenance expenditure would equate to approximately £60,000 per MW, equating to £4 million to £4.6 million per annum; and
- The Proposed Development could support between 164 and 191 jobs during construction and 28 to 33 jobs during operation across the UK.

- 4.2.32. The Proposed Development will also contribute to public finances through the payment of non-domestic rates, which could amount to £0.8 million to £0.93 million annually, or £26.4 million to £30.69 million over a 33-year operational lifetime. This will support the funding of local public services in the context of challenging public sector finances.
- 4.2.33. The Applicant has also committed to prioritise local companies in the provision of contracts during the development and construction, and operational phases.
- 4.2.34. While it is recognised that community benefits are voluntary arrangements, and are not material considerations, the Applicant is committed to maximising local economic benefits by following Scottish Government guidance on community benefits<sup>19</sup> and is offering £5,000 per MW per year during the operational life of the Proposed Development. Based upon a total installed capacity of 72 MW, this would equate to £360,000 annually to the local community, or £11,880,000 during the proposed 33-year operational lifetime.
- 4.2.35. In addition to delivering a community benefit fund, there is opportunity for a feasibility study to be carried out to deliver high speed fibre broadband to properties near the Site should there be local interest. This has the potential to benefit local residents and businesses. The Applicant is continuing to explore options for shared ownership of the wind farm, opening up increased financial benefits for the local communities.
- 4.2.36. Should consent be granted, the Applicant would work with local communities to ensure the most appropriate structures are set up to ensure that the community benefit fund can be used in a way that meets with local community expectations and ultimately helps to facilitate community wealth building (see also later commentary on NPF4 Policy 25).
- 4.2.37. Over and above these benefits, it is important to recognise the strategic importance of the Proposed Development (as a defined National Development) to the provision of a more secure supply of energy for the UK, which in itself will have important economic benefits for society by reducing our exposure to fluctuating energy supplies on the global market.
- 4.2.38. Taking the above into account, it is considered that the Applicant has done what it reasonably can at this stage in the process to maximise the socio-economic benefits of the Proposed Development consistent

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<sup>19</sup> <https://www.gov.scot/publications/scottish-government-good-practice-principles-community-benefits-onshore-renewable-energy-developments/>

with Policy 11 part (c), noting the commitment to working closely with stakeholders further should consent be granted.

4.2.39. Part (d) of Policy 11 confirms that proposals that impact on international or national designations will be assessed in relation to Policy 4. Commentary on Policy 4 is set out below.

4.2.40. Part (e) of Policy 11 sets out a list of factors to be considered in the assessment of renewable energy and zero emissions proposals. Part (e) of Policy 11 requires applicants to demonstrate how various factors have been addressed through design and mitigation. The Proposed Development is assessed against these factors in Table 3 below.

4.2.41. In discussing the criteria in Policy 11(e), the Reporter in the Glendye Wind Farm report (DPEA Reference WIN-110-3, 2 May 2023) noted in paragraph 9.129 that:-

*'We do not agree with the interpretation of some parties that all of the items listed must necessarily be fully mitigated or resolved. We agree with the applicant that this should form part of the decision-maker's process of weighing the planning balance'.*

4.2.42. Ultimately, therefore, non-compliance with one element of Policy 11(e) or other policies for that matter does not mean a development is unacceptable. This would need to be considered as one of a range of issues that applies to the planning balance exercise. NPF4 therefore needs to be considered as a whole.

Table 3: Commentary on NPF4 Policy 11 Part (e)

Policy Criteria	Commentary
<p>Policy 11(e)(i) Impacts on communities and individual dwellings, including, residential amenity, visual impact, noise and shadow flicker.</p>	<p>The effects of the Proposed Development on these receptors were considered in the 2022 EIA Report, Chapters 5 'Landscape and Visual Impact Assessment' (LVIA), Chapter 11 'Noise and Vibration' and Chapter 14 'Shadow Flicker'. The SEI Report provides updated assessments on LVIA and Noise in respect of the Proposed Development.</p> <p>The LVIA concluded that residual operational visual effects would be limited to the settlement of Dufftown only. While most of Dufftown would experience no significant visual effects, there would be localised significant effects on the southern edge of Dufftown, where the Proposed Development would cause a notable change to the skyline. These localised effects are considered significant in the LVIA.</p> <p>In the scenario where either Garbet and/or Glenfiddich Wind Farms are granted permission, the LVIA concluded that the cumulative effects along the southern extent of Dufftown would also be significant. Garbet Wind Farm is now consented and is considered within the LVIA within the SEI Report, which confirms there is no material change to the visual effects identified within the 2022 EIA Report.</p> <p>The Residential Visual Amenity Assessment (RVAA) in the 2022 EIA Report (TA 5.7) concluded that none of the properties addressed in the assessment would be subject to visual effects that could be considered overbearing, overwhelming or pervasive. These effects are not considered in that assessment to exceed the residential visual amenity threshold described in the Landscape Institute's guidance on the assessment of residential visual amenity.</p> <p>SEI Report, Chapter 3 'Landscape and Visual Amenity' confirms the removal of turbine T9 would not result in a material change to the level of effects on visual amenity of the study area that were reported in the 2022 EIA Report.</p> <p>SEI Report, Chapter 8 'Noise' confirms the findings within the 2022 EIA Report remain valid in respect of noise. No significant residual effects arising from noise (including cumulative) during the construction, operational or decommissioning phases were predicted in the 2022 EIA Report and none will arise as a result of the Proposed Development, which has been amended to remove the BESS and delete one turbine. Importantly, during the operational phase, wind turbine noise for dwellings in the vicinity of the Site would continue to meet the noise criteria established in accordance with ETSU-R-97 (ETSU).</p> <p>Shadow Flicker was assessed within the 2022 EIA Report, Chapter 14 'Shadow Flicker' which identified that there were three residential receptors within the area potentially susceptible to</p>



Policy Criteria	Commentary
	<p>shadow flicker, being a distance of 10 rotor diameters (1,550 m) around each turbine (see 2022 EIA Report, Table 14.1). At one property, Belcherrie, the assessment considers that the potential for shadow flicker may exceed 30 hours per year or 30 minutes per day. With mitigation to be agreed in advance through the submission of a Shadow Flicker Protocol, shadow flicker nuisance will not arise and no significant residual effects are predicted upon any property.</p> <p>The increased rotor diameter now proposed increases the 10 rotor diameter distance to 1,630 m. No additional residential receptors fall within this area beyond those identified in the 2022 EIA Report, Chapter 14 and it was not considered necessary to update the shadow flicker assessment within the SEI Report. The 2022 EIA Report findings remain relevant.</p>
<p>Policy 11(e)(ii) Significant landscape and visual impacts, recognising that such impacts are to be expected for some forms of renewable energy. Where impacts are localised and/or appropriate design mitigation has been applied, they will generally be considered to be acceptable.</p>	<p>This part of Policy 11 notes that proposals will generally be acceptable where <b>significant</b> landscape and visual effects are localised and/or appropriate design mitigation has been applied. The policy does not require that all landscape and visual effects need to be localised to be acceptable. Where appropriate design mitigation has been applied and effects extend beyond what may be considered localised, then these too will generally be found to be acceptable. The corollary is that it would be unusual for such effects to be considered unacceptable.</p> <p>A Design Statement was submitted with the application which sets out how the Applicant approached the design of the Proposed Development, considering a range of factors such as topography, planning policy and guidance, landscape designations, viewpoints and other issues.</p> <p>The design changes to the Proposed Development (as noted in Table 1) will represent some qualitative improvements to the overall appearance of the Proposed Development, however this improvement would not result in a material change to the landscape and visual effects.</p> <p>The LVIA within the 2022 EIA Report considered the potential landscape and visual effects of the Proposed Development upon a range of landscape designations and visual receptors within both Aberdeenshire and Moray as well as landscape character types (LCTs). Impacts upon the Cairngorms National Park (CNP) were also considered.</p> <p>In terms of landscape designations, the LVIA within the 2022 EIA Report concluded that potentially significant effects would arise upon the Ben Rinnes Special Landscape Area (SLA) within Moray and also within the Deveron Valley SLA within Aberdeenshire and Moray. These effects are not considered to undermine the integrity of either designation. This remains the case as per the findings outlined within SEI Report, Chapter 3 'Landscape and Visual Amenity'.</p>





Policy Criteria	Commentary
	<p>Given the distance of the Site from the CNP boundary, approximately 11 km, and taking cognisance of the pattern of existing wind farm development the LVIA within the 2022 EIA Report concluded that the Proposed Development would not give rise to any significant effects upon the Special Landscape Qualities of the CNP. A detailed appraisal is set out in the 2022 EIA Report, TA 5.5 'Residual Effects on Landscape Designations'. The LVIA within the 2022 EIA Report recognised that the Proposed Development would add to the emerging pattern of wind farm development in views from a number of summits from within the CNP but that the in-addition cumulative effects would not be significant and would not undermine the integrity of the CNP. The LVIA within the 2022 EIA Report considered that the combined effect of wind energy development across parts of the CNP would vary from significant in more elevated parts to non-significant effects across the wider CNP. These effects are not considered to affect the Special Landscape Qualities of the CNP nor would they undermine the overall integrity of the designation. This remains the case within the conclusions of the SEI Report.</p> <p>Some significant visual effects (including cumulative) upon local road users are identified in the LVIA within the 2022 EIA Report, including upon sections of the A920, A941, B9009 and a local unnamed road in the vicinity of the Site. Similarly, some significant visual effects (including cumulative) are identified upon the users of Core Paths including Paths SP03, SP04, SP05, SP10, SP11 and SP30 and IW02, IW03 and IW04. It is important to note that only certain stretches of these roads and Core Paths will experience theoretical visibility of wind turbines and therefore experience significant visual effects. The identification of visual effects does not extend to the full extent of the Path or road in question. The ZTV relative to Core Paths and Roads is shown in the 2022 EIA Report, Figure 5.5b. The effects identified on road and core path users within the 2022 EIA Report remain unchanged as confirmed by SEI Report, Chapter 3.</p> <p>The LVIA within the 2022 EIA Report considers visual effects at 19 representative viewpoints (VPs), as set out in TA5.6 'Viewpoint Assessment' and accompanying 2022 EIA Report, Figure 5.4a. Night time visualisations were included for VPs 6, 8 and 13 which illustrate the type of lighting proposed in the worst case scenario. SEI Report, Chapter 9 confirms a revised lighting scheme has been approved by the Civil Aviation Authority (CAA) in September 2023. The revised proposed lighting scheme consists of MoD-approved infra-red lights on all turbines and visible spectrum 2000 candela lights located on the nacelles of Turbines 1, 2, 4, 7, 8 and 11.</p> <p>The VP assessment presented in TA5.6 of the 2022 EIA Report considered potential effects upon landscape character and visual effects at each VP, considering also cumulative effects. The findings of the detailed assessment for each VP are summarised in Table 5.6.1 of TA 5.6. This summary reveals that significant effects</p>



Policy Criteria	Commentary
	<p>(whether upon landscape character, visual or cumulative) will arise at most VPs, except for VPs 3 and 14.</p> <p>The SEI Report, Chapter 3 'Landscape and Visual Amenity' concludes that the removal of turbine T9 and the reduction in overall hub height would represent some qualitative improvements to the overall appearance of the Proposed Development however this improvement would not result in a material change to the level of effects on landscape character or visual amenity of the study area that were reported in the 2022 EIA Report and the summary of landscape and visual effects above remains relevant.</p> <p>Overall, as is to be expected for a commercial scale wind farm some significant landscape and visual effects will arise with the Proposed Development. As a result of the application of mitigation by design, the LVIA within the SEI Report concludes that the Proposed Development only gives rise to <u>localised</u> landscape and visual effects.</p> <p>There is no guidance as to what constitutes 'localised' in the context of this policy, and it will be for the decision maker to consider this on a case by case basis but further commentary on this is set out in the later discussion on NPF4 Policy 4.</p>
<p>Policy 11(e)(iii) Public access, including impact on long distance walking and cycling routes and scenic routes.</p>	<p>Impacts upon these receptors were considered in the 2022 EIA Report, the findings of which are summarised below. The changes associated with the Proposed Development do not have a material impact on the findings discussed below as set out within the 2022 EIA Report. This is confirmed within SEI Report, Chapter 3 'Landscape and Visual Amenity' and Chapter 7 'Traffic and Transport'.</p> <p>There are no Core Paths, walking or cycling routes within the Site, but a number of Core Paths have been identified along the A941 near the Site, which are in the vicinity of the anticipated construction traffic route. The potential impacts of construction traffic upon users of these Core Paths was considered in the 2022 EIA Report, Chapter 10 'Traffic and Transport'. That assessment considered that without mitigation, potentially significant effects upon Core Path users as a result of construction traffic could arise through severance, pedestrian amenity, fear and intimidation and safety.</p> <p>Mitigation in the form of a Core Path Management Plan is proposed to separate Core Path users from construction traffic, which would include the installation of temporary road signage, the application of advisory speed limits and the provision of crossing points where required, with Core Path users having the right of way. With the implementation of mitigation measures, the 2022 EIA Report concluded that these effects would not be significant. In addition, it is noted that any effects upon Core Path users would be temporary in nature, lasting for the duration of the construction period only.</p>

Policy Criteria	Commentary
	<p>The Proposed Development could give rise to visual effects upon amenity of users of Core Paths and other recreation routes. These issues are considered in the LVIA within the 2022 EIA Report Chapter 5. That Chapter notes that there are three key long-distance routes within the LVIA 45 km study area, namely:-</p> <ul style="list-style-type: none"> <li>• The Speyside Way;</li> <li>• The Dava Way; and</li> <li>• The Moray Coastal Trail.</li> </ul> <p>All of these routes have been scoped out of the assessment due to no or very limited long-distance visibility of the Proposed Development.</p> <p>There are 16 core paths within 10 km of the Site, as shown in the 2022 EIA Report, Figure 5.5. Of these 16, 11 have theoretical visibility of the Proposed Development (see 2022 EIA Report, Table 5.10). The extent of visibility does vary across the extent of each route. A number of these paths are directly linked and where this occurs, the LVIA assesses these as a single connected route.</p> <p>The LVIA within the EIAR concluded that there would be localised significant effects upon stretches of the following core paths, grouped where appropriate in the LVIA:-</p> <ul style="list-style-type: none"> <li>• Core Paths SP03;</li> <li>• Core Paths SP04; and</li> <li>• Core Path SP30.</li> </ul> <p>There are no National Cycle Network (NCN) Routes within 25 km of the Site. NCN 1 passes through the LVIA study area and some small areas of theoretical visibility are present in sections of the route to the east of Elgin. As these areas of theoretical visibility are over 30 km away, it is considered that actual views of the proposed turbines would be largely screened in views and therefore no assessment has been undertaken.</p>
<p>Policy 11(e)(iv) Impacts on aviation and defence interests including seismological recording.</p>	<p>2022 EIA Report, Chapter 12 'Aviation and Telecommunications' considered potential effects upon two key aviation receptors namely the Ministry of Defence (MoD) Buchan Primary Surveillance Radar and impacts upon military low flying operations.</p> <p>That assessment determined that the effects of the Proposed Development on these assets can be appropriately addressed through a combination of radar mitigation and aviation lighting.</p> <p>SEI Report, Chapter 9 'Aviation and Telecommunications' states the potential effects of the Proposed Development on the radar at Remote Radar Head (RRH) Buchan, military low flying and telecommunications during the operational phase are unchanged from the findings of the 2022 EIA Report.</p>

Policy Criteria	Commentary
	<p>Potential effects on the RAF Lossiemouth Primary Surveillance Radar (PSR) were not considered in the 2022 EIA Report since this was not raised as a concern in the scoping response from the MoD. Following the MoD's objection to the Proposed Development on grounds of effects on the RAF Lossiemouth PSR, further assessment was undertaken and submitted to the MoD in December 2022 which concluded that turbines T6, T7, T8, T9 and T10 would be within line of sight of the radar and therefore had the potential to generate false targets on the radar and reduce the probability of detection of real aircraft targets in the airspace overhead the Proposed Development. However, the RAF Lossiemouth PSR is a newly installed Thales STAR-NG which has enhanced capability to filter out unwanted targets such as wind turbines. Trials of this type of radar at RAF Spadeadam and Cambridge Airport have demonstrated its capability to maintain an acceptable false alarm rate and continue to track aircraft targets overhead wind farms that are within line of sight of the radar.</p> <p>The removal of turbine T9 from the Proposed Development would reduce the number of turbines that are within potential line of sight of the RAF Lossiemouth PSR from five to four – a reduction of 20%. This would further reduce the probability of any of the Proposed Development turbines being displayed as a target on the radar and would also reduce the potential for the radar to have a degraded probability of detection of real aircraft targets overhead the Proposed Development. SEI Report, Chapter 9 concludes that the potential effects of the Proposed Development on the RAF Lossiemouth PSR would continue to be minor and therefore not significant.</p> <p>SEI Report, Chapter 9 confirms that since submission of the application in June 2022, revised lighting scheme has been approved by the Civil Aviation Authority (CAA) in September 2023.</p>
<p>Policy 11(e)(v) Impacts on telecommunications and broadcasting installations, particularly ensuring that transmission links are not compromised.</p>	<p>As the 2022 EIA Report, Chapter 12 'Aviation and Telecommunications' confirms consultation was undertaken with a range of consultees with responsibility for these interests. An Airwave microwave link between Ardwell, Succoth and Invermarkie passes no closer than 2 km from any of the proposed turbine locations and would therefore be unaffected by the Proposed Development. No other assets were identified. SEI Report Chapter 9, 'Aviation and Telecommunications' confirms these findings remain valid and there will be no impacts upon these receptors.</p>
<p>Policy 11(e)(vi) Impacts on road traffic and on adjacent trunk roads, including during construction.</p>	<p>The 2022 EIA Report, Chapter 10 'Traffic, Transport and Access' concludes that the Proposed Development would lead to an increase in traffic volumes on a number of roads in the vicinity of the Site during the 18-month construction phase. The maximum traffic impact associated with the construction phase is predicted to occur in month 8 with 115 heavy goods vehicle (HGV) movements per day (58 inbound and 57 outbound) and 44 Car / Lights movements (22 inbound trips and 22 outbound trips). These figures suggest an average of approximately 5 additional HGV inbound trips per hour on the road network at the peak of construction</p>



Policy Criteria	Commentary
	<p>activities, which is not considered significant in terms of overall traffic flows.</p> <p>No significant capacity issues are expected on any of the roads within the transport study area as a result of additional construction traffic movements. This is because background traffic movements are low, the links are of reasonable standard and appropriate mitigation is proposed. This mitigation would take the form of a Construction Traffic Management Plan (CTMP), which would comprise details such as the installation of wheel cleaning facilities at the Site entrance, training for all delivery drivers, the installation of temporary road traffic signs, the establishment of a project website and/or a newsletter to circulate information about key delivery dates, restriction on working hours etc.</p> <p>Following implementation of the CTMP, no significant residual effects are anticipated in respect of traffic and transport issues. Residual effects are assessed to be slight or insignificant and they would occur during the construction phase only. As such, all effects are temporary and reversible.</p> <p>Following mitigation, no significant residual effects on the trunk road network were identified in the 2022 EIA Report.</p> <p>SEI Report, Chapter 7 'Traffic and Transport' confirms the effects and mitigation measures outlined within the 2022 EIA Report remain unchanged and the above summary, drawn from the 2022 EIA Report chapter, remains relevant.</p>
<p>Policy 11(e)(vii) Impacts on historic environment.</p>	<p>Potential impacts upon these receptors are considered in the 2022 EIA Report, Chapter 6 'Cultural Heritage' and SEI Report Chapter 4 'Cultural Heritage'. The assessments consider the potential for direct impacts upon archaeology and cultural heritage as well as indirect impacts upon the setting of historic environment assets. There are no designated historic environment assets within the Site boundary but as noted in Section 3 of the Original Planning Statement, there are a number of historic environment assets within the vicinity of the Site and three Study Areas, extending out to 10 km from the Site were adopted for the assessments.</p> <p>The 2022 EIA Report assessment concluded that there are four non-designated cultural heritage assets within the Site that could be potentially affected by construction works. At worst, impacts upon these assets would be negligible and not significant. Within the proposed Habitat Management Plan (HMP) Areas, see the 2022 EIA Report, Figure 7.5.1 in TA 7.5, ten heritage assets have been identified which could be affected by works associated with the HMP. For nine of these assets, no significant effects are predicted. For one, Badiemulloch farmstead, a potentially significant effect is identified but with the implementation of mitigation, by fencing off the asset prior to works commencing, no significant residual effect is predicted.</p>



Policy Criteria	Commentary
	<p>A group of non-designated cultural heritage assets at Garbet Hill (Assets 186 – 190) were not included within the 2022 EIA Report due to an error. These assets also lie within HMP areas (see SEI Report, Figure 4.5). No significant effects are predicted on these assets and the impacts predicted in the 2022 EIA Report for the identified non-designated assets remains unchanged as per the findings of the SEI Report.</p> <p>The Proposed Development includes the removal of turbine T9 to minimise the impact on the setting of Craig Dorney hillfort. This follows an objection by HES in August 2022 and maintained in February 2023. The removal of turbine T9 would increase the separation distance between the fort and the turbines from 0.9 km to c. 1.2 km. The design changes result in removing the most prominent turbine in views from and of the asset and by reducing the encroachment of the Proposed Development on the lower slopes of Craig Watch hill.</p> <p>In its consultation response from February 2023, HES noted it had been in discussions with the Applicant about potential changes to the Proposed Development that would allow it to remove its objection (this objection does remain in place at the time of writing). Those changes are reflected in the Site layout that now forms the Proposed Development, specifically the removal of turbine T9.</p> <p>Whilst there would be a potentially significant effect upon the setting of the fort, as noted within SEI Report, Chapter 4, the asset’s key relationship with the Deveron Valley, the Pictish Royal Centre at Rhynie, and surrounding landscape would still be appreciable. The removal of turbine T9 would remove the most prominent turbine in views from the asset and in views of the asset when viewed from the Deveron Valley. As a result, the prominence of the monument and the landform on which it sits would still be appreciable and understandable. The ability to understand the defensive position of the asset would not be diminished; though it is expected that there would be some change to the experience of the asset. On this basis, those factors of the monument’s setting that contribute to cultural significance such that the understanding, appreciation and experience of an asset would be adequately retained. There would be no significant adverse impact upon the integrity of the asset’s setting.</p> <p>SEI Report, Chapter 6 concludes that as a result of design changes and following discussions with HES, the Proposed Development will not result in a significant adverse impact upon the integrity of the identified asset’s settings.</p> <p>The SEI Report confirms there is no change to the magnitude of impact or level of effect identified within the 2022 EIA Report on Auchindoun Castle. The assessment in the 2022 EIA Report, Chapter 6 concluded that the adverse impacts on the setting of this Scheduled Monument, while significant, will not adversely affect the integrity of the setting of this asset.</p>



Policy Criteria	Commentary
<p>Policy 11(e)(viii) Effects on hydrology, the water environment and flood risk.</p>	<p>The 2022 EIA Report, Chapter 9 ‘Hydrology, Hydrogeology and Geology’ considers the potential impacts of the Proposed Development upon these receptors, which is accompanied by several associated TAs, including TA9.1 ‘Watercourse Crossing Assessment’; TA9.2 ‘Groundwater Dependent Terrestrial Ecosystem (GWDTE) Assessment’ and TA9.3 ‘Private Water Supply Assessment’. The changes to the Proposed Development did not necessitate an update to these previous findings, which remain relevant and are summarised below. It is relevant to note that SEPA raised no objections to the Proposed Development in its consultation response from July 2022.</p> <p>In terms of flood risk, a very small area (&lt;1% of the total Site area) is within an area at high risk of flooding associated with the Burn of Findouran. No infrastructure associated with the Proposed Development is located in this area and the remainder of the Site is not considered to be at risk of flooding from rivers.</p> <p>Very small, isolated areas of the Site (&lt;1% of the total Site area) are assessed to comprise a high probability of surface water flooding. However, these areas are highly localised and are considered to represent a negligible flood risk at the Site. Overall, due to the topography, hydrology and infrastructure locations it is predicted that no infrastructure would be affected by localised groundwater flooding.</p> <p>The 2022 EIA Report, Table 9.6 and Figure 9.3.1 of TA 9.3 show the location of private water supplies (PWS). The potential impacts of the construction, operational and decommissioning phases of the Proposed Development upon these PWS are considered in the 2022 EIA Report, Chapter 9. Some PWS are located within the Site boundary. Following the implementation of mitigation to ensure groundwater flows are maintained and the adoption of Site drainage measures in line with good practice measures, no significant residual effects upon PWS are identified.</p> <p>During the construction phase, the excavation of soil and bedrock could cause localised disruption and interruption to groundwater flows potentially reducing the supply of groundwater to GWDTEs, thereby causing an alteration/change in the quality or quantity of the GWDTE characteristics. The location of GWDTEs were considered as part of the design evolution process such that most of the areas considered to be groundwater dependent are not directly impacted by the Proposed Development. Only very limited areas identified as being potential GWDTEs would be affected, and these were subject to detailed assessment in TA9.2. To avoid significant effects upon GWDTEs mitigation is proposed including the implementation of cross drainage measures and Sustainable Drainage Systems (SuDS), which would be developed in detail through a Construction Environmental Management Plan (CEMP) which could be secured via condition. With the implementation of these further mitigation measures, no significant residual effects on GWDTEs would arise.</p>



Policy Criteria	Commentary
<p>Policy 11(e)(ix) Biodiversity including impacts on birds.</p>	<p>The 2022 EIA Report, Chapter 7 ‘Ecology’ considered the potential impacts of the Proposed Development upon a range of species and non-avian designations, looking at impacts that could arise during the construction, operational and decommissioning phases. The assessment concluded that no significant residual effects are predicted to occur upon any important ecological feature during any phase of the Proposed Development, either alone or cumulatively with other developments via ‘in-combination’ effects or ‘effect interactions’. As such, adverse residual effects for all important ecological features are considered not significant. Importantly, the 2022 EIA Report, Chapter 7 considered that implementation of the HMP would provide beneficial effects (but not significant) in the long term particularly in terms of peatland restoration and positive impacts upon species such as otter and wild cat. A summary of potential effects upon ecological receptors was set out in the 2022 EIA Report, Table 7.12.</p> <p>SEI Report, Chapter 5 ‘Ecology’ confirms that the assessment findings within the 2022 EIA Report in respect of the level of effects on ecological receptors remain consistent. Of relevance, in its consultation response from October 2022, NatureScot noted that while there are natural heritage interests of national and international importance close to the Site, their advice is that these will not be adversely affected by the Proposed Development, and they raised no objections.</p> <p>The 2022 EIA Report, Chapter 8 ‘Ornithology’ considered the potential effects of the Proposed Development on important ornithological receptors that could arise during the construction, operational and decommissioning phases. The assessment considered potential effects upon birds arising from collision risk as well as disturbance or displacement of bird species. Following the implementation of mitigation, where required, in the form of good practice protocols and adherence to a Construction Environmental Management Plan (CEMP) and a Construction Breeding Bird Protection Plan (CBBPP), the assessment concluded that no significant residual effects are predicted to occur upon any important ornithological feature or interest during any phase of the Proposed Development, either alone or cumulatively with other developments via ‘in-combination’ effects or ‘effect interactions’. As such, residual effects for all important ornithological features are considered not significant.</p> <p>SEI Report, Chapter 6 ‘Ornithology’ confirms that the assessment findings within the 2022 EIA Report in respect of level of effects on ornithological receptors remain consistent. Again, the position of no objection from NatureScot is relevant to note on this matter.</p> <p>The 2022 EIA Report, Chapter 7 and SEI Report, Chapter 6 set out information to inform a Habitats Regulations Appraisal (HRA), given the proximity of the Site to the River Spey SAC and the Tips of Corsemal and Tom Mor SPA and SSSI, which are located 0.05 km and 1.28 km from the Site respectively. The River Spey SAC is</p>



Policy Criteria	Commentary
	<p>designated by virtue of its importance for otter, Atlantic salmon, freshwater pearl mussel and sea lamprey. The Tips of Corsemaul and Tom Mor SPA is designated for its breeding common gull colony. The assessment presented in Section 7.11 of the 2022 EIA Report, Chapter 7 concludes that the Proposed Development would not result in any adverse effects on the integrity of the SAC. The assessment presented in Section 6.5 of SEI Report, Chapter 6 looks at collision risk and displacement effects upon the SPA species as a result of the Proposed Development and concludes that likely significant effects can be discounted.</p> <p>NatureScot's consultation response from October 2022 set out advice to allow Scottish Ministers, as competent authority, to undertake a HRA of the Proposed Development upon the aforementioned SPA and SAC. That response verifies the conclusions of the 2022 EIA Report findings and confirms that the risk of disturbance to qualifying species has been avoided by embedded mitigation and good practice protocols.</p>
<p>Policy 11(e)(x) Impacts on trees, woods and forests.</p>	<p>In total 81.53 ha of woodland requires to be felled to facilitate the Proposed Development, further details about which are set out in SEI Report, TA 2.1 'Forestry'.</p> <p>Impacts on trees including commentary on compensatory planting is discussed further in relation to NPF4 Policy 6.</p>
<p>Policy 11(e)(xi) Proposals for the decommissioning of developments, including ancillary infrastructure, and site restoration.</p>	<p>These matters can be covered by planning conditions as deemed necessary and can be discussed further with the Energy Consents Unit in due course.</p>
<p>Policy 11(e)(xii) The quality of site restoration plans including the measures in place to safeguard or guarantee availability of finances to effectively implement those plans.</p>	<p>This matter can be covered by planning conditions consistent with other projects across the country.</p>
<p>Policy 11(e)(xiii) Cumulative impacts.</p>	<p>Each chapter of the 2022 EIA Report and SEI Report considers the potential for, and significance of cumulative impacts associated with the Proposed Development. While each assessment adopted its own study area for the cumulative assessments, SEI Report, Figure 3.7a shows the location and planning status of all wind farms considered within the cumulative context.</p> <p>With the exception of the 2022 EIA Report, Chapter 5 'LVIA' and Chapter 6 'Cultural Heritage', no potentially significant cumulative effects were found.</p> <p>SEI Report, Chapter 3 'Landscape and Visual Amenity' details the changes in cumulative context since the Proposed Development was lodged in June 2022, with the principle changes being:</p>



Policy Criteria	Commentary
	<ul style="list-style-type: none"> <li>• The newly consented status of the Berry Burn Extension, Cairn Duhie Variation, Clash Gour, Clashindarroch II, Garbet, Hill of Carlingcraig, Hunthill Extension and Rothes III Wind Farm; and</li> <li>• The inclusion of the in-scoping Dorenell Extension, updated in-planning Clashindarroch Extension and Aultmore schemes.</li> </ul> <p>A summary of the cumulative effects on landscape and visual receptors is set out within SEI Report, Table 3.4. This confirms there will be some significant cumulative effects on LCTs, settlements and landscape designations. There would be no material change to the level of in-addition cumulative effects attributed to the Proposed Development in conjunction with the existing and consented wind farms or when the in-planning developments are taken into consideration.</p> <p>Overall there is a minor increase to the predicted in-combination effects, this is caused by the consenting of a number of new wind energy developments, alongside the inclusion of the Clashindarroch Extension and Aultmore developments that would, if consented, form new prominent features within the landscape.</p> <p>In terms of cultural heritage, the 2022 EIA Report, Chapter 6 identified the potential for cumulative effects from the Proposed Development upon the setting (but not the integrity of setting) of two Scheduled Monuments at Craig Dorney hillfort and Auchindoun Castle. This combined cumulative impact would, however, be no greater than the effect of the Proposed Development alone i.e., of moderate significance. The SEI Report notes that the potential cumulative effects on cultural heritage remain unchanged from the 2022 EIA Report findings.</p>

4.2.43. As this commentary demonstrates the Proposed Development will give rise to some significant environmental effects, including cumulative, that cannot be mitigated further. The assessment in SEI Report, Chapter 6 is very clear, that while significant effects (including cumulative) are identified upon the setting of the two Scheduled Monuments at Auchindoun Castle and Craig Dorney hillfort, the identified impacts do not have an adverse effect upon the integrity of the setting of these two Scheduled Monuments. Effects on the two cultural heritage receptors, while significant in EIA terms, do not give rise to a conflict with NPF4 as discussed more fully in the later commentary on NPF4 Policy 7.

4.2.44. SEI Report, Chapter 3 'Landscape and Visual Amenity' recognises that some significant landscape and visual effects will arise which is consistent with the findings of the earlier LVIA in the 2022 EIA Report, Chapter 5. That assessment and the SEI Report considers that these will be 'localised', across affected LCTs and SLAs. SEI Report, Chapter 3 confirms the Proposed Development does not result in a material change to the level of effects on landscape character or visual amenity consistent with the findings of the 2022 EIA Report .

4.2.45. NPF4 Policy 11 now explicitly recognises in national planning policy that significant landscape and visual impacts *'are to be expected for some forms of renewable energy'*. Policy 11 also notes that proposals will

generally be acceptable where significant landscape and visual effects are localised and/or appropriate design mitigation has been applied. The changes to the Proposed Development has resulted in a slight reduction in the spread of landscape and visual effects. This change has not resulted in any material change to the findings of the two LVIA assessments presented in the 2022 EIA Report and SEI Report, both of which consider identified significant landscape and visual effects to be localised. These findings show the Proposed Development to be in line with policy.

- 4.2.46. In the absence of any guidance on what defines 'localised' within the context of Policy 11(e)(ii), the Applicant's position is that the significant landscape and visual effects of the Proposed Development could reasonably be described as localised. In support of this position, reference is made to the Reporters Report in respect of the Glendye Wind Farm. In that case, the majority of significant landscape and visual effects were confined to 5 km of the closest turbines. In paragraph 3.284 the Reporters stated that:-

*'We consider these effects to be localised'.*

- 4.2.47. Scottish Ministers agreed with those conclusions in their decision letter (27 October 2023) noting that these localised significant landscape and visual effects, do not outweigh the overall benefits of the proposal.

- 4.2.48. The October 2022 NatureScot consultation response would appear to concur with these conclusions regarding the localised nature of significant effect. In that response, NatureScot notes that significant landscape and visual effects would be experienced within approximately 3 km of the Proposed Development, with visibility becoming more broken and fragmented beyond this with visibility between 5-10 km mainly from areas of higher ground in the northwest through to the northeast.

- 4.2.49. Positive effects would arise as a result of the Applicant's proposed environmental enhancement activities, which are discussed further below in relation to NPF4 Policy 3.

- 4.2.50. To add to this commentary, it is relevant to note that at the end of the part (e) assessment criteria after part (xiii), Policy 11 states that:-

*'In considering these impacts, significant weight will be placed on the contribution of the proposal to renewable energy generation targets and on greenhouse gas emission reduction targets' (emphasis added)*

- 4.2.51. Whereas previously it was down to the discretion of individual decision makers about what weight they decided to give to a particular matter, Policy 11 now explicitly states that as a matter of national planning policy, they must give significant weight to the renewable energy benefits of a scheme in the planning balance (this is also set out in Policy 1 which also addresses the nature crisis and is discussed below).

- 4.2.52. The strength of this new policy has been demonstrated in the aforementioned Shepherds Rig and Clashindarroch II Wind Farm cases, where previous recommendations to refuse permission were amended to recommendations for approval, following the adoption of NPF4 and those Reporters giving 'significant weight' to the project benefits in the planning balance.

- 4.2.53. In considering Policy 11 overall, it is important to remember that the stated policy Outcome is:-

*'Expansion of renewable, low-carbon and zero emissions technologies'.*

- 4.2.54. Following the policy summary in Table 3 it is considered that the Proposed Development can be positively assessed against the criteria of Policy 11 individually and when the policy is considered in the round.

Policy 1: Tackling the Climate and Nature Crises

- 4.2.55. Policy 1 states in full that:-

*'When considering all development proposals significant weight will be given to the global climate and nature crises'.*

- 4.2.56. The Policy Intent is to *'encourage, promote and facilitate development that addresses the global climate emergency and nature crises'*. The Policy Outcomes are *'zero carbon, nature positive places'*.

- 4.2.57. This policy applies to all forms of development and not just renewable energy proposals. The reference to the need to give *'significant weight'* to the global climate and nature crises in this overarching policy not only aligns with but goes further than Policy 11, which does not specifically mention the nature crisis.

- 4.2.58. The language of this overarching policy is very clear and shows the seriousness with which Ministers are treating these two fundamental issues. Combined with the Policy Intent and Policy Outcomes, there can be no doubt about what this policy is designed to achieve and what it requires of decision makers. It is clear that there is no longer any discretion about what weight should be given to these matters in the planning balance, and this marks a notable and significant shift in national planning policy which has been put into practice by Reporters and Ministers on recent wind farm cases.

- 4.2.59. For example, in their assessment of Policy 1 in the Glendye Wind Farm case, the Reporters noted in paragraph 9.100 that:-

*'there is a strong needs case for the ongoing delivery of renewable energy and we recognise that this is all the more essential given the Scottish Government's declaration of a Climate Emergency in 2019, and legally binding targets introduced in 2020 for net zero greenhouse gas emissions by 2045'.*

- 4.2.60. In discussing NPF4 Policy 1 they continued in paragraph 9.109 and stated that:-

*'The national development status of the proposed development, which clearly identifies that the proposal is capable of providing strategic-scale renewable energy generation, leads us to conclude that its contribution to the achievement of net zero must be given significant weight under the terms of the policy'.*

- 4.2.61. The Proposed Development will generate 72 MW of renewable electricity which will help meet the Scottish Government's net zero ambitions by 2045. The Proposed Development is a National Development as defined in Annex B of NPF4. This is discussed below.

- 4.2.62. Biodiversity improvements are an integral part of the Proposed Development, not an afterthought. The principles of the Applicant's biodiversity improvements are set out in the OHMP (SEI Report, TA 5.1) and are discussed below on Policy 3. The dual benefits of the Proposed Development will ultimately make a positive contribution to the Policy Outcomes of Policy 1 which is to deliver *'Zero carbon, nature positive places'*. These factors allow the Applicant to draw strong support from Policy 1 for the Proposed

Development.

### Policy 3: Biodiversity

- 4.2.63. The Intent of Policy 3 is *‘to protect biodiversity, reverse biodiversity loss, deliver positive benefits from development and strengthen nature networks’*. The Policy Outcomes are that *‘biodiversity is enhanced and better connected including through strengthened nature networks and nature-based solutions’*.
- 4.2.64. Policy 3 sets out a range of criteria that vary depending upon the scale and type of development proposed. Part (a) applies to all scales of development and states that proposals will contribute to the enhancement of biodiversity including, inter alia, restoring degraded habitats and building and strengthening nature networks and the connections between them. Part (b) relates to *‘national or major development or for development that requires an Environmental Impact Assessment’*. This part of Policy 3 states that proposals will only be supported where they will conserve, restore and enhance biodiversity *‘so that they are in a demonstrably better state than without intervention’*. Part (b) continues and sets five criteria that proposals will be expected to meet. These are discussed in Table 4 below.
- 4.2.65. Before commenting on Policy 3(b), it is worth noting that the Scottish Government's Chief Planner issued a letter on 22 November 2023<sup>20</sup> providing an update on various planning issues. Within that letter, the Chief Planner confirmed that NatureScot will shortly commence work to develop an adapted biodiversity metric suitable for use in supporting delivery of NPF4 Policy 3b. A consultation exercise on the development of this metric closed on 10 May 2024<sup>21</sup>. For the time being therefore, there is no standard agreed national metric for considering schemes against NPF4 Policy 3b.
- 4.2.66. In considering the Proposed Development against Policy 3(b), particular regard has been had to the OHMP in SEI Report, TA 5.1. The OHMP states:-
- ‘The habitat management measures to be adopted are described with consideration given to NPF4 (2023) and particularly to ensure that habitat enhancement measures for the Proposed Development will contribute to enhancement of biodiversity, including restoring degraded habitats and building and strengthening nature networks and the connections between them.’*
- 4.2.67. The document is in draft format only at present and would be developed further in consultation with key stakeholders should consent be granted. The commentary below is based upon the proposals set out in the OHMP and SEI Report, Chapter 5.

*Table 4: Commentary on NPF4 Policy 3 Part (b)*

Criteria	Commentary
Policy 3(b)(i) <i>‘The proposal is based on an understanding of the existing characteristics of the site and its local, regional and national</i>	The 2022 EIA Report accompanying the application for the Proposed Development and follow on SEI Report are based upon a thorough understanding of the Site and its ecological context, obtained through desk-based assessment, field work and consultation. The assessment of the impacts of the Proposed

<sup>20</sup> <https://www.gov.scot/publications/chief-planner-letter-stakeholder-update-autumn-2023/>

<sup>21</sup> <https://www.nature.scot/doc/biodiversity-metric-scotlands-planning-system-key-issues-consultation>

Criteria	Commentary
<p><i>ecological context prior to development, including the presence of any irreplaceable habitats’.</i></p>	<p>Development, mitigation measures and enhancement proposals have been informed by a significant understanding of the Site built up over several years of surveys consistent with this policy requirement.</p>
<p>Policy 3(b)(ii) <i>‘Wherever feasible, nature-based solutions have been integrated and made best use of.’</i></p>	<p>NPF4 defines nature-based solutions as <i>‘...actions to protect, sustainably manage, and restore natural and modified ecosystems that address societal challenges effectively and adaptively, simultaneously providing human wellbeing and biodiversity benefits’.</i></p> <p>The Proposed Development proposes a range of measures to deliver biodiversity enhancement, which are set out in SEI Report, TA 5.1. Target species/habitats are:-</p> <ul style="list-style-type: none"> <li>• Moorland/peatland habitats;</li> <li>• Fisheries habitats;</li> <li>• Black Grouse;</li> <li>• Common Gull; and</li> <li>• Wildcat and Otter.</li> </ul> <p>It is expected that these proposals would be subject to further detailed work and development, should consent be granted and this will be secured through an appropriately worded planning condition. At this stage, it is considered that the measures outlined above are consistent with the objectives of this criterion.</p>
<p>Policy 3(b)(iii) <i>‘An assessment of potential negative effects which should be fully mitigated in line with the mitigation hierarchy prior to identifying enhancements’.</i></p>	<p>The design of the Proposed Development has sought to implement the mitigation hierarchy (NPF4 definition, page 153) and avoid features of biodiversity importance wherever possible. Where adverse effects were identified, mitigation and/or enhancement measures are identified which are detailed in the ‘Mitigation’ sections of SEI Report, Chapters 5 and 6 (further detail can also be found within the 2022 EIA Report, Chapters 7 and 8 where referred to within the SEI Report). Following implementation of these measures, both chapters conclude no significant residual effects will arise upon any receptor or designation.</p> <p>Furthermore, the October 2022 consultation response from NatureScot notes that <i>‘The mitigation proposed by the applicant will ensure a good level of protection for species on-site and seeks to avoid or minimise adverse effects upon ecological features’.</i></p>
<p>Policy 3(b)(iv) <i>‘Significant biodiversity enhancements are provided, in addition to any proposed mitigation. This should include nature networks, linking to and strengthening habitat connectivity within and beyond the development, secured within a reasonable timescale and with reasonable certainty.’</i></p>	<p>The SEI Report, OHMP in TA 5.1 sets out the range of measures the Applicant envisages it will undertake to deliver significant biodiversity enhancement. These measures go beyond mitigating the effects of the Proposed Development. A key focus of the OHMP is the enhancement of a target of a minimum of 8.7 ha of peatland (see SEI Report TA 5.1 Figure 5.1 for locations) which would have a range of biodiversity benefits.</p> <p>SEI Report, Chapter 5 outlines that these measures will ensure that habitat losses are offset through an increase in peatland habitat quality and that there will be an overall net gain.</p>

Criteria	Commentary
<i>Management arrangements for their long-term retention and monitoring should be included, wherever appropriate.</i>	Should consent be granted, the OHMP would be finalised in consultation with relevant stakeholders and landowners post consent and prior to the commencement of development, will include a monitoring programme to assess the effectiveness of the agreed measures. Again, the NatureScot consultation response from October 2022 is useful here as that notes the Applicant's commitment to develop a HMP, with the <i>'objectives of the HMP being the restoration of degraded peatland habitats on-site, to mitigate loss and to provide a net gain of good quality bog habitat within the Site, and to provide habitat creation and enhancement to benefit a range of species including otter and wildcat'</i> .
Policy 3(b)(v) <i>'Local community benefits of the biodiversity and/or nature networks have been considered.'</i>	The focus of the Applicant's enhancement measures have been on securing biodiversity and nature conservation benefits.  Throughout the public consultation events no specific queries or requests for enhanced access through the Site have been made or specific biodiversity improvement projects for the wider community. That is not to say that such projects could not come forward at some point in the future and should consent be granted, the Applicant would work with local communities to ensure, for example, that the community benefit fund is used in a way that meets with local community expectations. This may involve further consideration of the biodiversity proposals.

4.2.68. No objections to the Proposed Development were raised by the RSPB (August 2022) or NatureScot (October 2022) on biodiversity grounds and both consultees were content with the mitigation measures proposed to mitigate any identified impacts.

4.2.69. Overall and based on the findings set out within the SEI Report, the Proposed Development is considered to align with the Outcomes of Policy 3 'Biodiversity'.

### Policy 4: Natural Places

4.2.70. This policy sets the basis for assessing applications that affect European natural heritage designations, such as SPAs, as well as proposals affecting National Parks and NSAs and also local level natural heritage and landscape designations. The Policy Intent is to *'protect, restore and enhance natural assets making best use of nature-based solutions'*. There are two Policy Outcomes namely (i) *'natural places are protected and restored'* and (ii) *'natural assets are managed in a sustainable way that maintains and grows their essential benefits and services'*.

4.2.71. Part (a) states that proposals that have an 'unacceptable' impact on the natural environment will not be supported. Parts (b), (c) and (d) relate to European, national and local level designations. The location of these designations are shown in the 2022 EIA Report, Figure 7.1.

4.2.72. Potential impacts upon European natural heritage sites such as SPAs and SACs and natural heritage sites such as SSSIs were considered in the 2022 EIA Report, Chapters 7 and 8 and more recently in SEI Report, Chapters 5 and 6. Within the 2022 EIA Report, Chapter 7 the following natural heritage designations were

considered:-

- River Spey SAC – 0.05 km north-west from the Site.

- 4.2.73. No significant adverse residual effects are predicted to occur upon any important ecological features as a result of the construction, operation or decommissioning of the Proposed Development, either alone or cumulatively with other developments via ‘in-combination’ effects or ‘effect interactions’. NatureScot concluded within their consultation response in October 2022 that the Proposed Development will not adversely affect the integrity of the SAC. The findings of the 2022 EIA Report on this matter remain valid as per SEI Report Chapter 7.
- 4.2.74. The 2022 EIA Report, Chapter 8 considered statutory designated nature conservation sites with ornithological interest features, namely:-
- Tips of Corsemaul and Tom Mor SPA/SSSI – 1.28 km north from the Site at its closest point.
- 4.2.75. Table 8.5 of the 2022 EIA Report, Chapter 8 provides further detail on the qualifying interests of this SPA/SSSI.
- 4.2.76. With regards to ornithology, some residual effects upon certain species of birds are identified through the construction, operational and decommissioning phases (including cumulative). These impacts relate to displacement, disturbance and collision risk mortality. In all cases, residual effects are at worst of minor significance. The Applicant has clearly sought to avoid detrimental effects upon protected species through the design evolution process and has been relatively successful in doing so, with no significant residual effects on any ecological or ornithological species identified. NatureScot concluded within their consultation response in October 2022 that the Proposed Development will not adversely affect the integrity of the Tips of Corsemaul and Tom Mor SPA. The more recent SEI Report, Chapter 6 confirms there would be no change to the levels of effect on ornithological receptors from those reported in the 2022 EIA Report.
- 4.2.77. Based upon these findings and the previous NatureScot consultation response, there is no conflict with Policy 4 as it relates to international or national heritage designations.
- 4.2.78. Part (c) also relates to national level landscape designations, specifically National Parks and NSAs. The policy states that proposals will only be supported where the objectives of the designation and overall integrity of the area will not be compromised, or, any significant adverse effects are clearly outweighed by social, environmental or economic benefits of national importance.
- 4.2.79. The Site is not located within a National Park or NSA, but there are national level designations within the LVIA study area, as shown in the 2022 EIA Report, Figure 5.4a. The Cairngorms National Park is located 13.14 km south of the Proposed Development and Cairngorm Mountains NSA is located 34.4 km southwest. A preliminary assessment of all landscape designations (including the National Park and NSA) was set out in the 2022 EIA Report, TA 5.3 while a detailed assessment of the impacts of the Proposed Development upon the Special Landscape Qualities (SLQs) of the Cairngorms National Park and Cairngorm Mountains NSA was set out in the 2022 EIA Report, TA 5.5.



4.2.80. The assessment concludes that much of the CNP would not be afforded views of the Proposed Development, supported by the 2022 EIA Report, Figure 5.4b. It further considers that given the limited proportion of the CNP impacted and its distance from the Site, the Proposed Development would not discernibly affect the SLQs of the CNP or its integrity as a nationally important designation. The CNPA did not raise any objections within their consultation response in November 2022. In its consultation response from October 2022, NatureScot noted that:-

*'The proposal will have some significant adverse effects on the Dark Skies SLQ of the CNP, but our view is that the significance of the effects are not of a degree that they would damage the unity or soundness of the CNP and consequently would not affect its integrity'.*

4.2.81. The SEI Report, Chapter 3 confirms the effects on the CNP associated with the Proposed Development are not considered to affect the key SLQs for the CNP to the degree, or geographical extent, as to undermine the integrity of the CNP.

4.2.82. These findings of the SEI Report, combined with the consultation responses from the CNPA and NatureScot, demonstrate that the test set out in Part (c)(i) of Policy 4 which is to ensure that *'the objectives of designation and integrity of the areas will not be compromised'*, is passed. As such, there is no need to engage with part (ii) of the Policy, which relates to whether *'any significant adverse effect on the qualities for which the area has been designated are clearly outweighed by social, environmental or economic benefits of at least national importance'*.

4.2.83. Part (d) deals with local landscape areas. This part of Policy 4 sets two considerations for decision makers when assessing proposals that affect local landscape designations. The policy states that such proposals will only be supported where:-

- *'Development will not have a significant adverse effect on the integrity of the area or the qualities for which it has been identified; or (underlining added)*
- *'Any significant adverse effects on the integrity of the area are clearly outweighed by social, environmental or economic benefits of at least local importance' (underlining added).*

4.2.84. The LVIA within the 2022 EIA Report concluded that potentially significant effects would arise upon the Ben Rinnes SLA within Moray and also within the Deveron Valley SLA within Aberdeenshire and Moray. These effects are not considered to undermine the integrity of either designation. This remains the case within SEI Report, Chapter 3, 'Landscape and Visual Amenity'.

4.2.85. A key objective of the design evolution process was to reduce landscape and visual effects associated with the Proposed Development (see 2022 EIA Report, Chapter 5, Section 5.6), while taking account of other environmental and technical factors. To that extent, the design process has had at its core a key objective, which is to minimise adverse landscape and visual impacts upon designated landscapes, including the Ben Rinnes SLA in Moray. While there will be theoretical visibility of the turbines from within parts of the SLA which will result in significant effects (and this is not materially changed as a result of the removal of turbine T9), these are generally limited to elevated areas. Importantly, the extent of this visibility will not undermine the integrity of the SLA designation which is reiterated within SEI Report, Chapter 3, 'Landscape and Visual Amenity'.

- 4.2.86. The consultation response from NatureScot noted that it broadly agreed with *'the LVIA assessment that views from higher parts of the Ben Rinnes SLA would be significantly affected, but that no other key characteristic/ special quality would be significantly affected'*. NatureScot did not comment specifically on the Deveron Valley SLA.
- 4.2.87. On the basis of these findings, it is considered that the Proposed Development can be positively considered against Policy 4(d). If these conclusions are not accepted, the wording of Policy 4(d)(ii) allows decision makers to still approve developments which may have a significant effect on the integrity of a local landscape designation where these effects are clearly outweighed by social, environmental or economic benefits of at least local importance.
- 4.2.88. In this instance, it is considered that the benefits of the Proposed Development are considered to outweigh any adverse effects upon the Ben Rinnes SLA and Deveron Valley SLA and that these are demonstrably of at least local importance. The fact that the Proposed Development falls into the category of National Development 3 in NPF4 supports this position. The Reporters considered this issue in the Glendye Wind Farm case in relation to impacts upon an Aberdeenshire local landscape designation. In assessing that proposal against this part of Policy 4(b), the Reporters noted in paragraph 10.7 of their report that:-
- 'We are of the view that this national development status logically offers benefits of more than local importance'*.
- 4.2.89. This supports the assessment above against NPF4 Policy 4(d)(ii).
- 4.2.90. Part (f) relates to protected species and states that the level of protection required by legislation must be factored into the planning and design of development and potential impacts must be fully considered prior to the determination of any application. As demonstrated in the 2022 EIA Report, Chapters 7 and 8 subject to mitigation, no significant adverse effects on any protected species are identified. These findings remain valid as per the conclusions reached within SEI Report, Chapters 5 and 6. Furthermore, there were no objections from RSPB or NatureScot relating to protected species.

### Policy 5: Soils

- 4.2.91. The Policy Intent is to *'protect carbon-rich soils, restore peatlands and minimise disturbance to soils from development'*. One of the Policy Outcomes seeks that *'valued soils are protected and restored'*.
- 4.2.92. Part (a) notes that proposals should be designed in accordance with the mitigation hierarchy by first avoiding and then minimising the amount of disturbance to soils. Part (c)(ii) notes that proposals for the generation of energy from renewable sources that optimise the contribution of the area to GHG emissions reduction targets are one of the identified land uses potentially permitted on areas of peatland, carbon-rich soils and priority peatland.
- 4.2.93. Part (d) sets out a requirement for a detailed site specific assessment to help understand the presence of peat and carbon-rich soils on Site and to enable the likely effects of a development proposal on these resources to be considered. It continues and states that this should inform careful project design and that impacts should first be avoided and then minimised through best practice. The requirement for a peat management plan is also noted.

- 4.2.94. SEI Report, TA 2.2, Figure 2.2.3 shows the location of the Site relative to mapped carbon and peatland soils, based upon the 2016 SNH (now NatureScot) map. This shows most of the peat across the Site is Class 4 or Class 5 (with small areas of Class 3). There are some areas of Class 1 and 2 peat in the northern and central areas of the Site, which are classed by NatureScot as nationally important carbon rich soils, deep peat and priority peatland habitat.
- 4.2.95. The 2022 EIA Report, Chapter 10 'Hydrology, Hydrogeology and Geology' considers, amongst other issues, the potential for effects on carbon rich soils and deep peat. This matter was not updated within the SEI Report and the findings of the 2022 EIA Report remain valid. The 2022 EIA Report, Chapter 10 confirms that areas of deep peat have largely been avoided through the iterative design process and the majority of the developable area would not include high sensitivity peat deposits. Whilst the turbine and hardstanding areas are likely to be located outside deep peat, there is the potential that some supporting infrastructure would be located on deep peat. However, this has been kept to a minimum and mitigation measures for Proposed Development are set out in the Outline Peat Management Plan (OPMP) (SEI Report, TA 2.4) can be used to minimise potential impacts.
- 4.2.96. The 2022 EIA Report, Chapter 10 concludes that there will be no significant effect on carbon rich soils and peat as a result of the Proposed Development, following mitigation. The assessment notes that there is the potential for a beneficial effect on peat carbon sequestration at the Site, where a proportion of the permanently felled areas around the turbines and Site infrastructure are restored to functional peatland habitat with peat-forming vegetation. Given the scope, extent and scale of the proposed restoration the change is considered not significant, however the benefit would more than offset any localised (non-significant) adverse effect on carbon rich soil and deep peat within the Site.
- 4.2.97. The OHMP submitted as SEI Report, TA 5.1 provides further detail on proposals to restore degraded peatland habitats within the Site and further detail on this matter could be controlled through planning condition.
- 4.2.98. With regard to Policy 5 (d)(iii), an updated Carbon Balance Assessment is included within SEI Report, TA2.5. Using the figures from the 'expected case' scenario in Table 1.1, carbon losses associated with CO<sub>2</sub> released from soil organic matter amount to 3,716 tCO<sub>2</sub>e which equates to 1.54 % of total CO<sub>2</sub> losses associated with construction of the Proposed Development. Other CO<sub>2</sub> losses arise from the manufacture, construction and decommissioning of the wind turbines as well as losses due to forestry felling.
- 4.2.99. There is a slight increase in these figures compared to that reported in the 2022 EIA Report. Using figures from the 'expected case' scenario in Table 15.1.1 of the 2022 EIA Report, TA 15.1, carbon losses associated with CO<sub>2</sub> release from soil organic matter previously amounted to 3,282 tCO<sub>2</sub>e which equated to 1.35 % of total CO<sub>2</sub> losses associated with construction of the Proposed Development.
- 4.2.100. The total losses of carbon dioxide from the Proposed Development are expected equate to 240,847 tCO<sub>2</sub>e. This is a reduction in total losses of carbon dioxide compared to that reported in the 2022 EIA Report which was expected to equate to 243,722 tCO<sub>2</sub>e.
- 4.2.101. The results of the carbon calculator (see SEI Report, TA 2.5) indicate that the carbon payback period for the Proposed Development would be between 1.3 and 3.1 years, with an expected payback period of 2 years when compared to a fossil fuel mix generation. The Proposed Development carbon payback period

reported in the 2022 EIA Report was estimated as between 1.1 and 3.4 years, with an expected payback period of 2 years. This remains a relatively small percentage of the proposed 33 year operational lifespan of the Proposed Development and for the remaining approximate 31 years, the electricity generated would be to be carbon neutral, and will contribute to national objectives to reduce GHG emissions and help meet the net zero target by 2045.

- 4.2.102. SEPA raised no objection to the Proposed Development in their response in July 2022. Appropriate conditions intended to minimise negative impacts on peat and carbon loss were proposed by SEPA and these are acceptable to the Applicant. NatureScot in their response (October 2022) did not raise any objection to the Proposed Development and considered the mitigation measures identified were sufficient to address adverse impacts on peat and carbon rich soils. In their response, NatureScot noted that:-

*'habitat loss has been minimised through a sensitive and iterative design process which has sought to avoid areas of deeper peat, minimising the potential for impacts to habitat types with greater future restoration potential'.*

- 4.2.103. Overall, the Applicant's approach to site design, combined with the implementation of mitigation measures during the construction and decommissioning phases, means that the Proposed Development can be positively considered against the Outcome of Policy 5.

### Policy 6: Forestry, Woodland and Trees

- 4.2.104. The Intent of Policy 6 is to *'protect and expand forests, woodland and trees'*. One of the Policy Outcomes is *'Existing woodland and trees are protected, and cover is expanded'*.
- 4.2.105. The Site lies partially within an existing commercial forestry plantation. The Forestry Study area is 336.94 ha in area and some forestry areas would be felled to allow the construction and operation of the Proposed Development.
- 4.2.106. In total 81.53 ha of woodland requires to be felled, further details about which are set out in SEI Report, TA 2.1 'Forestry', Table 2.4. The changes associated with the Proposed Development, principally the removal of turbine T9, has resulted in a reduction of the area required to be felled (11.93 ha) compared to that reported in the 2022 EIA Report. Of the total 81.53 ha of felling, 54.83 ha is temporary felling and includes the area of woodland which requires to be felled for the construction of the Proposed Development.
- 4.2.107. Restocking in situ resulting from the Proposed Development reflects the temporary felling in Table 2.4 of SEI Report, TA 2.1. This amounts to 19.68 ha within Brown Hill, based on the current timber harvesting activity, and 28.89 ha within Howeshalloch where no other felling and replanting is being undertaken by the forest owner. Overall this is a 12.53 ha reduction in the area obligated to replant following temporary felling against that reported in the 2022 EIA Report.
- 4.2.108. The remaining 26.70 ha of felling would be permanent and would not be replanted in situ as these areas will be required for the operational period for wind turbines, associated infrastructure and buffers. In terms of compensatory planting, the Applicant is committed to providing at least 26.70 ha and has secured agreement with the Landowners on 63.80 ha of ground within the Site as compensatory planting search areas which do not contain other environmental constraints (see SEI Report, Figure 2.1.2). The Ancient

Woodland at Garbet Wood is unaffected by the Proposed Development.

4.2.109. Scottish Forestry raised no objections to the Proposed Development in their consultation response from August 2022. In order to comply with the Scottish Government's Control of Woodland Removal Policy, compensation planting would be required to mitigate for the loss of woodland area. The Applicant is committed to providing appropriate compensatory planting as noted above. The extent, location and composition of such planting would be agreed with Scottish Forestry. Consistent with other consented wind farm projects, the requirement to provide further details about compensatory planting could be controlled through a planning condition. Subject to the imposition of, and adherence to such as condition, the Proposed Development complies with Policy 6.

### Policy 7: Historic Assets and Places

4.2.110. This policy sets out the framework for assessing the impact of development proposals on a wide range of cultural heritage receptors. The Intent is *'to protect and enhance historic environment assets and places, and to enable positive change as a catalyst for the regeneration of places'*. Policy Outcomes include that *'the historic environment is valued, protected, and enhanced, supporting the transition to net zero and ensuring assets are resilient to current and future impacts of climate change'*.

4.2.111. The Proposed Development includes the removal of turbine T9 to minimise the impact on the setting of Craig Dorney hillfort. This follows an objection by HES in August 2022 and maintained in February 2023. HES raised concerns that the Proposed Development would have a significant adverse impact on the setting of Craig Dorney hillfort. Since HES maintained its objection in February 2023 the Applicant has undertaken further engagement with HES to enable an appropriate design solution to be reached with the removal of turbine T9.

4.2.112. As required by part (a), a historic environment assessment has been undertaken and the conclusions are presented in the 2022 EIA Report, Chapter 6: 'Cultural Heritage' and accompanying Technical Appendices. SEI Report, Chapter 4: 'Cultural Heritage' provides an updated assessment covering the changes implemented within the Proposed Development.

4.2.113. As discussed in the earlier commentary on NPF4 Policy 11, the assessment presented in the 2022 EIA Report, Chapter 6 and SEI Report, Chapter 4 considers the potential for direct impacts upon archaeology and cultural heritage as well as indirect impacts upon the setting of historic environment assets. Significant impacts have been identified on two Scheduled Monuments in the form of Auchindoun Castle and Craig Dorney hillfort.

4.2.114. The removal of turbine T9 would increase the separation distance between Craig Dorney hillfort and the nearest turbines from 0.9 km to c. 1.2 km. The design changes result in removing the most prominent turbine in views from and of the asset and by reducing the encroachment of the Proposed Development on the lower slopes of Craig Watch hill.

4.2.115. Whilst there would be a potentially significant effect upon the setting of the fort, as noted within SEI Report, Chapter 4, the asset's key relationship with the Deveron Valley, the Pictish Royal Centre at Rhynie, and surrounding landscape would still be appreciable. The removal of turbine T9 would remove the most prominent turbine in views from the asset and in views of the asset when viewed from the Deveron Valley.

As a result, the prominence of the Scheduled Monument and the landform on which it sits would still be appreciable and understandable. The ability to understand the defensive position of the asset would not be diminished; though it is expected that there would be some change to the experience of the asset. On this basis, the assessment presented in SEI Report Chapter 4 concludes that those factors of the monument's setting that contribute to cultural significance such that the understanding, appreciation and experience of an asset would be adequately retained. There would be no significant adverse impact upon the integrity of the asset's setting.

- 4.2.116. Auchindoun Castle is located approximately 3.99 km from the nearest turbine. The assessment in the 2022 EIA Report, Chapter 6 concludes that the adverse impacts on the setting of this Scheduled Monument, while significant, will not adversely affect the integrity of the setting of this asset. There is no change within SEI Report, Chapter 4 to the magnitude of impact or level of effect identified within the 2022 EIA Report on Auchindoun Castle. The HES consultation response from February 2023 did not raise any objection regarding impacts on the setting of Auchindoun Castle.
- 4.2.117. Part (h) of Policy 7 outlines proposals affecting scheduled monuments will only be supported in certain cases with criteria (ii) stating '*significant adverse impacts on the integrity of the setting of a scheduled monument are avoided*' (emphasis added). The conclusions reached within SEI Report, Chapter 6 determine the Proposed Development, through the design evolution process and further discussions with HES, will not result in a significant adverse impact upon the integrity of the identified asset's settings and therefore the Proposed Development complies with the policy provisions.
- 4.2.118. Part (o) of Policy 7 is relevant to considering effects upon the setting of non-designated historic environment assets. This part of Policy 7 states that such assets '*and their setting should be protected and preserved in situ wherever feasible*'. This is different from the test set in part (h) which relates to scheduled monuments only.
- 4.2.119. The 2022 EIA Report assessment concluded that there are four non-designated cultural heritage assets within the Site that could be potentially affected by construction works. At worst, impacts upon these assets would be negligible and not significant. Within the proposed HMP Areas, see SEI Report, Figure 5.7, ten heritage assets have been identified which could be affected by works associated with the HMP. For nine of these assets, no significant effects are predicted. For one, Badiemulloch farmstead, a potentially significant effect is identified but with the implementation of mitigation, by fencing off the asset prior to works commencing, no significant residual effect is predicted.
- 4.2.120. A group of non-designated cultural heritage assets at Garbet Hill (Assets 186 – 190) were not included within the 2022 EIA Report due to an error. The assets also lie within HMP areas (see SEI Report, Figure 4.5). SEI Report, Chapter 4 confirms no significant effects are predicted on these non-designated assets left out of the 2022 EIA Report and the impacts predicted in the 2022 EIA Report for the identified non-designated assets remains unchanged.
- 4.2.121. Given these conclusions, there are no conflicts with NPF4 Policy 7 in respect of any cultural heritage receptors.

### Policy 23: Health and Safety

- 4.2.122. The Intent of Policy 23 is *'to protect people and places from environmental harm, mitigate risks arising from safety hazards and encourage, promote and facilitate development that improves health and wellbeing'*. There are three Policy Outcomes including that *'safe places protect human health and the environment'*.
- 4.2.123. Part (d) confirms that *'development proposals that are likely to have significant adverse effects on air quality will not be supported'*, while part (e) states that *'development proposals that are likely to raise unacceptable noise issues will not be supported'*.
- 4.2.124. SEI Report, Chapter 8 'Noise' provides an updated assessment of the Proposed Development taking account of changes to the site layout, candidate turbine and changes in the cumulative baseline since the 2022 EIA Report was prepared. Predicted levels and measured background noise levels indicate that for dwellings neighbouring the Site, wind turbine noise would meet the noise criteria and the operational noise impact is not considered to be significant (as per previous conclusions).
- 4.2.125. The 2022 EIA Report concluded that subject to mitigation, no significant effects on account of noise or vibration during construction, operation and decommissioning are predicted. SEI Report, Chapter 8 reaches the same conclusions in respect of the Proposed Development. These conclusions relate to both in isolation and cumulative effects, whereby the latter has been updated to take account of the submission of application for Clashindarroch Extension Wind Farm.
- 4.2.126. The cumulative noise assessment concludes that wind turbine noise from the Proposed Development, when operated together with adjacent wind farms, will remain within the ETSU-R-97 noise limits, and the cumulative effect is therefore considered to be not significant in EIA terms.
- 4.2.127. Overall, the Proposed Development is considered to comply with Policy 23.

### Policy 25: Community Wealth Building

- 4.2.128. The Intent of Policy 25 seeks *'To encourage, promote and facilitate a new strategic approach to economic development that also provides a practical model for building a wellbeing economy at local, regional and national levels'*. Policy Outcomes include *'support local employment and supply chains'* and *'support community ownership and management of buildings and land'*.
- 4.2.129. Part (a) of the Policy states that proposals that contribute to local or regional community wealth building strategies will be supported and part (b) states that development proposals linked to community ownership of land and buildings will be supported.
- 4.2.130. As already discussed in relation to Policy 11 (c), the Proposed Development will give rise to local economic benefits during the construction and operational periods. The Applicant is committed to contributing to a community benefit fund and should consent be granted, the Applicant would work with local communities to ensure the most appropriate structures are set up to ensure the fund is used in a manner that meets local community expectations.
- 4.2.131. In light of all these factors, 2022 EIA Report, Chapter 13 'Socio-Economics' concludes that the Proposed

Development will support local economic development and enable the community to support projects and address the priorities of the area. SEI Report, Chapter 10 confirms the findings from the 2022 EIA Report remain valid. As such, it is considered the Proposed Development can draw support from Policy 25 and would contribute to the Policy Outcomes.

### *NPF4 Part 3 - Annex A 'Outcomes'*

4.2.132. Part 3, Annex A confirms that NPF4 is required by law to contribute to six Outcomes. These Outcomes are set out in Section 3 of the Town and Country Planning (Scotland) Act 1997 (as amended), having been amended by Section 2 of the Planning (Scotland) Act 2019. The six Outcomes are:-

- (a) meeting the housing needs of people living in Scotland including, in particular, the housing needs for older people and disabled people,
- (b) improving the health and wellbeing of people living in Scotland,
- (c) increasing the population of rural areas of Scotland,
- (d) improving equality and eliminating discrimination,
- (e) meeting any targets relating to the reduction of emissions of GHGs, within the meaning of the Climate Change (Scotland) Act 2009, contained in or set by virtue of that Act, and
- (f) securing positive effects for biodiversity.

4.2.133. The Proposed Development can contribute positively to Outcomes (e) and (f) through the generation of a significant amount of renewable electricity while delivering biodiversity improvements, with details set out in the OHMP. This helps deliver wider targets for lower greenhouse gas emissions, more renewable energy generation and more secure energy supplies. These are material factors in support of the case for granting consent.

### *NPF4 Part 3 - Annex B 'National Developments Statements of Need'*

4.2.134. This part of NPF4 identifies eighteen national developments which are described as '*significant developments of national importance that will help to deliver our spatial strategy*'.

4.2.135. Of relevance to the Proposed Development is National Development 3 'Strategic Renewable Electricity Generation and Transmission Infrastructure'. NPF4 confirms that this class of national development '*supports renewable electricity generation, repowering, and expansion of the electricity grid*'. It incorporates three types of development, including '*on and off shore electricity generation, including electricity storage, from renewables exceeding 50 megawatts capacity*'. The Proposed Development therefore falls within National Development 3.

4.2.136. Within the commentary under National Development 3, NPF4 states that '*a large and rapid increase in electricity generation from renewable sources will be essential for Scotland to meet its net zero emissions targets*'. Under the commentary on 'Need', NPF4 states that '*additional electricity generation from renewables and electricity transmission capacity of scale is fundamental to achieving a net zero economy...*' (emphasis added).

4.2.137. NPF4 also confirms that proposals within this national development category will '*improve security of supply*' (page 7). While not every national development will be granted permission, the fact that the



Proposed Development falls within this category is significant in the evolution of national planning policy. This class of national development did not feature in the previous NPF3 and was not a factor when the application for Craig Watch Wind Farm was initially submitted in June 2022. Its inclusion in NPF4 is a clear sign that the Scottish Government clearly sees this type and scale of development as being 'of national importance' and necessary to help deliver the national spatial strategy (NPF4, page 97).

4.2.138. The national development status of the Proposed Development must be accorded considerable weight in consideration of the application, as has been applied in some recent cases where Reporters and Scottish Ministers have recognised the importance of National Development 3 to achievement of the legally binding net-zero targets. These cases include the aforementioned Glendye Wind Farm and also Shepherds Rig Wind Farm. In the Reporter's Supplementary Report into this latter project, they stated in paragraph 3.13 that:-

*'delivery of renewable energy, a national development, would clearly be a significant benefit, and one which gains significant weight from NPF4 policy 1 in relation to the climate crisis'.*

4.2.139. The National Development status of the Proposed Development should be afforded a similar amount of weight in the final planning balance in this case.

*NPF4 Part 3 – Annex C 'Spatial Planning Priorities'*

4.2.140. The National Spatial Strategy is supported by commentary on five Regional Spatial Strategies, each of which will contribute in their own different ways to achievement of the National Spatial Strategy.

4.2.141. The Site falls within the area defined as 'North East'. On page 28 NPF4 notes that:-

*'This north east is a centre for the skills and expertise we will need to meet our climate change commitments This area will evolve, through a just transition, to move industry and business away from the oil and gas sector towards a cleaner, greener future'.*

4.2.142. In the commentary on 'Priorities', NPF4 notes that *'This part of Scotland will play a crucial role in achieving the Just Transition to net zero'*. It continues and states that the strategy, inter alia, aims to *'Plan infrastructure and investment to support the transition from oil and gas to net zero whilst protecting and enhancing blue and green infrastructure and decarbonising connectivity.'* The Proposed Development can contribute towards achievement of these strategy aims, while making a positive contribution to wider national efforts in the transition to net zero.

### 4.3. **Aberdeenshire Local Development Plan (LDP2) (2023)**

4.3.1. LDP2 was adopted on 13 January 2023 by Aberdeenshire Council. At the time of submission of the Original Planning Statement in June 2022, the Proposed Aberdeenshire LDP2 was at Examination. Limited discussion on draft LDP2 policies was included in the Original Planning Statement as draft LDP2 policies relevant to the Proposed Development were very similar in wording to those in the adopted LDP at the time.

4.3.2. In considering the LDP2 it is important to bear in mind that it was prepared within a different national policy context to that now set by NPF4, which itself *'marks a turning point for planning'*. The LDP Examination

Report considered draft LDP2 policies against SPP and in some cases policies were amended to ensure they were consistent with SPP. By comparison, Page 8 of NPF4 confirms that '*The global climate emergency and the nature crisis have formed the foundations for the spatial strategy as a whole*' and these two issues are the pillars on which many of the key NPF4 policies have been prepared as discussed in Section 4.

- 4.3.3. Accordingly, where there is any inconsistency between the LDP2 and NPF4 which was adopted shortly after, the latter should prevail as the most recent document, as set out in Section 13(2)(3) of the Planning (Scotland) Act 2019.
- 4.3.4. The aspirations, objectives and policies within LDP2 are very similar, if not exactly the same, to the LDP policies considered within the Original Planning Statement. The policy numbers and names remain the same while much of wording has carried over. Consequently, there is no material change to the assessment and associated conclusions reached in respect of the Proposed Development within the Original Planning Statement.
- 4.3.5. For completeness, the relevant policies within LDP2 are considered below on a topic by topic basis with commentary provided in the context of the relevant SEI Report (and the 2022 EIA Report where necessary) chapter findings to draw an overall policy conclusion. The following assessment has therefore been adjusted to account for material differences where necessary.

### **Renewable Energy LDP Policies**

- 4.3.6. Policy C2 of LDP2 is not a wind energy specific policy, it applies to all forms of renewable energy development but Section 2.2 relates specifically to 'Wind Energy'. The preamble to Policy C2 in LDP2 (pg.81) notes that '*Climate change is possibly the greatest challenge facing the world today*'. LDP2 notes that SPP supports development that contributes to sustainable development and considers that in an Aberdeenshire context this means reducing the use of energy (both in the distribution of development and within developments themselves), conserving water and promoting energy generation by renewable sources. Policy C2 is set within this previous overarching national planning policy context set by SPP and which has now been superseded by NPF4.
- 4.3.7. Policy C2.1 states that the Council '*will support*' proposals for renewable energy developments, including wind. This support is not, however, unqualified and the policy makes it clear that the support hinges on proposals being located on '*appropriate sites and of the right design*'. Policy C2.1 identifies a range of factors that the Council will consider when assessing the acceptability of renewable energy applications including effects on socio-economic aspects; renewable energy targets; greenhouse gas emissions; communities; landscape and visual aspects; natural heritage; carbon rich soils; the historic environment; tourism and recreation etc. These matters have previously been discussed in relation to NPF4 and are not repeated here to avoid unnecessary duplication but no unacceptable impacts upon any receptor have been identified in the 2022 EIA Report or SEI Report, or raised by consultees.
- 4.3.8. It is important to note that the test set by Policy C2 relates to the 'acceptability' of identified impacts, not simply whether such impacts would arise. This is an important matter to consider when drawing conclusions about the extent of overall policy compliance. The identification of some significant environmental impacts in the 2022 EIA Report and SEI Report does not give rise to an automatic conflict

with Policy C2.1, it is the acceptability of these impacts in the wider planning balance that will dictate the extent of policy compliance.

- 4.3.9. The first line of Policy C2.2 states '*We will approve wind energy developments in appropriate locations taking into account the spatial framework mapping at the end of this section*'. As noted earlier, NPF4 no longer contains a Spatial Framework for onshore wind farms, a notable difference with SPP. NPF4 Policy 11 states that with the exception of wind farms in National Parks and National Scenic Areas, development proposals for all forms of renewable energy will be supported.
- 4.3.10. Given that NPF4 no longer continues with the Spatial Framework approach for onshore wind farms, an assessment of the Proposed Development must not seek to apply the Spatial Framework as this is no longer supported by national planning policy. The locational acceptability of the Site should therefore now be guided by NPF4 Policy 11 principally and other relevant Development Plan policies, not the Spatial Framework referenced in Policy C2.2.
- 4.3.11. As the earlier NPF4 commentary confirms, the Proposed Development has been sited and designed in a manner which avoids many significant environmental impacts arising. Some significant landscape and visual effects will arise and significant effects upon the setting of two Scheduled Monuments (but not the integrity of setting) are also identified. One of these, Craig Dorney hillfort, is within Aberdeenshire.
- 4.3.12. In considering the 'acceptability' of these significant effects, it must be accepted as a starting point that commercial scale wind farms will give rise to some significant environmental effects, a point now recognised in NPF4 Policy 11 (e). It is necessary therefore to consider the nature and sensitivity of identified receptors to enable a conclusion to be reached on 'acceptability'.
- 4.3.13. As previously noted, there are no objections from NatureScot, SEPA or the CNPA to the Proposed Development. This points to impacts upon landscape and visual and natural heritage receptors being acceptable. There was a previous objection from HES in relation to impacts upon the integrity of the setting of Craig Dorney hillfort, but the changes made to the Proposed Development were in direct response to this objection and while an updated HES consultation response has yet to be received, the changes proposed have been discussed with HES and it is expected these changes will allow it to remove its objection. Despite an objection from the MoD in respect of aviation interests it is considered that appropriate measures have now been put in place to mitigate the concerns raised. There are no significant effects arising from noise or shadow flicker.
- 4.3.14. Positive socio-economic and community benefits would arise during the construction and operational phases of the Proposed Development and the Applicant is continuing to explore options for shared ownership, opening up increased financial benefits for the local communities.
- 4.3.15. Taking account of all relevant factors and consultation responses received to date, it is considered that the Proposed Development can draw support from Policy C2 in general and that identified effects are acceptable in relation to Policy C2.2.
- 4.3.16. Policy C2.2 also makes reference to the Council's Strategic Landscape Capacity Assessment for Wind Turbines prepared by Ironside Farrar. This document, dated March 2014, does not form part of the Development Plan for Aberdeenshire and therefore the weight it carries in the decision making process is

less than NPF4 or ALDP. It is discussed in the Original Planning Statement.

### ***Landscape and Visual***

- 4.3.17. Policy E2 'Landscape' of LDP2 is very similar in wording to the same number and name of policy in the previous LDP, which was considered in detail in the Original Planning Statement. Policy E2 of LDP2 relates to all forms of development and is not a topic which is specific to renewables. The policy states that the Council will refuse applications that cause 'unacceptable' effects on key natural landscape elements, features or landscape character through scale, location or design. The policy makes it clear that assessment of such impacts relates to individual as well as cumulative impacts.
- 4.3.18. Development that has a significant adverse impact on the qualifying interests of a SLA will not be permitted unless it is adequately demonstrated that these effects are clearly outweighed by social, environmental or economic benefits of at least local importance. Policy E2 is supported by Appendix 13 'Aberdeenshire Special Landscape Areas', which forms part of the LDP2.
- 4.3.19. Policy E2 makes it clear that a determining factor will be the 'acceptability' of any impacts upon the receiving landscape. This is a planning balance matter, which is considered later in the Conclusions Section; however, given the location of the Site outside of the Deveron Valley SLA in Aberdeenshire, the localised nature of landscape and visual effects and the SEI Report, LVIA conclusions that the overall SLA integrity will not be undermined, it is not considered that the identified effects on this SLA are considered unacceptable.
- 4.3.20. Significant effects on parts of some LCTs are noted in the SEI Report, LVIA but these effects would not be experienced across the entirety of each LCT and identified effects are not considered unacceptable when the benefits of the Proposed Development are also considered. The Proposed Development is considered to be in accordance with Policy E2.

### ***Cultural Heritage***

- 4.3.21. Policy HE1 of LDP2 is split into several parts (HE1.1 – HE1.6) each dealing with different aspects of the historic environment. Given the previous HES objection, Part HE1.5 is the most relevant as it deals with 'Scheduled Monuments and Archaeological Sites'.
- 4.3.22. Policy HE1.5 states that development on nationally or locally important monuments or archaeological sites, or having an adverse impacts on the integrity of their setting, will only be allowed if there are exceptional circumstances. The key reason for changes to the Proposed Development are to address the HES objection which raised concerns about the impact of the Proposed Development upon the integrity of the setting of Craig Dorney hillfort Scheduled Monument, which is within Aberdeenshire. Site visits were held with HES to discuss potential scheme changes and it is expected that the removal of turbine T9 will allow HES to withdraw its previous objection. This being the case, and drawing upon the findings of the SEI Report, it is considered that the Proposed Development will not give rise to an adverse impact on the integrity of this Scheduled Monument. As such, it is concluded that there are no conflicts with Policy HE1.5 (see previous commentary on NPF4 Policies 7 and 11 for further detail).

4.3.23. Policy HE2 of the LDP2 relates specifically to the impact of a development upon conservation areas, battlefields, historic gardens or designed landscapes. Table 6.7 of the 2022 EIA Report, Chapter 6 'Cultural Heritage' identifies those assets that were taken forward for assessment of setting impacts. No conservation areas, battlefields, historic gardens or designed landscapes were taken forward for assessment on the basis that there are none within the ZTV. No significant direct or indirect effects would arise upon these receptors, confirmed within the SEI Report, and there is no conflict with Policy HE2.

### ***Hydrology, Hydrogeology, Geology and Soils***

4.3.24. Policy PRI (PR1.1 – PR1.10) of LDP2 provides protection to a range of environmental resources associated with the water environment, important mineral deposits, prime agricultural land, peat and other carbon rich soils, open space, and important trees and woodland. While this new LDP2 policy is split into ten different parts, it deals with the same range of issues as covered by the previous LDP policy of the same name and number.

4.3.25. Given these similarities it is not necessary to set out a detailed appraisal against the new LDP2 policy here. The 2022 EIA Report chapters identified no significant effects upon any of these receptors that could not be overcome by mitigation and where these topic areas have been revisited through the SEI Report, similar conclusions are drawn. It is reiterated that neither SEPA nor NatureScot raised any objections to the Proposed Development on matters relevant to these subject area, subject to conditions.

4.3.26. With regards to peat and carbon rich soils, the Site layout has avoided areas of peat for the most part with only small sections of infrastructure located within areas of peat, a point recognised by NatureScot in its October 2022 consultation response. Further details regarding peat management and habitat management can be controlled by planning conditions, building upon the OPMP and OHMP submitted with the application.

4.3.27. Drawing upon the findings of the 2022 EIA Report, SEI Report and relevant consultation responses it is concluded that the Proposed Development will continue to provide protection for the receptors and features identified in Policy PR1 and no policy conflicts are envisaged.

4.3.28. Policy C3 of LDP2 outlines protection for carbon sinks and stores. Proposals that involve the loss of or disturbance to peat will only be permitted where it can be demonstrated that the development, over its lifetime, will have no net effect on CO<sub>2</sub>. The policy specifically notes that Carbon Calculators can be used as a tool to undertake such analysis and a Carbon Balance Assessment for the Proposed Development is included as SEI Report, TA2.5.

4.3.29. The Carbon Balance Assessment calculates the CO<sub>2</sub> emissions that will be avoided by generating electricity using wind turbines rather than non-renewable forms of electricity generation, offset against the estimated loss of CO<sub>2</sub> from the construction phase.

4.3.30. Taking all of these factors into consideration, the expected payback period for the Proposed Development is calculated as 2 years compared to a fossil fuel mix electricity generation (see Table 1.2 of SEI Report, TA 2.5). Therefore, for the remaining approximate 31 years of the proposed turbines' operational life, the Proposed Development will contribute to a significant reduction in CO<sub>2</sub> emissions and contribute positively to achievement of net-zero ambitions, which is entirely in keeping with the aims and objectives of Policy

C3.

### ***Flooding***

4.3.31. Policy C4 of LDP2 notes the requirement for flood risk assessments and notes that the Council will not approve development that may contribute to flooding issues elsewhere. It states that Sustainable Urban Drainage principles apply to all sites. As noted in the discussion in Table 2, small parts of the Site are located in areas of flood risk; however, due to the topography, hydrology and the location of infrastructure it is predicted that no part of the Proposed Development would be affected by localised groundwater flooding. Furthermore, the Proposed Development will not increase the risk of flooding downstream. SEPA raised no concerns with the Proposed Development in relation to flooding and there are no conflicts with Policy C4.

### ***Ecology and Ornithology***

4.3.32. Policy E1 of LDP2 sets out protection for a range of natural heritage receptors through parts E1.1-E1.10 including protected species, nature conservation sites and water and geodiversity. It is very similar in scope and wording to the previous LDP policy of the same name and number which was considered in detail in the Original Planning Statement.

4.3.33. As already discussed in Table 2 of this Statement and as reported in the 2022 EIA Report, Chapters 7 'Ecology' and 8 'Ornithology' and confirmed within SEI Report, Chapters 5 'Ecology' and 6 'Ornithology', no significant adverse effects upon any designated nature conservation site are identified, and confirmed through the NatureScot consultation response.

4.3.34. In terms of protected species, some residual effects (but not significant) are identified during the construction phase upon water vole and otter and during the operational phase on certain bat species. Cumulative construction impacts on otter and operational effects on bats are identified, but these are at worst of minor significance.

4.3.35. With regards to ornithology, some residual effects upon certain species of birds are identified through the construction, operational and decommissioning phases (including cumulative). These impacts relate to displacement, disturbance and collision risk mortality. In all cases, residual effects are at worst of minor significance.

4.3.36. The Applicant has clearly sought to avoid detrimental effects upon protected species through the design evolution process and has been relatively successful in doing so, with no significant residual effects on any ecological or ornithological species identified. Drawing upon the findings of the 2022 EIA Report, SEI Report and relevant consultation responses it is concluded that the Proposed Development complies with the requirements of Policy E1.

### ***Traffic and Transport***

4.3.37. Policy RD1 of LDP2 similar in scope and wording to the previous LDP policy of the same name and number which was considered in detail in the Original Planning Statement. Parts RD1.3 – RD1.8 set out matters relating to 'Access to New Development'.

- 4.3.38. The transport and access effects associated with the Proposed Development are set out in the 2022 EIA Report, Chapter 10 'Traffic and Transport' supported by TA10.1 'Transport Assessment'. The assessment in the 2022 EIA Report, Chapter 10 concluded that due to receptor sensitivity and predicted increases in traffic arising as a result of the construction phase, significant effects would arise upon users of the A941, including Core Path users in this area.
- 4.3.39. To address these significant effects, mitigation is proposed through the implementation of a CTMP, which is normal procedure for wind farm developments. The CTMP would be developed in detail in consultation with stakeholders prior to the commencement of development and would include a series of measures to ensure road safety for all road users during the construction phase, including the movement of AILs which will require a police escort. In addition, an Abnormal Load Management Plan is proposed along with a Core Path Management Plan. These various documents would set out a range of measures to ensure the safe delivery of construction materials to the Site, while minimising conflict with road users and pedestrians and would include measures such as the establishment of a Construction Liaison Committee, the installation of temporary road signage setting out local speed limits, the establishment of a protocol to liaise with emergency services prior to and during AIL deliveries and the creation of a project website and/or newsletter to provide a forum for regular updates on the construction works and key dates for certain works.
- 4.3.40. With the implementation of identified mitigation, the assessment in the 2022 EIA Report, Chapter 10 concluded that no significant residual effects are anticipated in respect of traffic and access issues. SEI Report, Chapter 7 confirms the findings of the 2022 EIA Report remain valid.
- 4.3.41. The Proposed Development therefore complies with the aims of Policy RD1 as it relates to traffic and access issues.

### ***Noise, Air and Light***

- 4.3.42. Policy P4 of LDP2 is similar in scope and wording to the previous LDP policy of the same name and number which was considered in detail in the Original Planning Statement. The policy states that that Council will refuse permission for development if there is a risk that it could cause significant pollution, create a significant nuisance (for example through impacts to air or noise), or present an unacceptable danger to the public or the environment. This policy relates mainly to pipelines, wastewater treatment plants and waste disposal facilities, which are cited as examples of development that could create a nuisance. It is potentially relevant to the Proposed Development mainly due to the potential for noise and shadow flicker impacts.
- 4.3.43. The noise assessment presented in the 2022 EIA Report, Chapter 11 'Noise and Vibration' considered construction and operational noise arising from the Proposed Development. The assessment concludes that predicted construction noise would be below relevant thresholds and no significant effects arising as a result of construction noise were predicted. During the operational period, no properties in Aberdeenshire are expected to experience operational noise levels (including cumulative) that exceed the ETSU thresholds.
- 4.3.44. The Proposed Development involves one less wind turbine than originally proposed and the BESS facility has also been removed, so the Proposed Development now includes less noise generating elements than originally proposed. Notwithstanding, SEI Report, Chapter 8 'Noise and Vibration' confirms the findings of

the 2022 EIA Report remain valid and no significant residual impacts with regards to noise will arise.

- 4.3.45. The Proposed Development includes an increase in rotor diameter from 155 m to 163 m, an increase of 8 m. This increases the theoretical shadow flicker area from 1,550m to 1,630 (ten times rotor diameter) from each turbine, compared to that assessed in the 2022 EIA Report. No additional residential receptors fall within this area beyond those identified in the 2022 EIA Report, Chapter 14 and it was not considered necessary to update the shadow flicker assessment within the SEI Report. The 2022 EIA Report findings remain therefore relevant.
- 4.3.46. The previous shadow flicker assessment set out in the 2022 EIA Report, Chapter 14 'Shadow Flicker Assessment' identifies that within Aberdeenshire there are two properties that could be subject to shadow flicker from the proposed turbines at Backside Farmhouse and Craig Dorney Lodge. Potential impacts arising from shadow flicker at these properties is predicted to be 15.6 and 16.1 hours per year respectively, both of which are below the 30 hours per year recommended in Department of Energy and Climate Change (DECC) Guidance considered in the 2022 EIA Report assessment. The Applicant is proposing a shadow flicker protocol which will mitigate any shadow flicker nuisance should a complaint arise. This can be controlled via a condition and would ensure no conflict with Policy P4 arising from shadow flicker.

### ***Aviation***

- 4.3.47. Policy C2.4 of LDP2 states that wind turbines must not compromise health and safety or adversely affect aircraft or airfields, including radar and air traffic control systems, flight paths and ministry of defence low flying areas. It is identical in wording to Policy C2 of the previous LDP.
- 4.3.48. The potential effects of the Proposed Development on these interests are set out in the 2022 EIA Report, Chapter 12 'Aviation and Telecommunications', subsequently updated through SEI Report, Chapter 9. The 2022 EIA Report considered potential effects upon two key aviation receptors namely the Ministry of Defence Buchan Primary Surveillance Radar and impacts upon military low flying operations. The assessment determined that the effects of the Proposed Development on these assets can be appropriately addressed through a combination of radar mitigation and aviation lighting.
- 4.3.49. SEI Report, Chapter 9 'Aviation and Telecommunications' states the potential effects of the Proposed Development on the radar at Remote Radar Head (RRH) Buchan, military low flying and telecommunications during the operational phase are unchanged from the 2022 EIA Report. Further commentary on this issue is set out in the previous commentary on aviation under NPF4 Policy 11, which is also relevant in relation to LDP2.
- 4.3.50. Importantly, SEI Report, Chapter 9 confirms that since submission of the application in June 2022, a revised lighting scheme has been approved by the CAA in September 2023.

### ***Socio-Economics, Recreation and Tourism***

- 4.3.51. Policy C2 is the principal renewable energy policy of the LDP2 and one of the items it identifies as requiring consideration relates to impacts upon tourism and recreation. The policy states that unacceptable significant adverse effects on the amenity of tourism and recreation should be avoided.



- 4.3.52. Notwithstanding, more broadly the 2022 EIA Report, Chapter 13 'Socio-Economics' considers the potential impacts of the Proposed Development on socio-economic indicators and tourism. While it is recognised that there will be theoretical visibility of the turbines from some tourist and recreational receptors, such as Core Paths, no significant adverse effects upon tourism or recreational interests are identified, see also the earlier commentary in Table 2.
- 4.3.53. SEI Report, Chapter 10 confirms the findings within the 2022 EIA Report remain valid. Not only will the Proposed Development not give rise to any significant adverse impacts upon tourism and recreational interests, it will contribute positively to community wealth building through the community benefits fund and the Applicant remains committed to exploring options for shared ownership as part of the Proposed Development

### ***Development Principles, Sustainable Design and Servicing***

- 4.3.54. Policy RD1 of the LDP2 states that the Council will only allow development that provides adequate road, waste management, water or waste water facilities, connections and treatment as appropriate. This Policy has already been discussed under the Transport commentary, as it relates to '*access to new development*'.
- 4.3.55. Other elements of this policy are of limited relevance but, as far as they are relevant, the Proposed Development complies with the policy as the Applicant is proposing to install the necessary drainage and other services arising as a result of construction and operational activities, to ensure no significant residual effects arise upon hydrology, geology, hydrology, PWS etc.

### **4.4. Moray Local Development Plan (MLDP) (2020)**

- 4.4.1. It should be noted that the MLDP remains the same as that in place at the time of the application submission in 2022. The MLDP was discussed in the Original Planning Statement. Given there are no material changes associated with the assessments/conclusions in the SEI Report relative to the Proposed Development (as it relates to Moray) it is considered the previous conclusions remain valid and apply. As such, no updated assessment against the MLDP has been provided within this Statement.

### **4.5. Cairngorms National Park Partnership Plan 2022 – 2027**

- 4.5.1. Since the 2022 EIA Report was submitted, the CNPA has adopted the Cairngorms National Park Partnership Plan 2022 -2027 which is considered relevant to the Proposed Development, although it is located outside of the National Park boundary. The key policy is Policy C2 which relates to supporting the low carbon economy. Part (a) of that policy notes that large-scale wind turbines are not compatible with the landscape character or SLQs of the National Park. The policy notes that they are inappropriate within the National Park or in areas outside the National Park where they adversely affect its landscape character or special landscape qualities.
- 4.5.2. The impact of the Proposed Development upon the CNP has already been discussed in terms of NPF4 Policy 11. The assessment within SEI Report, Chapter 3 concludes that much of the CNP would not be afforded views of the Proposed Development, supported by SEI Report, Figure 5.4b. It further considers that given the limited proportion of the CNP impacted and its distance from the Site, the Proposed Development would not discernibly affect the SLQs of the CNP or its integrity as a nationally important

designation.

- 4.5.3. In cumulative terms, the assessment within SEI Report, Chapter 3 considers that from elevated areas within the CNP the Proposed Development would give rise to some significant effects, by adding a wind energy development to the emergent pattern of development in views from a number of summits within the CNP, where the Proposed Development would be viewed in the context of other operational, consented and in planning developments. While this would have a minor influence on the SLQs of the CNP, it would not be significant and would be insufficient to undermine the integrity of the CNP. While these effects are considered significant, they do not go so far as to significantly and adversely affect the SLQs of the CNP.
- 4.5.4. Noting these conclusions and the previous position of no objection from the CNPA, which concluded that the Proposed Development would not compromise the integrity or objectives of the National Park, it is considered that the Proposed Development does not conflict with Policy C2 of the CNPA Partnership Plan 2022 – 2027.

## 5. Other Material Considerations

### 5.1. Moray Wind Energy Landscape Sensitivity Study

- 5.1.1. The Moray Wind Energy Landscape Sensitivity Study (LSS) was adopted by Moray Council on 15 May 2023. It helps inform site selection for wind turbines and provides strategic information to assist in the assessment of relative landscape and visual sensitivity to certain forms of development proposals. The findings are strategic and indicative and are not a substitute for detailed LVIA.
- 5.1.2. The LSS follows the methodology set out in the 2022 NatureScot Landscape Sensitivity Assessment Guidance<sup>22</sup> and additionally updates the cumulative baseline with regard to recent consents for wind farm developments in Moray and within the surrounding area.
- 5.1.3. The LSS supersedes the Moray Onshore Wind Energy (MOWE) Non-Statutory Guidance 2020 and the Moray Wind Energy Landscape Capacity Study (LCS) 2017 and is a material consideration in the determination of planning applications and to inform responses to Section 36 consultations.
- 5.1.4. Those turbines within the Moray administrative area are located within LCT 'Open Uplands with Settled Glens', which itself is within LCT 292 'Open Upland'. The LSS assessment considers the sensitivity of this predominantly upland landscape to larger turbines >100m.
- 5.1.5. The commentary on this LCT notes that it has a high sensitivity to turbines over 150 m to blade tip. It notes visible aviation lighting on turbines >150 m high would be likely to increase the duration and nature of effects given the dark skies which are a characteristic of this sparsely settled landscape and the surrounding area (including the Ben Rinnes SLA and Cairngorms National Park). Small extensions to operational wind farm developments or single/small groups of turbines rather than more extensive new wind farms are more likely to minimise landscape and visual effects.
- 5.1.6. Like all commercial scale wind farms the Proposed Development will give rise to some significant landscape and visual effects. This is recognised in the 2022 EIA Report and SEI Report. The issue to be considered is the acceptability of these effects in the wider planning balance and this issue is addressed in Section 6.

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<sup>22</sup> <https://www.nature.scot/sites/default/files/2022-05/Landscape%20Sensitivity%20Assessment%20Guidance%20%28Methodology%29.pdf>

## 6. Conclusions

- 6.1.1. Since submission of the application for the Proposed Development in June 2022, design changes have been made in response to an objection from HES regarding impacts on the integrity of the setting of a Scheduled Monument. This has led the Applicant to remove one wind turbine (turbine T9) and the battery energy storage unit. The rotor diameter and hub height have also changed slightly, but the overall tip height of the turbines remains the same at up to 200 m. The full extent of changes to the Proposed Development are summarised in Table 1 in Section 2 of this report.
- 6.1.2. A SEI Report and other supporting documents have been prepared by the Applicant to consider the environmental effects of the changes to the Proposed Development. The findings of the 2022 EIA Report and the SEI Report have been used to provide an updated assessment against the current planning policy framework, which has changed considerably since June 2022, notably with the introduction of NPF4 and the new Aberdeenshire LDP2, albeit there have been few changes of substance to LDP2 policies, compared to the predecessor LDP policies.
- 6.1.3. The adoption of NPF4 by Scottish Ministers in February 2023 marks a significant step change in the status and content of Scotland's National Planning Framework, compared to the predecessor NPF3 and SPP. NPF4 now comprises the national element of the Development Plan, with climate change a guiding principle for all plans and decisions.
- 6.1.4. While it is noted that NPF4 no longer makes any reference to the 'presumption in favour of development that contributes to sustainable development', this guiding principle in SPP has been replaced with much clearer and unambiguous instructions to decision makers in Policies 1 and 11 of NPF4. Policies 1 and 11 require that decision makers place 'significant weight' on the contribution a proposal makes to achievement of renewable energy generation targets and greenhouse gas emissions reduction targets. This is an important development in national planning policy that did not exist when the application for the Proposed Development was submitted in June 2022.
- 6.1.5. It is also important to note that NPF4 no longer continues with the spatial framework approach for onshore wind farms. While there is reference to the spatial framework in some LDP2 policies, an assessment of the Proposed Development against these LDP policies must not apply the spatial frameworks as this is no longer supported by national planning policy.
- 6.1.6. NPF4 Policy 1 requires that decision makers must also give 'significant weight' to the extent to which a proposal helps address the nature crises. The Applicant's OHMP sets out a range of measures to enhance biodiversity with a focus on moorland/peatland habitats, fisheries habitats; black grouse; common gull; wildcat and otter and these measures find favour in NPF4 Policy 3.
- 6.1.7. It is evident that tackling the global climate emergency and nature crisis are two objectives that are at the heart of NPF4, reflected in overarching objectives, national planning policies and some national development classes. The proposed Craig Watch Wind Farm can help deliver positive benefits on both these fronts, while providing the UK with more secure energy supplies.

- 6.1.8. It is important to recognise that the Proposed Development benefits from national development status in NPF4, meaning that this type and scale of development is considered by the Scottish Government to be 'of national importance' and necessary to help deliver the national spatial strategy. This category of national development did not exist in NPF3 which in itself is an important development and carries weight in the decision making process.
- 6.1.9. Aberdeenshire LDP2 was adopted on 13 January 2023 by Aberdeenshire Council. The aspirations, objectives and policies within LDP2 are very similar, and in some cases identical to, the LDP policies considered within the Original Planning Statement. It is considered that there is no material change to the assessment and associated conclusions reached in respect of the Proposed Development within the Original Planning Statement. For completeness, the relevant policies within LDP2 have been considered within this Statement. Where there is any incompatibility between LDP2 and NPF4, NPF4 carries greater weight in the planning balance as the more recent document, nevertheless, in terms of LDP Policy C2 identified environmental impacts are not considered to be 'unacceptable'.
- 6.1.10. Further weight in support of the Proposed Development has been added by the publication of the OWPS in December 2022. This document references NPF4 and makes it very clear in paragraph 3.6.2 that the Scottish Government's changes to NPF4 were very clearly designed such that '*stronger weight*' should be afforded to the contribution a development makes to tackling the climate emergency, as well as community benefits.
- 6.1.11. The OWPS 2022 notes that '*onshore wind will play a crucial role in delivering our legally binding climate change targets*' whose continued deployment is described as '*mission critical*'. The OWPS 2022 also notes that the move to taller and more efficient turbines '*will change the landscape*'. This is perhaps an obvious comment, but its appearance in the OWPS 2022 and with added emphasis cannot be ignored. Significant residual landscape and visual effects associated with the Proposed Development are considered to be localised and will not adversely affect the integrity of any national or local landscape designations.
- 6.1.12. As this is an application for S36 consent and deemed planning permission, the Development Plan does not have primacy in this case. The Development Plan is an important material consideration, but the principal provision the Scottish Ministers should have regard to in determining this application in terms of preservation of environmental qualities is Schedule 9 of the Electricity Act.
- 6.1.13. Schedule 9 refers to the requirement for Scottish Ministers to '*have regard to the desirability*' of preserving natural beauty, of conserving flora, fauna etc. when determining S36 applications. The Scottish Ministers have no duty to ensure these environmental qualities are preserved, they are only required to have regard to the desirability of doing so. Schedule 9 does not, therefore, set strict development management tests.
- 6.1.14. In arriving at conclusions on the Proposed Development overall, Scottish Ministers can give weight to a range of matters such as national planning policy set out in NPF4, the extent to which it aligns with the objectives of the OWPS 2022, the socio-economic benefits of the Proposed Development and the contribution that it would make towards attainment of GHG reduction and renewable energy generation targets.
- 6.1.15. Overall, it is considered that the Proposed Development can be considered positively against the new planning and energy policy framework. The design changes associated with the Proposed Development

have been directly implemented to address a heritage objection and the discussions held with HES have informed the design changes now presented. These measures should allow HES to withdraw its previous objection. Significantly, it is relevant to note that there were no objections from other key consultees including SEPA, NatureScot, CNPA and RSPB.

- 6.1.16. Taking account of these various matters it is considered that the Proposed Development is the **right development in the right place** and it is therefore respectfully requested that S36 consent and deemed planning permission is granted.

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