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Appendix 1 THC SG Criteria Assessment

1. Introduction

1.1. Background

- 1.1.1. This Planning Statement has been prepared by Savills UK Limited on behalf of Renewable Energy Systems Limited (RES) (the Applicant) and supports an application to the Scottish Government under Section 36 (S36) of the Electricity Act 1989 (the Electricity Act) for a development comprising 15 wind turbines, a battery storage facility, access roads, borrow pits, electrical cabling, an electric switching station, an on-site substation and control building together with associated infrastructure, collectively known as Kintradwell Wind Farm and hereafter referred to as the Proposed Development. The overall generating capacity of the Proposed Development is approximately 63 Megawatts (MW) with the battery storage capacity approximately 60 Megawatt hours (MWh).
- 1.1.2. For the purpose of the Environmental Impact Assessment (EIA), a turbine tip height of up to 149.9 metres (m) has been considered. This Planning Statement accompanies the Environmental Impact Assessment Report (EIA Report) for the Proposed Development. It does not form part of the EIA Report, but draws upon the findings of it to inform conclusions on planning policy matters.
- 1.1.3. As part of the S36 process, the Applicant is also seeking that Scottish Ministers issue a Direction under Section 57(2) of the Town and Country Planning (Scotland) Act 1997 (the 1997 Planning Act), as amended, that deemed planning permission also be granted for the Proposed Development. The Applicant is seeking consent in perpetuity for the operation of the Proposed Development.
- 1.1.4. This Planning Statement provides an assessment of the Proposed Development against relevant energy policy, national planning policy, local planning policy and associated Supplementary Guidance and other material considerations. There is no 'primacy' of the Development Plan in an application made under the Electricity Act, as would be the case for an application under the 1997 Planning Act. Rather, weight can be attributed by the decision-maker to all material considerations including the various levels of national and local energy and planning related policy and guidance as deemed appropriate.
- 1.1.5. A decision on the S36 application under the Electricity Act is the principal decision to be made in this case. Schedule 9 to the Electricity Act requires the Applicant to '*have regard to the desirability of preserving natural beauty, of conserving flora, fauna and geological or physiographical features of special interest and of protecting sites, buildings and objects of architectural, historic or archaeological interest*'. There is also a requirement for the Applicant to '*do what he reasonably can to mitigate any effect which the proposals would have on the natural beauty of the countryside or on any such flora, fauna, features, sites, buildings or objects*' and that mitigation must also be considered. The Proposed Development has been designed and sited in order to take full account of Schedule 9.
- 1.1.6. Schedule 9 also sets out environmental features to which regard must be had by Scottish Ministers in their determination of the application.
- 1.1.7. This Planning Statement assesses the acceptability of the Proposed Development in land use and planning policy terms in light of the residual impacts identified in the EIA Report. It will also give consideration to energy policy and other objectives, concluding with considered comments about the overall acceptability of the Proposed Development in the context of the full range of material considerations.

1.2. Structure of the Statement

1.2.1. This Planning Statement is set out in sections. Following this introductory section, subsequent sections are set out as follows;

- Section 2 sets out details about the site and the Proposed Development;
- Section 3 sets out energy policy matters and considers the Proposed Development with reference to relevant policies and targets;
- Section 4 considers the Proposed Development in relation to relevant Scottish Government planning policy;
- Section 5 assesses the Proposed Development against the relevant policies of the Development Plan;
- Section 6 notes other documents which may be considered in the decision-making process; and
- Section 7 weighs up the case for the Proposed Development providing concluding remarks on the overall acceptability of the Proposed Development having regard to all material factors.

2. The Site and Proposed Development

2.1. Site Description

- 2.1.1. The site is located within the Highland Council administrative area. It extends to approximately 2,680 hectares (ha) in area and comprises mainly rough moorland in the east of Sutherland. The site location and site boundary are shown on EIA Report Figure 1.1.
- 2.1.2. The southern-most section of the site borders the A9 road corridor, as well as the Highland Railway, power lines and scattered dwellings and farm buildings. The operational Gordonbush Wind Farm is located approximately 1.5km north west of the site, where the consented Gordonbush Wind Farm Extension is also currently under construction.
- 2.1.3. The site comprises a range of upland habitats, including shrub heath, semi-improved grassland, blanket bog and watercourses. A plantation woodland is present alongside the proposed site access from Kintradwell Estate on the A9. The wider area beyond the site boundary comprises peatland, semi-natural grassland and rough moorland habitat.
- 2.1.4. The closest settlements to the proposed turbines are the small villages of Achrimsdale and East Clyne, located approximately 5km to the south-west of the site, Dalchalm and Greenhill approximately 6km to the south of the site and the larger village of Brora located approximately 7.7km to the south-west of the site. There are no residential properties within the site and the closest is more than 3.5km away from the nearest turbine.
- 2.1.5. The site itself is not subject to any international landscape designations. The nearest National Scenic Area (NSA) is the Dornoch Firth, located approximately 23km to the south-west. The site is located within the Loch Fleet, Loch Brora and Glen Loth Special Landscape Area (SLA). Other SLAs within the 35km landscape and visual impact assessment (LVIA) study area are the Flow Country and Berriedale Coast SLA approximately 10km north-east of the site, the Ben Klibreck and Loch Choire SLA approximately 18km north-west of the site and Ben Griam and Loch nan Clar SLA approximately 18km to the north.
- 2.1.6. The Proposed Development is located outside of any Wild Land Area (WLA). The nearest is Area 35, Ben Klibreck – Armine Forest, approximately 4km to the north-west of the site. WLA 36, Causeymire Knockfin Flows, is located approximately 8km to the north-east of the site and WLA 39, East Halladale Flows, lies approximately 33km to the north of the site. Landscape designations in the vicinity of the site are illustrated on EIA Report Figure 6.2 and Figure 6.3.
- 2.1.7. The nearest Garden and Designed Landscape (GDL) is Dunrobin Castle which lies approximately 9km to the south-west at its closest point to the site. Langwell Lodge GDL and Dunbeath Castle GDL are both located to the north-east of the site approximately 21km and 29km respectively. Skibo Castle GDL is located approximately 26km south-west of the site. Within 10km of the site there are 12 Scheduled Monuments and 14 Category B Listed Buildings as well as 11 Category C Listed Buildings.

- 2.1.8. There are five nature conservation designations within 5km of the site, including one which partially overlays the site. The Loth Gorge Site of Special Scientific Interest (SSSI) overlies the site boundary at a location 3.5km north-east of the main site access (3.3km from the nearest turbine). The Moray Firth Special Area of Conservation (SAC) lies close to the south-eastern area of site boundary (140m distance). The Ballinreach Coastal Gorges SSSI lies just beyond the south-eastern site boundary, 1.4km north-east of the main site access. Caithness and Sutherland Peatlands SAC / Special Protection Area (SPA) / Ramsar forms a large intact area of blanket bog 4km north-west of the site. The Carroll Rock SSSI also lies 4.5km west of the site.
- 2.1.9. There are a number of other wind farms in the wider landscape around the site at various stages in the planning process, as summarised in EIA Report Tables 6.20 and 6.21. The closest operational wind farm to the site is Gordonbush Wind Farm, located 1.5km to the north-west; the closest consented wind farm is the Gordonbush Wind Farm Extension located 2km to the north-west and the closest 'in planning' wind farm is South Kilbraur Wind Farm, located 13km to the south-west. Figure 6.9 of the EIA Report shows the location of those wind farms considered in the cumulative assessment.

2.2. The Proposed Development

- 2.2.1. The Proposed Development is described in detail in EIA Report Chapter 2 'Proposed Development'. The site layout is shown on EIA Report Figure 1.2. The candidate turbine dimensions for the purpose of the EIA is 149.9m to tip height (91.4m to hub with a rotor diameter of 117m). The final choice of turbine model and the specification of hub height and rotor diameter will be subject to a selection process (prior to construction) considering technical, environmental and commercial aspects.
- 2.2.2. The Proposed Development will have an installed power capacity of approximately 63MW based on a 4.2MW candidate turbine. In addition, the battery storage element will have a capacity of around 60MWh. As the generating capacity exceeds 50MW, the Proposed Development therefore requires consent under the Electricity Act.
- 2.2.3. The grid references for the wind turbines are set out in Table 2.2 within Chapter 2 of the EIA Report. The proposed turbine locations and ancillary infrastructure are subject to a proposed micro-siting tolerance of 50m in any direction. This tolerance allows for minor changes in turbine or infrastructure locations to respond to possible variations in ground conditions across the site, which will be confirmed following detailed site investigation work carried out prior to construction. Micro-siting also provides scope for mitigation of localised potential environmental effects through further avoidance of sensitive features.
- 2.2.4. The battery storage facility would allow the Applicant to further maximise the electricity generated from the proposed wind turbines by providing a number of possible benefits including storage of energy generated by the wind turbines when the local grid is not capable of accommodating this and then releasing it back when there is capacity available. Details of the battery storage location and layout are shown on Figures 1.2 and 2.12 (sheets 1 to 3) respectively of the EIA Report.
- 2.2.5. Turbine components would be delivered by sea to the Invergordon Port. From there, the components would travel to the site northbound on the A9, and on to the site access route. EIA Report Figure 11.2 shows the route to site for abnormal loads.

- 2.2.6. Approximately 13.5km of new on-site access tracks will be required for the Proposed Development (as shown on EIA Report Figure 1.2). All tracks would have a nominal running width of 4m with 0.25m wide shoulders each side (0.5m for floated tracks), giving a total track width of 4.5m (5.0m for floated tracks) with some localised bend widening as required. Cabling and drainage will be installed adjacent to the tracks. Where required, mitigation proposals for stretches of access tracks that traverse deep peat will utilise floating track. Details of typical track construction details are set out in EIA Report Figure 2.6.
- 2.2.7. The Proposed Development includes a borrow pit search area, the position of which is shown in EIA Report Figure 1.2. Material won from the borrow pit search areas would be used for construction activities and would reduce the need to transport material to the site from local quarries, reducing the overall traffic impact associated with the Proposed Development.
- 2.2.8. It is anticipated that five watercourse crossings will be required as part of the Proposed Development, the co-ordinates of which are shown on EIA Table 2.3. The Applicant has entered in to a grid connection agreement with the electricity system operator, which will be subject to a separate consenting process. The switching station and substation locations are shown on EIA Report Figure 1.2 and indicative layout and elevations are shown on EIA Report Figures 2.8 and 2.9 respectively.
- 2.2.9. There are no core path routes within the site. The closest core path to the site is The Drove Road approximately 4.5km to the south-west of the nearest proposed turbine. There are a number of other routes beyond 5km of the site close to Brora.
- 2.2.10. The construction period for the Proposed Development would be approximately 15 months depending upon seasonal working and weather conditions. EIA Report Chapter 2 provides further detail on the likely sequencing of construction activities, which would be carried out concurrently where possible (including restoration activities) to minimise the overall duration of the construction period.
- 2.2.11. Normal hours of working during the construction period will be as follows:-
- Monday to Saturday 0700-1900; and
 - No working on Sundays or public holidays without prior written approval from The Highland Council (THC).
- 2.2.12. No works, with the exception of turbine delivery, the completion of turbine erection or emergency work, will take place outside these hours, and any such out-of-hours works will be subject to prior agreement with THC. The requirement for out-of-hours work could arise, for example, from delivery and unloading of abnormal loads or health and safety requirements, or to ensure optimal use is made of fair weather windows for the erection of turbine blades and the erection and dismantling of cranes.
- 2.2.13. The Applicant is committed to the provision of community benefits and discussions are ongoing with the local community about the best package of measures, which may include an electricity discount scheme, improvements to local infrastructure and habitat restoration. Further information in relation to local and regional economic benefits is set out in EIA Report Chapter 14 'Socio-Economics, Recreation and Tourism'.

3. Energy Policy Considerations

3.1. Introduction

- 3.1.1. This section of the Planning Statement considers various energy policy publications considered to be of relevance to the Proposed Development. This includes a discussion on international, European, UK and Scotland only publications.
- 3.1.2. As this section of the Planning Statement will demonstrate, there is an increasingly consistent recognition across various tiers of Government that climate change is a 'here and now' issue. 2019 in particular was a year when global warming and climate change came to the forefront of political action with the publication of seminal documents from authoritative bodies such as the Committee on Climate Change (CCC) and the modification of legislation across the UK to take on board some of the key recommendations from the CCC.
- 3.1.3. There has also been a notable change in the everyday language used when discussing climate change – increasingly the term 'climate emergency' is being used, including by Governments and local authorities; a reflection of the severity of the current situation worldwide. It is relevant to note that THC declared a 'climate and ecological emergency' in May 2019.
- 3.1.4. Put simply, urgent action is required now to reduce our greenhouse gas (GHG) emissions if we are to avert the worst consequences of climate change. Sourcing an increasing proportion of our energy from renewable sources has a key role to play in achieving this objective. The documents considered in this Section of the Planning Statement are material considerations in support of the Proposed Development which can, and should, be given significant weight in the determination of this S36 application.

3.2. International

The COP UN Paris Agreement

- 3.2.1. The 21st session of the Conference of Parties (COP21) was held in Paris in February 2015. The Paris Agreement, as it is commonly referred to, was negotiated by representatives of 196 countries. It sets out the ambition of holding the increase of global average temperature to '*well below 2°C*' and pursuing efforts to limit temperature increases to 1.5°C. Under the Paris Agreement, each country must determine plans and regularly report on the contribution that it undertakes to mitigate global warming.
- 3.2.2. The UK ratified the UN Paris Agreement in November 2016 and therefore contributes to the framework to ensure that global warming is kept well below 2°C, pursuing efforts to limit the temperature increase to 1.5°C.
- 3.2.3. The importance of the UN Paris Agreement, and its integral part of UK Government policy, has been made very clear by a 2020 Court of Appeal Decision on the challenge to the building of a new runway at Heathrow.¹

¹ <https://www.judiciary.uk/wp-content/uploads/2020/02/Heathrow-judgment-on-planning-issues-27-February-2020.pdf>

3.2.4. A key component of that case, from February 2020, was a challenge to the Airports National Policy Statement (ANPS), a national policy statement prepared under the Planning Act 2008 by the Secretary of State for Transport in June 2018. The ANPS provided the policy framework for expansion at Heathrow and the primary basis for decision making on any development consent application for a new runway.

3.2.5. One of the challenges to the ANPS was the extent to which it took account of the Government's policy relating to the mitigation of, and adaptation to, climate change. The Court of Appeal decision concluded that the Paris Agreement ought to have been taken into account in the preparation of the ANPS and that the Government's commitment to the Paris Agreement '*was clearly part of Government policy by the time of designation of the ANPS*' (para.228 of the Court of Appeal Decision). The Court of Appeal decision continued in paragraph 283 and stated that:

'The Paris Agreement ought to have been taken into account by the Secretary of State in the preparation of the ANPS but was not. What this means, in effect, is that the Government when it published the ANPS had not taken into account its own firm policy commitments on climate change under the Paris Agreement'.

3.2.6. The Court of Appeal decision has relevance for other decisions and projects as, crucially, it confirms that the Paris Agreement and the commitments contained therein, form part of UK Government policy. The commitment to reducing global warming in order to tackle climate change is considered to be a '*firm policy commitment*' and must be given significant weight in the assessment of this application.

Intergovernmental Panel on Climate Change (IPCC) – Special Report on Global Warming of 1.5°

3.2.7. Following the Paris Agreement, the IPCC was invited to provide a Special Report in 2018 on the impacts of global warming of 1.5° above pre-industrial levels and related GHG emission pathways².

3.2.8. The IPCC accepted the invitation, the outcome of which is the above report, which was published on 8 October 2018³. The Report looks at a number of climate change impacts that could be avoided by limiting global warming to 1.5°C compared to 2°C or more. A previous IPCC report⁴ considered a range of actions required to limit warming to 2°C above pre-industrial levels including phasing out fossil fuel power generation '*almost entirely*' by the end of the century. However, the latest IPCC report now considers that limiting global warming to 1.5°C rather than 2°C would avoid some of the most significant consequence of global warming.

3.2.9. The Report identifies various actions required to limit global warming to a 1.5°C rise only, which are noted as requiring '*rapid, far-reaching and unprecedented changes in all aspects of society*'. On energy generation, the Report notes that to limit warming to 1.5°C the proportion of primary energy derived from renewables will need to increase while coal usage decreases. Table 2.5 states that in order to achieve the

² <https://www.ipcc.ch/sr15/chapter/spm/>

³ IPCC (2018) 'Global Warming of 1.5°C, an IPCC special report on the impacts of global warming of 1.5°C above pre-industrial levels and related global greenhouse gas emission pathways, in the context of strengthening the global response to the threat of climate change, sustainable development and efforts to eradicate poverty'

⁴ IPCC (2014) IPCC Fifth Assessment Synthesis Report: CLIMATE CHANGE 2014 SYNTHESIS REPORT Longer Report.

'rapid and profound near-term decarbonisation of energy supply' a 'strong upscaling of renewables' is required in order to help achieve a 'rapid decline in the carbon intensity of electricity'.

- 3.2.10. This IPCC Report clearly identified the challenges to various aspects of society posed by climate change and identifies the need to take urgent action to limit the extent of global warming. Part of the response to this is to significantly change the way we generate energy and to move towards a more renewables dominant generation system. The IPCC Report is not only of direct relevance to the Proposed Development, but as noted below it has significantly shaped the most recent UK and Scottish Government legislative position on GHG emissions.
- 3.2.11. The Proposed Development can make a significant contribution to local efforts to decarbonise the UK energy system and help with wider global efforts to limit warming to 1.5°C. The IPCC report is therefore a significant material consideration in support of this S36 application.

The United Nations Emissions Gap Report 2020

- 3.2.12. For the last decade the United Nations (UN) Gap Report⁵ has compared where GHG emissions are heading, against where they need to be, and highlights the best ways to close the gap. The most recent Gap Report was published in December 2020 and is the eleventh such report. The Executive Summary states that although 2020 emissions will be lower than in 2019, due to the COVID-19 crisis and the required responses, GHG concentrations continue to rise. On an encouraging note, the report highlights the unique opportunity that the post-COVID recovery offers in terms of an opening being created via the economic recovery measures that will be required and aligning these with the structural changes required for a low-carbon transition. Additionally, the report comments that 2020 has seen a growing number of countries commit to ensuring net-zero emissions goals within approximately the next 30 years.
- 3.2.13. The following points are worthy of particular note from the Gap Report:-
- Fossil fuel emissions from energy use and industry continue to dominate total GHG emissions;
 - G20 members account for 78% of global GHG emissions;
 - The emissions gap is significant and the various Government pledges under the Paris Agreement are woefully inadequate to try to achieve the limitation of global warming this century to below 2° C and countries must increase their ambitions more than *'fivefold to achieve the 1.5° C goal'*;
 - Renewables and energy efficiency, in combination with electrification of end uses are key to a successful energy transition and to driving down energy related CO₂ emissions; and
 - Enhanced action by G20 members will be essential for the global mitigation effort.
- 3.2.14. The UN Gap Report 2020 contains a similar message as previous iterations, however the message that not enough is being done to lower GHG emissions comes increasingly to the fore. The Executive Summary states this succinctly *'Are we on track to bridging the gap? Absolutely not.'*
- 3.2.15. The key point relating to the opportunity for countries to integrate the post-COVID economic response with the long-term mitigation strategies for reducing GHG emissions is inherent throughout the report. The continued movement toward renewable energy generation and away from fossil fuels is fundamental to

⁵ <https://www.unenvironment.org/emissions-gap-report-2020>

this. The Proposed Development can make a meaningful local contribution to wider national and global efforts to meet these challenges.

3.3. European Policy

3.3.1. European Union (EU) Directive 2009/28/EC set a legally binding target for 20% of the energy consumed in the EU to come from renewables by 2020. This target includes all energy consumption and is not restricted to electricity. More recently, in 2018 EU Directive 2018/2001 on the promotion of the use of energy from renewable sources set new targets including:-

- At least a 40% cut in GHG emissions from 1990 levels;
- A binding target of at least 32% of final energy consumption from renewables, revised upwards from 27%; and
- A target of at least 32% efficiency to be achieved collectively by the EU in 2030, revised upwards from 27%.

3.3.2. As of 31 January 2020, the UK stopped being a member of the EU. A transitional period was in place until the end of 2020, during which time the UK remained bound by EU rules, including the aforementioned renewable targets. Following the end of the transitional period, Section 2 of the European Union (Withdrawal) Act 2018⁶ (as amended) provides that all EU derived domestic legislation continues to have effect after exit day.

3.3.3. The enhanced renewable energy targets set at the end of 2018 therefore remain relevant to and supportive of the case for the Proposed Development.

3.4. UK Energy Policy

Introduction

3.4.1. Energy policy in Scotland is a matter that is specifically reserved to the UK Parliament. However, as the following paragraphs note, the Scottish Government has published several of its own energy policy and strategy documents that apply to Scotland only and these are material to the determination of this application. This point was specifically addressed by the Reporter in the Corlic Hill Wind Farm decision (PPA-280-2022)⁷. In discussing the relationship between UK Government and Scottish Government policies he noted in paragraph 25 that:

'...although energy policy is a reserved matter, climate change and planning policy are not....therefore while I have had regard to UK energy policy and to the evidence of performance against binding European targets, I have also had regard to Scottish climate change and planning policy and Scottish targets..'

3.4.2. Scottish renewable energy projects make valuable contributions both to UK and Scottish only GHG emission and renewable energy generation targets. It is relevant to note therefore that the Scottish

⁶ <http://www.legislation.gov.uk/ukpga/2018/16/contents/enacted>

⁷ <https://www.dpea.scotland.gov.uk/CaseDetails.aspx?id=115647>

Government has set higher renewable energy targets than the rest of the UK as a whole and the various documents that set these targets are discussed in the following sections.

Climate Change Act 2008

- 3.4.3. The Climate Change Act became law on 26 November 2008 and introduced a legally binding target for the UK to reduce CO₂ emissions by at least 80% by 2050, relative to 1990 levels. Efforts to reduce emissions in Scotland would contribute to achievement of UK wide targets, as well as meeting Scotland specific targets as discussed below.

Energy White Paper – Powering our Net Zero Future

- 3.4.4. The UK Government published the above document in December 2020 (HM Government, 2020⁸), which sets out the approach to tackling the inter-generational challenge of climate change. The Ministerial Foreword recognises that while the UK has set a world-leading net zero target, setting the target is not enough, *'we need to achieve it'*. The Foreword considers that achieving this target and tackling climate change will require decisive global action and significant investment, which can open up huge opportunities for economic growth and job creation.
- 3.4.5. The various actions set out in the White Paper are described as *'a strong signal to project developers and the wider investor community about the government's commitment to delivering clean electricity'*. In the Section 'Our Key Commitments', the White Paper notes that *'onshore wind and solar will be key building blocks for the future generation mix, along with offshore wind'*. The White Paper continues on this topic and states that *'we will need sustained growth in the capacity of these sectors in the next decade to ensure that we are on a pathway that allows us to meet net zero emissions in all demand scenarios'* (underlining added).
- 3.4.6. The White Paper is a very recent and relevant statement by the UK Government that provides further support for the case for the Proposed Development. The publication of the White Paper follows hot on the heels of the CCC Sixth Carbon Budget also from December 2020, and other earlier CCC publications over the last 18 months. These documents all present in stark terms the very real consequences of climate change for current and future generations and the need to take action now if we are to meet the net zero commitments.

Committee on Climate Change - Reducing UK emissions – 2019 Progress Report to Parliament

- 3.4.7. This CCC publication from May 2019⁹ follows on from the publication of the IPCC Report in October 2018. It sends out an equally urgent message regarding the need to take action to tackle climate change and notes the crucial role the renewable energy sector has to play in facing up to these challenges.

⁸ <https://www.gov.uk/government/publications/energy-white-paper-powering-our-net-zero-future>

⁹ <https://www.theccc.org.uk/publication/net-zero-the-uks-contribution-to-stopping-global-warming/>

- 3.4.8. At the time the CCC 2019 Report was published, the UK had a target to achieve an 80% reduction in GHG emissions by 2050, compared to 1990 levels. The CCC was commissioned by the Governments of the UK, Scotland and Wales to provide updated advice on these emissions targets, including the possibility of setting a new 'net zero' target. The contents of the Report provide a stark assessment of the risks posed by climate change and conclude that achieving net zero GHG emissions across the UK (as opposed to an 80% reduction) by 2050 is '*necessary, feasible and cost-effective*' (see Foreword).
- 3.4.9. The report is based upon the latest scientific evidence on climate change, including the 2018 IPCC Report which is discussed above, and it identifies a range of measures that should be adopted to help achieve the net zero target. Reflecting circumstances in Scotland, the CCC recommended that Scotland should set a net zero target for 2045. As noted in subsequent commentary, the Scottish Government promptly accepted this recommendation and introduced the 2045 net-zero target into law in 2019.
- 3.4.10. The CCC concludes in its 2019 report that the current policy framework is insufficient to meet the existing 2050 targets and '*a major ramp up in policy effort is now required*'. Achievement of a new net zero target by 2050 would also ensure that the UK fully meets its obligations under the Paris Agreement – a point that takes on particular significance given the contents of the Heathrow Judgment, as noted earlier. (Executive Summary, page 11).
- 3.4.11. The CCC Report leaves readers in no doubt that climate change is already here. It notes that human induced warming of around 1°C is having detectable and damaging impacts on people and ecosystems today, evidenced by an increased frequency of heatwaves in most land regions, damaging impacts on ecosystems and species, impacts on crop yields and impacts upon the patterns of water availability due to melting land-ice and shifting rainfall in some parts of the world.
- 3.4.12. The CCC Report considers that emissions can be cut while still growing the economy. It notes, for example, that GHG emissions have fallen by 30% since the Climate Change Act was passed in 2008, while between the period 2008-2018 the economy grew by 13% (see page 46). In Chapter 7, the report states that the UK's low-carbon and renewable energy economy directly generated £44.5 billion in turnover in 2017, limited to direct activity only and taking no account of the supply chain benefits (see page 235). As decarbonisation efforts strengthen internationally, the Report also considers that there will be an industrial opportunity for the UK to capture some of the increased demand for goods and services.
- 3.4.13. In discussing the scaling-up of decarbonised electricity demand, Chapter 6 of the Report, page 203, notes that renewable electricity generation is cost competitive with high-carbon generation. Therefore, the strong deployment of renewables during the 2020s will not have high costs; indeed, the Report considers that a net-zero target by 2050 can be met within the cost that was previously expected for current targets (Chapter 7, page 213).
- 3.4.14. As far as renewable energy is concerned, the Report considers that its contribution will need to quadruple by 2050. In Chapter 3 of the Report, the CCC notes that '*a large scale shift in investment towards low-carbon technologies is needed and emissions need to stop rising and to start reducing rapidly*'. It continues and notes that '*renewable power is now as cheap as or cheaper than fossil fuels in most parts of the world*'.
- 3.4.15. In discussing the international effort required to achieve the Paris Agreement long term goals, Chapter 3 of the Report notes that '*decarbonisation of energy supply*' is a key strand of efforts required to achieve goals

and that key to this *'is a very rapid phase-out of unabated coal and widespread electrification of energy demand, alongside a widespread and rapid roll out of renewable and other low carbon power sources'*. Encouragingly, the Report considers that there is the potential for a *'rapid transition from fossil power towards renewables, a key part of the global transition'* (page 99).

- 3.4.16. Chapter 5 of the Report *'Reaching net-zero emissions in the UK'*, considers that with a well-designed policy framework in place, it is technically feasible to reduce emissions to net-zero by 2050, but it will be highly challenging. Reducing emissions from electricity generation is identified as a key step in the journey to net-zero and the Report notes on page 145 that *'renewable energy could be four times today's levels, requiring a sustained and increased build out between now and 2050 complemented by firm low-carbon power options such as nuclear power and CCS'*.
- 3.4.17. In its concluding section, the Report states that a net-zero UK 2050 target is feasible, but will only be deliverable with a major strengthening and acceleration of policy effort. The challenges must be tackled immediately. The Report acknowledges that it is impossible to predict the exact mix of technologies that will best meet the net-zero target, but it considers that based upon current technologies the extensive electrification of transport and heat, supported by a major expansion of renewable and other low-carbon power generation is likely to feature in a future scenario alongside other matters such as resource and energy efficiency.

Committee on Climate Change – Net Zero, The UKs contribution to stopping global warming and The Sixth Carbon Budget

- 3.4.18. In December 2020 the CCC published *'The Sixth Carbon Budget'*¹⁰ which comprises three documents; *'The UK's path to Net Zero'*, *'Methodology Report'* and *'Policies for the Sixth Carbon Budget and Net Zero'*. The 2020 Report builds on the 2019 Report, describing what the potential path options to net-zero look like and details the steps that must be taken to achieve this. A key recommendation of the 2020 Report is that the UK Government requires a reduction in UK GHG emissions of 78% by 2035 relative to 1990, a 63% reduction from 2019 and that this should be coupled with a pledge by 2030 to reduce emissions by at least 68% from 1990.
- 3.4.19. Focussing on electricity generation in Section 4 of *'The UK's path to Net Zero'* volume of the 2020 Report, it is stated that reducing emissions from electricity generation to near-zero will require significant expansion of low-carbon generation, particularly in renewables and in tandem with more flexible use of storage. Action to achieve this must recognise an increasing demand for electricity (due to an increasing electrification of the economy) with decreasing carbon intensity of generation. Page 34 of *'The UK's path to Net Zero'* volume of the 2020 Report states that in increasing variable renewable energy production to 80% by 2050, wind power is established as the backbone of this system, requiring the deployment of 3 GW per year of new wind capacity, plus repowering of existing sites.
- 3.4.20. The 2020 Report is optimistic about the feasibility of the timescale and pathway to net-zero, and in particular highlights that the estimation of the net costs of meeting these targets is low, equivalent to less than 1% of Gross Domestic Product.

¹⁰ <https://www.theccc.org.uk/publication/sixth-carbon-budget/>

- 3.4.21. It is clear that this latest 2020 Report serves to underline once more the importance of the continuing rollout of renewable energy generation. Whilst offshore wind is expected to meet an increasingly large portion of this, page 118 of the 'Policies for the Sixth Carbon Budget and Net Zero' volume of the 2020 Report states that to meet demand a portfolio of renewable technologies will be needed and onshore wind remains a key element in this mix.

The Climate Change Act 2008 (2050 Target Amendment) Order 2019

- 3.4.22. Shortly after publication of the CCC Report in May 2019, the UK Government amended the Climate Change Act 2008 in June 2019 to amend the GHG reduction targets for the UK, reflecting the recommendations set out in the CCC Report. The Climate Change Act 2008 (2050 Target Amendment) Order 2019¹¹ amended the 2008 Act by passing into law the target for UK GHG emissions to be at least 100% lower than the 1990 baseline by 2050 (net zero by 2050). The previous target set by the 2008 Act was for GHG emissions to be 80% lower than 1990 levels by the same date. This decision is notable not only because of the legislative commitment to net-zero, but because the UK became the first G7 nation to set such a goal.

Reducing UK emissions - 2020 Progress Report to Parliament

- 3.4.23. The 2019 CCC Progress Report to Parliament made it clear that a business as usual approach to addressing global warming and climate change will simply no longer do and the Foreword to the Summary Report concluded: *'The need for action has rarely been clearer. Our message to government is simple: Now, do it'*.
- 3.4.24. The 2020 CCC Progress Report to Parliament was published in July 2020¹². The Executive Summary states that, *'the months ahead have huge significance. The steps that the UK takes to rebuild from the COVID-19 pandemic and its economic damage can also accelerate the transition to low-carbon activities and improve our climate resilience. Climate investments can also support the economic recovery and secure good jobs for the long term, while taking advantage of low interest rates'*.
- 3.4.25. The report also states that *'lessons from the COVID-19 crisis on the importance of planning for systemic risks also apply to our preparations for climate change itself. The Committee has already highlighted a dearth of climate adaptation planning in government. This is a moment to confront the range of climate risks that face the UK, including flooding, over-heating and water shortages, with realistic planning for the inevitable temperature rises ahead'*.
- 3.4.26. With regards to reaching net-zero emissions, Chapter 1: 'A review of the climate challenges after COVID-19' states that reaching net-zero emissions in the UK will require all energy to be delivered to consumers in zero-carbon forms including electricity and to come from low carbon sources such as renewables. The Executive Summary states that *'next year the UK will host the rescheduled 26th 'Conference of the Parties' climate summit (COP26). 2021 will also see the UK hold the presidency of the G7. The year ahead is a critical moment for global progress on climate change and a major test of global cooperation more generally after COVID-19'*.

¹¹ <https://www.legislation.gov.uk/ukdsi/2019/9780111187654>

¹² <https://www.theccc.org.uk/publication/reducing-uk-emissions-2020-progress-report-to-parliament/>

3.4.27. The CCC also produced a separate Progress Report for the Scottish Parliament in October 2020, which is discussed below.

3.5. Scottish Government Energy Policy

3.5.1. Like the UK Government, Scotland too has legislated to achieve net-zero carbon emissions. In October 2019, the Climate Change (Emissions Reduction Targets) (Scotland) Bill received Royal Assent. The Climate Change (Emissions Reduction Targets) (Scotland) Act 2019 builds on a number of energy policy documents that recognise the Scottish Governments commitment to tackling climate change and promoting the growth of renewable energy, including the aforementioned CCC Report from May 2019.

3.5.2. The Scottish Government has published a number of other climate change and energy policy documents which are discussed in the following pages.

3.5.3. The Scottish Government first declared the 'climate emergency' in April 2019 when, in her speech to the Scottish National Party conference, the First Minister of Scotland stated:

'So today, as first Minister of Scotland, I am declaring that there is a climate emergency. And Scotland will live up to our responsibility to tackle it'.

3.5.4. This was reiterated by the Climate Change Secretary, Roseanna Cunningham, in the opening section of her statement to the Scottish Parliament on 14 May 2019 where she noted:

'There is a global climate emergency. The evidence is irrefutable. This science is clear'.

3.5.5. She went on to discuss the findings and recommendations of the May 2019 CCC publication and the Scottish Government's response to those recommendations, which culminated in the establishment of the 2045 net-zero target into law.

The Climate Change (Scotland) Act 2009

3.5.6. The Climate Change (Scotland) Act 2009¹³ creates the statutory framework for GHG emission reductions in Scotland by setting a target for net Scottish emissions for the year 2050 to be at least 80% lower than the 1990 baseline level. An interim target of a 42% reduction by 2020 is also set out.

3.5.7. The 2009 Act also established the Public Bodies Climate Change Duties which came into force on 1 January 2011. It requires that Public Bodies, which includes the Scottish Ministers as decision-makers, exercise their functions:

- in a way best calculated to contribute to deliver the Act's emissions reduction targets;
- in a way best calculated to deliver any statutory adaptation programme; and
- in a way that it considers most sustainable.

¹³ <http://www.legislation.gov.uk/asp/2009/12/contents>

3.5.8. In 2019 the Scottish Government amended the 2009 Act to implement the recommendations of the CCC Report, to set a target for net-zero GHG emissions in Scotland, as discussed below.

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

3.5.9. The Climate Change (Emissions Reduction Targets) Bill received Royal Assent on 31 October 2019. The Climate Change (Emissions Reduction Targets) (Scotland) Act 2019¹⁴ (the Climate Change Act 2019) introduces even more ambitious targets than those contained in the previously discussed 2009 Act. It commits Scotland to becoming a net-zero society by 2045 (5 years earlier than the rest of the UK). By introducing the Act, Scotland became one of the first countries to legislate support for the aims of the Paris Agreement.

3.5.10. The Climate Change Act 2019 seeks to amend only those parts of the 2009 Act that relate to emission reduction targets and associated reporting duties. The detailed proposals and policies for delivering targets are to be set out future Climate Change Plans.

3.5.11. In addition to setting a target date of 2045 for reaching net-zero emissions, the Climate Change Act 2019 also introduces interim targets and states that the Scottish Ministers must ensure that the net Scottish emissions account for the year:

- 2020 is at least 56% lower than the baseline;
- 2030 is at least 75% lower than the baseline; and
- 2040 is at least 90% lower than the baseline.

3.5.12. The Proposed Development can help achieve these statutory targets by facilitating the production of renewable energy and displacing GHG emissions associated with fossil fuel electricity generation.

Reducing Emissions in Scotland – 2020 Progress Report to the Scottish Parliament (2020)

3.5.13. Published on 7th October 2020, the 2020 Progress Report to the Scottish Parliament¹⁵ (Committee on Climate Change, October 2020) assesses Scotland's overall progress in achieving its legislated targets to reduce GHG emissions. While there was a reduction in GHG emissions of 31% between 2008 and 2018, there was a 2% increase in emissions in 2018 compared to a 3% reduction in 2017. The Report considers the actions required over the next decade and beyond to help achieve the net zero target by 2045. It notes that the net zero target '*requires a strategic shift in climate policy*' and that the 75% reduction in emissions by 2030 '*will likely be even more challenging to achieve*' (page 25).

3.5.14. The Report notes that there has been almost full decarbonisation of electricity generation in Scotland over the last decade and that Scotland's progress on this should be commended (page 25). However, it also cautions that the challenge for low-carbon electricity generation is not complete. The Report considers that Scotland must now capitalise especially on the potential for inexpensive renewable generation by

¹⁴ <http://www.legislation.gov.uk/asp/2019/15/enacted>

¹⁵ <https://www.theccc.org.uk/wp-content/uploads/2020/10/Reducing-emissions-in-Scotland-Progress-Report-to-Parliament-FINAL.pdf>

decarbonising other sectors of the economy via electrification, as well as increasing electricity exports to the rest of the GB system.

- 3.5.15. The Report looks at the potential impacts of the COVID-19 pandemic and considers that in the long term Scotland's climate goals remain unchanged. As such, the need to prepare for climate change and to transition to a net zero economy remains a scientific and economic imperative and provides a positive vision for society. One of the recommendations from the Report of direct relevance to town planning is set out in Tables 1 and 6, which is that the Scottish Government should align the new NPF4 to a net zero system, *'enforcing a favourable planning and consenting regime for onshore wind and other renewables in (a) manner that is consistent with other policies on land use, supporting repowering and life extension of existing wind power in Scotland'*. The NPF4 Position Statement suggests this recommendation will be taken on board in the new NPF4 (this is discussed later in this Statement).
- 3.5.16. Under the heading 'Embedding net zero and adaptation as core Scottish Government objectives', the Report notes that *,increasingly, all policy and infrastructure decisions will need to be checked against their consistency with the net zero target and the need to adapt to the impacts of climate change.* This recommendation is of direct relevance to decision making on individual planning and S36 applications and there is a note of concern in the Report that *'climate adaptation is not given enough attention in local plans, despite significant local powers to improve adaptation'* (page 128).

The Scottish Government's Programme for Scotland 2020-2021 'Protecting Scotland, Renewing Scotland' (the Programme for Government) (2020)

- 3.5.17. The Scottish Government's Programme for Government in 2019 included a Section entitled 'Ending Scotland's Contribution to Climate Change' noting that *'adopting a net zero emissions target by 2045 underlines our ambition that Scotland will no longer contribute to global climate change'*.
- 3.5.18. The 2019 Programme noted the important role that the planning system has to play in delivering the response to the climate emergency noting the need for *'more radical planning policy options'* to tackle climate change and that planning *'is a vital tool in leveraging the changes we need to make to achieve our goals'*.
- 3.5.19. Due to the current COVID-19 crisis there have been delays to publication of some anticipated documents, including NPF4, albeit the NPF4 Position Statement has recently been published for consultation until 19 February 2021 (discussed later in this Statement).
- 3.5.20. The 2020 Programme for Government¹⁶ was introduced amidst the ongoing COVID-19 pandemic and much of the focus of the Programme is on the response to the challenges presented by this virus. The Introduction from the First Minister within the Programme states that the Scottish Government has already made commitments to deliver a net zero society and that *'this Programme for Government is based on our strong belief that in recovering from this virus it must not be business as usual. We must use this moment to make significant advances to deliver the fairer, greener, more prosperous Scotland we all want to see'*.

¹⁶ <https://www.gov.scot/publications/protecting-scotland-renewing-scotland-governments-programme-scotland-2020-2021/>

- 3.5.21. With regards to economic recovery, the First Minister states within the Programme that, *'of course, our economic recovery must be a green recovery. Even before the pandemic, we knew we had significant work to do in order to improve the state of nature and meet our statutory commitment to be a net zero society by 2045. The impacts of the crisis have reinforced the need for that, but also the opportunities it presents. This Programme sets out the next phase of our Green New Deal announced in 2019. We will take forward ambitious commitments to transform how we heat our homes; giving us the opportunity to meet our climate and environment ambitions, whilst building a better economy and creating jobs'*.
- 3.5.22. Within the Executive Summary, the Scottish Government advises that, *'our commitment to addressing the twin challenges of biodiversity loss and climate change remains unwavering throughout, and delivering a green recovery is at the heart of our response'*.
- 3.5.23. It is clear therefore, that the long standing commitment to addressing climate change and reducing GHG emissions remains a key focus for the Scottish Government. As will be described later in this Statement, publication of the NPF4 Position Statement clearly recognises that *'a significant shift is required to achieve net-zero emissions by 2045'*. The Proposed Development can make a meaningful contribution to achieving this key objective.

Climate Change Plan: The Third Report on Proposals and Policies 2018 – 2032

- 3.5.24. The Climate Change (Scotland) Act 2009 requires Scottish Ministers to lay a report in Parliament setting out their proposals and policies for meeting annual emissions reduction targets. The third such report was laid in Parliament on 28 February 2018¹⁷ and sets out how Scotland can deliver its target of a 66% emissions reduction, relative to the 1990 baseline for the period 2018-2032. An update to the Climate Change Plan (CCP) was published in December 2020 and is discussed below.
- 3.5.25. The February 2018 CCP remains relevant to the Proposed Development. Part 3 of the CCP deals with sectoral pathways with Chapter 1 'Electricity' of particular relevance to the Proposed Development. In this Chapter the CCP summarises progress made towards achievement of renewable energy targets noting a 48% fall in electricity generation emissions between 1990 and 2015. Looking to the future, the CCP states that in 2032 Scotland's electricity system will be powered by a *'high penetration of renewables'* and that *'electricity will meet a growing share of Scotland's energy needs'* (page 67).
- 3.5.26. The Ministerial Foreword states that *'by 2030 Scotland's electricity system, already largely decarbonised, will be increasingly important as a power source for heat and transport'*.
- 3.5.27. Reflecting this aspiration, the CCP notes on page 67 that that the electrification of heat and transport will place additional demands on the electricity sector and, as a result, the total volume of electricity supplied within Scotland is expected to increase, compared to 2015 levels. To meet this increased demand for electricity the CCP envisages a *'renewables-dominant power system'* (page 68) supported by cleaner, more efficient and flexible gas generation.
- 3.5.28. To support achievement of the 2032 targets the CCP identifies a number of policies that will help achieve the required reduction in GHG emissions including supporting the development of a wide range of

¹⁷ <https://www.gov.scot/publications/scottish-governments-climate-change-plan-third-report-proposals-policies-2018/pages/17/>

renewable technologies by addressing market and policy barriers, supporting the development of a range of technologies that aid system security, flexibility and resilience. This is an important statement in support of the Proposed Development which incorporates battery storage as a means of further maximising the electricity generated from the proposed wind turbines.

Update to the Climate Change Plan 2018 – 2032: Securing a Green Recovery on a Path to Net Zero

- 3.5.29. In December 2020, the 'Update to the Climate Change Plan 2018 – 2032: Securing a Green Recovery' on a Path to Net Zero¹⁸ was published as an update to the Climate Change Plan 2018. This 2020 update focuses on the Scottish Government's legislative commitment to reduce emissions by 75% by 2030 (compared with 1990) and to net zero by 2045, but setting this now within the context of a post-COVID green recovery.
- 3.5.30. The focus of the 2020 update is on developing an understanding of what the green recovery will mean for Scotland and ensuring that this involves both actions to deliver on statutory climate change targets but making sure that this is on a just basis. Although the 2020 update is set out on a sector by sector basis there is also a focus on a co-ordinated approach. For example, the development of renewable energy supports decarbonisation across industrial and agricultural sectors, among others. This is integral to the commentary in the report that highlights that a green transition must transform all parts of society and the economy.
- 3.5.31. Specifically relating to the production of electricity, pages 10-11 sets out the Scottish Government's continuing momentum to further evolve and update policy that will continue the rapid growth of renewable energy generation. An Energy Strategy Update to be published in 2021 will set out the detail of future electricity generation in the wider energy system context, including a review of the energy consenting processes.
- 3.5.32. Part 3: Chapter 1 of the 2020 update focuses on electricity. Firstly this part of the report emphasises the rapid growth and success to date of Scotland's renewable energy generation as well as the determination to continue and expand this further. Page 78 of the update states that '*Planning has been, and will remain, a critical enabler of rapid renewables deployment in Scotland*'. Referring particularly to onshore wind generation, on page 84 it is stated that there is a motivation to reduce determination periods for applications so as to enable projects to be awarded consent to be developed more quickly.
- 3.5.33. In summary, the 2020 update concentrates on Scotland's path to net-zero with a new emphasis on the opportunities that a green recovery post-COVID brings. It also signals the intent to gather momentum in the journey to decarbonisation and the critical role that renewable energy plays in this. The Proposed Development provides an opportunity to increase this momentum, in line with Scottish Government objectives.

¹⁸ <https://www.gov.scot/publications/securing-green-recovery-path-net-zero-update-climate-change-plan-20182032/>

The Scottish Energy Strategy (SES) 2017

- 3.5.34. The SES was published in December 2017¹⁹ and sets out the Scottish Government's strategy through to 2050, marking a *'major transition'* over the next 3 decades in terms of energy management, demand reduction and generation.
- 3.5.35. 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.
- 3.5.36. The Figure on Page 8 sets out the six energy priorities for Scotland's energy system in 2050, one of which relates to the continued need for renewable and low carbon solutions as a means of meeting ambitious emissions reduction targets.
- 3.5.37. On page 24, the SES notes that in order to achieve climate change goals, Scotland needs to build on the progress made in decarbonising electricity production, noting that Scotland is determined to play its part in the global effort to tackle harmful climate change.
- 3.5.38. 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 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'* (underlining added).
- 3.5.39. 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) (underlining added). Importantly, the SES considers that this can be achieved in a way that is compatible with Scotland's magnificent landscapes, including areas of wild land.
- 3.5.40. The Proposed Development can help deliver greater security over energy supplies by reducing reliance upon imported fossil fuels, an objective set out in the SES which notes that energy system security and flexibility are one of the six key priorities around which the 2050 Vision is built.

Onshore Wind Policy Statement (OWPS) 2017

- 3.5.41. The OWPS was published in December 2017²⁰ and is divided into seven sections dealing with a number of issues under headings such as Route to Market, Repowering, Barriers to Deployment and Protection for Residents. The Ministerial Foreword notes the *'dominant and hugely valuable role'* that the onshore wind

¹⁹ <https://www.gov.scot/publications/scottish-energy-strategy-future-energy-scotland-9781788515276/>

²⁰ <https://www.gov.scot/publications/onshore-wind-policy-statement-9781788515283/>

sector will play in helping achieve Scotland's renewable energy targets. The Ministerial Foreword also notes the positive contribution the onshore wind sector makes to Scotland's economy stating that it supports an estimated 7,500 jobs and generated more than £3 billion in turnover in 2015.

3.5.42. Looking to the future, the Ministerial Foreword notes that:

'Our energy and climate change goals mean that onshore wind will continue to play a vital role in Scotland's future – helping to substantively decarbonise our electricity supplies, heat and transport systems, thereby boosting our economy and meeting local and national demand'.

3.5.43. The Ministerial Foreword continues that:

'onshore wind is a vital component of the huge industrial opportunity that renewables more generally creates for Scotland' (Pg.2).

3.5.44. Paragraph 3 clearly states that *'in order for onshore wind to play a vital role in meeting Scotland's energy needs, and a material role in growing our economy, its contribution must continue to grow'*. Paragraph 4 adds to this comment and acknowledges *'this means that Scotland will continue to need more onshore wind development and capacity'* (underlining added). The OWPS does, however, make it clear that this additional requirement should be met in landscapes where turbines can be accommodated.

3.5.45. The OWPS emphasises the important role the low carbon sector plays in the Scottish economy. Paragraph 8 notes the *'industrial opportunity'* presented by the onshore wind sector and confirms that building on these benefits remains a *'top priority'* for Scottish Ministers.

3.5.46. Paragraph 77 notes that wild land is an important issue for many people and while planning policy offers significant protection for wild land, there is no blanket ban on wind farm development in such areas. This reflects the fact that wild land is a Group 2, rather than Group 1 interest, in the Spatial Framework of Scottish Planning Policy, which is discussed in Section 4. For clarity, the site is not within an area of wild land.

3.5.47. Paragraph 90 notes that the net economic benefits of a wind farm, including community socio-economic benefits such as employment, business and supply chain opportunities are relevant considerations and that *'these are aspects that Ministers are keen to see strengthened in future projects'*.

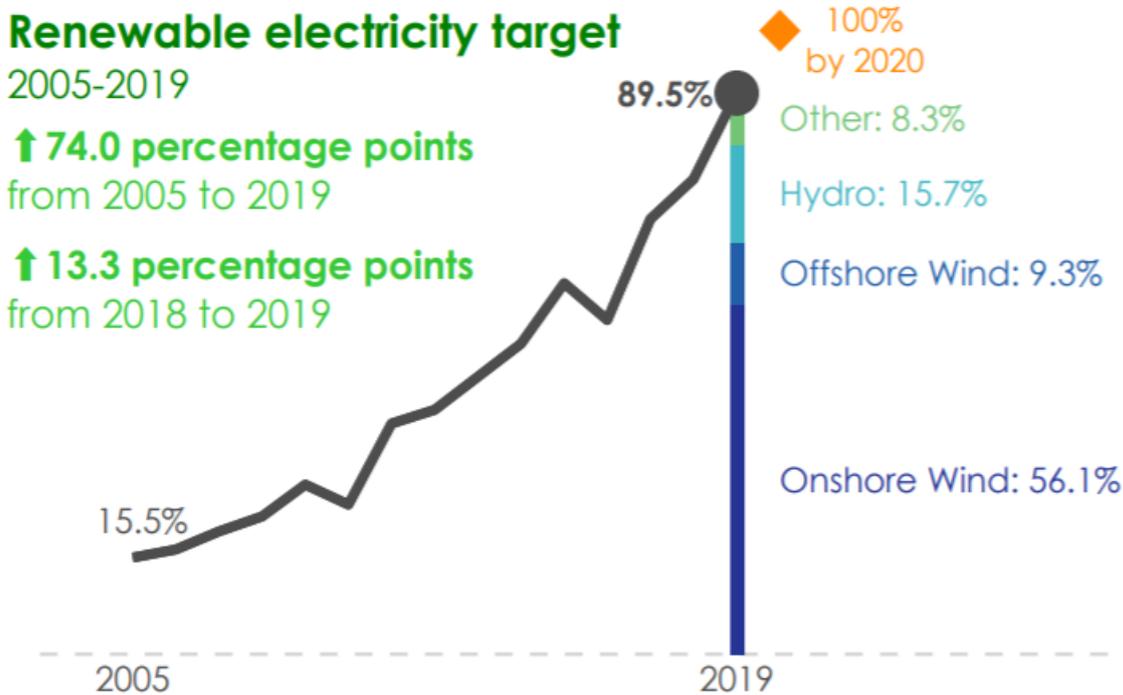
3.5.48. While the OWPS makes clear the Scottish Government's continued support for the further development of onshore wind, this is not at any cost and a balance needs to be struck between the continued development of wind farms and the need to consider, and where appropriate protect, landscapes, natural heritage and residential amenity interests.

3.5.49. Overall, it is considered that the OWPS supports the case for the Proposed Development and complements the positive appraisal later in this Statement against Scottish Planning Policy and the Development Plan. The OWPS clearly considers that onshore wind has a vital role to play in achieving the post 2020 renewable energy targets and provides very clear statements from the Scottish Government that new onshore wind farms and the continued growth of this technology across Scotland are vital if the ambitious 2030 and 2050 targets are to be met.

Energy Statistics for Scotland – Q3 2020 Figures (December 2020)

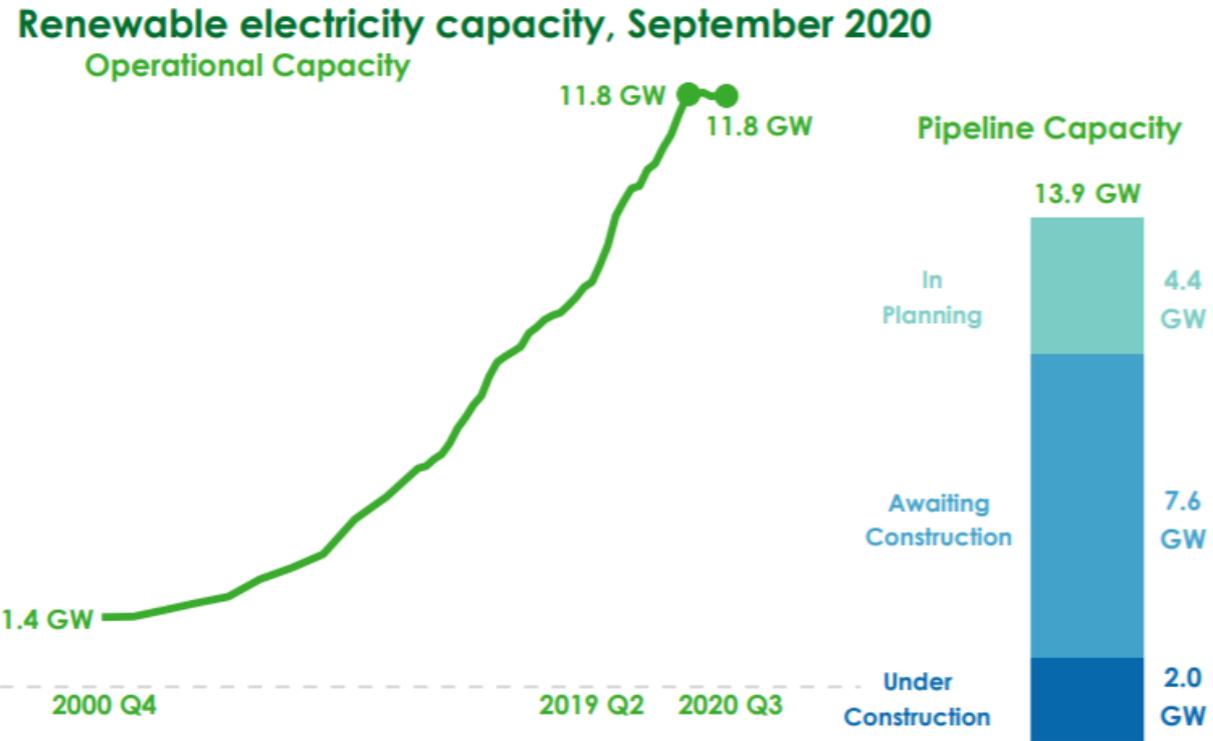
- 3.5.50. The latest quarterly statistics for energy generation in Scotland were published on 22 December 2020²¹. The statistics contain a number of graphs and comments that are of relevance to the Proposed Development. The Scottish Government has also launched a ‘one-stop shop’ for all Scottish Energy Data, which is updated on a regular basis.
- 3.5.51. In terms of renewable electricity generation, the most recent data from the website shows that in 2019, the equivalent of 89.5% of gross electricity consumption came from renewables, up from 76.2% in 2018 (see Figure 1 below). This Figure shows the importance of onshore wind to renewable electricity generation, accounting for 56.1%.
- 3.5.52. Within the last 12 months, however, renewable electricity capacity has remained stabilised, remaining at 11.8 gigawatts (GW) (See Figure 2). The December 2020 update notes that this may harm future progress and that this has played a role in renewable energy generation in quarter 3 of 2020 being 8.5% lower than the same quarter of 2019.

Figure 1



²¹<https://www.gov.scot/binaries/content/documents/govscot/publications/statistics/2018/10/quarterly-energy-statistics-bulletins/documents/energy-statistics-summary---december/energy-statistics-summary---december/govscot%3Adocument/Scotland%2BEnergy%2BStats%2BQ3%2B2020-1.pdf>

Figure 2



3.5.53. The Scottish Energy Data website also note the progress being made towards the Scottish Government’s target to deliver 50% of total energy consumption from renewables by 2030, and its interim target of 30% by 2020. As Figure 3 below shows, in 2018 21.1% of total Scottish energy consumption came from renewables. A significant proportion of this came from renewable electricity and while the Proposed Development will not be able to make a positive contribution to this 2020 target it will be able to make a positive contribution to the 2050 target. Figure 3 reveals the scale of the challenge that remains to meet the 2020 target (noting there is a lag in reporting figures).

3.5.54. Figure 2 also shows that as of September 2020, Scotland’s overall renewable electrical capacity was 11.8GW, with a further 14.0GW of capacity at various stages in the planning process. The December 2019 Climate Change Plan Monitoring Report makes several relevant comments in respect of ‘pipeline projects’. While those comments were made in light of the pipeline projects at that time (13.0 GW), they are general observations which remain relevant now, as follows:

- On page 13 the Climate Change Plan Monitoring Report notes that ‘*although there is a significant number and capacity of renewable projects in the planning pipeline, it is anticipated that recent changes to subsidy schemes for large and small scale renewables will have an impact on the rate at which additional projects become operational.* This point is important to note in respect of the December 2020 Quarterly Statistics, which notes that renewable energy capacity has not grown since June 2019; and
- On Page 15, ‘*If all consented pipeline projects become operational, it is estimated that this could generate approximately 31,500 GWh of renewable electricity annually. However, it is worth noting*

that it is unlikely that all projects consented in the pipeline will progress to commissioning, and that grid intensity and renewable electricity ambitions remain challenging.

Figure 3

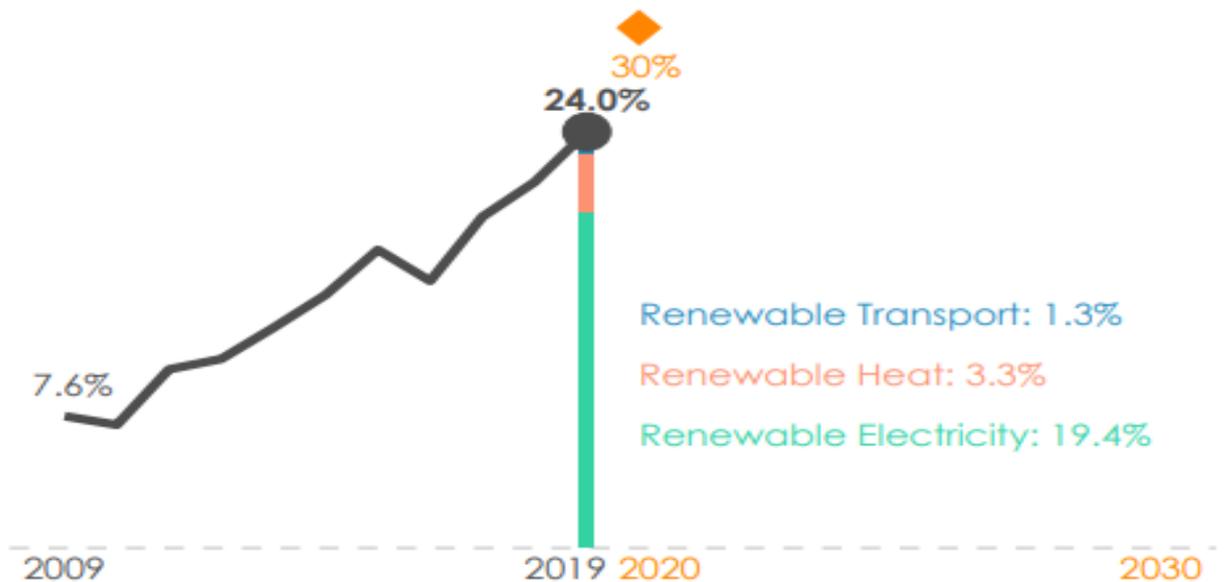
Overall renewable energy target

2009-2019

↑ 16.4 percentage points from 2009 to 2019

↑ 2.9 percentage points from 2018 to 2019

50%



3.5.55. As a final observation on these statistics, it is worth remembering that the Scottish Government’s Chief Planner from November 2015 has previously confirmed that energy targets are not caps and that once achieved, the support for renewable energy developments, including on-shore wind, would continue.

3.6. Conclusions on energy policy considerations

3.6.1. There can be no doubt that over the last 18 months, the issue of global warming has escalated in importance towards the top of the political agenda. There has been a notable change in language used by the UK and Scottish Governments, who now recognise that there is a ‘climate emergency’ that demands immediate action. THC has also declared its own climate and ecological emergency. The adoption of a net-zero

target for Scotland by 2045 is only part of the response – action on the ground is required if this target is to be met.

- 3.6.2. Taking action to deliver these targets will have ramifications for all aspects of society from reducing the demand for energy, to the electrification of transport. What is clear, however, is that the move away from fossil fuel energy generation towards renewables must continue apace and the Scottish Government has signalled its clear intent on this front, with the ‘green recovery’ and addressing climate change being key themes of the 2020 Programme for Government.
- 3.6.3. It is clear also that the onshore wind sector has an important, indeed ‘vital’, role to play in helping to deliver Scotland’s longer-term climate change targets while also helping to reduce the costs of electricity generation. The Proposed Development can help deliver these objectives by developing a renewable energy facility using a proven technology and one of the lowest cost forms of power generation, including non-renewables. The inclusion of a battery storage facility will help with the overall efficiency of the Proposed Development and enable the local energy system to meet demand when there are energy shortfalls. The incorporation of this technology into the Proposed Development is supported by the SES.
- 3.6.4. The weight attributable to energy policy considerations has been addressed in some wind farm decisions including Pencloe Wind Farm (March 2018) where the Reporter noted in paragraph 9.7 that the target of generating 50% of energy from renewable sources by 2030 is a “*deliberately challenging one*”, that there was no sign that the Scottish Government was “*slackening the pace*” in its efforts to tackle climate change, rather, that “*the effort is being intensified*”.
- 3.6.5. The Pencloe Report was prepared in March 2018 with the decision to approve by the Scottish Ministers issued in December 2018, prior to the 2045 net-zero target becoming law, prior to the UN Gap Report, prior to the CCC 2020 Progress Reports and prior to the Scottish Government’s declaration of the ‘climate emergency’. If the Reporter in March 2018 considered that “*effort is being intensified*”, these more recent publications leave no room for doubt that within the last 18 months there has been a demonstrable strengthening of the ‘need case’ for further renewable energy development. The Proposed Development responds positively to these challenges and does so without giving rise to widespread significant environmental effects.

4. National Planning Policy and Guidance

4.1. Introduction

4.1.1. This section of the Planning Statement considers this S36 application against the relevant provisions of Scottish Planning Policy (SPP) and National Planning Framework 3 (NPF3).

4.1.2. NPF3 and SPP were both approved by the Scottish Government in June 2014. A revised version of SPP was published in December 2020 which contains altered text specifically in relation to the key policy principle of the presumption in favour of sustainable development. The remainder of the text is the same as the original SPP published in 2014. The altered wording of the revised SPP was mainly as a direct result of a legal challenge made by Gladman to the Scottish Minister's decision to dismiss an appeal for residential development in Inverclyde²². In the context of renewable energy development, the revised SPP wording remains fully supportive of development which is considered sustainable development. This is explored in the section further below.

4.1.3. With regards to energy targets, both NPF3 and SPP were drafted within the context of the Scottish Government's headline targets of generating the equivalent of 100% of gross electricity consumption from renewable sources by 2020 and a reduction of GHG emissions of at least 80% by 2050, with an interim target of a 42% reduction by 2020. Since June 2014 there have been significant developments in energy policy and the establishment of new targets, which are discussed in Section 3 of this Planning Statement. Therefore, while NPF3 and SPP establish clear in principle support for the development of renewable energy projects, the need case has materially increased since June 2014 and this is an important material factor in support of the Proposed Development.

4.2. Scottish Planning Policy

4.2.1. SPP²³ sets out national planning policies for the development and use of land and provides policy commentary under two key themes, Principal Policies and Subject Policies. There are two Principal Policies in SPP (Sustainability and Placemaking) which are underpinned by several policy principles, as discussed in the following paragraphs.

4.2.2. SPP and NPF3 share a single vision for the planning system in Scotland, which is:

'We live in a Scotland with a growing, low-carbon economy with progressively narrowing disparities in well-being and opportunity. It is growth that can be achieved whilst reducing emissions and which respects the quality of the environment, place and life which makes our country so special. It is growth which increases solidarity – reducing inequalities between our regions. We live in sustainable, well-designed places and homes which meet our needs. We enjoy excellent transport and digital connections, internally and with the rest of the world' (underlining added).

²² <https://www.scotcourts.gov.uk/docs/default-source/cos-general-docs/pdf-docs-for-opinions/2020csih28.pdf?sfvrsn=0>

²³ <https://www.gov.scot/publications/scottish-planning-policy/>

- 4.2.3. To achieve this vision, SPP is focused on four planning outcomes, as is NPF3, which is discussed later. The four outcomes are:
1. A successful, sustainable place;
 2. A low carbon place;
 3. A natural resilient place; and
 4. A more connected place.
- 4.2.4. SPP sets out a range of criteria that require to be assessed when considering development proposals, of most relevance here is the paragraph 29 principles and the paragraph 169 renewable energy assessment criteria. It is important that decision makers consider any detailed point by point assessment in the context of these four outcomes, where relevant, and then reach conclusions on how an individual proposal can ‘*make a positive difference*’ towards achieving the single vision for the planning system in Scotland (SPP, para 13).
- 4.2.5. Not all of the Outcomes will be relevant in each and every case; however, Outcomes 1 – 3 are considered to be of relevance to the Proposed Development and these are discussed under separate sub-headings under the commentary on NPF3.
- 4.2.6. The key policy principle in SPP which is considered to be of relevance to the Proposed Development states that ‘*This SPP introduces a presumption in favour of sustainable development.*’ (Hereafter referred to as the presumption). SPP paragraph 32 confirms that application of the presumption does not ‘*change the statutory status of the development plan as the starting point for decision-making*’, however in the context of a S36 application the decision maker can consider the development plan as one of a range of considerations in balancing the various planning and environmental factors. The development plan does not have primacy in this context, however, it remains an important material consideration.
- 4.2.7. SPP does not offer a definition of sustainable development and it is therefore up to decision makers to consider this on a proposal by proposal basis, drawing conclusions about the weight to be accorded to the presumption depending upon individual circumstances. Paragraph 33 of SPP states that ‘*Whether a proposed development is sustainable development should be assessed according to the principles set out in paragraph 29.*’ This assessment has been carried out below for the Proposed Development.
- 4.2.8. The recently published Reporter’s report in to the Section 36 proposed Paul’s Hill II Wind Farm (Reference WIN-300-3, 11 December 2020²⁴) provides a clear opinion on the SPP presumption in the context of S36 applications. The applicant’s stated view was that the presumption in favour of development that contributes to sustainable development offers additional support to a proposal that can reasonably be described as such. The Reporter goes on to state that, whilst he agrees with this approach, the differing status of the development plan in the context of a S36 application, as opposed to a planning application (i.e. that there is no primacy of the development plan in the S36 context), alters the status of the presumption in favour. The Reporter states that SPP’s promotion of the presumption in favour to a significant material consideration, where a development plan is over five years old, should only be such in the context of a planning application. The Reporter acknowledges that his view on this matter is reflective of ongoing discussion on this issue in recent times and the relevant debate from other inquiries. Whilst this decision

²⁴ <https://www.dpea.scotland.gov.uk/CaseDetails.aspx?id=120129&T=20>

was published just before the revised SPP, and so cites slightly different SPP wording, the relevance of the presumption in favour of sustainable development being considered as a material consideration for S36 applications remains unchanged.

4.2.9. The Reporter's conclusion in the Paul's Hill II report reinforces that where development is sustainable, such a proposal can benefit from SPP's presumption in favour. This can therefore be acknowledged as a material consideration in the determination of S36 applications and is of relevance to the Proposed Development.

4.2.10. Following the publication of the revised SPP in December 2020, the presumption remains in place and must be considered in assessing this application against SPP. Notwithstanding, in seeking to apply the presumption, SPP confirms in paragraph 29 that planning policies and decisions should support sustainable development and that in order to ascertain whether a proposal supports sustainable development it should be assessed against several key principles. Not all of the principles are discussed below, only those considered to be of potential relevance to the Proposed Development, to varying degrees:

1. **Giving due weight to the net economic benefit of proposals** – during the development and construction phases, the Proposed Development could directly support up to 121 job years in Highland, and up to 385 job years within Scotland. During the operational phase, employment related to operations and maintenance could directly support up to 19 jobs in Scotland, of which up to 4 jobs could be local and up to 8 jobs would be likely to be within Highland. These impacts are not considered to be significant in EIA terms, but they are assessed as being beneficial.
2. **Responding to economic issues, challenges and opportunities as outlined in local economic strategies** – there is no specific single local economic strategy for Highland, but one of the objectives of the Local Development Plan is to provide opportunities which encourage economic development and create new employment across the Highland area, with a focus on identified 'key' sectors, one of which is the energy industry. The Proposed Development can assist with this objective.
3. **Supporting good design and the six qualities of successful places** – this criteria is of limited relevance to a renewable energy proposal, but as far as it is relevant, it is significant to note the design evolution process that has been followed to arrive at the site layout. In particular, the reduction in turbine numbers from 37 at the initial feasibility stage, through to 22 at scoping and finally 15 as part of the application layout, see EIA Report Figure 1.2. The final layout means that there are no turbines within 3.5km of the nearest residential properties. EIA Report Chapter 3 discusses the design principles in more detail and explains how the Proposed Development was designed to ensure that it is compatible with other planned and consented wind farms adjacent, in Sutherland and beyond. Layout design also sought to achieve consistent spacing, avoiding outlier turbines or excessive overlapping or large gaps.
4. **Supporting delivery of infrastructure, for example transport, education, energy, digital and water** - the wind turbines will generate approximately 63MW of renewable electricity, supported by a battery storage facility with a capacity of approximately 60MWh, which will help meet the Scottish Government's renewable energy generation targets in the post 2020 period and help work towards the net zero GHG emission target by 2045.

5. **Supporting climate change mitigation and adaptation including taking account of flooding** – the Proposed Development responds positively to the need case for further renewable energy development that has emerged in the last 18 months. The Proposed Development is projected to save the equivalent of 4.56 million tonnes of carbon dioxide (tCO₂e) over 40 years that would otherwise be emitted should the equivalent amount of electricity be produced from a fossil fuel mix of power generation (see EIA Report Chapter 15 'Climate Change'). It is predicted that the carbon lost in developing the Proposed Development will be paid back in approximately 1.1 years, based upon a fossil fuel mix.
6. **Having regard to the principles for sustainable land use set out in the Land Use Strategy** – the current version of the Scottish Government's Land Use Strategy 2016 - 2021²⁵ sets out 9 principles for the sustainable use of land the most relevant of which are considered to be (c) where land is highly suitable for a primary use, this value should be recognised in decision making; (e) landscape change should be managed positively and sympathetically recognising that landscapes are important to our sense of identity and individual and social wellbeing; and (f) land use decisions should be informed by an understanding of the opportunities and threats brought about by climate change. This principle seeks to ensure that GHG emissions are reduced and land is used in a way that helps with climate change adaptation and mitigation objectives.

The Applicant has had regard to these principles in firstly selecting the site for development and then refining the site layout to maximise renewable electricity generation while minimising the potential for significant environmental effects. For the reasons discussed more fully in the LDP assessment, it is considered that the Proposed Development responds positively to these principles by avoiding significant impacts upon deep peat and carbon rich soils and limiting the geographical extent of significant landscape and visual effects.

7. **Protecting, enhancing and promoting access to cultural heritage, including the historic environment** – EIA Report Chapter 7 'Cultural Heritage and Archaeology' confirms that following mitigation there would be no significant residual effects on cultural heritage assets during the operational phase and during the construction phase no more than minor significant effects. No significant effects upon the setting of any cultural heritage asset are predicted during the operational period that require mitigation. Reflecting the potential for impacts of minor significance during the construction period upon possible structures, field and boundary walls and clearance cairns receptors, a programme of archaeological works is proposed, which would allow for features to be recorded appropriately and high visibility markers will be placed 5m from the edge of any remains to signal their presence during construction. Overall, therefore, the Proposed Development will not conflict with this objective.
8. **Protecting, enhancing and promoting access to natural heritage, including green infrastructure, landscape and the wider environment** – there are no core path routes within the site that would be directly affected by the construction or operation of the Proposed Development. The Proposed Development will not therefore impede access to any core paths or recreational trails. The closest core path is The Drove Road (ref: SU06.03), which is a 5.6km route approximately 4.5km

²⁵ <https://www2.gov.scot/landusestrategy>

to the south-west of the nearest proposed turbine. Chapter 6 of the EIA Report confirms that there will be limited visibility of turbines from this route. The Brora Links and Dalchalm core path, approximately 5.5km south of the site will experience significant visual effects from the Proposed Development. Other core paths within 10km of the site, Loch Brora – West Track and North Brora River, will not experience any significant visual effects.

There are number of core paths and recreational routes beyond 5km of the site, particularly located around Brora, including adjacent to the River Brora and Loch Brora. Two of these routes will experience significant visual effects, at the Brora Village Trail and along an approximate 2km section of the John O’Groats Trail (this trail is around 20km in length). Effects on other recreational routes, including the majority of the John O’Groats Trail and users of the North Coast 500 route will not be significant. The majority of routes within the 35km study area do not experience significant effects.

9. **Avoiding over-development, protecting the amenity of new and existing development and considering the implications of development for water, air and soil quality** - no significant environmental effects on water, air or soil quality are identified that cannot be addressed through further mitigation and the scale of development proposed does not constitute over-development. EIA Report Chapter 3 ‘Design Evolution and Alternatives’ details the process whereby turbines numbers were reduced to accommodate the various environmental constraints on site and achieve an appropriate level of development on site.

As the closest inhabited property to the Proposed Development is located over 3.5km away from the nearest turbine, no significant visual impacts are predicted upon residential properties. No significant effects are predicted to arise from shadow flicker. Indeed, given that that the nearest property is located approximately 30 rotor diameters from the nearest turbine, a detailed assessment of shadow flicker was scoped out of the EIA. This approach is confirmed in Chapter 4 and Appendix 4.4 of the EIA Report. In addition, operational noise will comply with the relevant limits advised in ETSU-R-97²⁶. A residential visual amenity assessment was not carried out as there are no properties within 2km of any turbine. Visual impacts upon the nearest residential properties is considered in EIA Report Chapter 6, which concludes that while there would be visibility of the Proposed Development from a small number of properties at Clynemilton and Crackaig, no significant effects will arise due to a combination of separation distances, screening, property orientation and local topography.

- 4.2.11. Taking these observations into account, it is considered that the Proposed Development is consistent with the guiding principles that underpin the ‘presumption’ in SPP. It is considered that the Proposed Development can reasonably and accurately be described as ‘sustainable development’, and it therefore should benefit from the weight of the presumption in the planning balance as a material consideration.
- 4.2.12. The Proposed Development also requires to be considered against the renewable energy assessment criteria set out in paragraph 169 of SPP. Some of these criteria reflect the contents of SPP paragraph 29. The reason for this is that paragraph 29 of SPP applies to all forms of development but paragraph 169 applies specifically to renewable energy proposals.

²⁶ ETSU for the DTI (1996). ETSU-R-97, The Assessment and Rating of Noise from Wind Farms (ETSU-R-97)

- 4.2.13. The second policy principle of SPP states '*planning should take every opportunity to create high quality places by taking a design-led approach*'.
- 4.2.14. This policy principle is considered to be of limited relevance to the Proposed Development and is more relevant to consideration of housing, mixed-use, commercial and other non-energy land uses. As far as it is relevant, it is worthy to note that the design and layout of the Proposed Development has evolved since Scoping. A number of technical and environmental constraints, including consideration of landscape and visual effects, influenced the design evolution process as EIA Report Chapter 3 in particular notes.
- 4.2.15. The third policy principle of SPP states '*planning should direct the right development to the right place*'.
- 4.2.16. In the context of onshore wind farms, this means principally having regard to the Spatial Framework set out in Table 1 of SPP and any local guidance relevant to Highland. As Figure 4 of this Planning Statement shows, four turbines are located within a Group 3 area with the remaining 11 turbines within a Group 2 area. The sole Group 2 interest is the mapped presence of carbon rich soils and deep peat based upon the Scottish Natural Heritage (now NatureScot) Carbon and Peatland Map 2016²⁷. As discussed below the Applicant has avoided any significant effects on this sole Group 2 interest through site design and mitigation, which can reasonably therefore allow the site to be considered entirely as a Group 3 area. This is a particularly relevant point in allowing the Proposed Development to be considered the right development in the right place.

A Low Carbon Place

- 4.2.17. Within this section of SPP, paragraph 153 comments on the vital role that an 'efficient supply' of low carbon electricity from renewable energy sources can play in reducing GHG emissions. It notes in paragraph 152 that planning 'must' facilitate the transition to a low carbon economy, described in paragraph 154 as requiring a '*transformational change*' to ensure that renewable energy targets are achieved. Paragraph 155 is clear that development plans '*should seek to ensure that an area's full potential for electricity and heat from renewable sources is achieved*'. It is of relevance to note that new renewable energy and GHG reduction targets have been introduced since SPP was published, and these are discussed in Section 3. In particular the introduction of the 2045 net-zero target significantly increases the need case for further renewable energy development.

Table 1 – Spatial Frameworks

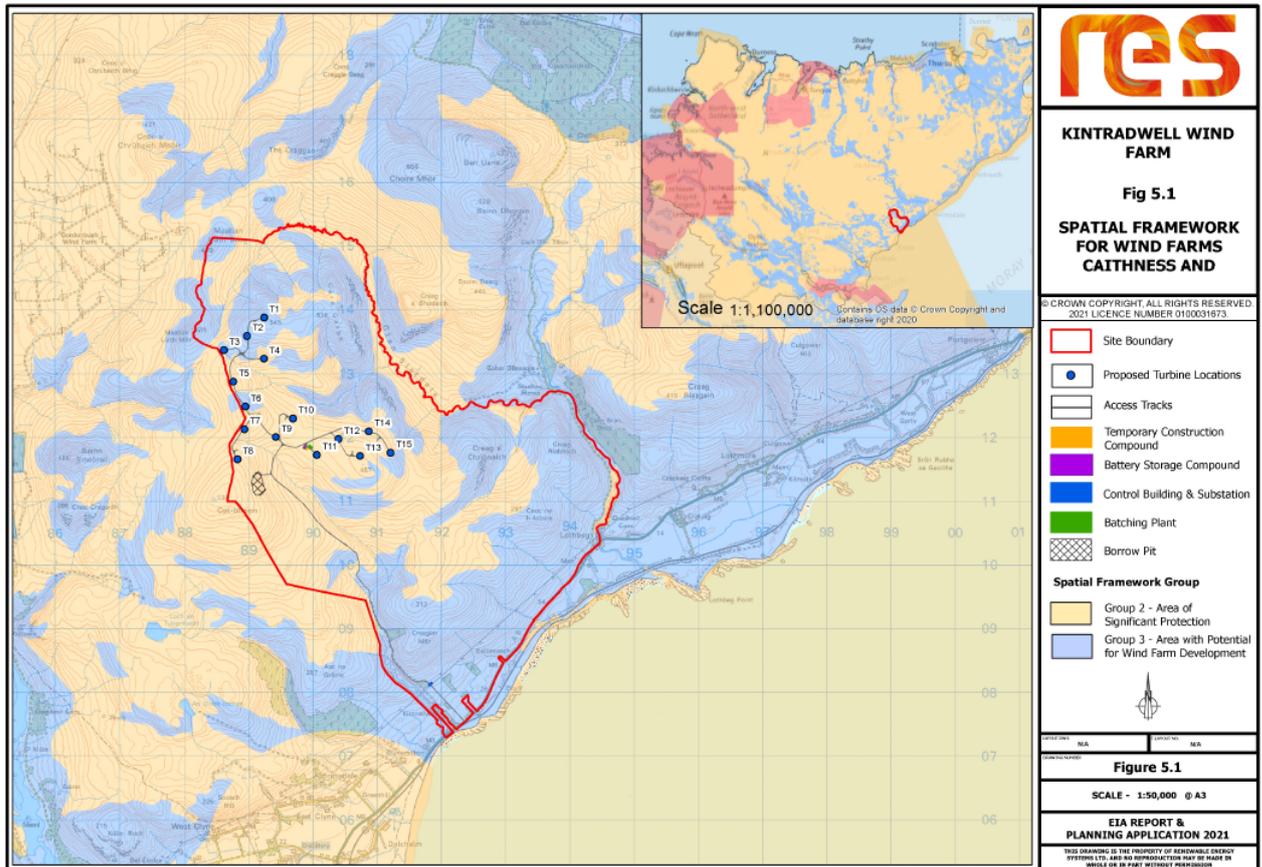
- 4.2.18. Table 1 of SPP sets out the specific criteria by which spatial frameworks for onshore wind energy proposals should be formed. Paragraph 163 of SPP states that the spatial framework is to be '*complemented by a more detailed and exacting development management process where the individual merits of an individual proposal will be carefully considered against the full range of environmental, community and cumulative impacts*'.

²⁷ <https://www.nature.scot/professional-advice/planning-and-development/planning-and-development-advice/soils/carbon-and-peatland-2016-map>

- 4.2.19. The SPP Spatial Framework categorises constraints and opportunities into three groups:
1. Group 1: Areas where wind farms will not be acceptable - *'National Parks and National Scenic Areas'*.
 2. Group 2: Areas of significant protection - *'Recognising the need for significant protection, in these areas wind farms may be appropriate in some circumstances. Further consideration will be required to demonstrate that any significant effects on the qualities of these areas can be substantially overcome by siting, design or other mitigation.'*
 3. Group 3: Areas with potential for wind farm development - *'Beyond groups 1 and 2, wind farms are likely to be acceptable, subject to detailed consideration against identified policy criteria.'*
- 4.2.20. The Spatial Framework Map for this part of Highland is shown on Figure 4 below, with the site boundary, turbine locations and other infrastructure also identified (Figure 4 below is an extract from EIA Report Figure 5.1). This shows that four turbines are located within a Group 3 area with the remaining 11 turbines, stretches of access track and other site infrastructure within a Group 2 area. The sole Group 2 interest is the mapped presence of carbon rich soils and deep peat based upon the Scottish Natural Heritage Carbon and Peatland Map 2016. NatureScot's website makes it clear that its Carbon and Peatland Map 2016 *'can only indicate that carbon-rich soils, deep peat and priority peatland are likely to be present'*. It goes on to clarify that *'the map should not be used in development management decision-making'*. Scottish Natural Heritage's (Now NatureScot) Guidance for Onshore Wind Turbines from 2015²⁸ makes the same observation in Section 3.2 and goes on to note that *'the location of a proposal in the mapped areas does not, in itself, mean that the proposal is unacceptable, or that carbon rich soils, deep peat and priority peatland habitat will be adversely affected'*.
- 4.2.21. The Applicant has avoided any significant effects arising from this sole Group 2 interest through site design and mitigation, which can reasonably therefore allow the site to be considered entirely as a Group 3 area. This is a significant point to bear in mind when considering the locational acceptability of the site in the wider planning balance, noting that SPP acknowledges that in these areas *'wind farms are likely to be acceptable'*, subject to individual assessments.
- 4.2.22. The effect of the Proposed Development on peat is discussed in EIA Report Chapter 10 and accompanying Appendix 10.2 'Outline Peat Management Plan', which quantifies the volume of peat that requires excavation and this is discussed in the later commentary against LDP Policy 55. EIA Report Chapter 8 also considers the matter of peat in detail. The Outline Habitat Management Plan (OHMP) in Appendix 8.6 sets out the plans for peat enhancement measures and restoration of eroded blanket bog habitats. Indeed, as a result of the OHMP, an overall improvement is predicted in the quality, continuity and integrity of blanket bog habitat during the operational phase of the Proposed Development. In summary, no significant effects are identified and this addresses the test for Group 2 interests in SPP, which is that *'any significant effects on the qualities of these areas can be substantially overcome by siting, design or other mitigation'*

²⁸ Scottish Natural Heritage (2015). 'Spatial Planning for Onshore Wind Turbines – Natural Heritage Considerations, Guidance'

Figure 4: Spatial Framework Map



4.2.23. SPP sets out in paragraph 169 a checklist for assessing renewable energy planning applications, as discussed in the following paragraphs. These matters duplicate some of the earlier comments on SPP paragraph 29. Where this is the case, comments have been kept brief:

- 1. Net economic impact, including local and community socio-economic benefits such as employment, associated business and supply chain opportunities** – see earlier commentary on SPP paragraph 29.
- 2. The scale of contribution to renewable energy generation targets** – see earlier commentary on SPP paragraph 29.
- 3. Effect on greenhouse gas emissions** – see earlier commentary on SPP paragraph 29.
- 4. Cumulative impacts** – each Chapter of the EIA Report considers the potential for and significance of cumulative impacts associated with the Proposed Development. For all EIA topics considered (with the exception of landscape and visual), no significant cumulative effects are identified, following the implementation of mitigation measures identified for the Proposed Development and the other cumulative schemes.

The cumulative LVIA presented in EIA Report Chapter 6 considered cumulative effects associated with consented but unbuilt schemes and 'in planning' schemes. It is considered that should all of the consented and in planning schemes be constructed, the addition of the Proposed Development would only reinforce the existing cumulative impact that would already arise.

No significant cumulative effects are identified when the Proposed Development is added to operational / under-construction and in planning wind energy developments.

5. **Impacts on communities and individual dwellings, including visual impact, residential amenity, noise and shadow flicker** – no significant impacts upon individual dwellings are predicted arising from noise or shadow flicker, see earlier commentary on SPP paragraph 29. There will not be significant visual effects upon any property within 5km of the Proposed Development. Whilst select residents at the settlements of Brora and Doll would experience significant visual effects from the Proposed Development, there will be no significant visual effects upon any other residential properties or settlements within the LVIA study area.
6. **Landscape and visual impacts, including effects on wild land** – the site is located outside of any areas of wild land, however there are some WLAs within 10km of the site and a Wild Land Assessment was undertaken as part of the EIA (see Appendix 6.5) and the results are summarised in EIA Report Chapter 6. The Proposed Development would have some limited influence upon the qualities of the Ben Klibreck – Armine Forest WLA particularly in proximity to the south-eastern edge, due to the influence of other intervening visual detractors, including Gordonbush Wind Farm and a 275kV transmission line, the other effects upon the WLA would be limited in nature. Any adverse effects upon the Ben Klibreck – Armine Forest WLA are assessed to be not significant. The Proposed Development would have some influence upon the qualities of southern areas of the Causeymire Knockfin Flows WLA. However, these are limited due to the distance between the WLA and the site. Any adverse effects upon the Causeymire Knockfin Flows WLA are deemed to be not significant. The East Halladale Flows WLA was scoped out of the EIA due to the distance from the site and lack of theoretical visibility.

The EIA Report therefore confirms that the Proposed Development will not introduce any significant effects upon areas of wild land and therefore meets the SPP Spatial Framework test for this Group 2 interest.

In considering landscape and visual impacts, it is important to reiterate that the site is located some distance from any SPP Group 1 interest, the closest being the Dornoch Firth NSA approximately 23km to the south-west. EIA Report Chapter 6 confirms that whilst there is theoretical visibility at the eastern part of the NSA, no significant effects will arise and the Proposed Development will not affect the ability of the special qualities of the NSA to be appreciated.

The site is located within the Loch Fleet, Loch Brora and Glen Loth SLA. Chapter 6 of the EIA Report concludes that, whilst there will be some direct and indirect significant effects on this SLA, the ability to appreciate the underlying landscape will remain. The majority of the Loch Fleet, Loch Brora and Glen Loth SLA will have no view of the Proposed Development. The Flow Country and Berriedale Coast SLA is located approximately 10km to the north-east of the site. Some areas of higher ground

within this SLA will experience adverse effects from the Proposed Development, however particularly due to the existing visibility of Gordonbush Wind Farm from these areas, these effects will not be significant.

The Ben Klibreck and Loch Choire SLA lies approximately 18km to the north-west of the site and the Bens Griam and Loch nan Clar SLA around 18km north of the site. No significant effects will occur on either of these SLAs as a result of the Proposed Development

Appendix 6.4 of the EIA Report contains a detailed assessment of the SLAs in the context of the Proposed Development.

In terms of landscape character, the site lies fully within the 135: 'Rounded Hills – Caithness and Sutherland' Landscape Character Type (LCT) as described in the Scottish Natural Heritage (SNH) National Landscape Character Assessment 2019.

During the operational period, it is acknowledged that the Proposed Development will give rise to some localised significant effects upon LCT135 at a distance of approximately 1-4km. Beyond 4km of the site the influence of the Proposed Development is greatly reduced to the south and west, with areas to the north experiencing little or no influence at this distance. Significant effects would also arise from the Proposed Development within LCT144: 'Coastal Crofts and Small Farms' surrounding Brora, although these effects would be limited to the immediate area around Brora with the LCT unaffected to the east and north-east of the site. For all other LCTs considered in the EIA, the Proposed Development would not result in any significant effects.

Visual impacts associated with the Proposed Development were considered from 18 viewpoint (VP) locations. Table 6.11 of the EIA Report provides a summary of the VP location, sensitivity, distance to the nearest turbine and overall significance of effect. Of the 18 VPs, it is considered that the Proposed Development would give rise to significant effects at three of these, namely VPs 1, 2 and 4.

The potential for significant effects upon users of core paths, cycle routes and the road network was also considered in EIA Report Chapter 6. These assessments are summarised in Tables 6.15, 6.16 and 6.17 of EIA Report Chapter 6. In all but three cases, no significant effects are predicted to arise upon these receptors from the Proposed Development. The three exceptions are part of the John O'Groats Trail; the Brora Village Trail and the Brora Links, Dalchalm routes. Implications of these effects upon tourism and socio-economic issues are considered in EIA Chapter 14 and are discussed below in relation to items (9) and (11).

Overall, EIA Report Chapter 6 concludes that while some significant landscape and visual effects will arise, it is considered that the landscape has the capacity to accommodate the effects identified.

- 7. Effects on the natural heritage, including birds** – EIA Report Chapter 9 'Ornithology' concludes that there are potentially significant effects for the displacement of Golden Eagle and Merlin during the operational phase of the Proposed Development. Habitat improvements within the site and the creation of improved nesting habitat would assist in ameliorating potential effects. No residual

significant effects on any bird species arising from the construction, operation and decommissioning of the Proposed Development are identified. This applies to cumulative effects too.

EIA Report Chapter 8 'Ecology' considers potential effects of the Proposed Development upon a range of important ecological features (IEFs). This considered potential impacts upon habitats, species and designations. The site does not contain any nature conservation designations, although it is located adjacent to the Moray Firth Special Area of Conservation (SAC) which follows the Caithness coastline as far south and east as Lossiemouth on the Morayshire coast (northern Aberdeenshire). This SAC is primarily designated for supporting a resident population of bottlenose dolphin. Chapter 8 confirms that any impacts on the Moray Firth SAC are not likely to result in significant effects due to the separation distance between the designation and the Proposed Development as well as the implementation of proposed mitigation and best practice during construction.

Residual effects on all IEFs are considered to be at worst, low adverse and not significant, and following the measures proposed in the Outline Habitat Management Plan (OHMP) blanket bog habitats are anticipated to experience an overall low beneficial impact.

There will be no significant residual effects upon any natural heritage, including birds and the SAC.

8. **Impacts on carbon rich soils, using the carbon calculator** –Scottish Natural Heritage's Carbon and Peatland Map 2016 depicts the mapped presence of carbon rich soils and deep peat across parts of the site. Chapter 10 of the EIA Report confirms that due to site design and embedded mitigation measures there will be no significant effect on carbon rich soils and peat as a result of the Proposed Development. Chapter 10 also confirms that any disturbed peat as a result of construction can be readily re-used in site restoration. Chapter 8 and the associated OHMP at Appendix 8.6 provide details of measures to be put in place to restore eroded blanket bog on site, which will result in an overall improvement of this habitat. The Carbon Calculator is included as Appendices 15.1 and 15.2. Using the figures from the 'expected case' scenario, carbon losses associated with CO₂ released from soil organic matter amount to 29,553 tCO₂e which equates to 21.8% of total CO₂ losses associated with construction of the Proposed Development. Other CO₂ losses arise from the manufacture, construction and decommissioning of the wind turbines. EIA Chapter 15 confirms that the payback for the expected case scenario is predicted to be 1.1 years, but may be as low as 0.8 years or as high as 1.6 years when compared to a fossil fuel mix (see Table 15.1). This is a relatively small percentage of the lifespan of a development that is proposed in-perpetuity (e.g. if you were to assume a 40 year lifespan, the expected scenario would payback in 2.75%). The Proposed Development therefore has a very low carbon footprint and after c.1.1 years, the electricity generated is estimated to be carbon neutral. The site would, in effect, be a net gain situation and will contribute to national objectives to reduce GHG emissions and meet the 'net zero' carbon targets by 2050.
9. **Public access, including impact on long distance walking and cycling routes and scenic routes identified in the NPF3** – NPF3 identifies in National Development 8 a number of long distance cycling and walking routes. There are no core path routes within the site. The closest core path is The Drove Road (ref: SU06.03), which is a 5.6km route approximately 4.5km to the south-west of the nearest proposed turbine. Chapter 6 of the EIA Report confirms that there will be limited

visibility of turbines from this route. Earlier commentary on SPP paragraph 29 describes the wider network of core paths further from the site. The Proposed Development will not impinge in any way on access to the established network of paths and trails close to the site. Table 14.1 confirms also that an Access Management Plan will be prepared pre-construction, which will provide further details of enhanced public access during the operational phase of the wind farm.

10. **Impacts on the historic environment, including scheduled monuments, listed buildings and their settings** – no significant operational impacts on the setting of any cultural heritage asset are identified in the EIA Report. Potential construction impacts on two cultural heritage assets; an area of post medieval settlement including remains of buildings and other structures, field walls and clearance cairns and an area of clearance cairns, boundary walls and a possible structure within the site were identified. These impacts will be mitigated through a programme of archaeological works and following mitigation there would be no significant residual effects on cultural heritage assets.
11. **Impacts on tourism and recreation** – EIA Report Chapter 14 concludes that the Proposed Development would not result in any significant adverse effects on identified tourism receptors or on recreational or heritage receptors or on land use. It is acknowledged that the Proposed Development will give rise to some significant visual effects upon users of some core paths and recreational routes, as discussed in 9 above. However, in terms of recreation, EIA Report Chapter 14 considers that these significant visual effects would not result in a likely significant environmental effect on the tourism or recreational value of the receptor itself.
12. **Impacts on aviation and defence interests and seismological recording** – as EIA Report Chapter 13 'Aviation' confirms, consultation was undertaken with military and civil aviation interests. No major issues were identified that would suggest significant effects upon civil aviation interests. In early consultation, the Ministry of Defence (MoD) stated that the Proposed Development was predicted to have an unacceptable impact upon ATC at RAF Lossiemouth. Following further discussion between the Applicant and the MoD, radar mitigation has been agreed in principle and a detailed solution will ultimately be agreed prior to turbine installation. This being the case, no residual significant effects upon aviation and defence interests are expected.
13. **Impacts on telecommunications and broadcasting installations, particularly ensuring that transmission links are not compromised** – as EIA Report Chapter 4 confirms consultation was undertaken with a range of consultees with responsibility for these interests. No concerns were raised as a result of this consultation and consequently fixed telecoms links are scoped out of the EIA and no effects upon these interests are predicted.
14. **Impacts on road traffic** – EIA Report Chapter 11 'Traffic and Transport' confirms that there will be no significant effects of additional traffic generation on the A9 during the construction period. Table 11.11 indicates that during construction of the Proposed Development, total traffic flows are not predicted to increase by more than 30% at any location on the A9. Based upon the applied assessment criteria, the effect of this additional traffic generation is not significant in EIA terms. In addition, no other routes were predicted to experience significant effects. The settlements of Brora and Golspie on the A9 were assessed as being receptors of medium sensitivity and as such were

taken forward for further assessment within the EIA Report. Standard mitigation will be implemented through a Construction Traffic Management Plan (CTMP).

15. **Impacts on adjacent trunk roads** - no significant residual effects on the trunk road network were identified.
16. **Effects on hydrology, the water environment and flood risk** – no significant environmental effects on any such receptors are identified that cannot be addressed through the implementation of best practice construction measures as detailed in Chapter 10 of the EIA Report.
17. **The need for conditions relating to the decommissioning of developments, including ancillary infrastructure, and site restoration** – these matters can be covered by planning conditions as deemed necessary and would be discussed post submission with officers from THC.
18. **Opportunities for energy storage** – a battery storage facility forms part of the Proposed Development. This facility will help increase the efficiency of the Proposed Development by enabling renewable electricity generated by the wind turbines to be stored on site and released into the grid at times of need and potentially also help with the operation of the electricity transmission system through frequency regulation.
19. **The need for a robust planning obligation to ensure that operators achieve site restoration** – this matter can be covered by planning conditions consistent with other projects across the country.

4.3. National Planning Framework 3 (2014)

- 4.3.1. National Planning Framework 3 (NPF3) sets out the long-term vision for development and investment across Scotland for the next 20 to 30 years. It was published by the Scottish Government in June 2014 and the Ministerial Foreword notes that it has a '*five year lifespan*'. The current renewable energy context is significantly different now to that within which NPF3 was prepared. The document pre-dates the climate emergency, the net-zero target and the 'all energy' targets set by the SES. The relevant commentary in NPF3 is supportive of renewable energy developments, with the key reference points and targets being the generation of the equivalent of at least 100% of gross electricity consumption from renewables by 2020, with an 80% reduction in GHG emissions by 2050.
- 4.3.2. As noted in the earlier commentary on SPP, that document and NPF3 share the same vision and four shared Outcomes. Outcomes 1-3 are considered relevant to the Proposed Development with the following commentary under each sub-heading considered especially pertinent.

A successful, sustainable place

- 4.3.3. This is the first shared Outcome. Paragraph 2.2 of NPF3 identifies energy as one of the key sectors of the Scottish economy while paragraph 2.7 seeks to '*ensure that development facilitates adaptation to climate change, reduces resource consumption and lowers greenhouse gas emissions*'. Paragraph 2.8 of NPF3 states that much can be gained by focusing on energy resources to deliver the '*growing low carbon economy*' referenced in paragraph 1.2.

A low carbon place

- 4.3.4. This is the second shared Outcome between SPP and NPF3. The stated ambition on page 30 seeks to *'achieve at least an 80% reduction in greenhouse gas emissions by 2050'*. This target has now been increased to a 100% reduction in GHG emissions by 2045 (net-zero). The more recent expressions of Scottish Government energy policy discussed in Section 3 of this Planning Statement provide further detail on how the Scottish Government expects these targets to be met, with onshore wind acknowledged as playing a vital role in the future energy mix.
- 4.3.5. Paragraph 3.1 states that planning has a key role to play in delivering on the commitments set out in Low Carbon Scotland²⁹, which includes full decarbonisation of electricity supply by 2030. The Proposed Development can make a significant contribution to the achievement of these objectives, leading to an overall reduction of GHG emissions of 4.56 million tCO₂e (assuming a 40-year operational life) when compared to a fossil fuel grid mix. (The Carbon Calculator uses a 40-year operational life in order to produce meaningful results. It is, however, consent in perpetuity that is being sought for the Proposed Development.)
- 4.3.6. Paragraph 3.9 confirms that the Scottish Government wants to continue to capitalise on Scotland's wind resource, a sentiment reflected and indeed strengthened in the more recent OWPS from 2017.
- 4.3.7. Paragraph 3.25 of NPF3 sets out the economic benefits of a growing renewable energy sector noting that there will be job opportunities for manufacturing and servicing to support the sector, as well as providing job opportunities in rural areas. These objectives have been reinforced by the more recent Programme for Government and its ambitions for a 'green recovery' in the post-Covid economy. The economic benefits of onshore wind energy developments must be accorded due weight in the overall planning balance as advocated by paragraph 29 of SPP.

A natural, resilient place

- 4.3.8. The third Outcome of the NPF3 vision envisages a Scotland where natural and cultural assets are respected, improving in condition, and represent a sustainable economic, environmental and social resource for the nation. NPF3 acknowledges the important role that Scotland's landscapes play in contributing to overall quality of life, national identity and the visitor economy (paragraph 4.4).
- 4.3.9. Paragraph 4.7 states that the pressing issue of climate change means that action on the environment must continue to evolve, strengthening longer-term resilience.

NPF4 Position Statement

- 4.3.10. In December 2020 the Scottish Government published its Position Statement in respect of NPF4³⁰. Consultation on the document runs until 19 February 2021, following which a draft of NPF4 is expected sometime in late 2021. Delivering net zero GHG emissions has been identified as one of the four key

²⁹Low Carbon Scotland – Meeting the Emissions Reduction Targets 2010-2022, Scottish Government, 2011

³⁰ <https://www.gov.scot/publications/scotlands-fourth-national-planning-framework-position-statement/>

Outcomes for NPF4. The other three are Resilient Communities, A Wellbeing Economy and Better, Greener Places.

- 4.3.11. At the present time, the Position Statement is not a material consideration of any weight in assessing this S36 application; however, it is a useful signpost of where the new NPF4 is likely to focus attention recognising that a new national policy response is required in light of the climate emergency and the net zero target, amongst other important issues.
- 4.3.12. Some comments in relation in the Position Statement relevant to the Proposed Development include:-
- Page 2 – A significant shift is required to achieve net-zero emissions by 2045, including rebalancing the planning system so that climate change is a guiding principle for all plans and decisions;
 - Page 9 – NPF4 is likely to confirm that the global climate emergency should be a material consideration in assessing applications for appropriately located renewable energy developments; and
 - Page 10 – the Spatial Framework for onshore wind farms will be updated to continue to protect National Parks and NSAs, whilst allowing development outwith these areas where they are demonstrated to be acceptable on the basis of site specific assessments.
- 4.3.13. While it remains to be seen what NPF4 actually says on these matters, their identification as key issues to be addressed in the Position Statement represents the continuation of a direction of travel since publication of the OWPS and SES in late 2017, followed more recently with the declaration of the climate emergency and the establishment of legislation to achieve net zero by 2045.
- 4.3.14. These matters all lend further support to the earlier argument that the SPP presumption and the positive contribution the Proposed Development can make to achievement of sustainable development should be a material consideration in support of this S36 application.

4.4. SPP and NPF3 Conclusions

- 4.4.1. The clear support for renewable energy in SPP and NPF3, including onshore wind, is balanced against the need for planning to ensure that the right development is directed to the right location. This means that environmental impacts need to be balanced against the broad locational acceptability of a site in terms of the SPP Spatial Framework and to balance these considerations against the wider environmental benefits of a proposal.
- 4.4.2. Application of the SPP presumption must be given weight as a material consideration in this case for the reasons previously discussed. Not all wind farm proposals can claim to benefit from the presumption simply on account of generating renewable electricity; however, in this case the point by point assessment against paragraph 29 of SPP has demonstrated that the Proposed Development can accurately and fairly be described as a form of development to which the presumption applies.
- 4.4.3. The assessment against paragraphs 29 and 169 of SPP has demonstrated that on most accounts no significant environmental effects will arise. It is acknowledged that some significant landscape and visual effects will arise; however it would be unreasonable to expect a commercial scale wind farm to give rise to

no significant environmental effects, a point noted in several appeal cases including the Corlic Hill appeal case, where the Reporter noted in paragraph 200 that it is:-

'inevitable that wind farms will give rise to significant effects within their immediate surroundings. If such effects were always considered to rule out a proposal, no commercial-scale wind energy projects would be approved. This would be contrary to Scottish Government policy'.

- 4.4.4. The issue at stake here is not whether significant effects will arise, but the acceptability of these effects in the wider planning balance. An integral component of that assessment must also look to the Spatial Framework, which demonstrates the site is partially within a Group 2 area and partially within a Group 3 area. The sole Group 2 interest is the mapped presence of carbon rich soils and deep peat and it has been demonstrated that the Applicant has avoided any significant effects arising from this due to site design and mitigation. This reasonably allows the site to be considered as being located within a Group 3 area where SPP states that *'wind farms are likely to be acceptable'*.
- 4.4.5. Overall, it is considered that SPP and NPF3 therefore support the case for the Proposed Development and are considered important material considerations in the determination of this S36 application.

5. Development Plan Assessment

5.1. Introduction

5.1.1. Unlike planning applications considered under the terms of Section 25 of the 1997 Act, the Development Plan does not form the primary basis upon which this S36 application will be determined. The Development Plan will be an important material consideration in the determination of the application, however there is no legislative requirement for the S36 application to be determined in accordance with the provisions of the Development Plan.

5.1.2. The statutory Development Plan as it relates to this S36 application comprises the following documents:-

- The Highland-wide Local Development Plan (LDP) (April 2012);
- The Caithness and Sutherland Local Development Plan (adopted 2018); and
- The Onshore Wind Energy Supplementary Guidance (SG) (November 2016),

5.1.3. The Caithness and Sutherland Local Development Plan (CasPlan) contains no policies of relevance to the Proposed Development. Therefore, the appraisal in this section of the Planning Statement focuses on the Highland-wide Local Development Plan. High level commentary on the CasPlan is set out in EIA Report Chapter 5.

5.2. Highland-wide Local Development Plan 2012

5.2.1. There are a number of potentially relevant LDP policies. However, Policy 67 'Renewable Energy' is the most relevant to this application. This policy contains a number of criteria used to assess renewable energy applications and duplicates many of the aims and objectives of other planning policies. As the Reporters report into the Limekiln Wind Farm from October 2018 (WIN-270-8)³¹ notes in paragraph 9.37:

'Policy 67 can be relied upon almost exclusively given it provides the Council's adopted position specifically in respect of renewable energy development. Compliance or otherwise with policy 67 largely dictates the degree of compliance against the relevant provisions of other policies, but to take those other policies in isolation would run the risk of applying their requirements out of context.'

5.2.2. This approach to Policy 67 also reflects that adopted by the Reporter in the Achlachan 2 Wind Farm planning appeal, also within THC³². In paragraph 40 of that planning appeal decision from March 2016, the Reporter stated that while other policies of the LDP (such as Policies 28 and 57) are *'expressed in different terms from Policy 67, they do not cover any additional key issues to this appeal'*. The Reporter therefore concentrated his assessment of that appeal proposal principally against the terms of Policy 67.

5.2.3. The Reporter's report into the Limekiln Wind Farm also discussed the relationship between SPP paragraph 169 considerations and Policy 67, noting in paragraph 9.38 that:

³¹ <https://www.dpea.scotland.gov.uk/CaseDetails.aspx?ID=117947>

³² <https://www.dpea.scotland.gov.uk/CaseDetails.aspx?ID=117087>

'While there are some difference in their scope and emphasis, we cannot envisage a situation where conclusions drawn against either SPP paragraph 169 or HwLDP policy 67 would contradict one-another'.

- 5.2.4. For these reasons, the policy appraisal against the LDP will focus on Policy 67, and cross reference will be made to the earlier appraisal against SPP paragraph 169 (see Section 4 of this Statement) to avoid unnecessary duplication. Brief comment will be passed on other policies where they raise specific issues not otherwise addressed by Policy 67 or which are considered to merit specific comment.

Policy 67 'Renewable Energy'

- 5.2.5. At its core, Policy 67 is a policy that supports the continued development of renewable energy developments, where a range of locational and environmental criteria can be met. It states that renewable energy proposals should be well related to the source of the primary renewable resources needed for their operation. The Policy further states that THC will take account of the contribution proposals make towards meeting renewable energy generation targets and any positive or negative effects they are likely to have on the local and national economy. Proposals will be assessed against other relevant development plan policies as well as other material considerations.
- 5.2.6. The Proposed Development is submitted within the context of a declared 'Climate Emergency' and also within the context of the Scottish Government's net-zero ambitions. Due to the age of the LDP these considerations should be given significant weight in assessing the application against Policy 67, greater than would have been the case prior to these announcements. When considering *'the contribution of the proposed development towards meeting renewable energy generation targets'*, as required by Policy 67, there is now a demonstrably enhanced need case, compared to when the LDP was adopted in 2012. Therefore, while Policy 67 remains a policy that supports renewable energy developments in principle, there needs to be a rebalancing in terms of how the renewable energy benefits of such proposals are weighed in assessing applications – in short, much greater weight needs to be given to these matters than has hitherto generally been the case.
- 5.2.7. Subject to balancing various considerations, including taking account of any mitigation, Policy 67 states that the Council *'will support'* proposals where it is satisfied that they are located, sited and designed such that they will not be *'significantly detrimental overall'*, in either an individual or cumulative context.
- 5.2.8. Ultimately, therefore, consideration of Policy 67 comes down to a balance between assessing the renewable energy benefits of the Proposed Development on the one hand and considering these in light of identified environmental effects on the other, including any positive or negative effects on the local or national economy. The enhanced need case described above materially increases the weight that should be given to the wider benefits of the Proposed Development within the balance of assessment that Policy 67 requires.
- 5.2.9. The Proposed Development is considered to comply with the first component of Policy 67 which is that proposals should be *'well related to the source of the primary renewable resources needed for their operation'*. As already discussed, within the context that the Group 2 interest of mapped soils and peat on part of the site has been significantly overcome through site design and mitigation, the site can be considered as entirely within a Group 3 area. There are no national landscape designations within 20km

of the site. Whilst the site is located within an SLA, Chapter 6 of the EIA Report confirms that the Proposed Development will not undermine the ability of the underlying landscape to be appreciated. Indeed, the majority of the SLA in which the site is located will have no view of the Proposed Development.

- 5.2.10. In terms of contributions towards meeting various renewable energy generation targets, the following points are worthy of note. The Proposed Development comprises 15 turbines and it is estimated that each turbine would have an installed capacity of 4.2MW, giving a total installed capacity of 63MW and:
- The Proposed Development could result in a total carbon saving of approximately 4.56 million tonnes (based on a 40-year operational life for the purposes of the Carbon Calculator, although consent in perpetuity is being sought for the Proposed Development); and
 - Using the Scottish Government's Carbon Calculator, the average 'pay-back period' for the Proposed Development would be 1.1 years (compared to fossil fuel mix electricity), following which the Proposed Development would be carbon saving.
- 5.2.11. These figures demonstrate that the Proposed Development would make a valuable contribution to national efforts to address the 'climate emergency' and contribute positively to achievement of the net zero target by 2045. These matters are positive environmental benefits of the Proposed Development that demonstrate compliance with this element of Policy 67.
- 5.2.12. Policy 67 also states that the Council will have regard to any positive or negative effects a proposal is likely to have on the local and national economy. The employment opportunities associated with the Proposed Development could directly support up to 121 job years in Highland, and up to 385 job years within Scotland. During the operational phase, employment related to operations and maintenance could directly support up to 19 jobs in Scotland, of which up to 4 jobs could be local and up to 8 jobs would be likely to be within Highland. While beneficial- in terms of both the local and national economy, the job creation is not considered to be significant in EIA terms. The Pre-Application Consultation (PAC) Report submitted with the application confirms also that the Applicant is committed to ensuring that the Proposed Development will benefit the local community in various meaningful ways. The PAC Report notes that the Proposed Development is expected to deliver £4 million of inward investment into the local area through employment and the use of various local services. These positive economic factors link to commentary from the OWPS, discussed in Section 3 of the Statement, which emphasises the importance of the low carbon economy to Scotland as a nation and as a top priority for Scottish Ministers.
- 5.2.13. It is important to recognise that Policy 67 does not require a proposal to satisfy each and every one of its criteria to be found acceptable. Policy 67 also does not set the bar so high as to expect no impacts whatsoever to arise from renewable energy developments. The policy acknowledges that impacts may arise and that these may be capable of mitigation. The key test to be applied is to consider whether a proposed development is '*significantly detrimental overall*'.

- 5.2.14. Having concluded that the Proposed Development is well sited for a wind farm development, that the environmental benefits will contribute positively to national renewable energy and GHG reduction targets, the Proposed Development requires to be considered against the remaining environmental and technical criteria of Policy 67 to consider if it is '*significantly detrimental overall*'. Only if that appraisal demonstrates that the negative effects of the Proposed Development would significantly and demonstrably outweigh the benefits, can it be concluded that the Proposed Development should not benefit from the clear 'support' built into Policy 67.
- 5.2.15. The environmental assessment criteria that form part of Policy 67 are listed below, with only brief commentary against each referring back to commentary on SPP paragraph 29 or 169 where similar considerations apply.
- 5.2.16. The Policy 67 criteria are:
- **natural, built and cultural heritage features** – no significant residual effects are identified for any such features;
 - **species and habitats** - no significant residual effects are identified for any species or habitat;
 - **visual impact and impact on the landscape character of the surrounding area (the design and location of the proposal should reflect the scale and character of the landscape and seek to minimise landscape and visual impact, subject to any other considerations)** – the Proposed Development has been designed to achieve a balanced array of turbines when viewed from the surrounding landscape, to minimise landscape and visual impacts while taking cognisance of the baseline environment, landscape designations and visual receptors. The neighbouring Gordonbush Wind Farm turbines have a tip height of 110m, although the consented Gordonbush extension has a tip height of 149.9m, as does the Proposed Development. The topography of the site and the existing and consented wind farms close by have all been considered in the final design of the Proposed Development. As is to be expected for a commercial scale wind farm some significant landscape and visual effects will arise. Impacts on landscape character will generally be localised, to within around 4km. Some significant visual effects will arise upon core paths as well as at three of the representative VPs, summarised in Table 6.11 of the EIA Report. These effects cannot be mitigated and the acceptability of these impacts is a matter for the decision maker to weigh up in the wider planning balance. In terms of Policy 67, however, these impacts are not considered to result in a development that is '*significantly detrimental overall*';
 - **amenity at sensitive locations, including residential properties, work places and recognised visitor sites (in or outwith a settlement boundary)** – there are no residential properties within 3.5km of the turbines and the Proposed Development will not result in significant effects on the closest residential properties. Significant residual effects upon views from some properties in the settlements of Brora and Doll are predicted in the EIA Report, but the distance from turbines along with the presence of man-made features and intervening landform restricts visibility from both locations. No other sensitive locations would see amenity significantly affected;
 - **the safety and amenity of any regularly occupied buildings and the grounds that they occupy - having regard to visual intrusion or the likely effect of noise generation and, in the case of wind energy proposals, ice throw in winter conditions, shadow flicker or shadow throw** – no significant residual effects arising from these potential effects are predicted;

- **ground water, surface water (including water supply), aquatic ecosystems and fisheries** - no significant residual effects upon any of these interests are predicted;
- **the safe use of airport, defence or emergency service operations, including flight activity, navigation and surveillance systems and associated infrastructure, or on aircraft flight paths or MoD low-flying areas** - no significant residual impacts upon any of these interests are predicted;
- **other communications installations or the quality of radio or TV reception** - no significant effects upon any of these interests are predicted;
- **the amenity of users of any Core Path or other established public access for walking, cycling or horse riding** – there are no core paths within the site. At the closest core path, The Drove Road (approximately 4.5km from the nearest turbine), there will only be limited visibility and no significant visual effects are predicted. The Brora Links and Dalchalm core path, approximately 5.5km south of the site will experience significant visual effects from the Proposed Development as well as both the Brora Village Trail and a short section of the John O’Groats Trail. Other core paths within 10km of the nearest turbine, Loch Brora – West Track and North Brora River, will not experience any significant effects. The Proposed Development will not impede access to any core paths or recreational trails;
- **tourism and recreation interests** – as noted in the commentary on SPP paragraph 169 and in the above bullet point, there will be visibility of the Proposed Development from some tourist and recreational facilities. However, no significant effects upon the tourism and recreational value of these interests is predicted; and
- **land and water based traffic and transport interests** – no significant impacts upon any of these interests are predicted.

5.2.17. Taking the aforementioned comments into account, it is clear that the Proposed Development is not considered to be ‘*significantly detrimental overall*’ in terms of Policy 67. Policy 67 does not set the bar so high as to expect no impacts whatsoever to arise from renewable energy developments. The policy acknowledges that impacts may arise and that these may be capable of mitigation. Decision makers must have ‘*regard in particular to any significant effects*’ on the listed criteria before concluding about the overall effects of a development proposal.

5.2.18. The identified landscape and visual effects are the only residual significant environmental effects identified in the EIA Report. These effects are considered to be acceptable because they are localised, will not affect the most sensitive of landscape designations, such as NSAs and WLAs, and because of the effective Group 3 status of the site in terms of the Spatial Framework. These impacts need to be considered against the enhanced renewable energy generation and GHG reduction targets that have been established since Policy 67 was adopted. When these factors are considered alongside the limited significant environmental effects it is considered that the Proposed Development complies with Policy 67.

Policy 77 ‘Public Access’

5.2.19. This policy seeks to ensure that where a proposal affects a Core Path or wider access rights, mitigation proposals are in place to either retain use of the path or a convenient alternative is provided. As has previously been discussed in earlier Sections of this Statement, there are no core paths that traverse the site. As such, no conflict with Policy 77 will arise. Table 14.1 confirms also that an Access Management

Plan will be prepared pre-construction, which will provide further details of enhanced public access during the operational phase of the wind farm.

Policy 72 'Pollution'

5.2.20. The above policy states that proposals that may result in significant pollution will only be approved where it can be demonstrated that the pollution can be avoided or significantly mitigated. It has already been established that noise from operational turbines will comply with the requirements of ETSU-R-97 and no significant noise pollution will arise. In addition, no significant construction noise impacts will arise. For clarity, it is also worth reiterating that shadow flicker has been scoped out of the EIA due to the lack of receptors within the shadow flicker study area.

5.2.21. The potential for pollution of the water environment and associated habitats is most likely to arise during the construction phase and these potential effects are dealt with in EIA Report Chapter 10. This notes the potential sources of pollution and establishes mitigation measures that can be adopted to avoid pollution arising, largely through the implementation of best practice construction techniques. Following the application of such measures, there will be no significant effects associated with pollution, consistent with policy requirements.

Policy 64 'Flood Risk'

5.2.22. This policy states that development proposals should avoid areas susceptible to flooding and promote sustainable flood management. Chapter 10 of the EIA Report confirms that Sustainable Drainage Systems will be incorporated as part of the Proposed Development. This will ensure that measures are in place to manage surface water run-off and any potential for localised fluvial flooding. Details on drainage design will be provided in the final Construction and Environmental Management Plan. The EIA Report concludes that there would be no significant flood risk associated with the Proposed Development, and it is therefore consistent with the requirements of Policy 64.

Policy 63 'Water Environment'

5.2.23. This policy states that THC will support proposals for development that do not compromise the objectives of the Water Framework Directive (WFD), which is aimed at the protection and improvement of Scotland's water environment. Potential effects of the Proposed Development upon the water environment are considered in EIA Report Chapter 10, which considers the WFD as part of the relevant legislative context. The greatest potential for effects upon the water environment are likely to occur during the construction phase and could potentially arise from sedimentation or pollution of the water environment from surface run-off, compaction of soils, peat landslide hazard etc.

5.2.24. To avoid potentially significant impacts on the water environment, various mitigation measures have been built into the design evolution of the site layout, such as minimising the requirement for watercourse crossings and the implementation of a 50m buffer around all watercourses as far as possible, taking account of other constraints. With the exception of a limited number of crossings, any proposed construction activities or infrastructure has been located outside this buffer.

5.2.25. The potential effects of the Proposed Development on the water environment are summarised in EIA Report Chapter 10, Section 10.9, which confirms that there are no significant effects upon the water environment during the construction or operational phases, following the adoption of standard mitigation and good practice methods. The Proposed Development therefore complies with Policy 63.

Policy 61 'Landscape'

5.2.26. Policy 61 states that proposed developments should be designed to reflect the characteristics and special qualities recognised in the Landscape Character Assessment of the area in which they are proposed. THC will consider the appropriateness of the scale, form, pattern and construction materials and the cumulative impacts of the development. Policy 61 applies to all forms of development and does not add policy considerations of substance not otherwise addressed in Policy 67.

5.2.27. The site is located fully within the LCT135: 'Rounded Hills – Caithness and Sutherland'. As previously described in the commentary relating to paragraph 29 of SPP, during the operational period, it is acknowledged that the Proposed Development will give rise to some localised significant effects upon LCT135 at a distance of approximately 1-4km. Beyond 4km of the site the influence of the Proposed Development is greatly reduced to the south and west, with areas to the north experiencing little or no influence at this distance. Significant effects would also arise from the Proposed Development within LCT144: 'Coastal Crofts and Small Farms' surrounding Brora, although these effects would be limited to the immediate area around Brora with the LCT unaffected to the east and north-east of the site. For all other LCTs considered in the EIA, the Proposed Development would not result in any significant effects.

5.2.28. Visual impacts associated with the Proposed Development were considered from 18 VP locations. Table 6.11 of the EIA Report provides a summary of the VP location, sensitivity, distance to the nearest turbine and overall significance of effect. Of the 18 VPs, it is considered that the Proposed Development would give rise to significant effects at three of these, namely VP1, 2 and 4. The identification of some significant landscape effects does not mean that the Proposed Development conflicts with Policy 61. These are impacts that need to be considered in the overall planning balance, recognising that it would be virtually impossible for a commercial scale wind farm to not result in some significant landscape and visual effects, as noted in the earlier commentary on the Corlic Hill case discussed in Section 4.

5.2.29. Importantly, the Proposed Development will not give rise to any significant effects upon national landscape planning designations, WLAs and the significant effects that are identified are localised to the site and surrounding area. On this basis, the Proposed Development is considered to be consistent with Policy 61.

Policy 58 'Protected Species', Policy 59 'Other Important Species' and Policy 60 'Other Important Habitats and Article 10 Features'

5.2.30. The above policies set out the Council's approach to the protection of species and habitats that may be affected by a development proposal. The policies effectively provide a 'catch all' approach to protecting species and habitats of varying levels of importance, to ensure an adequate degree of protection through the planning process. The policies reflect the hierarchical approach to protecting species and habitats and sets out the circumstances where development may be permitted, even where an adverse effect is identified.

5.2.31. The impact of the Proposed Development upon protected species and habitats is set out in EIA Report Chapters 8 'Ecology' and 9 'Ornithology'. Both those Chapters confirm that no significant residual effects following good practice construction methods and mitigation will arise upon any protected species or habitats during the construction and operational phases of the Proposed Development. The Proposed Development therefore complies with the requirements Policies 58, 59 and 60.

Policy 57 'Natural, Built and Cultural Heritage'

5.2.32. Policy 57 'Natural, Built and Cultural Heritage' sets a hierarchy of policy considerations for proposals depending upon whether they have impacts upon features, or their settings, of local/regional, national or international importance. The scale of protection provided by the policy is reflective of whether the asset is of local/regional, national or international importance.

5.2.33. Policy 57 referenced the Council's intention, at that time, to prepared supplementary guidance on Wild Areas. This has since been superseded by the identification of WLAs by SNH in 2014, which are a Group 2 SPP interest. In the Reporter's Report on the Limekiln Wind Farm from 2018, it was concluded in paragraph 4.90 that Policy 57 '*is not aligned with SPP on wild land*' and the Reporters subsequently concluded in paragraph 9.37 that those references to wild land '*should be disregarded*'. Policy 57 does not therefore provide a sound basis for any wild land assessment, which should instead consider SPP, noting the location of the site outside of any WLA.

5.2.34. Given the findings of the EIA, as summarised in the earlier commentary on SPP paragraphs 29 and 169, there are no significant adverse environmental effects upon any natural, built or cultural heritage receptors that would trigger conflict with Policy 57. For clarity, this includes impacts on WLAs, and EIA Report Chapter 6 concludes that although the proposed turbines would be visible from parts of two WLAs, no significant effects are identified.

Policy 55 'Peat and soils'

5.2.35. Policy 55 requires that development proposals should demonstrate how they have avoided the unnecessary disturbance, degradation or erosion of peat and soils. It continues and states that unacceptable disturbance of peat will not be permitted unless it is shown that the adverse effects of such disturbance are clearly outweighed by the social, environmental or economic benefits of the development.

5.2.36. This issue is addressed in EIA Report Chapter 10, which explains how the design of the site took account of peat deposits alongside other technical and environmental factors. Accompanying Figure 10.3 shows that the site has coverage of mainly Class 1, Class 2 and Class 5 peatland. This is reproduced below as Figure 5. Where practically possible, areas of deep peat have been avoided by the site design and a site-specific peat landslide and hazard risk assessment has been prepared to inform the site design (Appendix 10.1). Turbine locations and site infrastructure do traverse Class 1 soils and Appendix 10.2, Outline Peat Management Plan, gives details of the approach to minimising peat disturbance, the level of peat excavation required and the plans for its re-use on site.

5.2.37. In total, it is estimated that 70,403m³ of peat will be extracted as a result of the Proposed Development, assuming the disturbance of all areas of identified infrastructure and no further micro-siting. The vast majority of this is associated with the access tracks, although peat excavation is also required for turbine

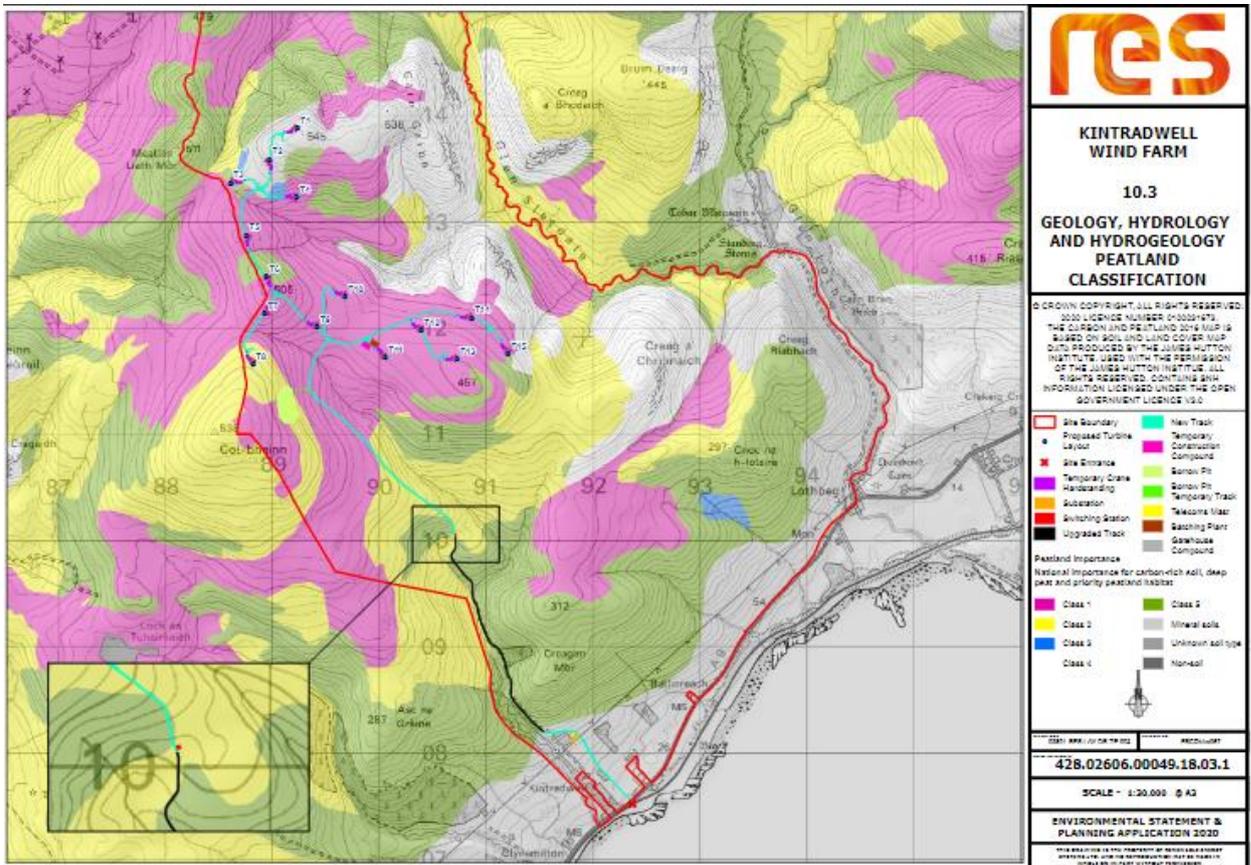


locations. Table 1 of Appendix 10.2 provides further detail on peat excavations associated with turbines and crane hardstandings as well as other infrastructure, with associated commentary. Appendix 10.2 also outlines the objectives for the re-use of peat on site, mainly associated with restoration of borrow pits and other areas of restoration across the site.

5.2.38. EIA Report Chapter 10 and accompanying Appendices clearly show how the Applicant has sought to minimise peat disturbance and excavation as part of the design evolution process, thus addressing the first part of the policy requirement. While this process has minimised peat disturbance, it has not avoided the requirement to excavate peat altogether. Further mitigation such as micro-siting of turbines and infrastructure, the use of floating tracks and application of a peat management plan will be applied to minimise impacts on peat further. With the application of these measures, there will be no significant residual effects on peat. Indeed, the OHMP at Appendix 8.6 of the EIA Report details how blanket bog habitat will be enhanced and restored through mitigation measures, which ultimately predict net environmental benefit for this habitat during the operational phase of the Proposed Development.

5.2.39. In addition, it is also relevant to note the environmental benefits associated with the Proposed Development in terms of GHG reductions and renewable energy generation, as discussed earlier. These benefits clearly outweigh the minor effects resulting from peat disturbance and excavation and there are therefore no conflicts with Policy 55.

Figure 5 – Peatland Classification



Policy 53 'Minerals'

- 5.2.40. The Proposed Development includes a borrow pit search area. Material to be won from these borrow pits would be used in construction activities and would reduce the requirement to import material to the site, thus reducing traffic movements on the local road network. Policy 53 states that THC will support borrow pits which are near to or on the site of the associated development and if it can be demonstrated that they are the most suitable source of material, are time limited and there are measures in place for reclamation.
- 5.2.41. The location of the borrow pit search area within the site is shown on Figure 1.2. Figure 2.17 shows the general arrangement of the potential borrow pit. The borrow pit is required temporarily only in connection with construction activities and would be restored after construction. Detailed site investigations will be carried out prior to construction to confirm the rock type, rock characteristics and suitability, as well potential volumes to be extracted. Further details regarding the working of the borrow pits and their subsequent restoration would be set out in the CEMP, which is a standard requirement for wind farm sites and can be controlled with a planning condition. Given the foregoing comments, it is considered that the Proposed Development complies with Policy 53.

Policy 28 'Sustainable Design'

- 5.2.42. The preamble to Policy 28 states that the Policy sets out the requirement for all development to be designed in the context of sustainable development and climate change. It is not a renewables specific policy and deals with topics such as accessibility by public transport, making use of brownfield sites, minimising waste generation and other topics already covered by Policy 67, such as impacts upon habitats, landscape, cultural heritage, species, scenery and residential amenity.
- 5.2.43. As far as it is of relevance to the Proposed Development, it is considered that the Applicant has complied with the overall aims of the policy. The renewable energy benefits of the Proposed Development are apparent and there are potentially positive socio-economic benefits too that will be of benefit to local communities. The site layout and design has been subject to an iterative process that has sought to avoid, where possible, and then minimise the potential for significant environmental effects upon a wide range of receptors, within and outside the site.
- 5.2.44. An appropriate balance has been achieved in avoiding significant effects upon the most sensitive of receptors while maximising renewable electricity generation. For the reasons discussed in relation to Policy 67, where significant environmental effects are identified these are considered to be acceptable. The Proposed Development therefore contributes positively to the objectives of Policy 28.

5.3. LDP Conclusions

- 5.3.1. While the LDP is not the primary reference point for determining this S36 application, it is nevertheless a material consideration.
- 5.3.2. The primary LDP policy of relevance is Policy 67, Renewable Energy. That policy clearly recognises that renewable energy developments can give rise to significant environmental effects; as such, the key test in assessing the extent of compliance with the policy is to ascertain whether a proposal is '*significantly detrimental overall*'. Inbuilt into the policy is the need to have regard to the extent to which the proposal

contributes to renewable energy targets, the location of the site relative to the primary source of energy (wind in this case) and the extent of any positive or negative effects on the local and national economy.

- 5.3.3. The appraisal against Policy 67 has demonstrated that significant environmental effects have been kept to a minimum, related to landscape and visual only. Where significant effects are identified, these are outweighed by the benefits of the Proposed Development, such that any policy tension or conflict with individual criteria is outweighed by the wider contribution that the Proposed Development makes to the achievement of sustainable development.
- 5.3.4. It is also important to recognise that, within the context that the Group 2 interest of mapped soils and peat on part of the site has been overcome through site design and mitigation, the Proposed Development can be considered as entirely within a Group 3 area.
- 5.3.5. Where other LDP policies merit comment, the above analysis demonstrates that no conflicts with these other policies will arise. Overall, therefore it is considered that the LDP is supportive of the Proposed Development.

5.4. The Onshore Wind Energy Supplementary Guidance (SG) (November 2016)

- 5.4.1. THC adopted its Onshore Wind Energy SG³³ in November 2016 and the document forms part of the statutory Development Plan for Highland. It provides further detail in respect of Policy 67 of the LDP, but does not set additional or more stringent tests to those already set out in Policy 67. The SG incorporates landscape sensitivity appraisals but there is no appraisal yet available for the part of Highland within which the site is located.
- 5.4.2. The Reporter's report into the Limekiln Wind Farm discussed this SG and stated on page 12 that '*whilst of relevance, the document does not contain any specific requirements beyond those established by policy 67*'. They then concluded in paragraph 9.40 that the SG was consistent with policy 67 '*and so a forensic assessment of the proposal using the supplementary guidance would offer little value to our consideration of the scheme's merits*'.
- 5.4.3. Given these comments and the earlier policy commentary against both SPP and the LDP, no detailed assessment of the SG is considered necessary or beneficial here. It is however worth noting briefly that the SG introduced the Council's Spatial Framework for onshore wind turbines, which was absent from the LDP, as it was adopted prior to SPP being approved in June 2014. The location of the site relative to the Spatial Framework is set out as Figure 4 in this Statement, showing that four turbines are located within a Group 3 area with the remaining 11 turbines within a Group 2 area. As has been discussed previously in this Statement, the sole Group 2 interest is the mapped presence of carbon rich soils and deep peat. The Applicant has avoided any significant effects arising from this sole Group 2 interest through site design and mitigation measures, which can reasonably therefore allow the site to be considered entirely as a Group 3 area. The SG defines Group 3 as '*areas with potential for wind farm development*' which reflects the SPP definition.

³³ https://www.highland.gov.uk/downloads/download/165/onshore_wind_energy_supplementary_guidance

- 5.4.4. The SG does not, however, repeat the comment in SPP that within Group 3 areas ‘*wind farms are likely to be acceptable, subject to detailed consideration against policy criteria*’. This is an important point for the decision maker to bear in mind, particularly given that the policy assessment contained herein contains no evidence to suggest that the Proposed Development is unlikely to be found acceptable.
- 5.4.5. The SG contains ten assessment criteria, focusing on landscape and visual matters, that THC will use as a framework for assessing proposals. The SG confirms that the criteria do not set absolute requirements but it is THC’s expectation that applicants will site and design schemes to avoid significant adverse impacts in order to reflect the criteria. The Proposed Development is considered against these ten criteria in the Table in Appendix 1 to this Planning Statement. This assessment has been undertaken by landscape architects at Pegasus, who carried out the LVIA and wrote EIA Report Chapter 6.
- 5.4.6. This assessment considers that the Proposed Development satisfies the vast majority of these criteria, with assessment commentary set beside each criteria to explain the rationale for the conclusions. Noting that the Proposed Development will give rise to some significant landscape and visual effects, the Appendix 1 assessment does note that in a few cases there is some degree of conflict with the criteria but that overall they are largely met. Those criteria where the measurements are not entirely met are identified and summarised below:-
- **Criterion 4** – The amenity of key recreational routes and ways is respected. The assessment notes that there will be significant visual effects upon a section of the John O’Groats Trail and the Brora Village Trail. It not considered that there will be an overwhelming influence on either route or that the Proposed Development would otherwise detract from the visual appeal of these routes. A number of other recreational routes were assessed in Chapter 6 of the EIA Report. There are no other routes where significant visual effects will occur; and
 - **Criterion 6** – The existing pattern of Wind Energy Development is respected. The assessment confirms that the Proposed Development would relate well to the other nearby wind energy schemes. Notably it is considered that the density and spacing of the turbines is well balanced and able to consolidate development adjacent to the site at Gordonbush Wind Farm and its consented extension. It is acknowledged that the height and proportion of turbines at the Proposed Development is greater than some adjacent schemes, including at Gordonbush Wind Farm where the turbine height is 110m albeit that the consented Gordonbush Extension turbines are 149.9m to tip, in line with the Proposed Development. Overall this will result in only localised significant effects to landscape character or visual amenity. The location of the Proposed Development adjacent to Gordonbush and its consented extension reflects the established pattern of wind energy development in the area.
- 5.4.7. For the other eight criteria, the assessment considers that the SG measurements have been met. It is clear that the Proposed Development will give rise to significant effects upon only a small number of localised landscape and visual receptors within the LVIA Study Area, which leads to a mainly positive assessment against these SG criteria. As the SG itself acknowledges, the criteria do not set absolute requirements so acknowledging areas where there is not absolute conformity with the measurements does not detract from an otherwise positive assessment, which complements the earlier analysis against the LDP policies.

6. Other Material Considerations

6.1. Letter from Chief Planner to Heads of Planning in Scotland - 11 November 2015

6.1.1. On 11 November 2015, the Scottish Government's Chief Planner sent a letter³⁴ to all Heads of Planning in Scotland following earlier announcements from the UK Government regarding the future of subsidy arrangements for the renewable energy sector.

6.1.2. While the letter is now over five years old, it is still relevant particularly given the more recent declaration of the climate emergency, the net zero target and the contents of the Programme for Government. Notable statements from the Chief Planners letter include:

- The overall purpose of the letter was to *'re-emphasise that the Scottish Government's Scottish Planning Policy (2014) and Electricity Generation Policy Statement (2013) set out the Scottish Government's current position on on-shore wind farms and that this remains the case'*;
- Reaffirming the Scottish Government's target to generate at least the equivalent of 100% of gross electricity consumption from renewables by 2020. Crucially, the letter reiterated the point that the target is not a cap and that once achieved, the support for renewable energy developments, including on-shore wind, would continue;
- The letter emphasised the important role the Scottish Government requires the planning system to play in supporting the transformational change to a low carbon economy, consistent with national objectives and targets; and
- That net economic impacts including the community socio-economic benefits such as employment, associated business and supply chain opportunities are relevant material considerations in the determination of planning applications for renewable energy applications, including on-shore wind. It is the Scottish Government's expectation that such considerations are addressed in the determination of applications for renewable energy technologies.

6.1.3. The concluding paragraph of the letter confirms that despite changes to UK policy announced in the middle of 2015, the Scottish Government's policy regarding renewables remains unchanged. Of particular relevance to the Proposed Development, the letter confirms that the Scottish Government policy supports new on-shore renewable energy developments. The letter further confirms that this policy support continues in the situation where renewable energy targets have been reached.

6.1.4. This letter remains a significant material consideration in support of this application, particularly so given the enhanced need case for a *'strong upscaling of renewables'* noted in the 2018 IPCC Report and other key energy publications from the UN, CCC, UK and Scottish Governments, as discussed in Section 3.

6.2. National Infrastructure Commission - National Infrastructure Assessment (July 2018)

6.2.1. The National Infrastructure Commission was set up to address the requirement for a long-term, UK-wide strategy for infrastructure development. This first National Infrastructure Assessment (NIA)³⁵ published in

³⁴ <https://www.gov.scot/publications/energy-targets-and-scottish-planning-policy-chief-planner-letter/>

³⁵ <https://www.nic.org.uk/publications/national-infrastructure-assessment-2018/>

July 2018 sets out the Commission's plan of action for the country's infrastructure over the next 10-30 years, to take decisive action along with a long-term vision and lasting plans (page 5).

6.2.2. Significantly, the Foreword to the NIA notes that:

'Over the last 50 years, the UK has seen an endless cycle of delays, prevarication and uncertainty. These have been driven in part by short term considerations, and the lack of a cross-sectoral support to infrastructure. This approach has limited growth, undermined job certainty and restricted innovation. And too often the UK has ended up playing catch up. This will not do for the challenges ahead'. (underlining added).

6.2.3. At page 9 the NIA states categorically that the UK *'can and should have low cost and low carbon electricity'*. It further notes that sustaining progress on reducing carbon emissions *'requires government to show ambition'*, with one of the first crucial steps being to *'enable an increasing deployment of renewables'*. The NIA links this aspiration to the legal obligation of the UK to reduce its GHG emissions by at least 70% from 1990 levels by 2050 (since increased to net zero by 2050, but 2045 for Scotland). Significantly, the NIA notes on page 9 that the modelling undertaken by the Commission has shown that a highly renewable generation mix is a 'low cost option' for the energy system, comparable to building further nuclear power plants after Hinkley Point C.

6.2.4. The NIA goes on to state at page 34 that the successful delivery of a low cost, low carbon energy and waste system requires a flexible electricity generation system, primarily through renewables. *'Since a system with a high proportion of renewable generation looks cost effective in the long term, and adding more nuclear to the system in this timeframe looks unlikely, it makes sense to continue to add more renewables to the system in the 2020s'* (page 42).

6.2.5. The NIA adds to the already established strong energy policy case for the Proposed Development, set out in Section 3 of this Planning Statement. The continued delivery of renewable energy projects in both the short and longer term, is not only sensible in environmental terms, but also in economic terms, because renewable technologies are cost effective. The case for the continued development of renewables is therefore both environmental and economic and the Proposed Development can help fulfil these twin objectives.

6.3. National Infrastructure Commission – Net Zero, Opportunities for the Power Sector (March 2020)

6.3.1. The above report was prepared by the National Infrastructure Commission³⁶ following the UK Governments commitment to achieving net zero GHG emissions by 2050, 2045 in Scotland. This report builds upon and reinforces some of the key message from the 2018 NIA, noting that the net zero target increases the urgency to put the UK on a pathway to a highly renewable electricity system. In the report, the Commission recommends that the Government takes action to ensure that the UK is running on at least 50% renewable generation by 2030. Importantly, it also stresses that the analysis it has carried out shows that a future electricity system with a high penetration of renewables is as cost effective as other systems, utilising other forms of energy generation.

³⁶ <https://www.nic.org.uk/publications/net-zero-opportunities-for-the-power-sector/>

- 6.3.2. The report notes that new low carbon capacity is needed in the UK over the next decade and renewables can deliver this. It notes that as current power plants are due to be retired in the 2020s, there will be a gap in electricity generating capacity that needs to be filled. It continues and states:

'It must be the case that low carbon generation fills this gap. Given their short lead times, renewables are ideally placed to do this. With the exception of Hinkley Point C, nuclear power stations would likely only be able to deliver new capacity in the early 2030s. It therefore makes sense for government to take action to deploy renewables now.'

- 6.3.3. This latest report from the National Infrastructure Commission adds to the comprehensive need case for further renewables discussed earlier in Section 3 of this Statement.

7. The Planning Balance and Conclusions

- 7.1.1. As this Planning Statement has demonstrated, the last 18 months have seen the publication of a significant amount of very important energy policy and legislation. Key amongst these publications are the amendments to the Climate Change Acts in the Westminster and Scottish Parliaments that set 2050 and 2045 as respective dates by when **net zero GHG emissions** are to be achieved. The importance of these targets cannot be overstated, but the challenge in achieving them is significant.
- 7.1.2. The Scottish Governments declaration of a '**climate emergency**' in April 2019 shows the seriousness of the problem posed by climate change and the strong commitment of the Scottish Government to no longer be contributing to climate change is reinforced in the 2020 Programme for Government, which also further underlines the importance of the economic recovery from the COVID-19 pandemic being a green recovery. As the 2019 CCC Progress Report to Parliament notes, '*tougher targets do not themselves reduce emissions*' – the establishment of targets must be accompanied by action on the ground and the continued role out of renewable energy developments is a crucial element of wider efforts to keep global warming to 'well below' 2° C.
- 7.1.3. The need for action now is clearly highlighted in the UN Gap Report from December 2020. This is particularly clear in the unambiguous headline of its Executive Summary, '*Are we on track to bridging the gap? Absolutely not.*' Although 2020 emissions will be lower than in 2019, due to the COVID-19 crisis and the required responses, GHG concentrations continue to rise. Drawing a similarly stark conclusion, the CCC Progress Report to Parliament from July 2019 noted:
- 'The need for action has rarely been clearer. Our message to government is simple: Now, do it'*
- 7.1.4. This message has been reiterated by the National Infrastructure Commission in its most recent report from March 2020. The Scottish Governments OWPS clearly sees onshore wind as playing a '*vital role*' in Scotland's efforts to combat climate change and it is of particular importance to note that the OWPS states that the contribution of the onshore wind sector must continue to grow. The crucial role of the onshore wind sector to Scotland's renewable energy targets is highlighted in the December 2020 Quarterly Energy Statistics from the Scottish Government. The 2020 Update to the Climate Change Plan notes that success in the growth of Scotland's renewable energy generation is ongoing and must be expanded further whilst underlining that '*Planning has been, and will remain, a critical enabler of rapid renewables deployment in Scotland*'.
- 7.1.5. It is against this international and national background that the Proposed Development must be considered. Energy policy and targets have moved on materially since adoption of the LDP in 2012 and also since the original publication of SPP in 2014, and these new targets are a key factor in support of the Proposed Development. Clearly, not all renewable energy projects will be deemed acceptable in the planning balance, but various critical factors all point to the Proposed Development clearly being worthy of support.
- 7.1.6. If electricity is to meet an increased share of Scotland's energy needs in the future and if the onshore wind sector is to play an increasingly important role in Scotland's future energy mix, then it is quite clear that new onshore wind sites, ideally incorporating other technologies, will become an increasing necessity.

- 7.1.7. The Proposed Development can help achieve these objectives. It will generate approximately 63MW of renewable electricity and help displace 4.56 million tCO₂e that would otherwise be emitted if the equivalent amount of electricity were to be generated by a fossil fuel mix of electricity generation. In addition, the battery storage element of the Proposed Development will have a capacity of 60MWh. The Proposed Development can therefore assist in wider efforts to de-carbonise the electricity generation sector by 2030, providing greater security over energy supplies and contribute to the expected increase in demand for electricity likely to arise in the future as a result of the electrification of heat and transport. Importantly, it will make a positive contribution to achievement of net-zero carbon emissions in Scotland by 2045.
- 7.1.8. As noted in Section 1 of this Planning Statement, a decision on the S36 application under the 1989 Act is the principal decision to be made in this case. Schedule 9 refers to the need for Ministers to '*have regard to the desirability*' of preserving natural beauty, of conserving flora, fauna etc. and the extent to which the Applicant has had '*regard to the desirability of preserving*' such interests. There is no requirement for developers to demonstrate that there will be no significant effects upon identified interests, nor for Scottish Ministers to approve only those schemes where no such effects are identified.
- 7.1.9. The Proposed Development has been designed and sited while having regard to the desirability of preserving natural beauty, of conserving fauna, floral and other Schedule 9 duties. As Figure 4 of this Planning Statement shows, four turbines are located within a Group 3 area with the remaining 11 turbines within a Group 2 area. The sole Group 2 interest is the mapped presence of carbon rich soils and deep peat. As has been highlighted throughout this Statement, the Applicant has avoided any significant effects arising from this sole Group 2 interest through site design and mitigation, which can reasonably therefore allow the site to be considered entirely as a Group 3 area. This is a particularly relevant point in allowing the Proposed Development to be considered the right development in the right place. This demonstrates the acceptability, in principle, of this site for a wind farm. The site is located outwith any national landscape, natural heritage or cultural heritage designations.
- 7.1.10. The layout of the Proposed Development has been subject to a careful and iterative design process to ensure a balanced turbine layout to complement the existing Gordonbush Wind Farm and its consented extension adjacent. As is to be expected, some significant landscape and visual effects will arise but these will be mainly localised.
- 7.1.11. The site is not located in a WLA. It is acknowledged that the Proposed Development will be visible from parts of the Ben Klibreck – Armine Forest WLA, but the effects would not be significant and would be limited due to the influence of other intervening factors. The Proposed Development would have some influence upon the qualities of southern areas of the Causeymire Knockfin Flows WLA. However, these are limited due to the distance between the WLA and the site. Any adverse effects upon the Causeymire Knockfin Flows WLA are deemed to be not significant. Overall, it is considered that the Proposed Development, would not affect the overall integrity of WLAs.
- 7.1.12. There are no individual properties within 3.5km of the nearest turbine. While there would be visibility of the Proposed Development from some properties in the settlements of Brora and Doll which result in significant effects, the distance from turbines along with the presence of man-made features and intervening landform restricts visibility from both locations.

- 7.1.13. Taking all of the aforementioned into account it is clear that the Applicant has had regard to the desirability of preserving amenity and fisheries as set out in Schedule 9 and the documents supporting the application provide Scottish Ministers with the necessary information to have regard to these matters in their assessment of the application.
- 7.1.14. The revised SPP published in December 2020 contains altered text specifically in relation to the key policy principle of the presumption in favour of sustainable development. The remainder of the text is the same as the original SPP published in 2014. Most importantly, in the context of renewable energy development, the revised SPP wording remains fully supportive of development which is considered sustainable development. Paragraph 33 of SPP states that '*Whether a proposed development is sustainable development should be assessed according to the principles set out in paragraph 29*'. This Statement provides a full assessment of the Proposed Development against paragraph 29 of SPP, which in turn highlights that the Proposed Development can be defined as '*sustainable development*' to be supported under the terms of SPP. This is an important material consideration in the determination of this S36 application. In addition, it is considered that the Proposed Development will contribute positively to all 3 of the SPP Outcomes that are relevant in this case.
- 7.1.15. Policy 67 is the key LDP policy. It is a policy that is supportive of renewable energy developments where they are considered not be '*significantly detrimental overall*'. Assessing compliance with Policy 67 is therefore a matter of judgement and balance. That assessment must therefore start with an acknowledgment of the effective Group 3 location of the turbines, given that any significant effects on the Group 2 interest of mapped carbon rich soils and peat on part of the site have been substantially overcome by design and mitigation. The weight to be given to the renewable energy benefits must be enhanced with the declaration of a climate emergency by the Scottish Government and the net zero target by 2045.
- 7.1.16. Taking account of these various matters it is considered that the Proposed Development is the **right development in the right place**. It is acknowledged that some significant environmental effects will arise, but this is almost always the case with commercial scale wind farm developments, as noted by the Corlic Hill decision, paragraph 200. The identified significant environmental effects associated with the Proposed Development are considered to clearly fall on the side of acceptability, when all material factors are considered and given appropriate weight. It is therefore respectfully requested that S36 consent and deemed planning permission is granted for the Proposed Development.



Appendix 1 THC SG Criteria Assessment

| THC SG Commentary | | Applicant's Assessment | |
|-------------------|---|---|---|
| Criterion | Measurement | | |
| 1 | Relationship between Settlements/Key locations and wider landscape respected. | The extent to which the proposal contributes to perception of settlements or key locations being encircled by wind energy development | The Proposed Development would not contribute to the perception of settlements or key locations being encircled by wind energy development. This is due in part to its location adjacent to the existing Gordonbush Wind Farm and its Consented Extension and it being well separated from the Kilbraur turbines. |
| | Development should seek to achieve a threshold where: | Turbines are not visually prominent in the majority of views within or from settlements/Key Locations or from the majority of its access routes | A small number of significant visual effects have been identified from visual receptors. However, the Proposed Development would not be visually prominent in the majority of views from settlements, or other notable visual receptors such as individual residential properties, footpaths or the highway network. |
| 2 | Key Gateway locations and routes are respected | The extent to which the proposal reduces or detracts from the transitional experience of key Gateway Locations and routes | The Addendum to Supplementary Guidance: 'Part 2b', considers six geographical areas in relation to the potential for wind energy development. The site is not located in any of the six areas and therefore there are no 'key gateways' identified in relation to the area around the site. However, it is acknowledged that the Glossary of the Supplementary Guidance defines a 'Key Route' as '<i>An important route that captures the essence of an area's particular qualities</i>'. There are a number of highways in the vicinity of the site and these have been considered in the LVIA (Chapter 6, Volume 2). In no cases however were any significant visual effects identified for any of the roads or railways in the study area. It is therefore considered that the Proposed Development would not detract from any key route or gateway within the study area. |
| | Development should seek to achieve a threshold where: | Wind Turbines or other infrastructure do not overwhelm or otherwise detract from landscape characteristics which contribute to the distinctive transitional experience found at | On the basis that no significant visual effects were identified for any of the roads or railways in the study area, the Proposed Development would not overwhelm or otherwise detract from the visual characteristics of any route that might be considered to form a 'key gateway' location. |



| THC SG Commentary | | Applicant's Assessment | |
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| | | key gateway locations and routes | |
| 3 | Valued natural and cultural landmarks are respected | The extent to which the proposal affects the fabric and setting of valued natural and cultural landmarks | The Addendum to Supplementary Guidance: 'Part 2b', considers six geographical areas in relation to the potential for wind energy development. The site is not located in any of the six areas and therefore there are no 'Landmarks' identified in relation to the area around the site. However, it is acknowledged that the Glossary of the Supplementary Guidance defines a 'Landmark' as 'A prominent or conspicuous landscape feature, building or other place, often visible over distance, that is of historical, aesthetic or cultural significance'. The matter of impact to heritage assets is considered separately in the Cultural Heritage Assessment (Chapter 7, Volume 2). However, it is understood that there would be no significant landscape or visual effects on any recognised landmark features in the landscape. |
| | Development should seek to achieve a threshold where: | The development does not, by its presence, diminish the prominence of the landmark or disrupt its relationship to its setting | There would be no significant landscape or visual effects on any recognised landmark features in the landscape. Therefore, it is understood that the Proposed Development would not diminish the prominence of any such landmark or disrupt its relationship to its landscape setting. |
| 4 | The amenity of key recreational routes and ways is respected | The extent to which the proposal affects the amenity of key recreational routes and ways (e.g. Core Paths, Munros and Corbetts, Long Distance Routes etc.) | The Addendum to Supplementary Guidance: 'Part 2b', considers six geographical areas in relation to the potential for wind energy development. The site is not located in any of the six areas and therefore there are no 'key recreational routes' identified in relation to the area around the site. However, it is acknowledged that the Glossary of the Supplementary Guidance defines a 'Key Route' as 'An important route that captures the essence of an area's particular qualities'. There are a number of recreational routes in the vicinity of the site and these have been considered in the LVIA (Chapter 6, Volume 2). It is acknowledged that a significant visual effect was identified for a section of the John O'Groats Trail (between 6.5-8.5km of the site) and the Brora Village Trail. However, no significant effects were identified for any of the other recreational routes within the study area. |

| THC SG Commentary | | Applicant's Assessment | |
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| | | | <p>Having considered the nature of the effects on the recreational receptors, it is considered that notwithstanding the localised significant effects which would arise, each route would remain pleasant and enjoyable and that overall when the effects on the routes are considered in the round the Proposed Development would not overwhelm or otherwise significantly detract from the visual appeal of any key route within the study area.</p> |
| | Development should seek to achieve a threshold where: | Wind Turbines or other infrastructure do not overwhelm or otherwise significantly detract from the visual appeal of key routes and ways | <p>It is acknowledged that a significant visual effect was identified for a section of the John O'Groats Trail (between 6.5-8.5km of the site) and the Brora Village Trail. However, no significant effects were identified for any of the other recreational routes within the study area.</p> <p>Having considered the nature of the effects on the recreational receptors, it is considered that notwithstanding the localised significant effects which would arise, each route would remain pleasant and enjoyable and that overall when the effects on the routes are considered in the round the Proposed Development would not overwhelm or otherwise significantly detract from the visual appeal of any key route within the study area</p> |
| 5 | The amenity of transport routes is respected | The extent to which the proposal affects the amenity of transport routes (tourist routes as well as rail, ferry routes and local road access) | <p>There are a number of transport routes in the vicinity of the site and these have been considered in the LVIA (Chapter 6, Volume 2). In no cases however were any significant visual effects identified for any of the roads or railways in the study area. It is therefore considered that the Proposed Development would not significantly affect the amenity of any transport route in the study area.</p> |
| | Development should seek to achieve a threshold where: | Wind Turbines or other infrastructure do not overwhelm or otherwise significantly detract from the visual appeal of transport routes | <p>There are a number of transport routes in the vicinity of the site and these have been considered in the LVIA (Chapter 6, Volume 2). In no cases however were any significant visual effects identified for any of the roads or railways in the study area. It is therefore considered that the Proposed Development would not overwhelm or otherwise significantly detract from the visual appeal of transport routes.</p> |
| 6 | The existing pattern of Wind Energy | The degree to which the proposal fits with | <p>It is considered that the Proposed Development would relate well to the existing pattern of</p> |



| THC SG Commentary | | Applicant's Assessment |
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| | <p>Development is respected.</p> <p>the existing pattern of nearby wind energy development, considerations include:</p> <ul style="list-style-type: none"> • Turbine height and proportions • density and spacing of turbines within developments, • density and spacing of developments, • typical relationship of development to the landscape. • previously instituted mitigation measures • Planning Authority stated aims for development of area | <p>nearby wind energy development. With regard to the specific considerations noted in the criterion it is noted as follows:</p> <ul style="list-style-type: none"> • Whilst the turbine height and proportions would be different and slightly greater than that of the adjacent Gordonbush Wind Farm, they would still only bring about relatively localised significant effects to landscape character or visual amenity, whilst seeking to maximise potential energy generation. The turbines will however be the same height as the Gordonbush Consented Extension. • The density and spacing of the turbines would be typical of a well-designed commercial wind energy development, allowing visual permeability through the site and not appearing unbalanced. • The Proposed Development would relate well to the density and spacing of existing wind energy development in the area, consolidating development adjacent to the Gordonbush Wind Farm and its Consented Extension. • The relationship of the Proposed Development to the landscape would be that of a well-designed commercial wind energy development, in that it would give rise to relatively localised significant effects to landscape character or visual amenity, whilst seeking to maximise potential energy generation. • The Proposed Development would not undermine the mitigation associated with any previous wind farm. Whilst it is acknowledged that the Proposed Development would be seen in combination with both the existing Gordonbush Wind Farm and the Consented Extension in some views, collectively the schemes would relate well to each other and would serve to consolidate wind energy development in the same tract of the landscape. • It is noted that the site lies within the 'Loch Fleet, Loch Brora and Glen Loth' Special Landscape Area (SLA). As |



| THC SG Commentary | | Applicant's Assessment |
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| | | <p>such, it is understood that with regard to landscape and visual matters the Highland Council's 'stated aims for development in the area' would be for the Proposed Development to be in line with the guidance set out in Appendix 2 of The Highland Wide Local Development Plan (2012), as follows: <i>'The Council will consider the potential impacts of development proposals on the integrity of the SLAs, including impacts on the wider setting. There may be cases where the setting of an SLA could be adversely affected by development in the foreground which would interrupt important views into and out of the SLA. When determining the impact on the landscape character and scenic quality and overall integrity of the SLA, attention will be given to its citation and in particular the Key Landscape and Visual Characteristics, its Special Qualities, and its Sensitivities to Change'</i>. It is understood with regard to the localised and limited nature of the significant impacts identified to the SLA that the Proposed Development does not compromise the integrity of the SLA, or its special qualities. A full assessment of the effects on the SLA is included in Appendix 6.4 (Volume 6) of the EIA Report.</p> |
| Development should seek to achieve a threshold where: | The proposal contributes positively to existing pattern or objectives for development in the area | <p>The location of the Proposed Development as an extension to the existing wind energy development at Gordonbush Wind Farm and its Consented Extension is such that it would reflect the existing established pattern of wind energy development in the local landscape. Regarding the objectives for development in the area, it is acknowledged that unlike the Gordonbush Wind Farm the Proposed Development is located within the 'Loch Fleet, Loch Brora and Glen Loth' Special Landscape Area (SLA). Therefore, there is a requirement to ensure that the integrity of the SLA, or its special qualities are not compromised by the Proposed Development. It is understood that the localised and limited nature of the significant impacts identified to the SLA are such that this requirement would be met. A full</p> |

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| | | | assessment of the effects on the SLA is included in Appendix 6.4 (Volume 6) of the EIA Report. |
| 7 | The need for separation between developments and/or clusters is respected | The extent to which the proposal maintains or affects the spaces between existing developments and/or clusters | The location of the Proposed Development is such that it would serve as an extension to the existing Gordonbush Wind Farm and its Consented Extension. It would therefore serve to join an existing cluster of wind energy in the landscape, whilst retaining separation from the other schemes in the wider area at Kilbraur. |
| | Development should seek to achieve a threshold where: | The proposal maintains appropriate and effective separation between developments and/or clusters | The Proposed Development would form part of an existing cluster of wind energy whilst retaining an appropriate and effective separation from other schemes in the wider landscape. |
| 8 | The perception of landscape scale and distance is respected | The extent to which the proposal maintains or affects receptors' existing perception of landscape scale and distance | There would be only limited significant effects on visual receptors as a result of the Proposed Development. Where such effects would arise, it is understood that the receptor's perception of the scale of the landscape would be maintained. The Proposed Development would generally be seen in broad, open views, located in the upland landscape, well separated from surrounding receptors. |
| | Development should seek to achieve a threshold where: | The proposal maintains the apparent landscape scale and/or distance in the receptors' perception | As a result of its siting in a broad, open, upland landscape, well separated from surrounding visual receptors, the Proposed Development would maintain the apparent overall scale of the landscape in all views from the surrounding locality, even from those limited locations where a significant effect on visual amenity would arise. |
| 9 | Landscape setting of nearby wind energy developments is respected | The extent to which the landscape setting of nearby wind energy developments is affected by the proposal | It is not considered that the Proposed Development would compromise the landscape setting of any other existing wind energy development. Rather the scheme would relate well to the adjacent wind farm at Gordonbush and its Consented Extension and would serve to consolidate wind energy in the same tract of the landscape. |
| | Development should seek to achieve a threshold where: | Proposal relates well to the existing landscape setting and does not | The Proposed Development would not bring about any additional undue visual prominence to any existing wind energy development. Rather it would serve to minimise overall |

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| | | increase the perceived visual prominence of surrounding wind turbines | potential impacts to the landscape through its location adjacent to the existing Gordonbush Wind Farm and its Consented Extension. Collectively the three schemes would relate well to one another in the landscape. |
| 10 | Distinctiveness of Landscape character is respected | The extent to which a proposal affects the distinction between neighbouring landscape character types, in areas where the variety of character is important to the appreciation of the landscape | The Proposed Development would bring about some limited and localised significant effects on landscape character. However, it is not considered that these effects would be such as to compromise the integrity of the different landscape types and areas which cover the study area. In each case the underlying key characteristics of each landscape character type would remain appreciable. The Proposed Development would add views of wind energy to the list of characteristics which apply to the landscape in the vicinity of the site, however for the most part this would serve to reinforce such views of wind energy development which are already brought about by the existing Gordonbush Wind Farm, which will be further increased following construction of its Consented Extension. |
| | Development should seek to achieve a threshold where: | Integrity and variety of Landscape Character Areas are maintained | Proposed Development would relate well to its landscape context and would be located adjacent to other wind energy development which already form a component of the landscape. It is therefore considered that the integrity and variety of the Landscape Character Areas would be maintained following the introduction of the Proposed Development. |