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INTRODUCTION

- 4.1 This Chapter identifies the climate change, energy and planning legislation, policies and targets relevant to the determination of the planning application for the proposed development.
- 4.2 It is important to note that it is not the purpose of this chapter to provide an assessment of the proposed development against these climate change, renewable energy and planning policies and targets. Instead, it outlines the context in which proposed development should be considered, including the urgent need case for rapidly increased renewable energy generation over the next decade in response to the global climate emergency. More detailed analysis and assessment of the proposed development against these planning policy and other material considerations is contained in the separate supporting Planning Statement which accompanies this application.
- 4.3 This EIA Report is prepared to support the application for consent for the proposed development under Section 36 of the Electricity Act 1989. In the consideration of the application the Scottish Ministers' have a duty to fulfil the requirements of Schedule 9 (paragraph 3) of the Electricity Act 1989. The applicant has had regard to the duties imposed upon them in terms of Schedule 9 and thereafter the Scottish Ministers will have to consider 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"*. In addition, the Scottish Ministers are required to assess whether the applicant has fulfilled the requirement 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"*.
- 4.4 Deemed planning permission under section 57(2) of the Town and Country Planning Act 1997, as amended, is also sought.
- 4.5 In the case of Section 36 Applications the role of the Development Plan is not the same as in the case of the Town and Country Planning (Scotland) Act 1997. The test set out in Section 25 of the Town and Country Planning (Scotland) Act 1997 which sets out that development must accord with the terms of the Development Plan is not engaged in the case of a Section 36 application. The Development Plan is nonetheless material to the determination of the application. Through the EIA process the applicant has sought to develop a scheme that takes account of the duties set out in Schedule 9 of the Electricity Act 1989. The matters that are raised in Schedule 9 have been considered in the EIA process and the findings are presented in this EIA Report.
- 4.6 **Technical Appendix 4.1: Legislation, Planning Policy and Guidance**, provides a summary of specific relevant legislation, planning policy and guidance for each technical discipline considered in the Environmental Impact Assessment (EIA) Report.

POLICY ON CLIMATE CHANGE AND ENERGY

International and EU Context

- 4.7 In order to understand the need for a continuing increase of renewable energy generation in Scotland, it is important first to understand the international and European Union (EU) framework towards tackling climate change. The key targets and obligations in this regard are outlined below.

UK Withdrawal from the European Union

- 4.8 The UK formally submitted its intention to leave the EU under Article 50 of the Treaty of the EU in March 2017. The European Union (Withdrawal Agreement) Act 2020 received Royal Assent on 23 January 2020 and converts all EU laws, targets and rules into domestic UK governance. The existing EU renewable energy targets for the UK, including the requirements of the Renewable Energy Directive, remain applicable despite the UK formally leaving the EU on 31 January 2020, and the transition period ending on 31 December 2020.

The COP21 UN Paris Agreement

- 4.9 On 12 December 2015 delegates from nearly 200 different countries gathered at the Paris Climate Conference (COP21) adopted a legally binding international agreement – known as ‘the Paris Agreement’ – by which all countries vowed to cut their carbon emissions. They agreed:
- a long-term goal of keeping the increase in global average temperature to well below 2 degrees Celsius (°C) above preindustrial levels;
 - to aim to limit the increase to 1.5 °C, since this would significantly reduce risks and the impacts of climate change;
 - on the need for global emissions to peak as soon as possible, recognising that this will take longer for developing countries; and
 - to undertake rapid reductions thereafter in accordance with the best available science, so as to achieve a balance between emissions and removals in the second half of the century.
- 4.10 Under the agreements, countries are also legally obliged to make new post-2030 commitments to reduce emissions every five years.
- 4.11 The EU formally ratified the Paris Agreement on 5 October 2016, thus enabling its entry into force on 4 November 2016. On the agreement, the European Commission stated, “*the Paris Agreement sends a clear signal to investors, businesses, and policy-makers that the global transition to clean energy is here to stay and resources have to shift away from polluting fossil fuels.*”

The EU 2030 Clean Energy Package

- 4.12 In October 2014, the European Commission agreed the EU 2030 Climate & Energy Policy Framework (EC 2015). This set a target to reduce EU domestic greenhouse gas emissions by at least 40 % below 1990 baseline levels by 2030. Separate targets were also set for renewables and energy efficiency.
- 4.13 In 2019 the EU completed a comprehensive update of its energy policy framework to facilitate the transition away from fossil fuels towards cleaner energy and to deliver on the EU’s Paris Agreement commitments. The new energy legislative framework – known as ‘the Clean Energy Package for all Europeans’ – was adopted the first half of 2019. As part of the Clean Energy Package, the revised Renewable Energy Directive (EU) 2018/2001 and the revised Energy Efficiency Directive (EU) 2018/2002 set new 2030 targets for renewable energy generation and energy efficiency. The targets for 2030 are:
- A binding renewable energy target of at least 32%; and
 - An energy efficiency target of at least 32.5 %, with a possible upward revision in 2023.

COP26 Glasgow

- 4.14 In addition to the above legislation and targets, consideration should also be given to the recent UN Climate Change Conference of the Parties (COP26) event held in Glasgow in November 2021 at which there was worldwide consensus on the severity of the current climate emergency, in particular recognition of the loss and damage that the current impacts of climate change are already having. Following two weeks of intense talks, nearly 200 countries agreed to the Glasgow Climate Pact to continue to pursue efforts to limit global average temperature increases to 1.5°C in accordance with the Paris Agreement. All countries also agreed to speeding up the pace of climate action this decade and to revisit and strengthen their current emissions targets to 2030. These outcomes further emphasise the importance of rapidly increasing renewable energy generation capacity over the next decade in response to the global climate emergency.

UK Context

- 4.15 Although the overarching position in the UK is that energy policy is not a devolved matter, the UK Government have made it clear that the Devolved Administrations must play an important role in helping the UK meet international and EU climate change targets. The key UK targets in this regard are outlined below.

Net Zero: The UK's Contribution to Stopping Global Warming (2019)

- 4.16 At COP21, the Intergovernmental Panel on Climate Change (IPCC) was invited to publish a Special Report on the impacts of global warming of 1.5°C and associated greenhouse gas emissions pathways. The IPCC released this Special Report on 8 October 2018. In response to the IPCC's Special Report, the UK Government requested advice from the Committee on Climate Change (a non-departmental public body that advises the Government on the climate) on the implications of the Paris Agreement. This included requesting advice on what further action was needed to meet the goals of the Paris Agreement.
- 4.17 On 2 May 2019 the Committee on Climate Change published their advice in '*Net Zero: the UK's Contribution to Stopping Global Warming*'. The report made the following recommendations:
- UK overall: a new tougher emissions target of net zero greenhouse gases by 2050, ending the UK's contribution to global warming within 30 years. This would replace the previous target of an 80% reduction by 2050 from a 1990 baseline.
 - Scotland: a target of net zero greenhouse gases economy by 2045, reflecting Scotland's greater relative capacity to remove emissions than the UK as whole.
 - A net zero greenhouse gases target for 2050 would deliver on the commitment that the UK made by signing the Paris Agreement.
- 4.18 The UK targets in the report have since been legislated through the Climate Change Act 2008 (2050 Target Amendment) Order 2019, which came into force on 27 June 2019. Prior to this, the UK was committed under the Climate Change Act 2008 to reducing net greenhouse gas emissions by at least 80 % of their 1990 levels by 2050. As discussed later in this chapter, the Scottish net-zero targets in the report have also since been legislated.
- 4.19 In terms of the new net-zero targets, the report makes it clear for both the UK and Scotland that "*this is only possible if clear, stable and well-designed policies to reduce emissions further are introduced across the economy without delay.*" It continues that "*current policy is insufficient for even the existing targets.*"

- 4.20 The Committee on Climate Change report sets out various scenarios for UK net zero greenhouse gases in 2050. These include one of extensive electrification, particularly of transport and heating. Page 23 of the Executive Summary states that this would need to be *“supported by major expansion of renewable and other low carbon power generation. The scenarios involve around a doubling of electricity demand, with all power produced from low carbon sources (compared to 50 % today).”*
- 4.21 The Committee on Climate Change scenarios for electricity generation estimate that to keep the UK on track to meet its net zero target, that renewable energy deployment will require a fourfold increase across the UK from current levels. It identifies that this quadrupling of renewable energy will require approximately 22 to 29 gigawatts (GW) of onshore wind capacity by 2030 and solar capacity increased to 23 to 43 GW. Currently, capacity for both is approximately 13 to 14 GW each.
- 4.22 The technical annex to the report specifically addresses integrating variable renewables into the UK electricity system. The annex makes it clear that variable renewable electricity such as large-scale onshore wind energy is now the cheapest form of electricity generation in the UK and can be deployed at scale to meet UK electricity demands.
- 4.23 The report’s ‘further ambition scenario’ for the power sector aims to see low-carbon sources providing 100% of power generation in 2050, with variable renewable sources (including onshore wind) anticipated to contribute some 57% of this total low carbon power generation.

The Sixth Carbon Budget (2020)

- 4.24 In December 2020 the Committee on Climate Change published ‘The Sixth Carbon Budget’, describing what the potential path options to net zero by 2050 look like and detailing the steps that must be taken to achieve this.
- 4.25 A key recommendation of the report is that the UK Government requires a reduction in UK territorial greenhouse gases of 78% by 2035 relative to 1990 level. The report advises that this can be done through the following four steps:
- Take up of low carbon solutions;
 - Expansion of low carbon energy supplies including onshore wind;
 - Reducing demand for carbon intensive activities; and
 - Land and greenhouse gas removals.
- 4.26 Key benefits for the UK are seen as including the opportunity for low carbon investment, recognised at a time when it is needed to support the UK’s economic recovery from the COVID-19 health crisis.
- 4.27 Page 23 refers to the devolved nations and sets out that *“UK climate targets cannot be met without strong policy action across Scotland, Wales and Northern Ireland”* and recognises that although the main policy levers are held by the UK Government, that Scotland can take action through complementary measures at the devolved level including supporting policies such as *“planning and consenting”*.

The UK Energy White Paper, Powering our Net Zero Future

- 4.28 The UK Government published its Energy White Paper ‘Powering our Net Zero Future’ in December 2020. The White Paper sets out the UK Government’s current thinking on the way in which the UK should work towards meeting its net zero targets. It advises that although retiring capacity will need to be replaced, that modelling suggests overall that the demand for electricity could double as transport and heat switch from petrol/diesel and gas respectively to electricity. It notes that this

will require a fourfold increase in low-carbon generation by 2030 if the increased demand and net zero targets are to be met.

- 4.29 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 deliver clean electricity.”* In the section ‘Our Key Commitments’, the White Paper states that *“onshore wind and solar will be the key building blocks for the future generation mix, along with offshore wind.”*

Climate Change Committee Progress Report to Parliament (2021)

- 4.30 The most recent of the Climate Change Committee’s progress reports to Parliament was published in June 2021. The report is clear that this is a decisive decade for tackling climate change and advises that *“as the UK rebuilds after the COVID-19 pandemic, there is an opportunity to make systemic changes that will fill the gaps in the UK’s climate response. Now is the time to invest in the UK’s future through accelerated action to cut emissions and adapt to the changing climate, while supporting the global transition.”*
- 4.31 Contained within the Report on Reducing Emissions are recommendations for the Scottish Government. These recommendations include that the Scottish Government *“scale up delivery across all sectors in line with the ambition set out in the recent Climate Change Plan Update”*.
- 4.32 The Progress Report on Adapting to Climate Change advises that the ambition that has been set out by the UK Government, in the form of non-policy statements and documents, must now be turned into policy and delivered.

British Energy Security Strategy (2022)

- 4.33 The British Energy Security Strategy policy paper was published in April 2022. The strategy identifies that if the UK is to reduce rapidly increasing energy bills and keep them down for the long term that its need to reduce its dependence on imported oil and gas and to source more of its energy domestically instead.
- 4.34 Whilst primarily focusing on offshore wind rather than onshore wind, the strategy highlights that onshore wind is one of the cheapest forms of renewable power, and advises that improvements will be made to infrastructure UK wide, in order to facilitate more onshore wind development. The strategy seeks to increase deployment of wind and solar energy, and identifies that it expects the measures detailed in the strategy to result in an electricity generation mix that is 95% low carbon electricity by 2030.

Scotland Context

- 4.35 The Scottish Government has continually adopted more ambitious climate change and renewable energy policy and targets than that of the UK Government. These key targets, and the strategies and policies to delivering them, are outlined below.

The Climate Change (Scotland) Act 2009

- 4.36 The Climate Change (Scotland) Act 2009 initially established long term statutory targets for Scotland of reducing greenhouse gas emissions by at least 80% by 2050, with an interim target of reducing emissions by at least 42% by 2020. The Act also placed climate change duties on Scottish public bodies and included provisions on climate change including adaption, forestry, energy efficiency and waste reduction.

The Climate Emergency Declaration

- 4.37 At the SNP Conference in April 2019, Scotland's First Minister declared a climate emergency:
- "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."*
- 4.38 In May 2019 the Scottish Government formally declared a climate emergency. In a speech to the Scottish Parliament, the Climate Change Secretary stated:
- "There is a global emergency. The evidence is irrefutable. The science is clear. And people have been clear: they expect action."*
- 4.39 The Minister also highlighted the important role of the planning system in achieving climate change objectives, stating:
- "...the next National Planning Framework and review of the Scottish Planning Policy will include considerable focus on how the planning system can support our climate change goals."*

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

- 4.40 The Climate Change (Emissions Reduction Targets) (Scotland) Act 2019 received Royal Assent on 31 October 2019 and came into force in March 2020. The Act responds to the Paris Agreement and the declaration of a 'climate emergency' in Scotland. It amends the Climate Change (Scotland) Act 2009 and commits Scotland to a new target of net zero emissions of all greenhouse gases by 2045, with interim targets for reductions of at least 56% by 2020, 75% by 2030 and 90% by 2040. These new greenhouse emissions targets represent a substantial increase over the targets set in the previous Act.
- 4.41 Part 4 of the 2019 Act places climate change duties on Scottish public bodies. It states that a "*public body must, in exercising its functions, act: in the way best calculated to contribute to the delivery of (Scotland's climate change) targets; in the way best calculated to help deliver any (Scottish adaptation programme); and in way that it considers most sustainable*". This means that all public sector organisations, including local authorities, are obliged in exercising their functions to do so in a manner which is consistent with meeting the net zero climate change target.
- 4.42 To help ensure delivery of the long-term targets, the framework includes statutory annual targets for every year to net zero. The latest statistics published in June 2021 on the Scottish Government's energy statistics hub identify that between 2018 and 2019 climate change emissions fell by 23% but that the target level of 55% fall from the baseline level was missed, with a reduction of 51.5%. Three consecutive years of targets have now been missed – for the years 2017, 2018 and 2019.

Climate Change Plan Update (2020)

- 4.43 The Scottish Government published its most recent Climate Change Plan in December 2020. The Climate Change Plan Update responds to the declared climate emergency and considers what policies and proposals are necessarily to deliver against the new targets set under the Climate Change (Emissions Reduction) (Scotland).
- 4.44 The Climate Change Plan Update states that it is essential that a recovery from the COVID-19 pandemic "*responds to the climate emergency*" and "*continues the rapid growth in renewables over the past 20 years, moving from a low to a zero-carbon electricity system*".
- 4.45 Looking specifically at seeking to achieve Scotland's emissions targets out to 2032, the Climate Change Plan Update states that there will need to be "*a substantial increase in renewable*

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generation, particularly through new offshore and onshore wind capacity.” It seeks to quantify this by identifying that it expects between 11 to 16 GW of new renewable capacity will need to be developed during this period.

A Fairer, Greener Scotland: The Government’s Programme for Scotland 2021-22 (2021)

- 4.46 The Programme for Government is published every year at the beginning of September and sets out the actions that the Scottish Government will take in the coming year and beyond.
- 4.47 The Scottish Government’s ‘A Fairer Greener Scotland’ was published in September 2021. This document reaffirms the Scottish Government’s commitment to ensuring a green recovery by *“securing an economic recovery which is green and fair – for everyone and in every part of Scotland – and delivers our ambition to become a net-zero nation”*.
- 4.48 Page 64 notes that that development of renewable energy *“presents an immense opportunity for Scotland to lead by example showing how a clean energy future is possible at home, and as a net exporter of renewable energy, attracting further investment and ensuring our progress to net zero is environmentally and economically beneficial”*.

2020 Routemap for Renewable Energy in Scotland (2011)

- 4.49 The 2020 Routemap for Renewable Energy in Scotland was initially published in July 2011. Further updates to the Routemap were subsequently published in October 2012, December 2013 and September 2015. The Routemap and subsequent updates were therefore prepared in the context of the lower greenhouse gas emissions targets set initially under the Climate Change (Scotland) Act 2009.
- 4.50 The Routemap committed Scotland to generating an equivalent of 100% of electricity demand from renewable sources by 2020. It stated that *“The successful delivery of the capacity required to deliver the equivalent of 100% of Scottish electricity consumption will demand a significant and sustained improvement over the deployment levels seen historically.”*
- 4.51 Sectoral routemaps were provided for each of the key renewable technologies that it was anticipated would contribute towards achieving the 2020 targets. With regard to onshore wind, the stated ambition was *“that by 2020, onshore wind developments ranging from small and community-scale to large power utility scale maximise engagement with communities; contribute electricity to renewables targets; and through displacement of fossil fuel generation, help to reduce fossil fuel consumption.”*
- 4.52 The Routemap identified that *“onshore wind is a mature and relatively low cost renewable technology with a large supply chain already established. It is capable of being deployed at a high rate. Onshore wind turbines can make a very large contribution to the progress to Scotland’s renewable electricity target, and help establish Scotland’s reputation as rapidly becoming the green powerhouse of Europe.”*
- 4.53 A letter from the Scottish Government Planning and Architecture Division to all Heads of Planning entitled ‘Energy Targets and Scottish Planning Policy’ was published on 11 November 2015. The letter set out the Scottish Government’s position on onshore wind energy developments. With regard to the 100% of gross electricity consumption from renewables target by 2020, the letter states that *“the target is a statement of intent and that it is known that Scotland has the potential resource to deliver and exceed it.”* The letter adds that there is no cap on the support for renewable energy development, including onshore wind, once the target has been reached.

- 4.54 The latest statistics from the Scottish Government's Energy Statistics Hub identify that in 2020 that the equivalent of 98.6% of gross electricity consumption was from renewable sources. The 2020 target of 100% gross electricity consumption equates to approximately 16 GW of installed renewable energy capacity. The latest statistics identify that as of June 2021 Scotland has 12 GW of installed capacity operational, a shortfall of approximately 4 GW.

Scottish Energy Strategy (2017)

- 4.55 The Scottish Energy Strategy (SES) was published in 2017 and was therefore also prepared in the context of the lower greenhouse gas emissions targets set initially under the Climate Change (Scotland) Act 2009. The SES sets out the Scottish Government vision for the future energy system in Scotland for the period through to 2050. The Strategy identifies that Scotland's long-term climate change targets will require the near complete decarbonisation of our energy system by 2050, with renewable energy meeting a significant share of our needs.
- 4.56 The SES sets a target for the equivalent of 50% of the energy for Scotland's heat, transport and electricity consumption to be supplied from renewable sources by 2030. This 50% target roughly equates to of 17 GW of installed capacity in 2030. The latest figures on the Scottish Government's Energy Statistics Hub identify that in 2020 25.4% of total Scottish energy consumption came from renewable sources.
- 4.57 The SES also sets a second target for an increase by 30% in energy productivity by 2030 across the Scottish economy from a baseline of 2015. The latest figures on the Scottish Government's Energy Statistics Hub (Scottish Government 2021) estimate that energy productivity in Scotland in 2020 was 1.6% above the 2015 baseline.
- 4.58 Alongside these energy targets, the SES also sets out six strategic priorities. These include:
- *"System security and flexibility – we should have the capacity, the connections, the flexibility and resilience necessary to maintain secure and reliable supplies of energy to all of Scotland's homes and businesses as our energy transition takes place."*
 - *Renewable and low carbon solutions – we will continue to champion and explore the potential of Scotland's huge renewable energy resource, and its ability to meet our local and national heat, transport and electricity needs – helping to achieve our ambitious emissions reduction targets."*
- 4.59 The SES advises that onshore wind energy development is essential to Scotland's transformation to a fully decarbonised energy system by 2050 and brings opportunities which underpin our vision to grow a low carbon economy and build a fairer society.
- 4.60 The SES notes that the Scottish Government want to *"see a significant increase in shared ownership of renewable energy projects in Scotland – putting energy into the hands of local communities and delivering a lasting economic asset to communities across Scotland"*. The ambition is for at least half of newly consented renewable energy projects by 2020 to have an element of shared ownership. The Scottish Government believe that *"Shared ownership will play a key part in helping to meet our targets of 1 GW of community and locally-owned energy by 2020 and 2 GW by 2030."* The Scottish Government *"expect community involvement in onshore wind developments to continue to play a vital role in reaching these targets."*

Onshore Wind Policy Statement (2017)

- 4.61 The Scottish Government's Onshore Wind Policy Statement (OWPS) is one of three policy statements accompanying the SES and was also published in December 2017. It includes separate sections on key priority areas as follows:
- route to market;
 - repowering;
 - developing a strategic approach to new development;
 - barriers to deployment;
 - protection for residents and the environment;
 - community benefits; and
 - shared ownership.
- 4.62 The OWPS reiterates and emphasise the Scottish Government's undiminished, in principle, policy support for further new onshore wind energy projects. This is made clear in paragraph 4 of the OWPS, which states that *"Scotland will continue to need more onshore wind development and capacity, in locations across our landscape where it can be accommodated."*
- 4.63 The necessity for taller turbines is recognised in paragraph 23 of the OWPS, which states that the Scottish Government *"acknowledge that onshore wind technology and equipment manufacturers in the market are moving towards larger and more powerful (i.e. higher capacity) turbines and that these by necessity will mean taller towers and blade tip heights"*. Paragraph 25 of the OWPS continues that the Scottish Government *"fully supports the delivery of large wind turbines in landscapes judged to be capable of accommodating them with significant adverse impacts."*
- 4.64 The OWPS also discusses what it describes as the *"common (although not universal) assumption"* of a time limit of 25 years for consent for wind energy developments. Paragraph 41 of the OWPS confirms that there is no current statutory or legislative durational period and reiterates the position in Scottish Planning Policy that areas identified for wind energy developments should be suitable for use in perpetuity. It provides that the operating period of an individual wind energy development is a matter which developers can discuss and consider prior to the submission of an application but identifies that decommissioning provisions will still be required.
- 4.65 Shared ownership is promoted in the OWPS, with developers encouraged to include elements of shared ownership within their proposals. The OWPS reiterates the Scottish Governments target for at least 50% of newly consented renewable energy projects to have an element of shared ownership by 2020.

Onshore Wind Policy Statement Refresh 2021: Consultative Draft (2021)

- 4.66 The Scottish Governments 'Onshore Wind Policy Statement Refresh 2021: Consultative Draft' was published in October 2021, its purpose being to update the OWPS in 2017 in light of Scotland's net zero targets. The draft reiterates the need for a substantial increase in renewable energy generation over the course of the next decade if the transition towards net zero is to be achieved, stating that *"a consistently higher rate of onshore wind, and other renewables capacity, will be required year on year."* It therefore proposes the setting of a target of between 8 to 12 GW of additional onshore wind generation by 2030 and a proposal for a Sector Deal around this target. This additional 12 GW target is in line with the Climate Change Committee's 6th Carbon Budget on achieving net-zero at least cost.
- 4.67 Consultation on the OWPS Refresh ended in January 2022.

PLANNING POLICY

Scottish Government Planning Policy

- 4.68 The Scottish Government's current national planning policy is set out in the third National Planning Framework (NPF3) and in Scottish Planning Policy (SPP), both of which were published in 2014 and therefore prior to the declaration of the global climate emergency and adoption of the new net zero targets.
- 4.69 The Scottish Government is currently reviewing NPF3 and SPP. A draft version of NPF4 was laid before the Scottish Parliament on the 10 November 2021 and a consultation seeking responses on the draft by 31 March 2022 launched. Once approved by the Scottish Parliament and adopted by the Scottish Ministers, the new NPF4 will for the first time incorporate Scottish Planning Policy and will become part of the Development Plan.
- 4.70 The Scottish Government is currently targeting approval of the new NPF4 by summer 2022. Until such time as NPF4 receives final approval, NPF3 and SPP remain as current national planning policy and material considerations in decision-making.

National Planning Framework 3 (2014)

- 4.71 NPF3 is a long-term strategy for Scotland, the spatial expression of the Scottish Government's Economic Strategy and of its plans for development and investment in infrastructure. It sets out the Scottish Government's vision, which includes that Scotland should become a low-carbon place.
- 4.72 NPF3 identifies that improved energy efficiency and further diversification of energy supplies is required in order to meet climate change targets, renewable energy targets and maintain secure energy supplies.
- 4.73 NPF3 identifies that the energy sector accounts for a significant share of greenhouse gas emissions and provides that in order to facilitate the transition towards a low carbon economy, Scotland must seek to capitalise upon its considerable renewable energy resources.
- 4.74 NPF3 provides specific policy support for onshore wind energy development. Paragraph 3.23 of NPF3 states the Scottish Government's position that *"onshore wind will continue to make a significant contribution to diversification of energy supplies"*.
- 4.75 NPF3 also recognises that investment in low-carbon economy as opportunity for economic growth and the important role that wind farms can have in improving the long-term resilience of rural communities. In this regard, it states at paragraph 3.15 that the Scottish Government is aiming to achieve at least 500MW of renewable energy in community and local ownership by 2020.

Scottish Planning Policy (2014)

- 4.76 SPP sets out national planning policies which reflect the Scottish Government's priorities for the operation of the planning system and the development and use of land. It contains overarching policies that promote sustainability and placemaking as well as subject-specific planning policies. As identified above, the Scottish Government are current reviewing SPP, with the new SPP to be incorporated into NPF4. The following paragraphs set out the policy issues within the current SPP which are most relevant to the proposed development.
- 4.77 The SPP Policy Principles (paragraphs 24 to 57) include a presumption in favour of development that contributes to sustainable development, listing at paragraph 29 a number of principles to guide

decisions. Included amongst these are supporting the delivery of infrastructure (energy) and supporting climate change mitigation.

- 4.78 The presumption in favour of development that contributes to sustainable development is a significant material consideration where the development plan is more than five years old (paragraph 33). As outline further below, the relevant development plan for the proposed development is more than five years old and this presumption would therefore be a significant material consideration in the determination of this application.
- 4.79 The SPP subject policies on delivering a low carbon place (paragraphs 152 to 192) set out how the planning system should manage the process of encouraging, approving and implementing renewable energy proposals when preparing development plans and determining applications.
- 4.80 With respect to the delivery of electricity, paragraph 154 of SPP states that the planning system should, amongst other principles:
- Support the transformation change to a low carbon economy, consistent with national objectives and targets, including deriving the equivalent of 100% of electricity demand from renewable sources by 2020.
 - Support the development of a diverse range of electricity generation from renewable energy technologies, including the expansion of renewable energy generation capacity.
 - Guide development to appropriate locations and advise on the issues that will be taken into account when specific proposals are being assessed.
- 4.81 Paragraph 155 emphasises the Scottish Government’s commitment to maximising the generation of renewable energy. It states that *“development plans should seek to ensure an area’s full potential for electricity and heat from renewable sources is achieved, in line with national climate change targets, giving due regard to relevant environmental, community and cumulative impact considerations.”*
- 4.82 With specific regard to onshore wind, paragraph 161 provides that Development Plans should include a spatial framework for all scales of wind energy development appropriate to their areas, and should set out the criteria that will be considered in deciding applications for all wind energy developments.
- 4.83 The approach to be adopted for the preparation of spatial frameworks is set out in Table 1 of the SPP and is discussed in detail in the Planning Statement which accompanies this application. Paragraph 163 of the SPP provides that the approach to spatial framework preparation set out in the SPP should be followed in order to deliver consistency. It also provides that additional constraints beyond those identified in Table 1 of the SPP should not be applied.
- 4.84 Paragraph 169 sets out the criteria to be considered in the determination of energy infrastructure developments. It states that these criteria will vary relative to the scale of the proposal and the area characteristics, but are likely to include:
- net economic impact, including local and community socio-economic benefits such as employment, associated business and supply chain opportunities;
 - the scale of contribution to renewable energy generation targets;
 - effect on greenhouse gas emissions;
 - cumulative impacts – planning authorities should be clear about likely cumulative impacts arising from all of the considerations below, recognising that in some areas the cumulative

impact of existing and consented energy development may limit the capacity for further development;

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

4.85 In addition to the SPP subject policies on delivering a low carbon place, a number of other subject policies within the SPP are also considered to be of relevance to the proposed development, namely:

- promoting rural development (paragraphs 74 to 91);
- valuing the historic environment (paragraphs 135 to 151);
- valuing the natural environment (paragraphs 193 to 233);
- managing flood risk and drainage (paragraphs 254 to 268); and
- promoting sustainable transport and active travel (paragraphs 269 to 291).

4.86 These other subject policies are covered within the relevant technical chapters of this EIA Report and in the Planning Statement which accompanies this application.

Draft National Planning Framework 4

4.87 The Draft NPF4 sets out an overarching spatial strategy for Scotland until the period to 2045. It is based upon two previous rounds of consultation which identified as a key theme the need for a rebalancing of the planning system so that climate change is a guiding principle for all future plans and decisions. As expected, the urgency of the need to tackle climate change and the fundamental role of the planning system in delivering the radical change required to tackle and adapt to climate change is therefore a central focus for much of the draft NP4.

- 4.88 Within the spatial strategy, the draft NP4 identifies that there will be significant climate challenges for the North and West Coastal Area (which includes the proposed site), stating that the *“island and coastal ecosystems, and the communities they support, are naturally more vulnerable to the effects of climate change, sea levels rise and extreme events”*. If action is not taking, it concludes that these *“island and coastal communities could suffer disproportionately from the impacts of climate change.”*
- 4.89 Whilst being more vulnerable to climate change, the draft NPF4 identifies that the North and West Coastal Area has significant opportunities to capitalise on its natural assets to significantly reduce greenhouse gas emissions through increased renewable energy generation. In addition to tackling climate change, the draft NPF4 identifies that such development also has the potential to bring opportunities to strengthen local communities, build community wealth and secure long-term sustainability.
- 4.90 Under national development 12, which identifies that renewable energy generation developments of or exceeding 50MW capacity are now proposed to be national developments, the draft NPF states that *“a large increase in electricity generation from renewable sources will be essential for Scotland to meet its net zero emissions targets.”* The proposed development will be more than 50MW and will therefore meet the generational criteria for being a national development. The inclusion of renewable energy projects as a national development clearly establishes beyond any reasonable doubt the strengthened need case for their continued development. With regard to the wide range of renewable energy technologies available to contribute towards meeting targets, the draft NPF4 identifies that *“it is likely that the onshore wind sector will play the greatest role in the coming years.”*
- 4.91 In terms of national planning policy, a key new policy is Policy 2: Climate Emergency. This draft policy requires that *“significant weight should be given to the Global Climate Emergency”* when considering all development proposals. The addition of this policy is reflective of the increased prominence and weight which the Scottish Government now expect to be given to the climate emergency in all planning decisions. Whilst still a draft policy and therefore potentially subject to further change, it is considered unlikely given the statements within the draft NPF about the climate emergency and the need for planning to deliver radical change to address this that the policy will be changed substantially. It is therefore considered that significant weight should be attached to this draft policy in the determination of this application.
- 4.92 With specific regard to onshore wind, draft Policy 19: Green Energy provides that development proposals outwith National Parks and National Scenic Areas should be supported *“unless the impacts identified (including cumulative effects) are unacceptable.”* When determining the acceptability or otherwise of wind farm proposals, draft Policy 19 retains the criteria from paragraph 169 of the current SPP for assessing individual proposals on a case by case basis.

Development Plan Policy

- 4.93 The Development Plan for the proposed development comprises the adopted Highland Wide Local Development Plan (HwLDP) (2012), the adopted Caithness and Sutherland Local Development Plan (CaSPlan) (2018) and relevant supplementary guidance, including the Onshore Wind Energy Supplementary Guidance (OWESG) (2016).
- 4.94 Although the OWESG does not provide any new or separate policy tests to those in the HwLDP, it does provide a clear indication of the approach of the Highland Council towards the assessment of onshore wind energy proposals. In particular, it provides a methodology for judgement to be made

on the likely impact of a development on assessed “thresholds” in order to assist in the application of HwLDP Policy 67.

- 4.95 There are no site-specific policies or allocation relating to the proposed site in CaSPlan, the plan only being relevant to this proposal from a broad policy perspective. Consequently, the primary Development Plan policy for assessment of the proposed development is Policy 67 of the HwLDP which specifically relates to renewable energy.
- 4.96 HwLDP Policy 67 requires consideration to be given to the contribution of the development towards renewable energy targets; positive and negative effects on the local and national economy; other material considerations including making effective use of existing and proposed infrastructure and facilities. Within this framework the policy states that the planning authority will support proposals where it is satisfied that they are located, sited and designed in such a way as to ensure that they will not be significantly detrimental overall, either individually or cumulatively with other developments. It states that in this regard specific consideration is to be given to the following criteria.
- Natural, Built and Cultural Heritage;
 - Other Species and Habitat Interests;
 - Landscape and Visual Impact;
 - Amenity at Sensitive Locations;
 - Safety and Amenity of Individuals and Individual Properties;
 - The Water Environment;
 - Safety of Airport, Defence and Emergency Service Operations;
 - The Operational Efficiency of Other Communications;
 - The Quantity and Quality of Public Access;
 - Other Tourism and Recreation Interests; and
 - Traffic and Transport Interests.
- 4.97 The wording of HwLDP Policy 67 provides that if The Highland Council is satisfied that there will be no significant detrimental impact overall, then the application will accord with the Development Plan. HwLDP Policy 67 therefore recognises that making a judgement on the acceptability of impacts is ultimately a balancing exercise which must take into account both the benefits as well as the disbenefits of the proposal. It is considered that this balanced approach adopted within HwLDP Policy 67 represents a realistic reflection of the assessment process as it applies to commercial wind energy developments given that such developments will inevitably result in some significant impacts in EIA terms.
- 4.98 **Table 4-1** lists the other HwLDP policies and associated Supplementary Guidance documents considered to be relevant to the proposed development. These other policies and guidance are covered within the relevant technical chapters of this EIA Report and in the Planning Statement which accompanies this application.

RENEWABLE ENERGY AND PLANNING POLICY 4

Table 4-1: Relevant HwLDP Policies and Supplementary Guidance

HwLDP Policies	Associated Supplementary Guidance
Policy 28: Sustainable Design	Sustainable Design Guide
Policy 51: Trees and Development	Trees, Woodland and Development
Policy 55: Peat and Soils	-
Policy 57: Natural, Built & Cultural Heritage	Highland Historic Environment Strategy
Policy 58: Protected Species	Highland Statutorily Protected Species
Policy 59: Other Important Species	-
Policy 60: Other Important Habitats	-
Policy 61: Landscape	Sustainable Design Guide
Policy 64: Flood Risk	Flood Risk and Drainage Impact Assessment
Policy 66: Surface Water Drainage	Flood Risk and Drainage Impact Assessment

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