
SUPPLEMENTARY PLANNING STATEMENT

Kirkton Energy Park

October 2023

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EXECUTIVE SUMMARY

Kirkton Wind Farm Limited applied on 9 November 2022 to the Scottish Ministers for consent under section 36 of the Electricity Act 1989 and deemed planning permission¹ to construct and operate an Energy Park (11 wind turbines with a total installed capacity of 52.8MW, and 20MW of battery storage, to give a total combined capacity of 72.8MW) on land across two working farms, Kirkton Farm and Upper Bighouse, near Melvich. Since the application was submitted to the Scottish Ministers, there have been a number of updates in national planning policy.

National Planning Framework 4 was adopted on 13 February 2023 and contains policies that are specific and directly relevant to the proposed development. The proposed development fully accords with the relevant policies contained within NPF4. Policy 11 provides in-principle support for renewable energy developments. The support that NPF4 provides for the proposed development should be afforded significant weight in the overall planning balance.

The Scottish Government adopted the Onshore Wind Policy Statement (2022) in December 2022 and published a consultation draft of the Energy Strategy and Just Transition Plan in January 2023. These set a new target for a minimum installed capacity of 20GW of onshore wind in Scotland by 2030. The proposed development would contribute towards achieving these aims.

The support that the proposed development draws from each of these national policy documents further strengthens the case for section 36 consent and deemed planning permission to be granted for the proposed development.

¹ Issued under section 57(2) of the Town and Country Planning (Scotland) Act 1997

1 INTRODUCTION

- 1.1 On 9 November 2022, Kirkton Wind Farm Limited (the “**Applicant**”) applied to the Scottish Ministers for consent under section 36 of the Electricity Act 1989 and deemed planning permission² to construct and operate an Energy Park (11 wind turbines with a total installed capacity of 52.8MW, and 20MW of battery storage, to give a total combined capacity of 72.8MW) on land across two working farms, Kirkton Farm and Upper Bighouse, near Melvich (the “**proposed development**”).
- 1.2 The Application was accompanied by a Planning Statement that detailed the legislative framework for consideration of the application and identified material considerations that the Scottish Ministers are required to take into account in their assessment. The Planning Statement assessed the planning balance and acceptability of the proposed development against relevant planning policy, concluding that the proposed development was in accordance with the relevant policy. Furthermore, it concluded that any potential adverse effects of the proposed development would not outweigh its positive climate change, renewable energy and socio-economic benefits. On that basis, it was concluded that section 36 consent and deemed planning permission should be granted for the proposed development.
- 1.3 Since the application was submitted to the Scottish Ministers, there have been a number of updates in national planning policy. This Supplementary Planning Statement assesses the proposed development against those policy updates.
- 1.4 The Applicant has also submitted Supplementary Environmental Information (“SEI”) to the Scottish Ministers to address various responses by statutory consultees to the application for the Proposed Development and to take account of minor amendments to the positioning of turbine no.7 and the access track to turbines No 5 – 11. At the request of the Highland Council, the Applicant has also submitted an assessment of the Proposed Development on the Outstanding Universal Values (“OUV”) of the candidate Flow Country World Heritage Site. This request from the Highland Council was based on a Planning Position Statement adopted by the Council on 4 May 2023. This Supplementary Statement has regard to the SEI the OUV Assessment and the Highland Council’s Planning Position Statement.
- 1.5 This statement should be read in conjunction with the documentation previously submitted by the Applicant, in particular, the Planning Statement and EIA Report.
- 1.6 This Supplementary Planning Statement is structured as follows:
- (a) Section 2: National Planning Framework 4

² Issued under section 57(2) of the Town and Country Planning (Scotland) Act 1997

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- (b) Section 3 - Onshore Wind Policy Statement
 - (c) Section 4: Draft Energy Strategy and Just Transition Plan
 - (d) Section 5: Flow Country Candidate World Heritage Site Planning Position Statement
 - (e) Section 6: Overall conclusions

2 NATIONAL PLANNING FRAMEWORK 4 (NPF4)

Relevance and application

- 2.1 On 13 February 2023 the National Planning Framework 4 (“**NPF4**”) was adopted by the Scottish Ministers. NPF4 replaces National Planning Framework 3 and Scottish Planning Policy (“**SPP**”) and sets the overarching spatial strategy for Scotland until 2045.
- 2.2 NPF4 is a statement of up-to-date national planning policy. It is therefore highly relevant to the determination of this application. Following amendments to the Town and Country Planning (Scotland) Act 1997 (the “**1997 Act**”), NPF4 also forms part of the statutory “development plan”, together with the local development plan, underlining its importance in decision making. The amendments to the 1997 Act also made provision that, in the event of any incompatibility between a provision of NPF4 and a provision of the local development plan, the later of them in date (in this instance, NPF4) is to prevail.³
- 2.3 Annex A of NPF4 details how it should be used in decision making and makes clear that it is to be read as a whole. This was reiterated in a letter issued by the Chief Planner and Planning Minister on 8 February 2023, which recognised that conflicts between individual policies are to be expected, and that factors for and against development will be weighed up in the balance of planning judgement.
- 2.4 This Supplementary Statement considers the proposed development against the aims set out in the national spatial strategy and also considers how it complies with policies most relevant to the proposed development.

National spatial strategy

- 2.5 Part 1 of NPF4 sets out the national spatial strategy for Scotland. It identifies eighteen ‘national developments’: significant developments of national importance that will help to deliver the spatial strategy. Relevant for the purposes of this application is ‘Strategic Renewable Electricity Generation and Transmission Infrastructure’. This category of national development supports renewable energy generation, repowering, and expansion of the electricity grid, and applies to both onshore and offshore renewable electricity generation, including electricity storage, with an installed capacity in excess of 50MW. Annex B of NPF4 states that:

“A large and rapid increase in electricity generation from renewable sources will be essential for Scotland to meet its net zero emissions targets. Certain types of renewable energy generation will also be required, which will include energy storage technology and capacity, to provide the vital services, including flexible response, that a zero carbon network will require. Generation is for domestic

³ Section 24(3) of the Town and Country Planning (Scotland) Act 1997

consumption as well as for export to the UK and beyond, with new capacity helping to decarbonise heat, transport and industrial energy demand. This has the potential to support jobs and business investment, with wider economic benefits.”

- 2.6 The proposed development comprises 11 wind turbines, each with an anticipated nominal capacity of approximately 4.8MW and a total installed capacity of 52.8MW. In addition to its generating capacity, the proposed development also includes a battery energy storage system with an anticipated storage capacity of approximately 20MW, which can smooth out variances between wind resource and electricity demand, and help to stabilise the local electricity network. As such, the proposed development would represent a national development, and is therefore supported in principle by the national spatial strategy.
- 2.7 In addition, Annex F of NPF4 identifies some forms of development as ‘essential infrastructure’. This definition includes *“all forms of renewable, low-carbon and zero emission technologies for electricity generation and distribution and transmission electricity grid networks and primary sub stations”*. Given the nature of the proposed development, it would constitute essential infrastructure for the purposes of the national policy framework.

Policy assessment

- 2.8 Part 2 of NPF4 sets out the Scottish Ministers’ national policy framework. The following policies within NPF4 are considered most relevant to the determination of this application:
- (a) Policy 1 – Tackling the climate and nature crises
 - (b) Policy 3 – Biodiversity
 - (c) Policy 4 – Natural places
 - (d) Policy 5 – Soils
 - (e) Policy 6 – Forestry, woodland and trees
 - (f) Policy 7 - Historic assets and places
 - (g) Policy 11 – Energy

- 2.9 These are considered below.

Policy 1 – Tackling the climate and nature crises

- 2.10 The intent of Policy 1 is to *“encourage, promote and facilitate development that addresses the global climate emergency and nature crisis”*. Policy 1 states that:

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

- 2.11 With regard to the proposed development:
- (a) The annual generation capacity from the 11 wind turbines is estimated at approximately 184,280 MWh. Based on the most recent energy consumption statistics prepared by the UK Government,⁴ it is estimated that the proposed development will supply renewable electricity equivalent to the current annual domestic needs of approximately 52,500 households.
 - (b) The proposed battery energy storage system will provide a flexible and rapid release of energy to allow the national grid to regulate electricity supply and demand without greenhouse gas emissions, as well as capacity to absorb excess electricity quickly and assist in managing oversupply to the grid.
 - (c) The estimated carbon payback period for the proposed development would be approximately 1.5 years, leading to significant net carbon savings over the 30 year operational lifespan of the development.
 - (d) The layout of the proposed development largely avoids deposits of deep peat, and the proposed development includes proposals for ‘forest-to-bog’ restoration: increasing blanket bog extent to buffer the adjacent Caithness and Sutherland Peatlands SAC, and providing opportunities for the expansion of peatland floral species whilst returning formerly forested areas to a more natural landscape.
- 2.12 As noted throughout NPF4, a significant and timeous increase in renewable electricity generation capacity is required if Scotland is to meet its net zero emissions targets. This is particularly true of the interim target of a 75% cut in emissions by 2030, with this described as an *“extremely challenging”* target by the Climate Change Committee in its December 2022 Report to Parliament.
- 2.13 Chapter 3 of the EIA Report notes that it is anticipated that construction of the proposed development would commence in late 2025, and would take approximately 18 months to complete. As such, the proposed development has the potential to increase renewable energy generation in advance of 2030, and in doing so to assist in meeting this emissions reduction target.
- 2.14 In helping to address the global climate emergency and nature crisis, the proposed development would contribute to the policy outcome of achieving *“zero carbon, nature positive places”*, and is therefore supported by Policy 1.

⁴ Department for Business, Energy & Industrial Strategy, [Subnational Electricity and Gas Consumption Statistics](#) (22 December 2022)

Policy 3 – Biodiversity

- 2.15 The intent of Policy 3 is to “*protect biodiversity, reverse biodiversity loss, deliver positive effects from development and strengthen nature networks*”. The proposed development is a national development as well as an EIA development as defined in the Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017, and as such limbs (a), (b) and (d) are considered relevant to this application.
- 2.16 Policy 3(a) requires that development proposals will contribute to the enhancement of biodiversity, including where relevant, restoring degraded habitats and building and strengthening nature networks and the connections between them.
- 2.17 Policy 3(b) applies to national development and EIA development and states that such proposals will only be supported where it can be demonstrated that the proposal will conserve, restore and enhance biodiversity, including nature networks so they are in a “demonstrably better state” than without intervention. This includes future management.
- 2.18 Policy 3(d) requires that any potential adverse impacts, including cumulative impacts, of development proposals on biodiversity, nature networks and the natural environment will be minimised through careful planning and design.
- 2.19 The transitional guidance issued by the Chief Planner⁵ recognises that there is currently no single accepted methodology for calculating and/or measuring biodiversity “enhancement”, and that research to explore options for developing a biodiversity metric or other tool has been commissioned.
- 2.20 The proposed development includes proposals for biodiversity enhancements through forest to peat bog restoration. The Applicant proposes to deliver this through a Habitat Management Plan, which could be secured as a condition to the deemed planning permission. The Applicant has submitted an Outline Habitat Management Plan (“OHMP”) with the application detailing how the proposed development can achieve this aim. The proposed enhancement measures would see 87.75ha area of commercial forest plantation, noted in the Forestry Technical Appendix to the EIA Report as being of poor quality, restored and managed as peat bog habitat. The OHMP notes:
- (a) The proposed development will aim to increase the extent and diversity of blanket bog habitat in areas where suitable hydrological regimes can be created to support bog habitat.
 - (b) The ultimate aim of the increasing blanket bog extent is to buffer the adjacent Caithness and Sutherland Peatlands SAC land, and provide opportunities for the

⁵ Letter of 8 February 2023

expansion of peatland floral species while returning formerly commercially forested areas to a more natural landscape.

- (c) At present, the relatively large block of commercial conifer plantation in the north-west corner of the site is immediately adjacent to the Caithness and Sutherland Peatlands SAC, and is likely to be resulting in some degree of negative impact on the hydrological regime of the adjacent Special Area of Conservation habitats.
- (d) Blanket bog restoration will be closely monitored on a regular basis to assess the success of the restoration and to undertake on-going management practices.
- (e) Compensatory planting will be provided elsewhere within the proposed development, with the Forestry Technical Appendix noting that this will be native in character and designed to strengthen the connectivity of the existing native woodland matrix. SEI Figure 3.13 has been produced to show indicative compensatory planting. Whilst the areas for compensatory planting shown in SEI Figure 3.13 are indicative only, the aim of the Figure is to show that it is possible to achieve the required 13.28ha of compensatory planting within the application boundary of the proposed development (including avoiding constraints e.g. deep peat).

2.21 In addition, the OHMP also outlines aims to conserve, enhance and restore important habitats suitable for golden plover and hen harrier. It notes that both species are threatened, on the Scottish Biodiversity List, and qualifying species of the adjacent Caithness and Sutherland Peatlands SAC. Targeted golden plover and hen harrier habitat suitability studies would be undertaken in order to better understand the value of existing habitats on site, and the specific enhancement measures which could be enacted following commissioning of the proposed development.

2.22 Through the HMP, the proposed development will contribute towards the policy outcome of ensuring that *“biodiversity is enhanced and better connected including through strengthened nature networks and nature-based solutions”*. It will restore and enhance biodiversity so that it is in a demonstrably better state than without intervention, with the plan including future monitoring proposals. The proposed development complies with Policy 3.

Policy 4 – Natural places

2.23 The intent of Policy 4 is to *“protect, restore and enhance natural assets making best use of nature-based solutions”*. As many of the matters covered by Policy 4, including compliance with the regulations applicable to European Sites and European Protected Species, are addressed in more detail within the EIA Report and SEI, it is not considered necessary to restate these here.

2.24 Policy 4(g) applies to development proposals situated in areas identified as 'wild land' in the NatureScot Wild Land Areas map. No part of the proposed development is located within a wild land area and therefore policy 4(g) is not directly applicable. However, it does provide a useful context to consider what weight should be given to any potential impact that the proposed development might have on a wild land area.

2.25 Policy 4(g) states:

“g) Development proposals in areas identified as wild land in the Nature Scot Wild Land Areas map will only be supported where the proposal:

i. will support meeting renewable energy targets; or,

ii. is for small scale development directly linked to a rural business or croft, or is required to support a fragile community in a rural area.

All such proposals must be accompanied by a wild land impact assessment which sets out how design, siting, or other mitigation measures have been and will be used to minimise significant impacts on the qualities of the wild land, as well as any management and monitoring arrangements where appropriate. Buffer zones around wild land will not be applied, and effects of development outwith wild land areas will not be a significant consideration.

2.26 Policy 4(g) represents a material change from the position in SPP in the approach to be taken to assessing the potential impact arising from renewable energy generation development in the vicinity of wild land. The policy notes that buffer zones around wild land will not be applied, and that the effects of development outwith wild land areas will not be a significant consideration.

2.27 The proposed development would be located to the west of the East Halladale Flows Wild Land Area (WLA), with the closest wind turbines positioned approximately 2km from the boundary of the Wild Land Area. The Applicant has submitted a Wild Land Area Assessment (“**WLAA**”) that considers the potential impact.

2.28 The WLAA notes that the proposed development, by adding new, tall vertical structures close to the boundary, could have significant effects on western parts of the East Halladale Flows WLA. As more fully outlined in the context of Policy 11 below, considerable design mitigation measures have been adopted to minimise the landscape impact of the proposed development. The proposed development would also see the removal of commercial forestry in the northern part of the site, with this area being restored to peatland. The WLAA notes that this commercial forestry is a notable detracting element in views of the Wild Land Area, and its removal would be a positive change that could continue beyond the operational lifespan of the proposed development

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- 2.29 The WLAA concluded that potentially significant effects (in EIA terms) are predicted for the western part of the East Halladale Flows WLA, the side closest to the proposed development, within approximately 8km – 10km of the proposed wind turbines. The other parts of the East Halladale Flows WLA would not be significantly affected by the proposed development.
- 2.30 In accordance with Policy 4(g), these localised impacts should not be a significant consideration in the overall planning balance.

Policy 5 – Soils

- 2.31 The intent of Policy 5 is to “*protect carbon-rich soils, restore peatlands and minimise disturbance to soils from development*”. Limbs (a), (c) and (d) of the Policy are relevant to the proposed development. They state that:

“a) Development proposals will only be supported if they are designed and constructed:

i. In accordance with the mitigation hierarchy by first avoiding and then minimising the amount of disturbance to soils on undeveloped land; and

ii. In a manner that protects soil from damage including from compaction and erosion, and that minimises soil sealing.

c) Development proposals on peatland, carbon-rich soils and priority peatland habitat will only be supported for:

i. Essential infrastructure and there is a specific locational need and no other suitable site;

ii. The generation of energy from renewable sources that optimises the contribution of the area to greenhouse gas emissions reductions targets;

iii. Small-scale development directly linked to a rural business, farm or croft;

iv. Supporting a fragile community in a rural or island area; or

v. Restoration of peatland habitats.

d) Where development on peatland, carbon-rich soils or priority peatland habitat is proposed, a detailed site specific assessment will be required to identify:

i. the baseline depth, habitat condition, quality and stability of carbon rich soils;

ii. the likely effects of the development on peatland, including on soil disturbance; and

iii. the likely net effects of the development on climate emissions and loss of carbon.”

- 2.32 As required by policy 5(a), the proposed development has been designed in accordance with the mitigation hierarchy. Measures taken to avoid and minimise disturbance to soil are set out in detail in Chapter 10 (Hydrology, Hydrogeology, Geology and Soils) of the EIA Report and in the Peat Management Plan (Technical Appendix 10.2 of the EIA Report). The Peat Management Plan has regard to the mitigation hierarchy, and proposes that prevention and re-use are the most appropriate means of managing peat excavated during construction of the proposed development.
- 2.33 The purpose of the proposed development is to generate energy from renewable sources. As outlined in the Planning Statement, the proposed development will contribute to Scotland and the UK’s greenhouse gas emissions reduction targets. Furthermore, as a renewable energy development the proposed development is “essential infrastructure”. It has a site-specific locational need, being carefully sited in an area that benefits from high wind speeds whilst being almost entirely outwith any statutory designations. The siting of the proposed development is supported in terms of Policy 5(c). In addition, the proposed development includes proposals for the restoration of peatland habitats, as more fully outlined above for the purposes of Policy 3.
- 2.34 In accordance with Policy 5(d), a Peat Landslide Hazard Risk Assessment (Technical Appendix 10.1) has been undertaken as part of the EIA Report, assessing peat stability at the site, identifying areas of potential concern and identifying mitigation measures to ensure the maintenance of peat stability before, during and after construction of the proposed development.
- 2.35 The proposed development complies with and is supported by Policy 5.
- 2.36 SEPA submitted a consultation response on 2 February 2023 in respect of the proposed development. Amongst other things, this response recommended conditions that would minimise impacts on peat and carbon loss. SEPA had no objection to the proposed development.
- 2.37 NatureScot submitted a response on 31 July 2023 in respect of the proposed development that considered the potential impacts on peat. NatureScot have no objection to the proposed development in respect of peat impacts. The response confirmed that the EIA Report made a good assessment of the potential direct impacts during construction and provided some advice on additional potential assessment, the OHMP and OPMP. This advice has been taken into account and reflected in the SEI. Advice in respect of the OHMP and OPMP will be reflected in the final versions of these documents submitted to the planning authority post-consent.

2.38 The Applicant has made amendments to the site layout to address comments from consultees, including relocating turbine no.7 and its associated crane pad and amending the route of the track to turbines no. 5-11. These changes reduce any potential adverse impacts on peatland.

Policy 6 – Forestry, woodland and trees

2.39 The intent of Policy 6 is to “*protect and expand forests, woodland and trees*”. Limbs (b) and (c) of the Policy are relevant to the proposed development. They state that:

“b) Development proposals will not be supported where they will result in:

“i. Any loss of ancient woodlands, ancient and veteran trees, or adverse impact on their ecological condition;

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

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

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

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

2.40 The proposed development has been designed to protect native woodlands as far as possible. The layout of the proposed development largely avoids areas of woodland, and serves to avoid any future conflict between turbine performance and native woodland growth by incorporating substantial offsets between turbine bases and native woodland. However, in order to create bat protection buffer zones around Turbines 1 and 2, and to create part of the access track to Turbine 2, the felling of 3.58ha of native woodland would be required. The detail of the woodland that would be impacted is set out within Technical Appendix 3.2 of the EIA Report.

2.41 The Applicant has committed to mitigating this impact on native woodland by way of compensatory planting, following the guidance contained in the Scottish Government's Policy on the Control of Woodland Removal (2009) and its latest implementation guidance (2019). The detail of the compensatory planting measures are set out in section

9.0 of Technical Appendix 3.2 and sets out that will be provided on a hectare-for-hectare basis, using trees of a native character and a design that strengthens the connectivity of the existing native woodland habitat matrix.

- 2.42 In order to facilitate forest to peat bog restoration, an 87.75ha area of commercial forest plantation would be removed as part of the proposed development. The Forestry Technical Appendix notes that this area, comprising 70.75ha of conifer woodland and 17ha of rides and open ground, can be considered to be of poor quality, having been planted on predominantly peatland habitats where inherent infertility and high water tables inhibit commercial tree growth. As more fully outlined above, the proposed forest to peat bog restoration will buffer the adjacent Caithness and Sutherland Peatlands SAC, restoring peatland habitats, improving connectivity for peatland floral species and providing a positive landscape impact on the East Halladale Flows WLA. In addition to these significant ecological and landscape benefits, a further 9.7ha of compensatory planting will also be provided elsewhere within the site. SEI Figure 3.13 has been produced to show indicative compensatory planting. Whilst the areas for compensatory planting shown in SEI Figure 3.13 are indicative only, the aim of the Figure is to show that it is possible to achieve the required 13.28ha of compensatory planting within the application boundary of the proposed development (including avoiding constraints e.g. deep peat).
- 2.43 A limited and proportionate removal of woodland is necessary to enable the proposed development to make a positive contribution towards climate change targets, increase renewable energy generation and deliver socio-economic benefits. Where such removal is required, compensatory planning will be provided in accordance with the requirements of Policy 6(c). The delivery of compensatory planting can be secured by a condition to the deemed planning permission for the proposed development.

- 2.44 The proposed development complies Policy 6 of NPF4.

Policy 7 - Historic assets and places

- 2.45 The intent of Policy 7 is *“to protect and enhance historic environment assets and places, and to enable positive change as a catalyst for the regeneration of places.”*
- 2.46 Policy 7(a) requires that development proposals with potentially significant impacts on historic assets or places be accompanied by an assessment of the likely visual or physical impacts of the development on those assets.
- 2.47 Policy 7(h) sets out that development proposals affecting scheduled monuments will only be supported where either (i). direct impacts on the scheduled monument are avoided; (ii) significant adverse impacts on the integrity of the setting of a scheduled monument are avoided; or (iii) exceptional circumstances have been demonstrated to justify the

impact on a scheduled monument and its setting and impacts on the monument or its setting have been minimised.

- 2.48 Policy 7(i) sets out that development proposals affecting nationally important Gardens and Designed Landscapes will be supported where they protect, preserve or enhance their cultural significance, character and integrity and where proposals will not significantly impact on important views to, from and within the site, or its setting.
- 2.49 Policy 7(l) sets out that Development proposals affecting a World Heritage Site or its setting will only be supported where their Outstanding Universal Value is protected and preserved.
- 2.50 Policy 7(o) requires that non-designated historic environment assets, places and their setting should be protected and preserved in situ wherever feasible. Where there is potential for non-designated buried archaeological remains to exist below a site, developers will provide an evaluation of the archaeological resource at an early stage so that planning authorities can assess impacts.
- 2.51 The application is supported by an assessment of the impacts of the proposed development on designated and non-designated historic environment assets, places and their setting, as set out in Chapter 11 (Cultural Heritage and Archaeology) of the EIA Report. As set out in more detail in the Planning Statement,⁶ this assessment concluded that there would be no significant impacts during the construction or operational stages of the proposed development. As such, with mitigation measures applied, there would be no unacceptable impacts upon the historic environment caused by the proposed development. The proposed development accords with paragraphs (a), (h) and (o) of Policy 7.
- 2.52 Chapter 7 (Landscape and Visual) of the EIA Report sets out that the proposed development would have no significant effects on nationally important Gardens or Designated Landscapes. The proposed development accords with Policy 7(i).
- 2.53 Policy 7(l) does not apply to the consideration of the proposed development, as there is no designated World Heritage Site (“**WHS**”) that would be potentially impacted by the development. However, it is recognised that an application has been submitted to UNESCO to nominate the Flow Country, the area of blanket bog peatlands within which part of the proposed development is situated, as a WHS. At the request of the Highland Council, the applicant has carried out an assessment of the impacts of the proposed development on the candidate WHS (“**cWHS**”) in accordance with UNESCO guidance. This is addressed in more detail in section 5 of this Supplementary Statement, but in summary, the assessment concluded that there would be no impact on the

⁶ Paragraphs 223 - 227

Outstanding Universal Values (“**OUV**”) of the cWHS and, as such, the proposed development can proceed with no impact on the cWHS.

- 2.54 The proposed development complies with Policy 7 of NPF4.

Policy 11 – Energy

- 2.55 The intent of Policy 11 is to “*encourage, promote and facilitate all forms of renewable energy development onshore and offshore. This includes energy generation, storage, new and replacement transmission and distribution infrastructure and emerging low-carbon and zero emissions technologies including hydrogen and carbon capture utilisation and storage*”.
- 2.56 Policy 11(a) provides in principle support for all forms of renewable development proposals, including wind farms and battery storage. Policy 11(b) notes that development proposals for wind farms in National Parks and National Scenic Areas will not be supported. Policy 11(c) states that development proposals will only be supported where they maximise net economic impact, including local and community socio-economic benefits such as employment, associated business and supply chain opportunities. Policy 11(e) sets out that the project design and proposed mitigation will address how a number of environmental impacts have been addressed. It goes on to state that in considering these impacts in the overall planning balance, significant weight will be placed on the contribution of the proposal to renewable energy generation targets and on greenhouse gas emissions reduction targets.
- 2.57 The proposed development is an onshore wind farm with battery storage capacity and therefore has in principle support in terms of Policy 11(a). The proposed development is not sited within a designated landscape, such as a National Park or National Scenic Area and therefore the restriction in policy 11(b) does not apply.
- 2.58 Paragraphs 47 to 49 of the Planning Statement outline the significant socio-economic benefits of the proposed development for the local and Scottish economies, as well as employment and supply chain opportunities. This details the various steps that the Applicant intends to take to maximise net economic impact, including holding ‘Meet the Developer/Contractor Days’ prior to construction, aimed specifically at small to medium enterprises. The proposed development complies with Policy 11(c)
- 2.59 In respect of Policy 11(e), the EIA Report sets out a robust assessment of the likely potential impacts that will arise from the proposed development. The Applicant acknowledges that the proposed development would have some localised significant landscape impacts. Policy 11(e)(ii) sets out how such effects should be considered in the overall planning balance, stating:

“project design and mitigation will demonstrate how the following impacts are addressed...(ii) significant landscape and visual impacts, recognising that such impacts are to be expected for some forms of renewable energy. Where impacts are localised and/or appropriate design mitigation has been applied, they will generally be considered to be acceptable”

- 2.60 The Applicant considers that this sub-paragraph in NPF4 is a significant shift in policy from that set out in SPP. Landscape and visual impacts resulting from an onshore wind farm development should now be considered acceptable, provided that impacts are localised and/or appropriate design mitigation has been applied.
- 2.61 As noted in the landscape and visual impact assessment set out in Chapter 7 (Landscape and Visual) of the EIA Report, the predicted moderate and potentially significant effects of the proposed development in relation to parts of the Farr Bay, Strathy and Portskerra SLA are localised, and the effects associated with the other five Special Landscape Areas within the scope of the LVIA are not predicted to be significant.
- 2.62 Paragraphs 7.192 to 7.195 of Chapter 7 (Landscape and Visual) and Chapter 2 (Site Description and Design Evolution) of the EIA Report detail the design mitigation measures taken to address the landscape and visual impact of the proposed development. They note that:
- (a) The layout and design of the proposed development was considered as part of an iterative design process, so that constraints identified throughout the EIA and layout design process could be avoided, and potential impacts from the proposed development avoided or reduced.
 - (b) Landscape and visual considerations have been key factors in the design of the proposed development. There has been considerable refinement of the design from a landscape and visual perspective, primarily as a result of consultee feedback during scoping, feedback from members of the public during the first public exhibition, and ongoing site assessment work.
 - (c) The wind turbines would be positioned in a single, slightly arcing, north-south oriented row with a regular spacing between each turbine. The elevation of the turbines has been kept as consistent as possible along the line.
 - (d) Adopting this approach to the proposed development simplified the form and appearance of the proposed turbines in relation to key design viewpoints selected in the area surrounding the site. The arrangement of the turbines in a single line follows the pattern of the local landform, and the north-south orientation of Strath Halladale. The consistent spacing and elevation of the turbines simplifies the appearance of the proposed development and avoids the clustering and stacking

of turbines associated with earlier design iterations. Where possible the wind turbines have also been positioned away from the slopes and landform adjacent to the eastern side of Strath Halladale to provide more separation from the valley landform and associated settled areas.

- (e) Careful consideration has also been given to the positioning of the proposed substation compound within the site and the potential landscape and visual effects. This has been located within the northern part of the site on the lower western side of Strath Halladale; a less prominent location, which utilises existing landform and vegetation to provide visual screening. It also links this element of the proposed development with the existing pattern of built development, which is concentrated towards the floor of the Strath.

2.63 The proposed development has been designed to mitigate the potential landscape and visual impacts that might arise. The result is that potentially significant effects arising from the development are localised. In accordance with policy 11(e)(ii), the landscape and visual impacts arising from the proposed development ought to be considered acceptable.

2.64 Moreover, in considering these impacts, Policy 11(e) requires significant weight to be placed on the proposed development's contribution to renewable energy generation targets and emissions reduction targets. Given the anticipated construction timescale for the proposed development, it has the potential to assist in meeting the Onshore Wind Policy Statement's target of a minimum installed capacity of 20GW of onshore wind in Scotland by 2030. The role of the proposed development in meeting emissions reduction targets is more fully discussed in the context of Policy 1.

2.65 The proposed development is supported by Policy 11, which is an up to date statement of National Planning Policy in relation to renewable energy developments. This should be afforded significant weight in the overall planning balance.

Conclusion on compliance with NPF4

2.66 The proposed development fully accords with the relevant policies contained within NPF4. NPF4 is up to date national policy that contains policies that are specific and directly relevant to the proposed development. This should be afforded significant weight in the overall planning balance.

3 ONSHORE WIND POLICY STATEMENT

- 3.1 The Onshore Wind Policy Statement was published in 2022⁷ and sets out the Scottish Ministers' ambitions and aspirations for further onshore renewable wind development, and provides significant policy support for the proposed development.
- 3.2 It describes the deployment of onshore wind as “*mission-critical*” for meeting Scotland's climate change targets, and sets a new target for a minimum installed capacity of 20GW of onshore wind in Scotland by 2030. This ambition will support the rapid decarbonisation of Scotland's energy system, and will require Scotland's installed onshore wind capacity to be more than doubled from June 2022 levels.
- 3.3 The Onshore Wind Policy Statement notes that Scotland's peak demand for electricity is projected to double within the next two decades, and that this will require a substantial increase in installed capacity across all renewable technologies. With the next decade expected to see a substantial increase in demand for electricity to support net zero delivery across all sectors, it is stated that we must now go further and faster in transitioning to renewable electricity generation.
- 3.4 The Onshore Wind Policy Statement recognises that achieving these ambitions will have impacts on the environment, including on landscape and visual amenity. At paragraph 3.6.1 it states:
- “Meeting the ambition of a minimum installed capacity of 20 GW of onshore wind in Scotland by 2030 will require taller and more efficient turbines. This will change the landscape.” [underline original]*
- 3.5 This recognition that increased onshore wind deployment will change the landscape has now been embodied in Policy 11(e)(ii) of NPF4, as outlined above. The Onshore Wind Policy Statement mirrors the policy set out in NPF4, that where impacts are localised and/or appropriate design mitigation has been applied, they will generally be considered to be acceptable.⁸
- 3.6 In addition, the Onshore Wind Policy Statement identifies the benefits of co-locating battery storage with onshore wind developments, and the role that on-site battery storage can play in reducing pressures from the grid, enabling more locally focused energy provision and reducing costs to consumers. It notes that the Scottish Ministers will continue to support the co-location of battery storage with onshore wind developments to help balance electricity demand and supply, and to add resilience to the energy system.

⁷ This is the adopted version of the Consultative Draft referenced in section 5.2.9 of the Planning Statement

⁸ See paragraph 3.6.3

3.7 The proposed development is in accordance with and supports the objectives of the Onshore Wind Policy Statement.

4 DRAFT ENERGY STRATEGY AND JUST TRANSITION PLAN

- 4.1 As it remains in a draft form and could be subject to change prior to its adoption, limited weight can be given individually to the Draft Energy Strategy and Just Transition Plan at this stage. Nevertheless, the Draft Strategy and Plan demonstrates a clear direction of travel in terms of the importance of, and policy support for, projects such as the proposed development in realising Scotland's climate change ambitions.
- 4.2 The Draft Strategy and Plan identifies the clear imperative for Scotland to deliver an energy system that meets the challenges of becoming a net zero nation by 2045, supplies safe and secure energy for all, generates economic opportunities, and builds a just transition. The vision underpinning the Draft Strategy and Plan is that, by 2045, Scotland will have a flourishing, climate friendly energy system that delivers affordable, resilient and clean energy supplies for Scotland's households, communities and businesses.
- 4.3 To achieve this vision, the Draft Strategy and Plan notes the need to significantly scale up renewable energy production, including onshore wind. It highlights that technologies such as battery storage can increase flexibility in Scotland's electricity system and provide wider benefits for consumers and society, and notes that there is a need to significantly increase battery storage capacity from present levels.
- 4.4 The proposed development would support the aims of the Draft Energy Strategy and Just Transition Plan.

5 FLOW COUNTRY CANDIDATE WORLD HERITAGE SITE PLANNING POSITION STATEMENT

5.1 In early 2023, an application was submitted to UNESCO seeking WHS status for the Flow Country, within which part of the proposed development will be situated. UNESCO identify ten criteria of OUV for WHS, with the application for the Flow Country having been submitted under criteria (ix) and (x):

- Criterion (ix): to be an outstanding example representing significant on-going ecological and biological processes in the evolution and development of terrestrial, fresh water, coastal and marine ecosystems and communities of plants and animals; and
- Criterion (x): to contain the most important and significant natural habitats for in-situ conservation of biological diversity, including those containing threatened species of outstanding universal value from the point of view of science or conservation.

5.2 On 4 May 2023, the Highland Council adopted a Planning Position Statement in respect of the Flow Country cWHS. Amongst other things, this states:

“planning application/application for consent under s36/s37 of the Electricity Act with the potential to affect the Site and its OUV being determined from the date of this planning position statement until the date of inscription or rejection will be considered in terms of its potential impact on the attributes of the Site and its integrity, and because the Site is now a candidate World Heritage Site, also in the context of Policy 7I in NPF4.”

5.3 The Planning Position Statement was adopted by the Highland Council without public consultation. The requirement for further assessment that it seeks to impose on applications for development are not reflective of Policy 7(I) of NPF4, despite that being suggested in the Position Statement. If the Scottish Government or Scottish Parliament wished to include specific protection for cWHS within the NPF4 then they would have done so. The application to UNESCO has been in development since 2019 and the Scottish Government will have been aware of it when it was being developed.

5.4 Against that background, it is submitted that the Planning Position Statement should be given little to no weight in the determination of this application.

5.5 Notwithstanding this, at the request of the Highland Council, the applicant has undertaken an assessment of the potential impacts of the proposed development on the candidate WHS in accordance with UNESCO guidance. This OUV Assessment has been submitted to the Energy Consents Unit along with the SEI.

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- 5.6 The assessment considers the potential impacts upon attributes of the cWHS and its setting as a result of the proposed development. This has been assessed in line with relevant UNESCO and CIEEM guidance. No significant residual effects on attributes of the cWHS were identified. There will therefore be no impact on the OUVs of the cWHS, particularly of attribute 10 a (i) and (ii). The assessment concludes that, as such, the proposed development can proceed with no impact on the cWHS.
- 5.7 In the event that the Scottish Ministers consider that the potential impact on the cWHS and/or the Highland Council's Planning Position Statement are relevant matters to the determination of this application, they can be satisfied that granting consent would not have any impact on the cWHS.

6 CONCLUSION

- 6.1 The proposed development accords with NPF4, which is an up-to-date statement of national planning policy. In particular, the proposed development draws strong support from Policies 1 and 11 of NPF4, which provide in principle support to renewable developments and those that will contribute to addressing the climate crises. As up to date planning policy, this should be given significant weight in the overall planning balance.
- 6.2 Furthermore, the proposed development would also support the ambitions set out by the Scottish Government in the Onshore Wind Policy Statement and the Draft Energy Strategy and Just Transition Plan. These policy documents highlight the need for a rapid increase in the deployment of offshore wind if Scotland is to meet its net zero targets.
- 6.3 The support that the proposed development draws from each of these national policy documents further strengthens the needs case for the proposed development. It therefore remains the Applicant's position that the proposed development is in accordance with the provisions of the Electricity Act 1989, NPF4 and the Development Plan. The positive contribution that the proposed development would make to combatting climate change, increasing renewable energy deployment and furthering socio-economic benefits significantly outweigh any potential adverse impacts.
- 6.4 At the request of the Highland Council, the applicant has assessed the potential impact of the proposed development on the Flow Country Candidate World Heritage Site. The assessment concludes that the proposed development can proceed with no adverse impact on the proposed OUVs of the cWHS.
- 6.5 The Applicant respectfully submits that section 36 consent and deemed planning permission should be granted for the proposed development.