



# West Torrisdale Wind Farm Argyll & Bute:

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## Planning Statement

December 2024



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# 1. Introduction

## 1.1 Background

- 1.1.1 This Planning Statement has been prepared by David Bell Planning Ltd (DBP) on behalf of ESB Asset Development UK Limited (the Applicant) in relation to the proposed West Torrisdale Wind Farm (“the Proposed Development”) located in the Argyll and Bute Council (“the Council” or ‘ABC’) administrative area.
- 1.1.2 The Planning Statement supports a Section 36 application submitted under the Electricity Act 1989 (“the 1989 Act”), for consent to construct and operate the Proposed Development. In addition, the Applicant is also seeking consent for deemed planning permission under Section 57 of the Town and Country Planning (Scotland) Act 1997 (“the 1997 Act”), as amended.
- 1.1.3 The application is accompanied by an Environmental Impact Assessment Report (EIAR) which has been undertaken in accordance with the Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017 (“the EIA Regulations”). The EIAR presents information on the identification and assessment of the likely significant adverse and beneficial environmental effects of the proposal.
- 1.1.4 This Planning Statement presents an assessment of the proposal against relevant policy with due regard given to the provisions of the statutory Development Plan now made up of both National Planning Framework 4 (NPF4) and the Local Development Plan (LDP) for the ABC area, national energy and planning policy, and other relevant material considerations. The planning policy framework in Scotland changed significantly in early 2023 when NPF4 came into force and with the publication of the new Onshore Wind Policy Statement (OWPS) published in December 2022.
- 1.1.5 This Planning Statement is supplementary to, and should be read in conjunction with, the EIAR submitted with the application. The Planning Statement considers the potential benefits and adverse effects which may arise and concludes as to the overall acceptability of the Proposed Development in relation to the planning policy framework and relevant material considerations.

## 1.2 The Applicant

- 1.2.1 The Applicant for the Proposed Development is ESB Asset Development UK Limited (‘ESB’).
- 1.2.2 ESB is Ireland’s premier energy company, established in 1927 and is a leading independent power generator in the UK market. ESB has a track record of over 30 years as a successful investor in the UK and owns and operates wind farms across the UK and Ireland with a current generating capacity of 700 MW.
- 1.2.3 In the UK, ESB has 14 onshore wind farms in development, aiming to bring its total investment in onshore wind to more than one gigawatt by 2030. As well as onshore wind, ESB is investing in the UK in:
- > Offshore wind – ESB has taken 50% stakes in the 450 MW Nearth na Gaoithe project in the Firth of Forth and the 1,000 MW Inch Cape project off the Angus coast;
  - > Carrington Power Station 880 MW combined cycle gas turbine;
  - > Electric vehicle infrastructure; and
  - > Renewable heating systems, such as installing the low carbon heating and cooling system in the V&A Dundee.
- 1.2.4 ESB is also an energy provider to businesses and householders across Scotland and the UK.

### **1.3 The Statutory Framework**

- 1.3.1 An application under Section 36 of the 1989 Act for consent for the construction of an electricity generating station whose capacity exceeds 50 megawatts (MW) is significantly different from an application for planning permission for a generating station whose capacity is 50MW or less.
- 1.3.2 Section 25 of the 1997 Act does not apply to the determination of applications under Section 36 of the 1989 Act, as confirmed in the case of *William Grant & Sons Distillers Ltd v Scottish Ministers* [2012] CSOH 98 (paragraphs 17 and 18).
- 1.3.3 In addition, there are certain environmental duties in relation to preservation of amenity and fisheries provisions in Schedule 9, paragraph 3 that apply to the Scottish Ministers as decision maker.
- 1.3.4 The Applicant does not hold a generation licence or exemption under the 1989 Act and therefore the statutory duties set out in paragraph 3(1) of Schedule 9 to the 1989 Act do not currently apply to the Applicant when formulating proposals for consent under Section 36 of the 1989 Act. The Applicant has however, through the EIA process, had full regard to the matters set out in paragraph 3(1)(a) of Schedule 9.
- 1.3.5 The EIA Report identifies how various factors were taken into account in the formulation of the application. In addition, each EIA Report chapter includes assessment of the likely significant effects and also, where appropriate, the identification of appropriate mitigation. This includes both embedded mitigation which is integral to the design, construction and operation of the Proposed Development and also additional specific measures which have been identified.
- 1.3.6 In accordance with paragraph 3(2) of Schedule 9 to the 1989 Act, the Scottish Ministers are obliged to have regard to the desirability of the matters mentioned in paragraph 3(1)(a). The Applicant has provided sufficient information to enable the Scottish Ministers to address their duties under sub-paragraph 3(1)(a) of Schedule 9 to the 1989 Act. The duty on the Ministers is to have regard to the matters specified in Schedule 9 which is not a development management test.
- 1.3.7 In considering the overall statutory and regulatory framework within which the Proposed Development should be assessed, the statutory Development Plan is a material consideration which should be taken into account in the round with all other relevant material considerations. It is important to note, however, that Section 25 of the 1997 Act is not engaged as there is no 'primacy' of the Development Plan in determining an application made under the 1989 Act.

### **1.4 Site Location and Description**

- 1.4.1 This section provides an overview of the land on which the Proposed Development is located. Chapter 2 of the EIAR contains a more detailed site description.
- 1.4.2 The Application Boundary covers an area of approximately 391 hectares (ha), whereas the area within the Application Boundary where the wind turbines are located ('the Wind Turbine Array') covers an area of approximately 221 ha. The Proposed Development location is shown on Figure 1.1 of the EIAR (Volume 3a) and the Application Boundary is shown on Figure 1.2 of the EIAR (Volume 3a).
- 1.4.3 Open moorland is located immediately north and west of the Wind Turbine Array, with the Lephincorrach Burn forming the southern boundary. Open moorland and smaller areas of woodland bound the Wind Turbine Array to the east. The Kintyre Way long distance path passes through the woodland to the south and enters the south-eastern corner of the Wind Turbine Array before heading east towards Torrisdale Bay and then north towards Carradale.
- 1.4.4 Vehicular access to the Wind Turbine Array would be from the west on the A83, utilising the existing Beinn an Tuirc Wind Farm access track and forestry tracks.
- 1.4.5 Beinn an Tuirc (454 m Above Ordnance Datum (AOD)) is located to the west of the Wind Turbine Array and overlooks the operational Beinn an Tuirc, Beinn an Tuirc Extension and Beinn an Tuirc Phase 3 wind farms.

- 1.4.6 Two watercourses define the northern and southern boundaries of the Application Site. To the north, the Torrisdale Water originates in the moorland to the west of the Wind Turbine Array, ultimately discharging into Torrisdale Bay approximately 2 km from the eastern part of the application boundary. The watercourse flows east through the northwest corner of the Wind Turbine Array, and two tributaries originating within the Wind Turbine Array flow north into the Torrisdale Water at this location. To the south, three tributaries of the Lephincorrach Burn also originate within the Wind Turbine Array and flow south discharging into the burn in the southeast corner. The Beinn an Tuirc Distillery is located to the east with an associated water supply and is powered by a small hydroelectric scheme which utilises water from the Lephincorrach Burn.
- 1.4.7 There are no residential properties within the Application Boundary. Individual residential properties are located at Lephincorrach to the south of the Wind Turbine Array, in Glen Torrisdale within the Torrisdale Estate to the northeast and at Ifferdale to the south. The closest property to the Wind Turbine Array, at Lephincorrach, is approximately 1.5 km east of the closest proposed wind turbine (T9). There is also a property immediately south of the access track close to the A83.

## 1.5 The Proposed Development: Summary

- 1.5.1 Chapter 2 of the EIAR (Volume 2) contains a detailed description of the Proposed Development. A summary is as follows:
- > 9 wind turbines, each up to a maximum tip height of 149.9 m (of up to 6 megawatts (MW));
  - > Permanent foundations supporting each wind turbine;
  - > Associated crane hardstanding at each wind turbine location;
  - > An external transformer at each wind turbine location;
  - > A series of new on-site access tracks (approximately 4.9 km) with associated watercourse crossings where necessary, upgraded sections of existing access track (approximately 18.7 km);
  - > Underground electrical cabling within the Wind Turbine Array;
  - > A compound containing control building, substation (including outdoor transformer and control equipment) a Battery Energy Storage System (BESS) (of up to 20 MW);
  - > Temporary compounds including for construction, security and materials handling; and
  - > Search areas for three borrow pits.
- 1.5.2 The combined generation capacity of the turbines will be in excess of 50 MW and the associated BESS will be approximately 20 MW.
- 1.5.3 A connection to the electricity grid network would be made at Carradale substation, located approximately 3 km northeast of the Wind Turbine Array. The grid connection would be the responsibility of the transmission licence holder (Scottish and Southern Electricity Networks (SSEN)) and would be subject to a separate consenting process.
- 1.5.4 The Proposed Development would have an operational lifespan of approximately 35 years.
- ## 1.6 Scope & Structure of Statement
- 1.6.1 The planning policy framework changed significantly in early 2023, with the approval and coming into force of National Planning Framework 4 (NPF4) and with the publication of a new Onshore Wind Policy Statement (OWPS). In addition, a new Local Development Plan for the Argyll and Bute area was adopted in 2024.

- 1.6.2 This Statement addresses these new policy documents and provides an assessment of the Proposed Development against relevant policy provisions and the new make-up of the statutory Development Plan.
- 1.6.3 The Planning Statement draws on the findings of and should be read in conjunction with the associated EIAR and the various drawings and plans which are included as part of the Section 36 application package. The EIAR and other relevant accompanying documents will be referenced throughout where they provide more detailed information that is not essential to repeat for the purposes of this Planning Statement.
- 1.6.4 A separate Design and Access Statement (DAS) has been prepared to accompany the application for Section 36 consent. Whilst this is not a statutory requirement for applications under Section 36 of the Electricity Act 1989, the Applicant has opted to provide a DAS as a good practice measure and for completeness. The DAS demonstrates the site selection and design process which has resulted in the Proposed Development coming forward in this locality and in this particular form.
- 1.6.5 This Planning Statement is structured as follows:
- > **Chapter 2** sets out the up-to-date position with regard to the renewable energy policy and emissions reduction legislative framework and includes reference to the OWPS and the Scottish Government's Draft Energy Strategy and Just Transition Plan and other considerations;
  - > **Chapter 3** summarises the benefits that would arise from the Proposed Development;
  - > **Chapter 4** appraises the Proposed Development against the most relevant policy provisions of NPF4;
  - > **Chapter 5** appraises the Proposed Development against the relevant provisions of the Local Development Plan and related guidance; and
  - > **Chapter 6** examines the planning balance and presents overall conclusions.

## 2. The Renewable Energy Policy & Legislative Framework

### 2.1 Introduction

- 2.1.1 This Chapter refers to the renewable energy policy and emissions reduction legislative framework with reference to relevant international, UK and Scottish provisions. The framework of international agreements and obligations, legally binding targets and climate change global advisory reports is the foundation upon which national energy policy and greenhouse gas emissions (GHG) reduction law is based. This underpins what can be termed the need case for renewable energy from which the Proposed Development can draw a high level of support.
- 2.1.2 The Proposed Development requires to be considered against a background of material UK and Scottish Government energy and climate policy and legislative provisions, as well as national planning policy and advice. These taken together provide very strong support for the Proposed Development in principle.
- 2.1.3 It is evident that there is clear and consistent policy support at all levels, from international to local, for the deployment of renewable energy generally, to combat the global climate crisis, diversify the mix of energy sources, achieve greater security of supply, and to attain legally binding emissions reduction targets.
- 2.1.4 The Proposed Development would make a valuable contribution to help Scotland meet its renewable energy and electricity production targets, while supporting emissions reduction to combat climate change in the current climate emergency.
- 2.1.5 UK and Scottish Government renewable energy policy and associated renewable energy and electricity targets are important considerations. It is important to be clear on the current position as it is a fast-moving topic of public policy. The context of international climate change commitments is set out. This is followed by reference to key UK level statutory and policy provisions and then a detailed description of relevant Scottish Government statutory and policy provisions is set out.

### 2.2 International Commitments

#### The Paris Agreement (2016)

- 2.2.1 In December 2015, 196 countries adopted the first ever universal, legally binding global climate deal at the Paris Climate Conference (COP21). It entered into force in November 2016. The Paris Agreement within the United Nations Framework Convention on Climate Change sets out a global action plan towards climate neutrality with the aims of stopping the increase in global average temperature to well below 2°C above pre-industrial levels and to pursue efforts to limit global warming to 1.5°C.
- 2.2.2 It is clear that moving to a low carbon economy is a globally shared goal and will require absolute emission reduction targets. The UK Government's commitment under the Paris Agreement links to the Climate Change Committee's (CCC) advice to both the UK and Scottish Governments on 'Net Zero' targets which have now, at both the UK and Scottish levels, been translated into new legislative provisions and targets for both 2045 (Scotland) and 2050 (UK). This is referred to below.
- 2.2.3 The Paris Agreement does not itself represent Government policy in the UK or Scotland. However, the purpose of domestic and renewable energy and GHG reduction targets is to meet the UK's commitment in the Paris Agreement.

### United Nations - Intergovernmental Panel on Climate Change

- 2.2.4 The Intergovernmental Panel on Climate Change (IPCC) is the United Nations Body for assessing the science related to climate change.
- 2.2.5 The IPCC prepares comprehensive assessment reports about the state of scientific, technical and socio-economic knowledge on climate change, its impacts and future risks and options for reducing the rate at which climate change is taking place. IPCC reports are commissioned by the world's Governments and are an agreed basis for COP<sup>1</sup> negotiations.
- 2.2.6 The IPCC's Special Report on Warming of 1.5°C, published in 2018, was a key piece of evidence for the CCC's recommendation to the UK Government for a 2050 Net Zero greenhouse gas emission target. The IPCC's reports since 2018 have provided an up-to-date estimate of how close global temperatures are to 1.5°C of warming above pre-industrial levels and the remaining volume of global cumulative carbon dioxide that could be emitted to be consistent with keeping global warming below any particular threshold (such as the 1.5°C and 2°C levels referred to in the Paris Agreement).
- 2.2.7 The IPCC's 6th Assessment Report was published in March 2023. The Summary for Policymakers Report (page 10) states that it is likely that warming will exceed 1.5°C during the 21<sup>st</sup> century and make it harder to limit warming 2°C. It states (page 12):
- “Continued greenhouse gas emissions will lead to increasing global warming, with the best estimate of reaching 1.5°C in the near term in considered scenarios and modelled pathways. Every increment of global warming will intensify multiple and concurrent hazards (high confidence). Deep, rapid and sustained reductions in greenhouse gas emissions would lead to a discernible slowdown in global warming within around two decades, and also to discernible changes in atmospheric composition within a few years (high confidence)”.*
- 2.2.8 Page 24 of the report states *“There is a rapidly closing window of opportunity to secure a liveable and sustainable future for all (very high confidence)”.*

### COP 28, Dubai 2023

- 2.2.9 The United Nations Climate Change Conference (COP28) closed on 13 December 2023. The UN press release of the same date states that the agreement reached *“Signals the ‘beginning of the end’ of the fossil fuel era by laying the ground for swift, just and equitable transition, underpinned by deep emissions cuts and scaled up finance.”*
- 2.2.10 The statement adds:
- “The stocktake recognises the science that indicates global greenhouse gas emissions need to be cut 43% by 2030, compared to 2019 levels, to limit global warming to 1.5°C. But it notes parties are off track when it comes to meeting their Paris Agreement goals.*
- The stocktake calls on parties to take actions towards achieving, at a global scale, a tripling of renewable energy capacity and doubling of energy efficiency improvements by 2030. The list also includes accelerating efforts towards the phase down of unabated coal power, phasing out inefficient fossil fuel subsidies, and other measures that drive the transition away from fossil fuels in energy systems, in a just, orderly and equitable manner, with developed countries continuing to take the lead.” (underlining added)*

### UN Emissions Gap Report (2024)

- 2.2.11 The UN Emissions Gap Report (October 2024) and its 'key messages' summary provides the annual independent science-based assessment of the gap between the pledged GHG reductions, and the reductions required to align with the long-term temperature goal of the Paris Agreement.

<sup>1</sup> United Nations Framework Convention on Climate Change, Conference of the Parties (COP).



- 2.2.12 The Report states that against the background of GHG emissions reaching new highs and climate impacts intensifying globally, nations are preparing what are termed Nationally Determined Contributions (NDCs) for submission in early 2025, ahead of COP30 in Brazil.
- 2.2.13 The Report states that in order to avoid the present trajectory of temperature increase far beyond 2°C over the course of this century:  
*“Nations must use COP29 in Baku, Azerbaijan, as the launch pad to increase ambition and ensure the NDCs collectively promise to almost halve greenhouse gas emissions by 2030. They must then follow up with rapid delivery of commitments, building on actions taken now. If they do not do so, the Paris Agreement target of 1.5°C will be gone within a few years and the 2°C target will be in danger”.*
- 2.2.14 The Report adds *“It remains technically possible to get on a 1.5°C pathway, with solar, wind and forests holding real promise for sweeping and fast emissions cuts”.*
- 2.2.15 The Report also states (page 1) that there must be *“unprecedented cuts to greenhouse gas emissions by 2030 to keep 1.5°C alive”.*
- 2.2.16 In order to put the challenge of emissions reduction in context, the key messages document (page 2), sets out that if only current NDCs are implemented and no further ambition is shown in the new pledges to come, *“the best we could expect to achieve is catastrophic global warming of up to 2.6°C over the course of the century”.*

## 2.3 UK Climate Change & Energy Legislation & Policy

### The Climate Emergency

- 2.3.1 A critical part of the response to the challenge of climate change was the climate emergency which was declared by the Scottish Government in April 2019 and by the UK Parliament in May 2019. The declaration of climate emergency needs to be viewed in the context in which it was declared (advice from the CCC) and in response to commitments under the Paris Agreement and what followed from it as a result of the declaration (new emissions reduction law).

### The Climate Change Act 2008 & Carbon Budgets

- 2.3.2 The Climate Change Act 2008 (the 2008 Act) provides a system of carbon budgeting. Under the 2008 Act, the UK committed to a net reduction in GHG emissions by 2050 of 80% against the 1990 baseline. In June 2019, secondary legislation was passed that extended that target to at least 100% against the 1990 baseline by 2050, with Scotland committing to Net Zero by 2045.
- 2.3.3 The 2008 Act also established the CCC which advises the UK Government on emissions targets, and reports to Parliament on progress made in reducing GHG emissions.
- 2.3.4 The CCC has produced six, four yearly carbon budgets, covering 2008 – 2037. These carbon budgets represent a progressive limitation on the total quantity of GHG emissions to be emitted over the five-year period as summarised in **Table 2.1** below. Essentially, they are five yearly caps on emissions.
- 2.3.5 These legally binding ‘carbon budgets’ act as stepping-stones toward the 2050 target. The CCC advises on the appropriate level of each carbon budget and once accepted by Government, the respective budgets are legislated by Parliament. All six carbon budgets have been put into law and run up to 2037.

Table 2.1: Carbon Budgets and Progress<sup>2</sup>

Budget	Carbon budget level	Target Reduction below 1990 levels	Progress on Budgetary Period (reduction amount v Target)
1 <sup>st</sup> carbon budget (2008 – 2012)	3,018 MtCO <sub>2</sub> e	26%	27%
2 <sup>nd</sup> carbon budget (2013 – 2017)	2,782 MtCO <sub>2</sub> e	32%	42%
3 <sup>rd</sup> carbon budget (2018 – 2022)	2,544 MtCO <sub>2</sub> e	38% by 2020	50% <sup>3</sup>
4 <sup>th</sup> carbon budget (2023 – 2027)	1,950 MtCO <sub>2</sub> e	52% by 2025	n/a
5 <sup>th</sup> carbon budget (2028 – 2032)	1,725 MtCO <sub>2</sub> e	57% by 2030	n/a
6 <sup>th</sup> carbon budget (2033 – 2037)	965 MtCO <sub>2</sub> e	78% by 2035	n/a
7 <sup>th</sup> carbon budget (2038 – 2042)	To be set in 2025	-	n/a
Net Zero Target	100%	By 2050	

2.3.6 The Sixth Carbon Budget (CB6) requires a reduction in UK greenhouse gas emissions of 78% by 2035 relative to 1990 levels. This is seen as a world leading commitment, placing the UK “*decisively on the path to Net Zero by 2050 at the latest, with a trajectory that is consistent with the Paris Agreement*” (CB6, page 13).

2.3.7 Page 23 of CB6 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. Key points from CB6 include:

- > UK climate targets cannot be met without strong policy action in Scotland.
- > The CCC is clear in setting out that new demand for electricity will mean that electricity demand will rise 50% to 2035 and doubling or even trebling by 2050.
- > CB6 needs to be met and that will need more and faster deployment of renewable energy developments than has happened in the past.
- > The related ‘Methodology Report’ from the CCC advice, states that in all scenarios for the carbon budget and looking ahead to 2050, the CCC sees new onshore wind generation being deployed by 2050. They set out that their modelling reflects this by almost doubling onshore wind capacity to 20-30 GW in all scenarios by 2050.

2.3.8 Following the Sixth Carbon Budget, the UK Government announced on 20 April 2021 that it would set the world’s most ambitious climate change target into law (by the Carbon Budget Order 2021 (the Order)<sup>4</sup>) to reduce emissions by 78% by 2035 compared to 1990 levels. This effectively brings forward the UK’s previous commitment of an 80% reduction by 2050 by 15 years.

<sup>2</sup> Source: Climate Change Committee (CCC).

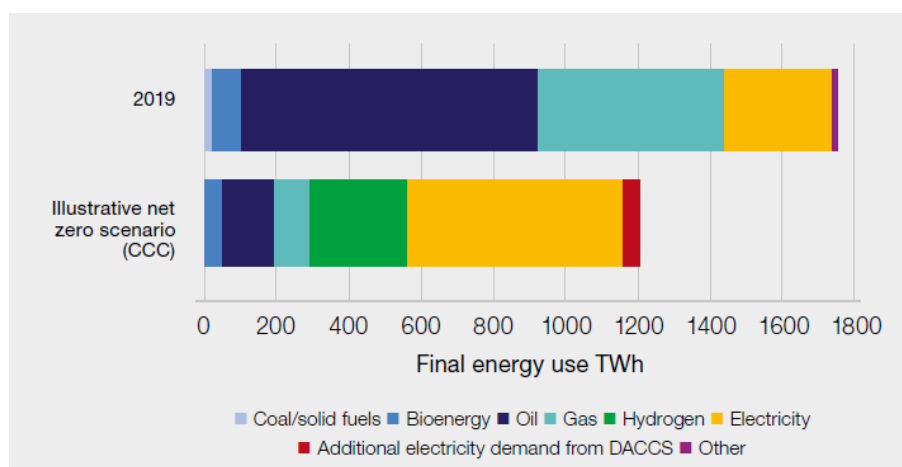
<sup>3</sup> Confirmed by CCC in ‘Final Statement for the Third Carbon Budget’ May 2024. By the end of the period in 2022, UK net GHG emissions were 50% lower than the base year emissions.

<sup>4</sup> The Order sets the carbon budget for the 2033-2037 budgetary period at 965 million tonnes of carbon dioxide equivalent. The net UK carbon account is defined in section 27 of the Climate Change Act 2008.

### The UK Energy White Paper (December 2020)

- 2.3.9 The Energy White Paper ‘Powering our Net Zero Future’ was published on 14 December 2020, represents a sea change in UK policy, and highlights the importance of renewable electricity.
- 2.3.10 It sets out that “*electricity is a key enabler for the transition away from fossil fuels and decarbonising the economy cost-effectively by 2050*”. A key objective is to “*accelerate the deployment of clean electricity generation through the 2020s*” (page 38).
- 2.3.11 Electricity demand is forecast to double out to 2050, which will “*require a four-fold increase in clean electricity generation with the decarbonisation of electricity increasingly underpinning the delivery of our Net Zero target*” (page 42).
- 2.3.12 This anticipated growth of renewable electricity is illustrated in the graph below – **Figure 2.1**.

**Figure 2.1: Illustrative UK Final Energy Use in 2050<sup>5</sup>**



- 2.3.13 Figure 2.1 illustrates that achieving Net Zero requires a significant increase in the use of electricity, all of which must be generated from low-carbon sources.
- 2.3.14 Whilst offshore renewables are expected to grow significantly, the White Paper also sets out that “*onshore wind and solar will be key building blocks of the future generation mix, along with offshore wind. We will need sustained growth in the capacity of these sectors in the next decade to ensure that we are on a pathway that allows us to meet Net Zero emissions in all demand scenarios*” (page 45). (underlining added)

### The British Energy Security Strategy (April 2022)

- 2.3.15 The British Energy Security Strategy (“the Strategy”) was published by the UK Government on 7 April 2022. The Strategy focuses on energy supply and states that in the future nuclear will have an expanded role and that renewables have an important role: the foreword states *inter alia*:
- “*Accelerating the transition away from oil and gas then depends critically on how quickly we can roll out new renewables....*”
- The growing proportion of our electricity coming from renewables reduces our exposure to volatile fossil fuel markets.”*
- 2.3.16 Reducing Scotland’s and the wider UK’s dependency on hydrocarbons has important security of supply, electricity cost and fuel poverty avoidance benefits. Those actions already urgently

<sup>5</sup> Source: Energy White Paper page 9 (2020).

required in the fight against climate change are now required more urgently for global political stability and insulation against dependencies on rogue nation states.

### **The UK Battery Strategy (2023)**

2.3.17 The UK Government published the UK Battery Strategy on 26 November 2023. The Strategy brings together Government activity to achieve a globally competitive battery supply chain by 2030 that supports economic prosperity and the Net Zero transition in the UK.

2.3.18 In summary, the Government's vision is for the UK to continue to grow a thriving battery innovation system and to become a world leader in sustainable design, manufacture and use.

2.3.19 The Strategy was developed with the UK Battery Strategy Task Force, drawing upon a call for evidence and engagement with business and stakeholders. The Strategy is based around the 'design, build, sustain' approach and through the strategy sets the key objectives that the UK will:

- > Design and develop batteries for the future;
- > Strengthen the resilience of UK manufacturing supply chains; and
- > Enable the development of a sustainable battery industry.

2.3.20 In the foreword to the document, the Minister of State for Industry and Economic Security at the Department of Business and Trade states that (page 3):

*"Batteries will play an essential role in our energy transition and our ability to successfully achieve Net Zero by 2050."*

2.3.21 Batteries are seen as key to the Net Zero transition as they enable more flexible use of energy such as maximising use of intermittent low carbon generation.

### **CCC - Report on COP28: Key Outcomes and Next Steps for the UK (January 2024)**

2.3.22 The CCC issued a report and related Statement<sup>6</sup> in January 2024 with reference to COP28 and next steps for the UK. The Statement set out that:

*"2023 was the hottest year on record, with worsening extreme weather events across the world. With global greenhouse gas emissions at an all-time high, COP28 took important steps to try to change the direction of travel."*

*The UK played an important role in this hard-fought COP28 outcome. We may be further into the decarbonisation journey than many nations, but the obligation on every country is now to push even harder. This also frames the economic challenge for the UK. We must rapidly replace fossil fuels with low-carbon alternatives to get back on track to meet our 2030 goal."*

2.3.23 In terms of next steps for the UK, the Statement sets out that:

*"In June 2023, the Committee noted a significant delivery gap to the UK's Nationally Determined Contribution (NDC) of reducing emissions by 68% by 2030. The agreements made at COP28 require a sharper domestic response and time is now short for the gap to be bridged."*

*Achieving the 2030 NDC will require the rate of emission reductions outside of the electricity sector to quadruple from that of recent years. Addressing these gaps in a transparent way remains one of the most important ways for the UK to show climate leadership."*

2.3.24 The related Outcomes Report, in addressing next steps for the UK sets out the following points (page 5) *inter alia*:

<sup>6</sup> CCC Statement 'COP28 outcomes must lead to acceleration of action in the UK' (30 January 2024).

- > “The Global Stocktake undertaken at COP28 marks the first formal assessment of progress of the Paris Agreement process and it reinforced the growing momentum in renewables and other low carbon technology deployment.
- > Countries were called upon to support a trebling of renewables globally..... Alongside this was the crucial brokering of recognition of the need to transition away from all fossil fuels to achieve a Net Zero energy system by 2050.
- > The UK can continue to lead by example and support actions elsewhere to accelerate the pace of the low carbon transition and develop resilience to climate impacts. It must demonstrate delivery towards its ambitious 2030 and 2035 targets on the path to Net Zero.”

2.3.25

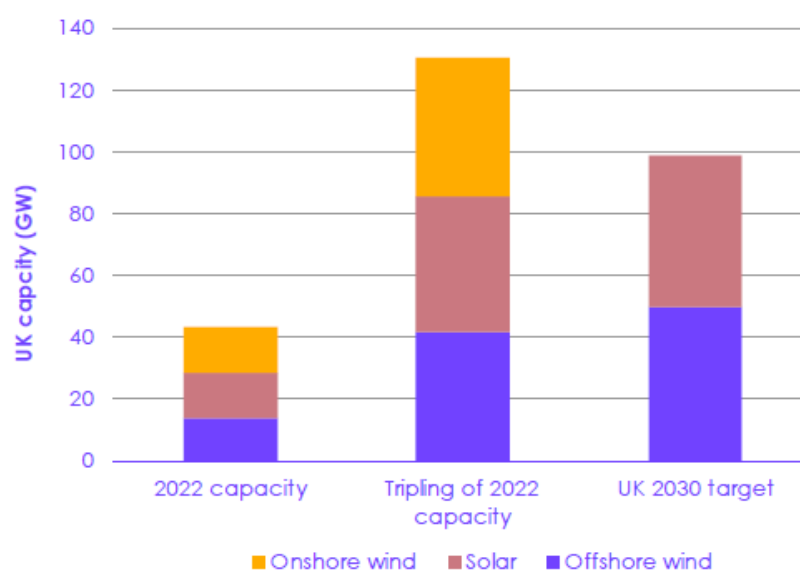
Section 1.2.2 of the Outcomes Report specifically addresses 'next steps for the UK'. Reference is made to opportunities for climate leadership and in terms of energy there is a clear statement (page 21) which refers to a number of actions that will be important for ensuring domestic action is consistent with the language the UK signed up to at COP28. This includes *inter alia*:

- > Delivering rapid deployment of renewables. The report states that solar and onshore wind is progressing too slowly due to barriers around planning and consenting and access to network connections, despite being the cheapest form of generation.
- > In terms of the UK's 2030 NDC, the report states that the UK must continue to focus on addressing delivery gaps to the 2030 NDC. Reference is made to the CCC's 2023 Progress Report which established that if the UK is to achieve its 2030 NDC then the rate of emissions reduction "outside electricity supply must almost quadruple from 1.2% annual reductions to 4.7%".
- > In terms of the tripling of renewable energy capacity by 2030, the Outcomes Report sets out (page 23) that the UK Government only has renewables deployment targets for offshore wind (aiming for up to 50 GW by 2030) and solar PV (aiming for up to 70 GW by 2035).

2.3.26

**Figure 2.2** below contrasts the level of deployment implied by a tripling of 2022 levels with UK targets.

**Figure 2.2: The tripling of Renewable Energy Capacity in a UK Context<sup>7</sup>**



<sup>7</sup> Source: CCC, COP28: Key Outcomes and next steps for the UK, page 24, (January 2024).

- 2.3.27 The CCC report makes it clear that (page 23) that:  
*"UK targets for offshore wind and solar PV are broadly consistent with COP28 calls to triple renewable energy capacity by 2030. However, a tripling of total renewable energy capacity (on 2022 levels) would also require growth in onshore wind."*
- 2.3.28 The CCC also highlight that their 2023 Progress Report (referred to above) showed that the Government is currently off-track to meeting its renewables targets. It states that in order to support the ambitions agreed at COP28 *"and to meet the target of a decarbonised electricity supply by 2035, the Government must increase efforts to deliver against its existing targets on time"*. (page 23)
- Climate Change Committee Report to UK Parliament (2024)**
- 2.3.29 The Climate Change Committee (CCC) published the report 'Progress in Reducing Emissions 2024 Report to Parliament' in July 2024 (the "CCC Report"). The Executive Summary (page 8) states:  
*"The previous Government signalled the slowing of pace and reversed or delayed key policies. The new Government will have to act fast to hit the country's commitments.*  
*The cost of key low-carbon technologies is falling, creating an opportunity for the UK to boost investment, reclaim global climate leadership and enhance energy security by accelerating take-up. British-based renewable energy is the cheapest and fastest way to reduce vulnerability to volatile global fossil fuel markets. The faster we get off fossil fuels, the more secure we become."*
- 2.3.30 The CCC Report makes it clear that urgent action is needed to get on track for the UK's 2030 emissions reduction target. In this regard it states:  
*"The UK has committed to reduce emissions in 2030 by 68% compared to 1990 levels, as its Nationally Determined Contribution (NDC) to the Paris Agreement. It is the first UK target set in line with Net Zero. Now only six years away, the country is not on track to hit this target despite a significant reduction in emissions in 2023. Much of the progress to date has come from phasing out coal generated electricity, with the last coal-fired power station closing later this year. We now need to rapidly reduce oil and gas use as well.*  
*Our assessment is that only a third of the emissions reductions required to achieve the 2030 target are currently covered by credible plans. Action is needed across all sectors of the economy, with low carbon technologies becoming the norm."*
- 2.3.31 The CCC Report sets out priority actions (page 9) and they include:  
  - > The UK should now be in a phase of rapid investment and delivery, however CCC note that all indicators for low carbon technology roll out are *"off track, with rates needing to significant ramp up."* In this regard in terms of renewable technologies it states onshore wind installations will need to double.
- 2.3.32 Chapter 2 of the CCC Report confirms that the third Carbon Budget was met (covering the period 2018 to 2022), however *"future carbon budgets will require an increase in the pace and breadth of decarbonisation. It is imperative that an ambitious path of emissions reduction is maintained towards Net Zero."* (Page 33).
- 2.3.33 Section 2.3 of the CCC Report addresses emissions reductions required for future Carbon Budgets. Paragraph 2.3.1 states that:  
*"emissions reductions across most sectors will need to significantly speed up to be on track to meet the UK's climate targets in the 2030s, and therefore the long term target of Net Zero by 2050. Emissions reductions will need to outperform the legislated Fourth Carbon Budget for the UK to be on a sensible path to achieve its 2030 NDC, the Sixth Carbon Budget and Net Zero."*

- 2.3.34 Chapter 3 of the CCC Report examines indicators of current delivery progress and it sets out (page 50) it references a number of key points including *inter alia*:  
  
*“Required pace – substantial progress is needed on a range of key indicators over the rest of this decade, to get the UK on track to meet its 2030 emissions targets. Low carbon technologies need to quickly become the default options in many areas...  
  
Renewable energy capacity has been growing steadily. However, roll-out rates will need to increase, compared to those since the start of this decade, to deliver the capacity needed by the end of the decade. Annual installations of offshore wind will need to more than treble, onshore wind more than double and solar increase by a factor of five.”*
- 2.3.35 Reference is made to electricity supply (page 56). With regard to onshore wind it states that only 0.5 GW of new onshore wind was installed in 2023 and *“this is considerably below the peak of 1.8 GW in 2017. Onshore wind installation rates will need to more than double compared to the average pace of deployment over the past three years.”*
- 2.3.36 Chapter 2 of the CCC Report addresses the risks to the UK in achieving its emissions reduction targets.
- 2.3.37 With regard to the Fourth Carbon Budget (2023-2027) it states that although credible plans cover almost all of the emissions reductions required to meet it *“this budget was set before the UK’s Net Zero target was legislated. The UK will need to reduce emissions by double the amount implied by the target to be on a sensible path to Net Zero....”*
- 2.3.38 With regard to the 2030 NDC and Sixth Carbon Budget (for the period 2023 to 2037) the CCC Report states that credible plans cover only around a third of emissions reductions needed to meet the UK’s 2030 NDC and a quarter of those needed to meet the Sixth Carbon Budget. It adds *“that 2030 NDC is now only six years away. While our assessment of the policies and plans to deliver it has improved slightly, there remains significant risks to achieving these goals.”*

#### **Labour Government & Commitment to Renewables (2024)**

- 2.3.39 The recent UK Government change at Westminster and a Labour administration for the UK is of relevance in terms of the new UK Government policy approach to Net Zero. The Labour Party Manifesto states that it has *“a national mission for clean power by 2030”* and it explicitly states that this is achievable *“and should be prioritised”*. The Manifesto sees the clean energy transition as a huge opportunity to generate growth and also to tackle the cost-of-living crisis. This objective is set out as Labour’s *“second mission”* for the UK.
- 2.3.40 The policy detail has yet to be seen; however, from the information available it is clear that the new administration will accelerate the pace of renewable development to achieve Net Zero. Energy policy is reserved to Westminster and although the Scottish Government has progressed its own energy policy in parallel with its full devolved authority over the planning system in Scotland, UK Government policy is an important material consideration.
- 2.3.41 The Department for Energy Security and Net Zero issued a Statement on 08 July 2024 which included references to double UK onshore wind capacity from its current level of approximately 15 GW to a planned capacity of 30 GW by 2030.

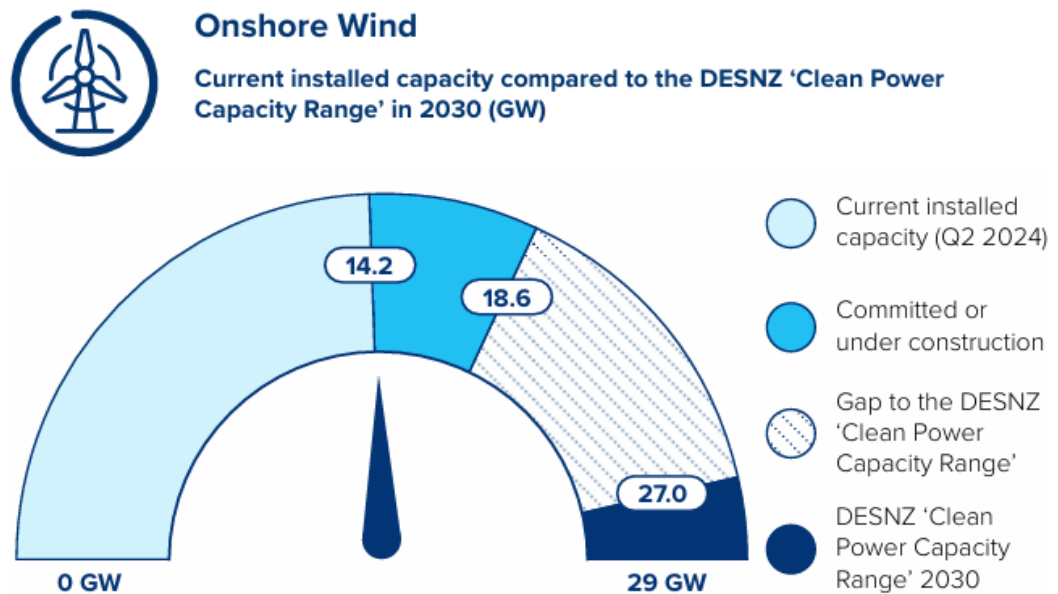
#### **UK Government: Clean Power 2030 Action Plan (2024)**

- 2.3.42 In addition, a key new material consideration is the Clean Power 2030 Action Plan, issued by the Department for Energy Security and Net Zero (DESNZ) in December 2024. It sets out (page 9) that Britain needs to install *“clean sources of power at a pace never previously achieved”*.
- 2.3.43 It further adds (page 10):  
  
*“clean power by 2030 will herald a new era of clean energy independence and tackle three major challenges: the need for secure and affordable energy supply, the creation of essential new energy industries supported by skilled workers in their thousands, the need to reduce*

greenhouse gas emissions and limit our contribution to the damaging effects of climate change. Clean power by 2030 is a sprint towards these essential goals”.

- 2.3.44 Within the Action Plan, it sets out that by 2030, this means that there should be 27-29 GW of onshore wind operational within the UK. At present, there is only some 14.2 GW of installed onshore wind capacity in the UK.

**Figure 2.3: Onshore Wind & ‘Gap’ to reach 2030 UK Target**



- 2.3.45 The document adds that “Meeting the clean power 2030 goal is key to accelerating to net zero, not only in eliminating emissions that currently come from electricity generation, but also via the application of clean power in the buildings, transport and industry sectors... The shift to a clean power system by 2030 forms the backbone of the transition to net zero, as we move to an economy much more reliant on electricity”.

- 2.3.46 There is therefore a significant gap between the target onshore wind capacity for 2030 compared to what is currently installed. The gap is some 14.8 GW of required new capacity and the bulk of that is expected to be delivered in Scotland.

- 2.3.47 Page 74 of the Action Plan states that “Meeting the renewable capacity set out in the DESNZ ‘clean power capacity range’ is achievable but will require deployment at a sharply accelerated scale and pace”.

## 2.4 Climate Change & Renewable Energy Policy: Scotland

### The Scottish Energy Strategy (2017)

- 2.4.1 The Scottish Energy Strategy (SES) was published in December 2017. The SES preceded the important events and publications referred to above but nevertheless sets out that onshore wind is recognised as a key contributor to the delivery of renewable energy targets – specifically 50% energy from renewable sources to be attained by 2030. The SES did not and could not take account of what may be required in terms of additional renewable generation capacity to attain the new legally binding ‘Net Zero’ targets so it is out of date in that respect.

- 2.4.2 The SES refers to “Renewable and Low Carbon Solutions” as a strategic priority (page 41) and states “we will continue to champion and explore the potential of Scotland’s huge renewable



*energy resource, its ability to meet our local and national heat, transport and electricity needs – helping to achieve our ambitious emissions reduction targets”.*

2.4.3 The SES sets out what is termed the “opportunity” for onshore wind and there is explicit recognition that onshore wind is amongst the lowest cost forms of power generation. It is also recognised as “a vital component of the huge industrial opportunity that renewables creates for Scotland”.

2.4.4 The SES sets out the Government’s clear position on onshore wind namely:

*“our energy and climate change goals mean that onshore wind must continue to play a vital role in Scotland’s future – helping to decarbonise our electricity, heat and transport systems, boosting our economy, and meeting local and national demand.”* (page 44)

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

2.4.5 Against this backdrop, the Scottish Government has set legal obligations to decarbonise and reduce emissions. Most notably, the Scottish Government has a statutory target to achieve “Net Zero” by 2045. It is clear that to have any hope of achieving the Net Zero target, significant expansion of renewable generation capacity is required.

2.4.6 When it was enacted, the Climate Change (Scotland) Act 2009 set world leading greenhouse gas emissions reduction targets, including a target to reduce emissions by 80% by 2050. However, the Climate Change (Emissions Reduction Targets) (Scotland) Act 2019 amended the 2009 Act and has set the even more ambitious targets.

2.4.7 The Cabinet Secretary for Wellbeing Economy, Net Zero and Energy made a Statement to the Scottish Parliament on 18 April 2024 with regard to the report to the Scottish Parliament prepared by the CCC, ‘Progress in reducing emissions in Scotland’ (March 2024)). The Statement focussed on the implications the CCC report contains for Scottish emission reduction targets as set out in legislation, namely as set out in the Climate Change (Scotland) Act 2009. The Statement sets out that the Scottish Government will bring forward expedited legislation to address matters raised by the CCC and this is expected to be a change to the 2030 emissions reduction target. This is further referenced below.

#### **Current Progress against Emission Reduction Targets**

2.4.8 The Scottish Government publishes an annual report that sets out whether each annual emissions reduction target has been met. **Table 2.2** below sets out the annual targets for every year to Net Zero.

2.4.9 In their 2024 Progress in Reducing Emissions in Scotland report, the CCC stated that Scotland has missed its annual emission reduction targets eight times and Table 2.2 shows that in the years since 2018 where data is available, Scotland has only met its emissions reduction target once. This was in 2020, during which lockdown restrictions for Covid-19 severely reduced commercial, industrial and transport emissions.

**Table 2.2: Scotland’s Annual Emission Reduction Targets to Net Zero**

Year	Original % Reduction Target	New Targets (2023)	% Actual Emissions Reduction	Year	Original % Reduction Target
2018	54	-	50	2032	78
2019	55	-	51.5	2033	79.5
<b>2020</b>	<b>56</b>	<b>48.5</b>	<b>58.7</b>	2034	81
2021	57.9	51.1	49.9	2035	82.5
2022	59.8	53.8	-	2036	84
2023	61.7	56.4	-	2037	85.5
2024	63.6	59.1	-	2038	87
2025	65.5	61.7	-	2039	88.5
2026	67.4	64.4	-	<b>2040</b>	<b>90 (Interim)</b>
2027	69.3	67.0	-	2041	92
2028	71.2	69.7	-	2042	94
2029	73.1	72.3	-	2043	96
<b>2030</b>	<b>75</b>	<b>75</b>	<b>Interim Target</b>	2044	98
2031	76.5		-	<b>2045</b>	<b>100% Net Zero</b>

2.4.10 Notwithstanding the above noted intention of the Scottish Government to move away from annual targets, the targets set out in the above Table clearly illustrate the speed and scale of change that is required up to and beyond 2030. If there is a continuous growing shortfall each year, then it will be increasingly difficult to attain targets.

2.4.11 Scotland has already made good progress in decarbonising its electricity supply through the development of onshore and offshore wind and other renewables, as well as through the closure of coal fired power stations in the last decade. Emissions reductions now need to come from other sectors through the electrification of the energy they consume, or the substitution of fossil fuels in their energy supply for low-carbon energy sources.

2.4.12 This means the trajectory, in terms of the scale and pace of action to reduce carbon dioxide emissions, is steeper than before and although the 2020s is a critical decade, all the indicators are that the 2030s will be even more critical, because of slower-than-planned action to date.

**CCC Report to Scottish Parliament – Progress in reducing emissions in Scotland (March 2024)**

2.4.13 The CCC produced a report to the Scottish Parliament entitled ‘Progress in reducing emissions in Scotland’ in March 2024. The related press release of the same date states that Scotland’s 2030 climate goals are no longer credible. It states:

*“Continued delays to the updated Climate Change Plan and further slippage in promised climate policies mean that the Climate Change Committee no longer believes that the Scottish Government will meet its statutory 2030 goal to reduce emissions by 75%. There is no comprehensive strategy for Scotland to decarbonise towards Net Zero.*”

*The Scottish Government delayed its draft Climate Change Plan last year despite the 2030 target being only six years away. This has left a significant period without sufficient actions or policies to reach the target; the required acceleration in emissions reduction in Scotland is now beyond what is credible.*

- 2.4.14 The CCC calls in the report for Scotland's Climate Change Plan to be published urgently in order that the CCC can assess it and identify the actions which will deliver on its future targets.
- 2.4.15 The press release states that there is a path to Scotland's post-2030 targets, but stronger action is needed to reduce emissions across the economy.
- 2.4.16 The main report (page 10) states that *"The Scottish Government should build on its high ambition and implement policies that enable the 75% emissions reduction target to be achieved at the earliest date possible."*
- 2.4.17 Page 18 of the report addresses electricity supply, and it states that there has been some progress in delivering renewable electricity generation in Scotland. Reference is made to the Government aim to develop 8-11 GW of offshore wind and 20 GW on onshore wind capacity, both by 2030. The report notes that *"The growth in onshore wind capacity has slowed, however, and is slightly off track to deliver its 2030 target, which will require operational capacity to more than double."*
- 2.4.18 Page 40 states that in terms of onshore wind, Scotland must increase the deployment rate by more than a factor of 4 to an average annual rate of 1.4 GW.

#### **Statement to the Scottish Parliament (18 April 2024)**

- 2.4.19 In light of the CCC Report, the Cabinet Secretary made a statement to the Scottish Parliament on 18 April 2024 entitled 'Climate Change Committee Scotland Report – Next Steps: Net Zero Secretary Statement'.
- 2.4.20 The key points in the statement include:
- > The Scottish Government has an *"unwavering commitment to ending our contribution to global emissions by 2045 at the latest, as agreed by Parliament on a cross-party basis"*.
  - > The Cabinet Secretary states that she is *"announcing a new package of climate action measures which we will deliver with partners to support Scotland's transition to Net Zero"* and the Statement goes out to reference these specific measures.
  - > The Statement states sets out that in terms of the policies for these measures that *"they sit alongside extensive ongoing work that will be built upon through our next Climate Change Plan and Green Industrial Strategy."*
  - > The Cabinet Secretary states that, *"The Climate Change Committee is clear that the 'UK is already substantially off track for 2030' and achieving future UK carbon budgets 'will require a sustained increase in the pace and breadth of decarbonisation across most major sectors'. Indeed, we do see climate backtracking at UK level."*
- 2.4.21 The Cabinet Secretary adds:
- "And with this in mind, I can today confirm that, working with Parliament on a timetable, the Scottish Government will bring forward expedited legislation to address matters raised by the CCC and ensure our legislative framework better reflects the reality of long-term climate policy making."*
- 2.4.22 The last reference in the Statement (as set out above) is key, namely that the Scottish Government intends to work with Parliament to amend existing legislation. This is anticipated to be a change from the current 75% emissions reductions target by 2030 to a lower figure, possibly around 65% to match the UK position.

2.4.23 A further key point in the Statement is that the Scottish Government has reiterated its commitment to achieving Net Zero by 2045. It would seem therefore that the proposed approach to dealing with the position set out by the CCC in relation to the 2030 target being unachievable, is to amend the emissions reduction target for 2030 such that it better reflects reality and move to a multi-year carbon budget approach to measuring emissions reduction (instead of annual targets) which would bring the Scottish Parliament in line with the Welsh and UK approaches. There is, as yet, no clarity on what the new target will be, however it will remain a 'stepping stone' en route to achieving the Net Zero legally binding target by 2045.

2.4.24 Furthermore, in the CCC's May 2024 letter to the Scottish Government advising on the approach to carbon budgets they recommended 5-yearly approach in line with UK and Wales. Among the key messages is:

*"The Committee strongly urges the Scottish Government to act quickly to implement a new legal framework, bringing its approach in line with the other nations of the UK. This is crucial to restore confidence and avoid a vacuum of ambition around Net Zero."*

2.4.25 On 5 September 2024 the Scottish Government introduced the Climate Change (Emission Reduction Targets) (Scotland) Bill to the Scottish Parliament. The Bill was passed on 5 November 2024 and awaits Royal Assent. When enacted will repeal the annual and interim emissions reduction target framework established under the 2009 Act and establish a carbon budget approach to target setting, with budgets set through secondary legislation using the latest advice from the CCC once available to replace the concept of statutory annual and interim targets. It will also make provision for a new Climate Change Plan to be published that reflects the carbon budgets. As explained, the Bill followed advice from the CCC that Scotland's interim emissions reduction target for 2030 could not be achieved. The Bill does not change the existing statutory target of Net Zero emissions by 2045.

## 2.5 The Onshore Wind Policy Statement

2.5.1 The Scottish Government published an updated Onshore Wind Policy Statement (OWPS) on 21 December 2022. It replaced the version published in November 2017.

2.5.2 The Ministerial Foreword makes it clear that seeking greater security of supply and lower cost electricity generation are now key drivers alongside the need to deal with the climate emergency. In this regard, the Cabinet Secretary for Net Zero, Energy and Transport states (page 3):

*"that is why we must accelerate our transition towards a Net Zero society. Scotland already has some of the most ambitious targets in the world to meet Net Zero but we must go further and faster to protect future generations from the spectre of irreversible climate damage".*

*"Scotland has been a frontrunner in onshore wind and, while other renewable technologies are starting to reach commercial maturity, continued deployment of onshore wind will be key to ensuring our 2030 targets are met".*

2.5.3 The Foreword states that onshore wind has the ability to be deployed quickly, is good value for consumers and is also widely supported by the public. The Minister further states that:

*"This Statement, which is the culmination of an extensive consultative process with industry, our statutory consultees and the public, sets an overall ambition of 20 GW of installed onshore wind capacity in Scotland by 2030.*

*While imperative to meet our Net Zero targets it is also vital that this ambition is delivered in a way that is fully aligned with, and continues to enhance, our rich natural heritage and native flora and fauna, and supports our actions to address the nature crisis and the climate crisis".*

2.5.4 The OWPS is structured on the basis of eight chapters which contain a mix of policy guidance and also technical information. Key content of relevance to the Proposed Development is referenced below.

### Increasing the Rate of Deployment & Forecast Increase in Electricity Demand

2.5.5 Chapter 1 “Ambitions and Aspirations” (page 5) refers to current deployment of onshore wind in Scotland and states:

*"We must now go further and faster than before. We expect the next decade to see a substantial increase in demand for electricity to support Net Zero delivery across all sectors, including heat, transport and industrial processes."*

2.5.6 It is explained that National Grid's Future Energy Scenarios<sup>8</sup> project concludes that Scotland's peak demand for electricity will at least double within the next two decades and that this will require a substantial increase in installed capacity across all renewable technologies.

### Onshore Wind Target & Development Pipeline

2.5.7 In terms of existing deployment, paragraph 1.1.5 of the OWPS states that as of June 2022 the UK had 14.6 GW of installed onshore wind, with around 8.7 GW of this capacity within Scotland. Reference is made to a figure of 11.3 GW of onshore wind "*currently in the pipeline, spread over 217 potential projects*".

2.5.8 The Onshore Wind Sector Deal (page 14) states that by the end of 2023 an analysis will be provided of the expected pipeline of new onshore wind projects, extensions to existing projects, life extensions and repowering projects expected in the period between 2023 and 2030. The information is to be updated at least bi-annually to enable Government and statutory consultees to plan ahead for the resources that would be required to process applications. In this regard a report entitled ‘Scotland Onshore Wind Pipeline Analysis 2023-2030’ was published by BVG Associates in November 2023.

2.5.9 The report presents the database and initial pipeline analysis, providing insights into different scenarios under which Scotland could achieve its ambition of 20 GW of onshore wind by 2030. It examines various sensitivities to assumptions on key parameters including matters such as the duration of the planning process for applications, repowering and also project viability. The assumptions in relation to the planning process reflect the aims of the Onshore Wind Sector Deal. If these are not met, then there will be negative consequences for the onshore wind pipeline.

2.5.10 The BVG report provides an update as of August 2023 of Scotland's pipeline of onshore wind developments and the breakdown of projects is consistent with the project lifetime stages that were set out in the OWPS.

2.5.11 **Table 2.3** below also shows the onshore wind pipeline figures as contained in the OWPS but also contains the summary of the BVG Associates' analysis allowing a comparison of the various pipeline category figures between those in the OWPS (June 2022) and the BVG figures of August 2023. The relative differences between the various categories are also shown.

<sup>8</sup> National Grid has set out a range of different, credible ways to decarbonise the energy system with regard to attaining Net Zero for the UK by 2050.

**Table 2.3: Onshore Wind Development Pipeline (OWPS & BVG Report)**

Status of Onshore Wind Projects	OWPS (GW)	BVG Report (GW)	Difference 2022 v 2023 (GW)	Comments
In the Planning / Process	5.53	6.80	+ 1.27	Footnote on page 6 of OWPS applies. Not all projects will receive consent.
Awaiting Construction	4.56	6.14	+ 1.58	The figures are subject to some duplication – e.g. where some projects have consent but are also subject say to applications for tip height increases.
Under Construction	1.17	0.96	- 0.21	
<i>Sub Total</i>	11.26	13.09	+ 1.83	
Operational Onshore Wind in Scotland	8.70	9.32	+ 0.62	A number of projects will reach the end of their operational life. Not all will necessarily be repowered or life extended.  A proportion of the operational capacity will have passed its notional design life by 2030 and will be under consideration for decommissioning or repowering.
<i>Total</i>	19.96	22.41	+ 2.45	

2.5.12 The footnote to the figures set out on page 6 of the OWPS is pertinent and is as follows:

*“Developments in the planning/consenting process have not yet been considered and given permission to proceed. Some of these projects will receive consent, but some may not, and it is unlikely that all of this noted capacity will be fully realised. A degree of duplication within the planning system must also be considered, where developments which have consent re-apply to adjust the parameters of that consent. This will also reduce the capacity which is deliverable from this overall figure”.*

2.5.13 The analysis of the pipeline in the BVG Report is based upon a model which applies several filters which result in projects being removed from the pipeline and these include matters such as:

- > Projects which remain in the same development status for too long which is a reasonable indication that they are likely to be dormant and therefore are not likely to proceed;
- > Projects with turbine attributes which today would likely put that project at a commercial disadvantage such as relatively low blade tip height such as 150 m or less; and
- > Application of an attrition rate in relation to applications being refused consent.

2.5.14 The BVG Report sets out that with the application of all the nine filters considered in the model, then the expected onshore wind operating capacity by 2030 would be around 18.8 GW (page 9 of the BVG Report).

2.5.15 Although the Report sets out some suggested actions which could increase the likelihood of reaching 20 GW in 2030, these have various limitations. For example, the suggested actions include:

- > Reinstating projects removed by the limits of 150 m tip height. The Report acknowledges that this approach ignores the practicalities that may be required in reality, such as preparing applications for consent for larger turbines and there is also the much more limited availability in the market for turbines of that relatively low tip height;
- > An action is suggested to reduce the default planning determination duration times to shorter ones; however, this would be very much dependent upon the allocation of additional resources in the planning system and there is no evidence of that happening at the present time; and
- > A further action is to assume repowering of all onshore wind developments at end of their life and assuming an uplift on original capacity of 100%. Again, this assumption has its limitations and there is also no evidence that widespread repowering is going to be undertaken on such a basis. Extensions of operational life is likely to remain an attractive option in many cases.

- 2.5.16 Overall, the BVG Report states that based on the analysis undertaken: *“reaching a target of 20 GW by 2030 with the current pipeline is possible”*.
- 2.5.17 However, this relies upon various actions coming to fruition which cannot be assumed with high confidence. Therefore, whilst the overall tenor of the BVG Report is positive, it is considered that it remains imperative that schemes that are acceptable progress through the planning system swiftly and that as much capacity as possible is consented such that it can be deployed by 2030.
- 2.5.18 In this case, as set out in the Planning Statement which accompanied the application, the Applicant’s position is that the Proposed Development is acceptable.
- 2.5.19 Section 1.2 of the OWPS refers to the Deployment Ambition to 2030. Reference is made to the Climate Change Committee’s position as set out in their exploratory scenarios for emissions to 2050 and also as referred to within the Sixth Carbon Budget.
- 2.5.20 Paragraph 1.2.2 of the OWPS states that: *“these estimate that, in every scenario, the UK will require a total of 25-30 GW of installed onshore wind capacity by 2050 to meet government targets - which would mean doubling the current UK installed capacity”*.
- 2.5.21 Section 1.3 of the OWPS further refers to the new 20 GW ambition and acknowledges that the Scottish Government’s Programme for Government 2022/2023 committed Government to enabling up to 12 GW of onshore wind to be developed and it is stated that:
- “It is vital to send a strong signal and set a clear expectation on what we believe onshore wind capacity will contribute in the coming years.*
- In line with this commitment, and reflecting the natural life cycles of existing wind farms, this statement sets a new ambition for the deployment of onshore wind in Scotland:*
- A minimum installed capacity of 20 GW of onshore wind in Scotland by 2030.*
- This ambition will help support the rapid decarbonisation of our energy system, and the sectors which depend upon it, as well as aligning with a just transition to Net Zero whilst other technologies reach maturity”*.
- 2.5.22 This statement is followed by reference to the “Legislative Context”, in particular the Climate Change (Emissions Reduction Targets) (Scotland) Act 2019 and the related Net Zero greenhouse gas emissions targets. The OWPS states (paragraph 1.4.1) *“meeting these targets will require decisive and meaningful action across all sectors”*.
- 2.5.23 Paragraph 2.4.2 states that *“onshore wind will play a crucial role in delivering our legally binding climate change targets”*.

2.5.24 The Scottish Government has made clear that the 20 GW ambition of installed capacity is a “minimum”. In short, there is a substantial shortfall to address in order to attain that figure and projects that are not yet in the planning system are unlikely to provide installed capacity by 2030. This underlines the importance of the benefits that the Proposed Development can deliver – namely near-term delivery of a substantial volume of installed capacity.

2.5.25 This means that the Scottish Government’s ambition, as stated in December 2022, is to increase the installed capacity of onshore wind in Scotland by a minimum amount equivalent to about 130% of the entire installed capacity of all current operational onshore wind farms in Scotland in a period of around eight years. The Proposed Development and its contribution must be considered in the context of the scale and urgency of the stated Scottish Government policy position.

### **Delivering the Government’s 20 Giga Watt Ambition for Onshore Wind**

2.5.26 Chapter 2 of the OWPS entitled 'Delivering on our Ambition for Onshore Wind in Scotland' states that the Scottish Government is to form an Onshore Wind Strategic Leadership Group (SLG) and "*will task this SLG with taking forward the aspirations of this policy statement, and the development of an Onshore Wind Sector Deal*". This reflects the importance of the onshore wind sector.

2.5.27 Section 2.3 refers to a “Vision for Onshore Wind in Scotland” and states that Scottish Renewables, on behalf of the sector in Scotland, has produced a Vision Statement which the Government considers "*to lay the basis of a more detailed sector deal that the SLG will develop*".

2.5.28 The Onshore Wind Sector Deal was finalised and published in September 2023 and is referenced further below.

2.5.29 The **Vision Statement** is contained within Annex 5 of the OWPS (page 66). A summary of the Vision for the onshore wind industry in Scotland is a future where:

- > An additional 12 GW of new onshore wind generation is constructed by 2030.
- > Onshore wind continues to play a key role in decarbonising the power sector, reducing consumer costs and ensuring security of supply whilst playing a key role in the electrification of heat and transport.
- > The selection of wind farm locations and technologies enables the use of the most productive modern turbines and balances the need to respect biodiversity and natural heritage.
- > Land use for onshore wind is optimised and combined with other initiatives including reforestation and peatland restoration, as well as providing enhanced access to green space for recreation.
- > New and repowering projects consistently receive high levels of public support.
- > High skilled and sustainable jobs are created, including long term jobs in the operational phase.
- > Material use is optimised, and carbon impact is minimised, through the principles of a circular economy.
- > Community benefit and shared ownership provides lasting social and economic benefits; and
- > Onshore wind plays a central role in ensuring a just transition for communities and people.

2.5.30 The Vision Statement states (page 67) that:



*“Onshore wind remains vital to meeting this increasing demand, providing fast deployment whilst minimising cost to the consumer. This will be achieved by deploying the most productive modern turbines that are taller than older models, by re-powering existing sites where possible and by maximising the use of our exceptional natural wind resource where environmental effects are acceptable.”*

### **Balancing Environmental Considerations and Benefits**

- 2.5.31 Chapter 3 of the OWPS “Environmental Considerations: Achieving Balance and Maximising Benefits” refers to matters relating to specific environmental topics as follows:
- > Shared Land Use;
  - > Peat and Carbon-Rich Soils;
  - > Forestry;
  - > Biodiversity;
  - > Landscape and Visual Amenity; and
  - > Noise.
- 2.5.32 Landscape and Visual Amenity is addressed at Section 3.6 in Chapter 3 of the OWPS with direct cross references to NPF4. Paragraph 3.6.1 states (original emphasis):
- “Meeting our climate targets will require a rapid transformation across all sectors of our economy and society. This means ensuring the right development happens in the right place. 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.”*
- 2.5.33 As referenced below, NPF4 policy expressly recognises that significant landscape and visual impacts are to be expected and the OWPS emphasises that as a result there will be changes in Scotland’s landscape.
- 2.5.34 Paragraph 3.6.2 of the OWPS, in cross-referencing NPF4, makes it clear that outside of National Parks and National Scenic Areas *“the criteria for assessing proposals have been updated, including stronger weight being afforded to the contribution of the development to the climate emergency, as well as community benefits”*.
- 2.5.35 There is therefore express direction of greater weight attaching to the benefits of the development in terms of how it contributes to tackling the climate emergency. The removal of the Spatial Framework for onshore wind farms, as previously required by Scottish Planning Policy (SPP), also gives rise to fewer locational constraints.
- 2.5.36 Paragraph 3.6.5 makes reference to Landscape Sensitivity Studies and makes it clear that these should not be used in isolation to determine matters of acceptability but can be a useful tool in assessing specific sensitivities within an area. It should be noted that the term is now landscape sensitivity, in comparison with SPP paragraph 162 which encouraged Landscape Capacity Studies. This reflects NatureScot’s 2022<sup>9</sup> guidance.
- 2.5.37 Paragraph 3.6.3 also makes reference to the NPF4 Policy 11 criteria with regard to energy development stating that *“where impacts are localised and/or appropriate design mitigation has been applied, they will generally be considered to be acceptable”*.

<sup>9</sup> NatureScot, Landscape Sensitivity Assessment Guidance, paragraph 8 (2022).

## Energy Systems & Regulation

2.5.38 Chapter 8 of the OWPS deals with 'Onshore Wind, Energy Systems and Regulation'. Section 8.2 refers to network planning and delivery and states:

*"Delivering our ambition of 20GW of onshore wind by 2030 will create demands on our electricity infrastructure. New developments will need to connect quickly to Scotland's distribution and transmission networks. Networks must be able to invest quickly and ahead of need in order to ensure swift and efficient connections for onshore wind developments"*.

2.5.39 The Proposed Development is expected to contribute to the 2030 target. It should also be noted that NPF4 Policy 11 advises that grid capacity should not constrain renewable energy development, therefore any challenges facing developers in getting connected, including delays, are not matters for the planning decision makers to be concerned with.

## OWPS Conclusions

2.5.40 Page 49 of the OWPS sets out overall conclusions and these include *inter alia* the following key points:

- > Deployment of onshore wind is "*mission critical for meeting our climate targets*".
- > As an affordable and reliable source of electricity generation, "*we must continue to maximise our natural resource and deliver Net Zero in a way that is fully aligned with, and continues to protect our natural heritage and native flora and fauna*".
- > A renewed commitment to this technology will ensure we keep "*leading the way in onshore wind deployment and support within the UK*".
- > The Scottish Government has established "*a clear expectation of delivery with our ambition for a **minimum installed capacity of 20GW** of onshore wind in Scotland by 2030 and providing a vehicle for that delivery through the creation of [the] Onshore Wind Strategic Leadership Group*" (emphasis added).

2.5.41 It is stated that "*Onshore wind will remain an essential part of our energy mix and climate change mitigation efforts, but we are also in a nature crisis. Onshore wind farms must strike the right balance in how we care for and use our land...*".

2.5.42 The term "mission critical" is strong language and indicates onshore wind is crucial and extremely important to the attainment of the Government's policy and legislative objectives. This is fundamentally different policy language to that contained within National Planning Framework 3 (NPF3) and SPP.

## 2.6 The Onshore Wind Sector Deal

2.6.1 The Onshore Wind Sector Deal (the 'Sector Deal') for Scotland was finalised in September 2023. It sets out a series of key measures which will support the Scottish Government in reaching its target of 20 GW of onshore wind by 2030. It describes how the Scottish Government, and the onshore wind sector will work together to deliver onshore wind farms quickly, sustainably and to the benefit of local communities and with the overall objective of attaining Scotland's Net Zero target.

2.6.2 The Foreword sets out that:

*"The Government is committed to working with developers and stakeholders, understanding the operational barriers to delivering onshore wind projects and setting out processes to help reduce them. We also commit to speeding up consenting decisions, working with planning authorities and statutory consultees to increase skills and resources, as well as streamlining approaches.*

*Jointly, we will work together on ensuring a balance is struck between onshore wind and the impacts on land use and the environment. We will collaborate to enable information to be collected and shared from monitoring and evidence purposes, and we jointly want to capitalise on the unique opportunity for Scotland to become a world leader in decommissioning, re-manufacturing and recycling of onshore wind assets.”*

2.6.3 It further adds that:

*“The Sector Deal is more than just a document; it is a testament to our determination, a celebration of our potential, and a promise to future generations. Let us work together to usher in an era where innovation, sustainability, and prosperity converge, as we power Scotland’s greener future through the boundless energy of onshore wind.”*

2.6.4 The matters within the Sector Deal to be actioned by a collaborative approach and also by specific actions from the sector and Government relate to:

- > Supply chain, skills and the circular economy;
- > Community and benefits;
- > Land use and the environment;
- > Planning;
- > Legislative and regulatory actions; and
- > Technical actions.

2.6.5 In terms of land use and the environment, the Sector Deal sets out that NPF4 Policy 1 makes it clear that significant weight needs to be given to the global climate and nature crisis and that *“New onshore wind projects in Scotland will enhance biodiversity and optimise land use and environmental benefits”* (page 11).

2.6.6 It further adds that:

*“Balancing the need for more wind farms with the safeguards defined in NPF4 will be a crucial aspect of achieving the 2030 onshore wind ambition. Scotland will continue to be a world leader in responsible onshore wind development, demonstrating how onshore wind can co-exist with a diversity of species, sensitive habitats, peatland, carbon rich soils and forestry, ensuring positive outcomes for the climate and nature.”*

2.6.7 In terms of planning, a key matter is that there is an ambition to reduce the time it takes to determine Section 36 applications. The Sector Deal also states (page 13) in relation to planning that:

*“The ambition of 20 GW of installed onshore wind capacity by 2030 will require a significant number of new sites, the repowering and extension of existing sites and the realisation of unbuilt consented sites. Meeting this ambition will require the determination of applications to be made much more quickly than in recent years.”*

## 2.7 The Draft Energy Strategy and Just Transition Plan

2.7.1 The Scottish Government published a new Draft ‘Energy Strategy and Just Transition Plan’ entitled ‘Delivering a fair and secure zero carbon energy system for Scotland’ on 10 January 2023. The new Strategy is to replace the one previously published in 2017. The consultation period ended in April 2023. As a draft document it can only be afforded limited weight. The draft document is however consistent with the adopted policy set out in NPF4 and the identification of the 2020s as a crucial decade for the large-scale delivery of renewable energy projects supporting urgent transition to Net Zero.

2.7.2 The Ministerial Foreword states:

*“The imperative is clear: in this decisive decade, we must deliver an energy system that meets the challenge of becoming a Net Zero nation by 2045, supplies safe and secure energy for all, generate economic opportunities, and builds a just transition...”*

*The delivery of this draft Energy Strategy and Just Transition Plan will reduce energy costs in the long term and reduce the likelihood of future energy cost crises....*

*It is also clear that as part of our response to the climate crisis we must reduce our dependence on oil and gas and that Scotland is well positioned to do so in a way that ensures we have sufficient, secure and affordable energy to meet our needs, to support economic growth and to capture sustainable export opportunities....*

*For all these reasons, this draft Strategy and Plan supports the fastest possible just transition for the oil and gas sector in order to secure a bright future for a revitalised North Sea energy sector focused on renewables.”*

2.7.3 The Foreword adds that the draft Strategy sets out key ambitions for Scotland’s energy future including:

- > **More than 20 GW of additional renewable electricity on and offshore by 2030** (emphasis added).
- > Accelerated decarbonisation of domestic industry, transport and heat.
- > Generation of surplus electricity, enabling export of electricity and renewable hydrogen to support decarbonisation across Europe.
- > Energy security through development of our own resources and additional energy storage.
- > A just transition by maintaining or increasing employment in Scotland’s energy production sector against a decline in North Sea production.

2.7.4 The draft Strategy states (page 7, Executive Summary) that the vision for Scotland’s energy system is:

*“...that by 2045 Scotland will have a flourishing, climate friendly energy system that delivers affordable, resilient and clean energy supplies for Scotland’s households, communities and business. This will deliver maximum benefit for Scotland, enabling us to achieve a wider climate and environmental ambitions, drive the development of a wellbeing economy and deliver a just transition for our workers, businesses, communities and regions.*

*In order to deliver that vision, this Strategy sets out clear policy positions and a route map of actions with a focus out to 2030”.*

2.7.5 A fundamental part of the Strategy is expanding the energy generation sector. The Executive Summary states (page 8) that Scotland’s renewable resources mean that:

*“...we can not only generate enough cheap green electricity to power Scotland’s economy, but also export electricity to our neighbours, supporting jobs here in Scotland and the decarbonisation ambitions of our partners.*

*We are setting an ambition of more than 20 GW of additional low-cost renewable electricity generation capacity by 2030, including 12 GW of onshore wind....*

*An additional 20 GW of renewable generation will more than double our existing renewable generation capacity by 2030.....”*

### **Recognition of the role of Battery Storage**

2.7.6 With regard to the potential of battery storage the draft strategy recognises:

*"Batteries can be combined to provide energy storage: In a domestic setting supporting the energy efficiency of individual homes; In communities and neighbourhoods, supporting the energy efficiency of the local low energy network; In strategic locations and through aggregating a large number of fixed and vehicle batteries to support regional energy and grid balancing a high energy network".*

2.7.7 Furthermore, it adds:

*"Utility scale battery storage offers fast responding, dispatchable power when required. As of September 2021, only 124 MW of the total 864 MW of energy storage was provided by Battery Energy Storage Systems (BESS) capacity installed in Scotland. However, there is a further 2.1GW that has secured planning permission. Typically, these systems use lithium-ion technology, and only contain energy to dispatch full power continuously for a short number of hours. They also provide a number of ancillary services required to maintain stability within the electricity networks". (Page 130).*

2.7.8 The Draft Strategy reiterates the support for energy storage set out in NPF4 (page 130).

2.7.9 The Draft Strategy further recognises the potential contribution BESS can make to achieving Net Zero in summarising the key areas where it is considered that the UK Government needs to take action to support the delivery of the strategy with particular regard to energy system flexibility stating: *"We urge the UK Government to make ancillary markets more accessible for Battery Energy Storage Systems (BESS) and other low carbon technologies ahead of fossil fuel powered alternatives".*

## 2.8 The Green Industrial Strategy

2.8.1 The Scottish Government published a Green Industrial Strategy (GIS) in September 2024. The Executive Summary sets out the mission of the GIS, namely:

*"This Green Industrial Strategy's mission is to ensure that Scotland realises the maximum possible economic benefit from the opportunities created by the global transition to Net Zero".*

2.8.2 The GIS sets out five opportunity areas for Scotland where identified strengths are most likely to lead to growth and the potential to grow Scotland's exports. The sectors relate to Scotland's wind economy, carbon capture and storage, supporting the green economy by way of professional and financial services, growing the hydrogen sector and establishing Scotland as a competitive centre for clean energy intensive industries of the future.

2.8.3 Page 6 sets out that GIS forms a key part of the Government's broader National Strategy for Economic Transformation. It states that *"It also links explicitly to our Just Transition Plans which describe how the transition to Net Zero in the most emitting sectors will be achieved in a way that delivers economic, social and community benefits, including fair work, environmental preservation and reduced poverty and inequality."*

2.8.4 The first of the five opportunity areas is in relation to 'maximising Scotland's wind economy'. It states that this:

*"is about making the most of our natural resources, established onshore and offshore wind sectors and first-mover advantage in floating offshore wind to generate clean electricity; participating in global supply chains as well as expanding our domestic supply chain capacity and seizing opportunities across the offshore wind supply chain, from infrastructure to manufacturing; positioning Scotland as a leader in material circularity of wind turbines and components."*

2.8.5 Actions include *inter alia*:

- > Supporting investment to improve essential infrastructure, expanding supply chains and secure manufacturing opportunities;
- > Developing and maintaining a pipeline of investment propositions backed by clear information about the timing and nature of renewable energy opportunities;

- > Delivering planning and consenting systems which enable Scotland's Net Zero development pipeline; and
- > Exploring the circularity opportunity in onshore wind.

2.8.6 Page 13 states clearly that the single goal of the GIS is to help Scotland realise economic growth opportunities from the global transition to Net Zero.

2.8.7 Onshore wind is referred to in some detail at page 21 where the GIS states:

*"Onshore wind is the biggest single technology in Scotland's current mix of renewable electricity generation, comprising 62% of installed capacity.*

*A thriving onshore wind sector is therefore critical to the decarbonisation in Scotland and the UK. As set out in our 2022 Onshore Wind Policy Statement, Government and industry are focused on delivering at least 20 GW of onshore wind by 2030 (doubling current capacity) and recent pipeline analysis shows that we should be on track to deliver this.*

*This trajectory is underpinned by the Onshore Wind Sector Deal which sets out a set of specific collaborative actions which include commitments by both the Scottish Government and the onshore wind industry to help deliver the 20 GW ambition.*

*A supportive policy environment and successful industry collaboration via the Onshore Wind Strategic Leadership Group confirms the shared commitment of Government and industry to achieve this successful and responsible growth.*

*The onshore wind workforce is highly skilled and opportunities in installation, consulting, operations and maintenance are anticipated to rise in response to growth ambitions. Specialised engineering consultancy services such as wind farm design and financial due diligence related to onshore developments are expected to grow and offer additional export potential. There is commercial opportunity in circular supply chains related to the UK wind industry. Scotland's established, and now ageing onshore wind assets may also offer opportunities for innovative solutions in remanufacturing, recycling, and decommissioning end of life assets."*

2.8.8 It is clear therefore that to progress the Government's objectives with regard to wind energy that there needs to be clear support for new investment and growth in onshore wind development. Realising the economic and social opportunities will only be achieved through the development and consenting of additional wind energy developments. Such deployment will not only be critical towards achieving the Net Zero target, given the important contribution that wind energy will make in that regard but will also help deliver the Government's clear green infrastructure mission.

## 2.9 Conclusions on the Renewable Energy Policy & Legislative Framework

2.9.1 It is considered that the Proposed Development is very strongly supported by the climate change and renewable energy policy and legislative framework.

2.9.2 The trajectory, in terms of the scale and pace of action required to reduce emissions, grows ever steeper and it is essential that rapid progress is made otherwise the legally binding target in Scotland of Net Zero by 2045 will not be met.

2.9.3 It is clear from the UK Energy White Paper and the forecasts by the CCC that electricity demand is expected to grow substantially (scenarios vary but potentially by a factor of three or four) as carbon intensive sources of energy are displaced by electrification of other industry sectors, particularly heat and transport.

2.9.4 The CCC has stated (June 2023) that there is declining confidence in the UK meeting its target obligations. Following COP28 the CCC has advised that the agreements made at COP28 require a sharper domestic response and "time is now short for the gap to be bridged".

- 2.9.5 Any amendments to interim targets only serve to show that we are not on track and strengthen the case for rapidly approving schemes that can contribute to targets. Whilst emission reduction targets may be adjusted at the interim stage (2030) in terms of attaining Net Zero, all this means is that there is a change to the trajectory, but the overall target of Net Zero remains unchanged. Indeed, as set out in the Cabinet Secretary's Statement referenced above, the Government retains its "unwavering" commitment to attaining that legally binding target for Net Zero.
- 2.9.6 Decisions through the planning and wider consenting system must be responsive to this position. Decision makers can do this by affording substantial weight to the energy policy objectives articulated above, in the planning balance in a given case.
- 2.9.7 In terms of the energy policy considerations, it is helpful to reference the most recent position of the Scottish Ministers with regard to a Section 36 wind farm decision. Section 36 consent was granted by the Scottish Ministers on 08 November 2024 for the Clachaig Glen Wind Farm within Argyll and Bute and located within the Kintyre peninsula. From paragraph 109 *et seq* of the Decision Letter, the Scottish Ministers in commenting on the acceptability of the development stated:
- "As set out above, the seriousness of climate change, its potential effects and the need to cut carbon dioxide emissions, remain a priority for the Scottish Ministers. Scotland's renewable energy targets and climate change ambitions, energy policies and planning policies are all material considerations when weighing up this proposed development. NPF4, the Energy Strategy and the OWPS make it clear that renewable energy deployment remains a priority of the Scottish Government. The OWPS in particular reaffirms the vital role for onshore wind in meeting Scotland's energy generation targets and Net Zero emissions ambitions. This is a matter which should be afforded significant weight in favour of the proposed development.*
- The transition to a low carbon economy is an opportunity for Scotland to take advantage of our natural resources to grow low carbon industries and create jobs.*
- The Scottish Ministers are satisfied that the proposed development will provide a contribution to renewable energy targets and carbon savings. The Scottish Ministers are also satisfied that it is entirely consistent with the Scottish Government's policy on the promotion of renewable energy and its Net Zero emissions ambitions."*
- 2.9.8 In the most recent renewable energy policy documents referred to, there is a consistent and what might be termed a 'green thread' which ties a number of related policy matters together: namely the urgent challenge and imperative of attaining and sustaining Net Zero and the need to substantially increase renewable capacity, notably onshore wind.
- 2.9.9 The Draft Energy Strategy for Scotland forms part of the new policy approach alongside NPF4. These documents confirm the Scottish Government's policy objectives and related targets, reaffirming the important role that onshore wind will play in response to the climate crisis which is at the heart of all these policies.
- 2.9.10 It must follow that the need case for the Proposed Development is to be afforded substantial weight in the planning balance. The way that decision makers can do that is by properly recognising the seriousness and importance of energy policy related considerations in the planning balance. It is the cumulative effect of a large number of individual projects which will move Scotland towards where it needs to be in order to attain Net Zero.

## 3. The Benefits of the Proposed Development

### 3.1 The Benefits: Summary

3.1.1 This Chapter summarises the benefits that would arise from the Proposed Development.

#### Renewable Energy Generation

- > With an installed capacity of up to 54 MW of onshore wind and 20 MW of BESS the Proposed Development would make a valuable and important contribution to the attainment of the UK and Scottish Government policies of encouraging renewable energy developments; and in turn contribute to the achievement of UK and Scottish Government renewable energy and Net Zero targets. As explained, there is now a distinct shift in policy emphasis from the displacement of higher carbon electricity generation to extending the use of electricity as the critical energy response to the climate emergency.
- > The UK legally binding target of Net Zero GHG emissions by 2050 and the Scottish Government target of Net Zero by the earlier date of 2045 are major challenges, as explained in the previous Chapter. The Scottish Government has made it clear that onshore wind plays a vital and indeed “*mission critical*” role in the attainment of future targets in relation to helping to combat the crisis of global heating.
- > The earlier that steps towards decarbonisation are introduced, the greater their contribution to limiting climate change. The Proposed Development’s delivery of renewable capacity in the near term will have a disproportionately higher benefit than the same capacity delivered later.

#### Emissions Savings

- > The carbon balance calculations establish that the Proposed Development (wind element) could result in the saving of approximately 55,584 tonnes of carbon dioxide equivalent emissions per annum over the project lifetime if a grid mix of electricity generation were used as the counterfactual position.
- > The calculations of total carbon dioxide emission savings and payback time for the Proposed Development indicates that the overall payback period will be around 2.2 years when compared to the grid fuel mix of electricity generation.

#### Security of Supply & Battery Storage

- > The British Energy Security Strategy has been referenced. It provides an increase to the requirements for both the scale and the urgency of delivery of new low carbon generation capacity, by refocussing the requirement for low-carbon power for reasons of national security of supply and affordability, as well as for decarbonisation.
- > With this context, the attractiveness of onshore wind, as a proven technologies which will deliver significant benefits to consumers through decarbonisation, security of supply and affordability this decade, becomes clear.
- > The Proposed Development, if consented, would provide a valuable contribution to security of supply for the wider region, Scotland and for the wider Great Britain (GB) area. Consenting the development, would contribute to an adequate and dependable Scottish and GB generation mix, through enabling the generation of more low carbon power from indigenous and renewable resources, and would enable the Proposed Development to make a significant contribution to Scottish and wider UK energy security and decarbonisation needs.



- > BESS will play a vital role in ensuring the full potential capacity of existing and future renewable energy generation is exploited and the successful transition to a net-zero future. BESS imports renewable energy when supply is typically at its highest and in excess of demand, storing it, and then exporting it back to the grid when demand is high, but supply is low (e.g. still, cloudy days).
- > Furthermore, the BESS also has the potential to supply the grid with essential energy security functions including:
  - **Voltage support services:** Batteries can supply the network with quickly dischargeable energy during low voltage periods or blackouts; to date these scenarios have typically been managed by reliance on quickly dispatchable fossil fuel energy generators (typically gas peaking plants); and
  - **Grid stabilisation services (inertia):** Inertia is incredibly important for the stable operation of the electricity system; it is a by-product of coal and gas-fired generators, however renewables like wind and solar are not able to provide inertia. As older coal and gas plants come off the system and renewable energy generation becomes the dominant source of energy nationally, we need to find new ways to provide grid stability. BESS are able to provide these stability services.

### Socio-Economic Benefits

- > The Proposed Development would support jobs during construction and during operation across the Scottish economy. Overall, the socio-economic effects of the capital investment, employment and GVA to the economy would be beneficial (short term during construction, long term during operation).
- > The Proposed Development will deliver a series of economic benefits during its construction and development phase, namely:
  - £4.8 million GVA and 70 years of employment in Argyll and Bute;
  - £13.1 million GVA and 190 years of employment in Scotland; and
  - Support 120 jobs in Scotland at its peak.
- > Additional economic benefits are predicted through the operational and maintenance phase of the Proposed Development, with annual economic impact of:
  - £340,000 GVA and 4 jobs in Argyll and Bute; and
  - £1.0 million GVA and 10 jobs across Scotland.
- > The Proposed Development will also contribute to public finances through the payment of non-domestic rates, which could amount to £390,000 per year.
- > The Proposed Development will support local economic activity and the role of onshore wind as a local employer. The Applicant is committed to engaging with local suppliers to maximise benefits from the wind farm by commissioning local contractors. All the above would ensure a **contribution to the maximisation of the local supply chain content** and provide **opportunities for local employment**.

### Community Benefits

- > The Applicant has committed to a community benefit fund in line with Scottish Government guidance which can support local ambitions and needs. The level of funding proposed would make £220,000 available every year for the local communities, equivalent to £7.6 million over the lifetime of the wind farm, based on an installed generating capacity of 54 MW.

- > It is understood that community benefit is not a material planning consideration, however the Applicant is committed to offering a package of community benefits.

#### **Biodiversity Enhancement**

- > Significant biodiversity enhancements are proposed as set out in an Outline Habitat Management Plan (OHMP) as set out in Technical Appendix 6.3 of the EIAR. The details of the proposed measures relating to peat, biodiversity and forestry are set out in the next chapter in the context of NPF4 biodiversity policy.
- > In this regard the Proposed Development will incorporate the restoration of a minimum of approximately 44,988.6 m<sup>2</sup> of degraded peatland towards good-quality, active blanket bog, wet heath and wet modified bog habitats. The aim is that this would have the effect of creating actively peat-forming blanket bog, wet heath and wet modified bog, which are able to store increased levels of water and carbon dioxide, helping with flood prevention and climate change.

## 4. Appraisal against NPF4

### 4.1 Introduction

4.1.1 NPF4 was approved by resolution of the Scottish Parliament on 11 January 2023 and came into force on 13 February 2023.

4.1.2 A Chief Planner's Letter was issued on 8 February 2023 entitled 'Transitional Arrangements for National Planning Framework 4'. It contains advice intended to support consistency in decision making ahead of new style Local Development Plans being in place.

#### Development Management

4.1.3 NPF4 now forms part of the statutory Development Plan since its adoption and publication. For the purposes of Section 36 decision making, acknowledging that Section 25 of the 1997 Act is not engaged, NPF4 is a significant material consideration in the overall decision-making process.

4.1.4 Section 13 of the Planning (Scotland) Act 2019 Act amends Section 24 of the 1997 Act regarding the meaning of the statutory 'development plan', such that for the purposes of the 1997 Act, the Development Plan for an area is taken as consisting of the provisions of:

- > The National Planning Framework; and
- > Any Local Development Plan (LDP).

4.1.5 The statutory Development Plan covering the site consists of NPF4 and the ABC Local Development Plan 2 (2024).

4.1.6 The publication of NPF4 coincided with the implementation of certain parts of the Planning (Scotland) Act 2019 (the '2019 Act'). A key provision is that in the event of any incompatibility between a provision of NPF4 and a provision of an LDP, then whichever of them is the later in date will prevail. In this case the LDP is the later element of the Development Plan.

#### How NPF4 is to be used

4.1.7 Annex A (page 94) of NPF4 explains how it is to be used. It states:

*"The purpose of planning is to manage the development and use of land in the long-term public interest ... Scotland in 2045 will be different. We must embrace and deliver radical change so we can tackle and adapt to climate change, restore biodiversity loss, improve health and wellbeing, reduce inequalities, build a wellbeing economy and create great places."*

4.1.8 Annex A states that NPF4 is required by law to set out the Scottish Ministers' policies and proposals for the development and use of land. It adds:

*"It plays a key role in supporting the delivery of Scotland's national outcomes and the United Nations Sustainable Development Goals<sup>10</sup>. NPF4 includes a long-term spatial strategy to 2045."*

4.1.9 NPF4 contains a spatial strategy and Scottish Government development management policies are to be applied in all consenting decisions, and it identifies national developments which are aligned to the strategic themes of the Government's Infrastructure Investment Plan<sup>11</sup> (IIP).

<sup>10</sup> The 17 UN Sustainable Development Goals are set out at page 95 of NPF4 and include *inter alia* 'affordable and clean energy' and 'climate action'.

<sup>11</sup> The Scottish Government's five-year Infrastructure Investment Plan (2021-22 to 2025-26) was published in February 2021. It set out a vision for Scotland's future infrastructure in order to support and enable an inclusive Net Zero emissions economy.

- 4.1.10 NPF4 therefore for the first time, introduces centralised development management policies which are to be applied Scotland wide.
- 4.1.11 Annex A adds that NPF4 is required by law to contribute to six outcomes. These relate to meeting housing needs, health and wellbeing, population of rural areas, addressing equality and discrimination and also, of particular relevance to the Development "*meeting any targets relating to the reduction of emissions of greenhouses gases, and, securing positive effects for biodiversity*".

## 4.2 The National Spatial Strategy – Delivery of Sustainable Places

- 4.2.1 Part 1 of NPF4 sets out the Spatial Strategy for Scotland to 2045 based on six spatial principles which are to influence all plans and decisions. The introductory text to the Spatial Strategy starts by stating (page 3):
- "The world is facing unprecedented challenges. The global climate emergency means that we need to reduce greenhouse gas emissions and adapt to the future impacts of climate change."*
- 4.2.2 The principles are stated as playing a key role in delivering the United Nations Sustainable Development Goals and the Scottish Government's National Performance Framework<sup>12</sup>.
- 4.2.3 The Spatial Strategy is aimed at supporting the delivery of:
- > 'Sustainable Places': "where we reduce emissions, restore and better connect biodiversity";
  - > 'Liveable Places': "where we can all live better, healthier lives"; and
  - > 'Productive places': "where we have a greener, fairer and more inclusive wellbeing economy".
- 4.2.4 Page 6 of NPF4 addresses the delivery of sustainable places. Reference is made to the consequences of Scotland's changing climate, and it states, *inter alia*:
- "Scotland's Climate Change Plan, backed by legislation, has set our approach to achieving Net Zero emissions by 2045, and we must make significant progress towards this by 2030.....Scotland's Energy Strategy will set a new agenda for the energy sector in anticipation of continuing innovation and investment."*
- 4.2.5 The new Energy Strategy and Just Transition Plan for Scotland (as referenced in NPF4) was published as a consultative draft on 10 January 2023 (see below).
- 4.2.6 The National Spatial Strategy in relation to 'sustainable places' is described (page 7) as follows:
- "Scotland's future places will be Net Zero, nature-positive places that are designed to reduce emissions and adapt to the impacts of climate change, whilst protecting, recovering and restoring our environment.*
- Meeting our climate ambition will require a rapid transformation across all sectors of our economy and society. This means ensuring the right development happens in the right place.*
- Every decision on our future development must contribute to making Scotland a more sustainable place. We will encourage low and zero carbon design and energy efficiency, development that is accessible by sustainable travel, and expansion of renewable energy generation."*
- 4.2.7 Six National Developments (NDs) support the delivery of sustainable places, one being 'Strategic Renewable Electricity Generation and Transmission Infrastructure'.
- 4.2.8 A summary description of that ND is provided at page 7 of NPF4 as follows:

<sup>12</sup> The Scottish Government National Performance Framework sets out 'National Outcomes' and measures progress against a range of economic, social and environmental 'National Indicators'.

*"Supports electricity generation and associated grid infrastructure throughout Scotland, providing employment and opportunities for community benefit, helping to reduce emissions and improve security of supply".*

4.2.9 Page 8 of NPF4 sets out 'Cross-cutting Outcome and Policy Links' with regard to reducing greenhouse gas emissions. It states:

*"The global climate emergency and the nature crisis have formed the foundations for the spatial strategy as a whole. The regional priorities share opportunities and challenges for reducing emissions and adapting to the long-term impacts of climate change, in a way which protects and enhances our natural environment."*

4.2.10 A key point in this statement is that the climate emergency and nature crisis are expressly stated as forming the foundations of the national spatial strategy. Recognising that tackling climate change and the nature crisis is an overriding imperative which is key to the outcomes of almost all policies within NPF4.

### 4.3 National Developments

#### Overview

4.3.1 Page 97 of NPF4 sets out that 18 National Developments have been identified. These are described as:

*"significant developments of national importance that will help to deliver the spatial strategy ... National development status does not grant planning permission for the development and all relevant consents are required".*

4.3.2 It adds that:

*"Their designation means that the principle for development does not need to be agreed in later consenting processes, providing more certainty for communities, businesses and investors. ... In addition to the statement of need at Annex B, decision makers for applications for consent for national developments should take into account all relevant policies".*

4.3.3 Annex B of NPF4 sets out the various NDs and related Statements of Need. It explains that NDs are significant developments of national importance that will help to deliver the Spatial Strategy. It states (page 99) that:

*"The statements of need set out in this annex are a requirement of the Town and Country Planning (Scotland) Act 1997 and describe the development to be considered as a national development for consent handling purposes".*

#### National Development 3 "Strategic Renewable Electricity Generation and Transmission Infrastructure"

4.3.4 Page 103 of NPF4 describes ND3 and it states:

*"This national development supports renewable electricity generation, repowering, and expansion of the electricity grid.*

*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 electricity 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 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.*

*The electricity transmission grid will need substantial reinforcement including the addition of new infrastructure to connect and transmit the output from new on and offshore capacity to consumers in Scotland, the rest of the UK and beyond. Delivery of this national development will be informed by market, policy and regulatory developments and decisions."*

- 4.3.5 The location for ND3 is set out as being all of Scotland and in terms of need it is described as:  
*"Additional electricity generation from renewables and electricity transmission capacity of scale is fundamental to achieving a Net Zero economy and supports improved network resilience in rural and island areas."*
- 4.3.6 Reference is made to the designation and classes of development which would qualify as ND3, and it states in this regard:  
*"A development contributing to 'Strategic Renewable Electricity Generation and Transmission' in the location described, within one or more of the Classes of Development described below and that is of a scale or type that would otherwise have been classified as 'major' by 'The Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009', is designated a national development:*  
***(a) on and off shore electricity generation, including electricity storage, from renewables exceeding 50 megawatts capacity; (emphasis added)***  
*(b) new and/or replacement upgraded on and offshore high voltage electricity transmission lines, cables and interconnectors of 132kv or more; and*  
*(c) new and/or upgraded Infrastructure directly supporting on and offshore high voltage electricity lines, cables and interconnectors including converter stations, switching stations and substations."*
- 4.3.7 The Proposed Development, with an installed capacity of onshore wind of over 50 MW, has national development status. The Proposed Development is therefore of national importance for the delivery of the national Spatial Strategy set out in NPF4.
- 4.3.8 The Spatial Strategy requires a "large and rapid increase" in electricity generation from renewables and the National Spatial Strategy makes it clear (NPF4, page 6) that "we must make significant progress" by 2030.
- 4.3.9 NPF4 makes it clear that there is a need for wind farms of 'scale'<sup>13</sup>. This links to the express acknowledgement in NPF4 Policy 11 (see below) that some significant effects are inevitable.

## 4.4 National Planning Policy

- 4.4.1 Part 2 of NPF4 (page 36) addresses national planning policy by topic with reference to three themes formulated with the aim of delivering sustainable, liveable and productive places.
- 4.4.2 In terms of planning, development management and the application of the national level policies, NPF4 states (page 98):  
*"The policy sections are for use in the determination of planning applications. The policies should be read as a whole. Planning decisions must be made in accordance with the development plan unless material considerations indicate otherwise. It is for the decision maker to determine what weight to attach to policies on a case by case basis. Where a policy states that development will be supported, it is in principle, and it is for the decision maker to take into account all other relevant policies".*
- 4.4.3 In terms of "sustainable places" relevant policies to the proposed development include the following:
- > Policy 1: Tackling the climate and nature crises;
  - > Policy 3: Biodiversity;
  - > Policy 4: Natural places;

<sup>13</sup> The NPF4 Statement of Need for National Developments states that additional electricity generation "of scale" is fundamental to achieving a Net Zero economy (NPF4, page 103).

- > Policy 5: Soils;
- > Policy 6: 'Forestry, woodland and trees';
- > Policy 7: Historic assets and places;
- > Policy 11: Energy; and
- > Policy 22: Flood risk and water management.

4.4.4 These policies are addressed below.

4.4.5 The Chief Planner's Letter of 8th February 2023 provides advice in relation to applying NPF4 policy. It states that the application of planning judgement to the circumstances of an individual situation remains essential for all decision making, informed by principles of proportionality and reasonableness. It states:

*"It is important to bear in mind NPF4 must be read and applied as a whole. The intent of each of the 33 policies is set out in NPF4 and can be used to guide decision-making. Conflicts between policies are to be expected. Factors for and against development will be weighed up in the balance of planning judgement."* (underlining added)

4.4.6 The Letter adds:

*"It is recognised that it may take some time for planning authorities and stakeholders to get to grips with the NPF4 policies, and in particular the interface with individual LDP policies. As outlined above, in the event of any incompatibility between the provision of NPF4 and the provision of an LDP, whichever of them is the later in date is to prevail. Provisions that are contradictory or in conflict would be likely to be considered incompatible".*

## 4.5 Policy 1: Tackling the Climate and Nature Crises

4.5.1 The intent of Policy 1 is *"to encourage, promote and facilitate development that addresses the global climate emergency and nature crisis"*.

4.5.2 **Policy 1** directs decision makers that *"when considering all development proposals significant weight will be given to the global climate and nature crises."*

4.5.3 This is a radical departure from the usual approach to policy and weight and clearly denotes a step change in planning policy response to climate change. The matter of weight is no longer left entirely to the discretion of the decision maker.

4.5.4 The Chief Planner's Letter of 8th February 2023 refers to Policy 1. It states:

*"This policy prioritises the climate and nature crises in all decisions. It should be applied together with the other policies in NPF4. It will be for the decision maker to determine whether the significant weight to be applied tips the balance in favour for, or against a proposal on the basis of its positive or negative contribution to the climate and nature crises."*

4.5.5 This statement from the Chief Planner confirms that the decision maker must apply significant weight, but it is for the decision maker to decide if it is for or against the proposal, on the basis of its positive or negative contribution to the climate and nature crises.

4.5.6 The term "Tackling" the respective crises in Policy 1 is also important – this means that decision makers should ensure an urgent and positive response to these issues and take positive action. Furthermore, NPF4 (page 8) refers to cross-cutting outcomes and states with regard to Policy 1 that the policy gives significant weight *"to the global climate emergency in order to ensure that it is recognised as a priority in all plans and decisions"*.

4.5.7 As noted above, the Proposed Development would enable a substantial level of renewable generation to make a contribution to targets.

### The application of Policy 1

- 4.5.8 Given the nature of the Proposed Development, it would make a valuable contribution in relation to targets. It will directly further the policy intent and outcomes of Policy 1 and should be afforded significant positive weight in terms of tackling the climate and nature crises. The specific emission and carbon saving benefits have been set out above in the context of NPF4 Policy 11 which requires the contribution that a development would make to targets to be taken into account.
- 4.5.9 The point is made later in this appraisal against NPF4 that it is important to recognise that the greatest threat to biodiversity is climate change. The principal and essential benefit of the Proposed Development is a significant contribution of renewable energy, to facilitate the earliest possible decarbonisation of the energy system and the achievement of “Net Zero” no later than 2045, in accordance with the objectives of the Climate Change (Scotland) Act 2009 (as amended). The purpose of Net Zero is also to protect biodiversity and the earlier it can be achieved, the greater the benefits to biodiversity.
- 4.5.10 The Reporter’s comments on this particular policy in the Sanquhar II Inquiry Report<sup>14</sup> are informative. At paragraph 2.48 of the Supplementary Report, the Reporter addresses NPF4 Policy 1 and states that:
- “tackling the nature crisis is required to be given significant weight alongside the climate crisis. There is no indication that one strand should be given greater priority over the other. That does not necessarily mean that an individual proposal must be shown to respond to both crises in equal measure, however. The two matters are also inextricably linked, with the nature crisis being, in part, exacerbated by climate change.”*
- 4.5.11 Furthermore, as explained below with reference to NPF4 Policy 3, biodiversity enhancement measures are proposed as part of the Proposed Development.

## 4.6 Policy 11: Energy

- 4.6.1 For the consideration of wind energy development, Policy 11 ‘Energy’ (page 53) is the lead policy. Policy 11’s intent is set out as:
- “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 emission technologies including hydrogen and carbon capture utilisation and storage.”*
- 4.6.2 Policy Outcomes are identified as: *“expansion of renewable, low carbon and zero emission technologies”*.
- 4.6.3 Policy 11 is as follows:
- “a) Development proposals for all forms of renewable, low-carbon and zero emissions technologies will be supported. These include:*
- i. wind farms including repowering, extending, expanding and extending the life of existing wind farms;*
  - ii. enabling works, such as grid transmission and distribution infrastructure;*
  - iii. energy storage, such as battery storage and pumped storage hydro;*
  - iv. small scale renewable energy generation technology;*
  - v. solar arrays;*

<sup>14</sup> Sanquhar II, Section 36 Decision dated 31 August 2023, Supplementary Report of Inquiry dated 20 February 2023 (Case Reference WIN-170-2006).



*vi. proposals associated with negative emissions technologies and carbon capture; and*

*vii. proposals including co-location of these technologies.*

*b) Development proposals for wind farms in National Parks and National Scenic Areas will not be supported.*

*c) 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.*

*d) Development proposals that impact on international or national designations will be assessed in relation to Policy 4.*

*e) In addition, project design and mitigation will demonstrate how the following impacts are addressed:*

*i. impacts on communities and individual dwellings, including, residential amenity, visual impact, noise and shadow flicker;*

*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;*

*iii. public access, including impact on long distance walking and cycling routes and scenic routes;*

*iv. impacts on aviation and defence interests including seismological recording;*

*v. impacts on telecommunications and broadcasting installations, particularly ensuring that transmission links are not compromised;*

*vi. impacts on road traffic and on adjacent trunk roads, including during construction;*

*vii. impacts on historic environment;*

*viii. effects on hydrology, the water environment and flood risk;*

*ix. biodiversity including impacts on birds;*

*x. impacts on trees, woods and forests;*

*xi. proposals for the decommissioning of developments, including ancillary infrastructure, and site restoration;*

*xii. the quality of site restoration plans including the measures in place to safeguard or guarantee availability of finances to effectively implement those plans; and*

*xiii. cumulative impacts.*

*In considering these impacts, significant weight will be placed on the contribution of the proposal to renewable energy generation targets and on greenhouse gas emissions reduction targets.*

*Grid capacity should not constrain renewable energy development. It is for developers to agree connections to the grid with the relevant network operator. In the case of proposals for grid infrastructure, consideration should be given to underground connections where possible.*

*f) Consents for development proposals may be time-limited. Areas identified for wind farms are, however, expected to be suitable for use in perpetuity”.*

- 4.6.4 The intent and desired outcome of the policy is expressly clear – the expansion of low-carbon, zero emissions renewable energy, through encouragement, promotion and facilitation which the proposed development, as a nationally important development, would deliver.
- 4.6.5 The wording of Policy 11(a)(i) makes it clear that the policy supports new wind farms with the extended wording simply reconfirming the positive support for wind farms which includes those stated. This is corroborated by the statement of need of ND3 as detailed above.

#### **Other Provisions of Policy 11**

- 4.6.6 **Paragraph b) of Policy 11** states that development proposals for wind farms in National Parks and National Scenic Areas (NSAs) will not be supported. The Proposed Development is not in a National Park or NSA.
- 4.6.7 **Paragraph c)** of Policy 11 requires socio-economic benefits to be maximised.
- 4.6.8 The socio-economic benefits that would arise from the Proposed Development have been set out in the previous Chapter.
- 4.6.9 **Part d)** of Policy 11 relates to Policy 4 which is considered below.
- 4.6.10 **Part e)** of Policy 11 states that *“in addition, project design and mitigation will demonstrate how the following impacts are addressed...”*
- 4.6.11 These “impacts” are listed in the quotation of the policy above and the 13 topics are addressed in turn below.

#### **Impacts on Communities and Individual Dwellings - Residential Visual Amenity**

- 4.6.12 The EIAR also includes analysis on the potential effects on residential amenity and this is reported in a Residential Visual Amenity Assessment in **Technical Appendix 4.4** (EIAR, Volume 4). The RVAA considers the potential impacts on individual properties to establish whether any will be subject to effects which could lead to the properties becoming an unattractive place to live, which would not be in the public interest.
- 4.6.13 NPF4 Policy 11 e) necessitates energy development to consider impacts on communities and individual dwellings, including residential amenity and visual impact. The RVAA noted three properties within 3 km of the Proposed Development and concludes that there would not be overbearing effects on the visual amenity from these dwellings.
- 4.6.14 In this instance, no residential receptors are predicted to experience significant visual effects to the extent that they would be subject to overbearing, oppressive or unpleasantly overwhelming or unavoidable effects in main views. As such it is not considered that the Proposed Development would result in an unacceptable effect on residential amenity of properties.

#### **Noise and Shadow Flicker**

- 4.6.15 Chapter 11 of the EIAR considers the potential construction and operational noise impacts of the Proposed Development by comparing predicted operational noise levels with noise limits derived from the baseline noise measurements. The relevant night and lower day-time noise limits are met at all noise sensitive receptors. Therefore, no significant effects are predicted in relation to operational noise from the Proposed Development operating in isolation at all receptor locations.
- 4.6.16 Similarly, the results of the cumulative operational noise predictions show that operational noise levels at all receptor locations are below the derived night-time and day-time noise limits that apply to cumulative operational noise. No significant cumulative effects are predicted at all receptor locations.

- 4.6.17 Chapter 14 of the EIAR considers the potential impacts on residential amenity resulting from shadow flicker. A study area of 10 rotor diameters (1,360m) around each turbine was considered, with two residential properties found within the area potentially susceptible to shadow flicker.
- 4.6.18 There is no standard assessment of shadow flicker in Scotland. However, Good Practice Guidance states that shadow flicker should not be allowed to exceed 30 hours per year or 30 minutes per day. The assessment indicates that there would be shadow flicker at both properties identified, however, falling below the threshold to be considered significant. No mitigation is therefore proposed and there is no impact on residential amenity predicted.

### **Landscape and Visual Considerations**

- 4.6.19 Chapter 4 of the EIAR contains a Seascape, Landscape and Visual Impact Assessment (SLVIA) which should be referred to for its detail, however summary findings are set out below.

#### Overall Design Approach

- 4.6.20 Overall, the siting and design of turbines has sought to minimise where possible the impact of the Proposed Development on the seascape, landscape and visual resource. The approach followed as set out in Chapter 4 of the EIAR would result in the Proposed Development rarely being seen in isolation, and it is specifically designed to be located adjacent to the operational Beinn an Tuirc, Beinn an Tuirc Extension and Beinn an Tuirc Phase 3 wind turbines.
- 4.6.21 The careful consideration of the topographic differences between the Proposed Development and the Beinn an Tuirc schemes has resulted in a design approach which minimises landscape and visual effects to a localised level when considered cumulatively within a landscape which is already occupied by large scale turbines. The Proposed Development therefore represents a minor addition and consolidation of the operational and consented pattern of development in this area of established wind energy development.

#### Landscape Character

- 4.6.22 Chapter 4 of the EIAR has also examined the potential effect on relevant landscape character types and a variety of visual receptors including those using the road network, ferry crossings, recreational routes and summits, and settlements.
- 4.6.23 In terms of seascape and landscape character, significant residual effects during operation were found to be restricted to the host landscape character type LCT06: 'Upland Forest Moor Mosaic'. These effects would be localised in nature up to within approximately 7 km from the Proposed Development. It is explained in the assessment that beyond this distance the influence of the Proposed Development falls away relatively rapidly due a combination of intervening topography, coniferous forestry and the influence of the numerous other wind energy developments present. No significant effects were predicted on the other LCTs within the SLVIA Study Area from the Proposed Development.

#### Designated Landscapes

- 4.6.24 The Wind Turbine Array is not located within a landscape designation. Designated landscapes with theoretically visibility of the Proposed Development include: The North Arran National Scenic Area (NSA) which is situated 5.4 km east of the Wind Turbine Array; the East Kintyre (Coast) Local Landscape Area (LLA) which lies 1.4 km east of the Wind Turbine Array; and the North Arran Special Landscape Area (SLA) which is located 6.7 km east of the Wind Turbine Array.
- 4.6.25 There are four inventory Garden and Designed Landscapes (GDLs) within the SLVIA Study Area. Most of these GDLs have no potential visibility of the Proposed Development.
- 4.6.26 There is one Wild Land Area (WLA) within the Study Area, the North Arran WLA, which lies 9.8 km east of the Wind Turbine Array.
- 4.6.27 No significant effects were identified on any of the designated landscapes assessed (NSAs, SLAs, LLAs, GDLs) or on the North Arran WLA as a result of the Proposed Development.

Further reference is made to effects in relation to the NSA and local landscape designations and the WLA in the context of NPF4 Policy 4 (Natural places) further below.

Visual Effects

- 4.6.28 Considering visual receptors, there would be no significant residual effects as a result of the Proposed Development in operation, with the exception of a significant localised effect on the Kintyre Way. The effect, which is considered to be negligible for most of the route, would be considered a significant effect along the Carradale – Saddell Glen section since the Proposed Development would add large scale wind turbines in relative close proximity to the route. While the potential effect on the route is acknowledged here, it should be noted that this represents a minor section of the overall route and on balance, given the overall benefits of the Proposed Development this is deemed to be acceptable.
- 4.6.29 Twenty-two viewpoints were selected to assess the effect of the Proposed Development on the landscape character and visual receptors. Only five have been identified as having a significant residual effect and the majority of these are within 5 km, with the exception of Viewpoint 3: Summit of Beinn Tarsuinn where a significant effect is predicted at 14.1 km. Whilst significant in-combination effects have been noted for most of the assessment viewpoints this is largely as a result of the extensive and complex cumulative baseline on Kintyre.

Cumulative Effects

- 4.6.30 When considering cumulative effects, the SLVIA considers in-addition effects<sup>15</sup> and in-combination<sup>16</sup> effects. There are no significant adverse in-addition effects, however there would be significant effects when considering the in-combination effects on most of the landscape and visual receptors, with the exception of the Kintyre Coast Area LLA and Achamore House GDL.

Conclusions on Landscape & Visual Effects in the context of Policy 11

- 4.6.31 As is to be expected with wind energy developments of commercial scale, the SLVIA confirms that the Proposed Development would result in some significant effects, but such effects would be localised (i.e. experienced intermittently and/or affecting a limited geographical extent) and would not compromise the character or special qualities of the seascape and landscape or the visual amenity of the SLVIA Study Area. Such effects are not untypical for such a development. It should be noted that the most sensitive landscapes within the study area (e.g. North Arran NSA) would not be significantly affected by the Proposed Development such that its overall special qualities and integrity would be compromised.
- 4.6.32 It is apparent from the EIAR that the appropriateness of the location and design of the Proposed Development in landscape and visual terms is evidenced by the limited number of significant landscape or visual effects.
- 4.6.33 When considering visual effects more generally, the extent of effects is considered to be localised in nature, and there has been a clear process of embedded design mitigation in reaching the final layout and design to minimise impacts as far as possible. The Proposed Development would also conform to the pattern of wind energy development across Kintyre and would rarely be seen in isolation.
- 4.6.34 As such the extent and nature of effects is considered to be acceptable when considered against the policy criteria in NPF4 which specifically states, “Where impacts are localised and/or appropriate design mitigation has been applied, they will generally be considered to be acceptable”. While the term ‘local’ is not defined in this context it is helpful to examine how the Scottish Ministers have defined ‘localised’ for a development of identical blade tip height.

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<sup>15</sup>The In-addition cumulative effects include the Proposed Development, operational and consented development.

<sup>16</sup> The In-combination effects include the Proposed Development, operational, consented and in-planning schemes.

4.6.35 The term 'localised' requires a judgement on the geographical extent of influence from a wind farm, having regard to the type of landscape in which the impacts would arise. In this regard, it is important to note that in the Achany Extension Wind Farm Section 36 decision, the Scottish Minister's (page 14 of the decision) referred to the conclusions of the LVIA in that case, which was that the development (for a scheme of tip height 149.5m) would result in:

*"A limited number of localised significant effects on landscape character and visual amenity affecting relatively localised parts of the landscape and visual resource up to 10 km and locally to 12.5 km from the proposed development."*

4.6.36 It is also stated in the Achany Extension Wind Farm decision letter that (page 15):

*"The Scottish Ministers acknowledge that the proposed development will have some significant landscape and visual impact, but overall these would remain relatively localised, with the majority of significant effects occurring within 10 km of the proposed development and none at a distance greater than 12.5 km."*

4.6.37 The view of the Scottish Ministers therefore in terms of the geographical extent within which there would be localised impacts, in the Achany Extension case of up to 12.5km is highly relevant. It is fully accepted that each development needs to be considered on its respective merits, but it is important that there is consistency in decision making with regard to this particular aspect of NPF4 policy 11 e) and its application.

4.6.38 Where significant effects have been identified these relate to in combination effects and are largely as a result of the existing diversity and complexity of wind development visible, with the Proposed Development representing only a relatively a minor addition.

4.6.39 Furthermore, the design mitigation in terms of siting of the Proposed Development in the context of other onshore wind development in the area, is considered to reduce its effect on landscape character and visual amenity, and in certain locations, aids in the consolidation of the development pattern, where it is consistent with the established pattern of development.

#### **Public Access**

4.6.40 The SLVIA has addressed visual amenity considerations in relation to public access and recreation. In addition, the Economic Impact Report examines potential direct impacts on public access and indirect impacts on recreational amenity.

4.6.41 Whilst there would therefore be some visibility of the Proposed Development from some walking and recreational routes, these are not considered to be unacceptable for the reasons set out above.

4.6.42 There are no Core Paths in the immediate vicinity of the Proposed Development site access junction from the A83, however there are other Core Paths in the Study Area and in the vicinity of the Proposed Development, on the Beinn an Tuirc Wind Farm internal access tracks. A short section of Core Paths C088(j) and C088(k) are shared with the Beinn an Tuirc Wind Farm internal access track and will be used by construction traffic. The track was also previously used to access Beinn an Tuirc Wind Farms and is currently used for maintenance and operational works for these and for forestry uses.

4.6.43 The EIAR recommends mitigation to address potential significant effects on users of the Core Path. The mitigation proposed includes the implementation of a Construction Traffic Management Plan (CTMP), Abnormal Load Management Plan and Offsite Mitigation Works, Public Information Distribution, Path Management Plan and Staff Travel Plan. The Core Path will be maintained and re-routed to ensure access is possible during the construction stage of the project. This will be fully detailed in the CTMP.

4.6.44 No significant residual effects are anticipated in respect of traffic and transport issues on the public road network or Core Paths within the Application Boundary. The residual effects are assessed to be slight and not significant, and they will occur during the construction phase only, are temporary and reversible.

### **Aviation, Defence Interests and Telecommunications**

- 4.6.45 Chapter 12 of the EIAR considers the potential effect on aviation and telecommunications interests including Primary Surveillance Radars (PSRs), Military Low Flying, Instrument Flight Procedures (IFPs) and Vodafone Microwave Links. No significant effects are predicted with the exception of a potential significant effect on the Islay Airport IFP. Mitigation is proposed in the form of a revision of the relevant IFP charts by HIAL's Approved Procedure Design Organisation (APDO) and their approval by the CAA, reducing the residual effect to minor. Therefore, no significant effects are predicted on the Islay Airport IFP.
- 4.6.46 Additional standard mitigation is proposed in the form of infra-red lighting to be fitted on all turbines to assist military aircrew carrying out low flying at night.
- 4.6.47 The Proposed Development is considered to accord with the relevant policies as identified above with respect aviation and telecommunications matters.

### **Impacts on Road Traffic and Trunk Roads**

- 4.6.48 Chapter 10 of the EIAR has considered the traffic and transport impacts associated with the Proposed Development. The construction phase will result in increased traffic volumes on the number of roads in the vicinity of the Proposed Development, however these would fall off considerably outside the peak period of construction. No significant effects are predicted from the increased traffic volumes reported.
- 4.6.49 No significant capacity issues are expected on any of the roads within the traffic Study Area due to the additional construction traffic movements, as background traffic movements are low, the transport routes are already of reasonable standard and appropriate mitigation is proposed.
- 4.6.50 Traffic levels during the operational phase of the Proposed Development would be one or two vehicles per week for maintenance purposes and as such there is no potential for significant effects.
- 4.6.51 Whilst the Proposed Development would lead to a temporary increase in traffic volumes on the local road network during the construction phase, traffic volumes would decrease considerably outside peak periods of construction. Overall, the construction period would be transitory in nature and all impacts would be short lived and temporary.

### **Historic Environment**

- 4.6.52 Chapter 5 of the EIAR addresses cultural heritage – addressing the archaeological and historic environment value of the site and assesses the potential both for direct and setting effects on archaeological features and heritage assets resulting from the construction and operation of the Proposed Development.
- 4.6.53 The assessment has concluded there would be a significant effect on the setting of one Scheduled Monument: Saddell Abbey (SM 3645). However, the assessment concludes that the integrity of the setting of the SM and its capacity to inform and convey its cultural significance, would be unhindered and the impact of the Proposed Development would not amount to a significant adverse effect on the integrity of its setting.
- 4.6.54 Effects in relation to the historic environment are examined in more detail below in terms of NPF4 Policy 7 (Historic assets and places).

### **Hydrology, the Water Environment and Flood Risk**

- 4.6.55 Chapter 8 of the EIAR considers the impacts of the Proposed Development with regard to hydrology and hydrogeology and flood risk.

- 4.6.56 None of the Proposed Development lies within an area classified by the Scottish Environment Protection Agency (SEPA) as being at risk of flooding from rivers or the sea, and the Wind Turbine Array is located within an area assessed by SEPA to be at very low risk of fluvial or tidal flooding. Additionally, SEPA mapping does not indicate the potential for significant surface water accumulation or surface water flows to occur within the Wind Turbine Array. There are very limited areas assessed by SEPA to be of a medium likelihood of surface water flooding and these locations are in direct connection to watercourses at the boundary of the Wind Turbine Array. Detailed assessment of the potential for flood risk was therefore scoped out of further assessment. Of those watercourses on site where there may be a risk of some surface water flooding, this will be addressed through suitable watercourse crossing design where applicable.
- 4.6.57 Chapter 8 of the EIAR has also considered the potential impact on watercourses and surface water runoff. The potential for adverse impact on runoff volumes and rates and fluvial morphology through the alteration of drainage patterns would be mitigated through the implementation of good practice measures and set out in a CEMP. Potential for adverse impacts on water quality and fluvial morphology associated with sediment-laden runoff or impacts on bank integrity has been taken into account in the design of the Proposed Development and the maintenance of a suitable buffer to watercourses from areas on which infrastructure is proposed.
- 4.6.58 Furthermore, SuDS design shall ensure the capture of any additional sediment load that could be released in the construction phase. Additional sediment controls are also proposed where a section of access track may be within a 50 m buffer of a watercourse and overseen by an Environmental Clerk of Works (ECoW), who would also carry out daily inspections of sediment control measure and watercourses.
- 4.6.59 The implementation of a CEMP will manage potential for adverse impact on water environment from pollution relating to chemical spills.
- 4.6.60 Although the potential ground water dependent terrestrial ecosystems (GWDTEs) identified were assessed as unlikely to be groundwater dependent, any potential for adverse impact on GWDTE habitats would be managed through the implementation of suitable cross drainage measures and SuDS measures incorporated with on-site infrastructure.
- 4.6.61 The assessment in the EIAR explains that with the proposed mitigation in place there are no significant adverse effects predicted on hydrology, the water environment or from flood risk.

## **Biodiversity**

### Ornithology

- 4.6.62 Chapter 7 of the EIAR considers the Proposed Development's potential impact on birds.
- 4.6.63 There are no statutory or non-statutory ornithological designations within the Wind Turbine Array, however the Application Boundary does overlap with the Kintyre Goose Roosts Special Protection Area (SPA), Ramsar, Important Bird Area (IBA) and Site of Special Scientific Interest (SSSI) for approximately 90m, where the existing access track passes Lussa Loch. The SPA is classified for non-breeding Greenland white-fronted goose, with the nearest discrete area (Lussa Loch) approximately 5.5 km to the southwest of the Wind Turbine Array. No significant effects on the relevant species or the SPA are predicted.
- 4.6.64 There are two further SPAs within 20 km of the Desk Study Area. Arran Moors SPA and associated SSSI located 11.5 km east of the Wind Turbine Array classified for breeding hen harrier; and Sound of Gigha SPA located 8.6 km west of the Wind Turbine Array classified for non-breeding species of common eider, great northern diver, red-breasted merganser and Slavonian grebe. Connectivity between these two SPAs is considered unlikely due to commuting distance. These were therefore scoped out of further detailed assessment.
- 4.6.65 Field surveys recorded two black grouse leks within the Ornithology field survey area and territories were identified of golden eagle, hen harrier and osprey. Potential significant effects

could impact the hen harrier and osprey territories, so pre-construction surveys are proposed to mitigate this.

- 4.6.66 The collision risk modelling for species where there is potential for collision risk has concluded that this would be of low or negligible magnitude for the following species golden eagle, golden plover, hen harrier, merlin, peregrine and short eared owl and no significant effects are predicted.
- 4.6.67 No significant residual effects or cumulative effects on ornithological features are predicted, subject to the mitigation proposed including a CEMP and Bird Protection Plan (BPP). It is expected that this mitigation would be appropriately controlled through a planning condition.

#### Ecology

- 4.6.68 Chapter 6 of the EIAR considers the potential ecological effects of the Proposed Development.
- 4.6.69 No statutory designated nature conservation sites for ecological (non-avian) features occur within the field survey area and the statutory designated nature conservation sites for ecological features that occur in the desk Study Area are not considered to have potential connectivity with the Proposed Development. As a result, no statutory designated nature conservation sites for ecological features were required to be considered further in the EIA process.
- 4.6.70 In terms of other ecological (non-avian) resources, the dominant habitats in the field survey area include coniferous woodland plantation, wet heath and marshy grassland. Potential GWDTEs were recorded but were assessed as unlikely to be groundwater dependent on site. The layout of the Proposed Development has, as far as possible, been designed to avoid the habitats of highest ecological importance and sensitivity.
- 4.6.71 Protected species surveys identified the presence of common pipistrelle, soprano pipistrelle, brown long-eared bat, noctule, Myotis spp., pine marten, otter, common frog and common lizard. The species recorded are common and widespread throughout the ecology Study Area. Rhododendron, which is an invasive non-native species, was recorded in the field survey area.
- 4.6.72 Without the application of mitigation, adverse effects have been predicted on habitats (peatland, running water and marshy grassland), invasive non-native species, bats and otter. However, following the application of mitigation such as a CEMP, peatland restoration, a curtailment strategy and bat friendly lighting, no significant residual ecological effects are predicted.
- 4.6.73 Proposed biodiversity enhancement measures are described below with regard to NPF4 Policy 3 (Biodiversity) (see further below) and would give rise to lasting beneficial effects.

#### **Balancing the Impacts v Contribution of a Development and Conclusions on Policy 11**

- 4.6.74 It is considered that the Proposed Development would not give rise to any unacceptable effects in relation to any of the above environmental or technical criteria. For a number of the environmental and technical topics, planning conditions can be attached to ensure the proposed development would be implemented in an environmentally acceptable way.
- 4.6.75 Part e(ii) of Policy 11 makes it clear and recognises that in terms of significant landscape and visual impacts, such impacts are to be expected for some forms of renewable energy. This is a very clear steer that significant effects are to be expected, and where localised and/or subject to design mitigation, they should generally be acceptable. As explained above, the SLVIA concludes that the significant landscape and visual impacts are localised, and that appropriate design mitigation has been adopted.
- 4.6.76 In addition, the Proposed Development is considered to be acceptable in relation to all of Policy 11's environmental and technical topic criteria.



4.6.77 The second last paragraph of **Paragraph e) of Policy 11** is expressly clear that in considering any identified impacts of developments, significant weight must be placed on the contribution of the proposal to renewable energy generation targets and greenhouse gas emissions reduction targets. The “contributions” are inextricably related to the scale of a proposed development and policy recognises that any identified impacts must be assessed in the context of these contributions.

4.6.78 In terms of contribution to targets, the Proposed Development's contribution has been set out in Chapter 3 above. The scale of the energy output and emissions savings are of national importance.

#### **Conclusions in relation to NPF4 Policy 11**

4.6.79 The Proposed Development is considered to be acceptable in relation to all of Policy 11's environmental and technical topic criteria.

4.6.80 A key point is that any identified impacts have to be weighed against a development's specific contribution to meeting targets – which attracts significant weight. Significant weight is also afforded in relation to Policy 1. This policy direction fundamentally alters the planning balance compared to the position in NPF3 and SPP.

4.6.81 Overall, therefore, the Proposed Development is considered to be in accordance with NPF4 Policy 11.

### **4.7 Policy 3: Biodiversity**

4.7.1 In summary, there are no unacceptable effects arising in relation to biodiversity matters, nor in relation to nature conservation designations which NPF4 **Policies 3 and 4** respectively address. **Policy 3** requires developments to wherever feasible, provide nature-based solutions that have been integrated and made best use of and for significant biodiversity enhancements to be provided.

#### **Current Guidance**

4.7.2 The Chief Planner's Letter of 8th February 2023 provides some guidance with regard to Policy 3. It confirms that there is no single accepted methodology for calculating and/or measuring biodiversity enhancement and reiterates that research has been commissioned to explore options for developing a biodiversity metric or other tool for use in Scotland. It adds that there will be some proposals which will not give rise to opportunities to contribute to the enhancement of biodiversity:

*“and it will be for the decision maker to take into account the policies in NPF4 as a whole, together with material considerations in each case”.*

4.7.3 The Scottish Government published '**Draft Planning Guidance: Biodiversity**' in November 2023. Paragraph 1.1 states that it:

*“Sets out the Scottish Minister's expectations for implementing NPF4 policies which support the cross cutting NPF4 outcome 'improving biodiversity.'”*

4.7.4 The guidance refers to 'key terms' and with regard to 'enhancement', states at Paragraph 1.10:

*“The terms 'enhance' and 'enhancement' are widely used in NPF4. In order for biodiversity to be 'enhanced' it will need to be demonstrated that it will be in an overall better state than before intervention, and that this will be sustained in the future. Development proposals should clearly set out the type and scale of enhancements they will deliver”.*

4.7.5 The guidance addresses development planning and, in terms of development proposals, references 'core principles.' At Paragraph 3.1 the guidance states that these principles can be followed when designing developments so that nature and nature recovery are an integral part of any proposal. Section 3.2 of the guidance states:

*“Applying these principles will not only help to secure biodiversity enhancements, they can also help to deliver wider policy objectives including for green and blue infrastructure, open space, nature based solutions, nature networks and 30 x 30. Development proposals which follow these steps are also much more likely to result in more pleasant and enriching places to live, work and spend time.”*

4.7.6 The principles set out are as follows:

- > Apply the mitigation hierarchy;
- > Consider biodiversity from the outset;
- > Provide synergies and connectivity for nature;
- > Integrate nature to deliver multiple benefits;
- > Prioritise on-site enhancement before off-site delivery;
- > Take a place-based and inclusive approach;
- > Ensure long term enhancement is secured; and
- > Additionality (ensuring that enhancement delivered is additional to any measures which would have been likely to happen in the absence of the development).

4.7.7 These core principles have been applied as appropriate with regard to the Proposed Development.

4.7.8 Page 15 of the draft guidance makes specific reference to determining planning applications and, with regard to the policy context, Paragraph 4.1 makes it clear that NPF4 must be read and applied as a whole. Specific reference to NPF4 Policy 3 (Biodiversity) Part 3 b) is made and from Section 4.6 key points in the guidance include the following:

- > It is set out that NPF4 that does not specify or require a particular assessment approach or methodology to be used, although the policy makes clear that best practice assessment methods should be utilised; and
- > Assessments can be qualitative or quantitative (for example through use of a metric).

4.7.9 Section 4.12 of the guidance states:

*“In the meantime, the absence of a universally adopted Scottish methodology/tool should not be used to frustrate or delay decision making, and a flexible approach will be required. Wherever relevant and applicable, and as indicated above, information and evidence gathered for statutory and other assessment obligations, such as EIA, can be utilised to demonstrate those ways in which the policy tests set out in NPF4 have been met. Equally, where a developer wishes to use an established metric or tool, the planning submission should demonstrate how Scotland’s habitats and environmental conditions have been taken into account. Where an established metric or tool has been modified, the changes made and the reasons for this should be clearly set out”.*

4.7.10 Section 4.14 of the guidance states that it will be for a planning authority to determine whether the relevant policy criteria have been met, taking into account the circumstances of the particular proposal. The guidance adds:

*“NPF4 does not specify how much enhancement or ‘net gain’ should be delivered, though biodiversity should clearly be left in a ‘demonstrably better state’ than without intervention. Rather, the selection and design of enhancements will be a matter of judgement based on the circumstances of the individual case, taking into account a range of considerations.”*

4.7.11 The draft guidance also makes reference to off-site delivery of enhancement proposals and states at Paragraph 4.19 that:

*“Where the relevant policy tests cannot be met on site, off-site provision may be considered alongside on site. In these circumstances, off-site delivery should be as close as possible to*

*the development site, with consideration being given firstly to the immediate landscape context and existing ecological value of the site.”*

4.7.12 An important point is that the proposed guidance is proposed as a “*living document*”. Paragraph 5.1 of the draft guidance states that it is the Government’s intention that it will be updated as practice “*beds in across planning authorities*”.

4.7.13 In early 2024 **NatureScot consulted on ‘a Biodiversity Metric for Scotland’s Planning System’**. The consultation ended on 10 May 2024. The consultation paper outlines work that NatureScot has been commissioned by the Scottish Government to develop a biodiversity metric for Scotland’s planning system, to support delivery of NPF4 Policy 3(b).

4.7.14 This consultation paper does not propose solutions or reach conclusions on specific aspects of the Scottish biodiversity metric to be developed, as these are yet to be fully assessed. While work on developing a Scottish biodiversity metric is ongoing, NatureScot highlight here the advice set out in the Scottish Government’s draft Planning Guidance on Biodiversity, as referenced above, namely that the absence of a universally adopted Scottish methodology / tool at the present time, should not be used to frustrate or delay decision making.

#### **Proposed Enhancement**

4.7.15 Nevertheless, notwithstanding the lack of finalised policy guidance at the present time, in terms of biodiversity environmental, the Applicant proposes biodiversity enhancements. The Applicant’s proposals are set out in an Outline Habitat Management Plan (OHMP) contained in Technical Appendix 6.3 of the EIAR.

4.7.16 The Applicant is proposing to restore of a minimum of 44,988.67 m<sup>2</sup> of degraded peatland towards good-quality, active blanket bog and/or wet heath. In the medium to long-term this would provide a local beneficial effect, particularly as the majority of peatland is currently modified by the coniferous woodland plantation. The aim is that by restoring degraded peatland, it would become actively peat-forming blanket bog and/or wet heath, which is able to store increased levels of water and carbon dioxide, helping with flood prevention and climate change, respectively. The aim is also to restore a larger area of peatland habitat than the area lost to the Proposed Development to provide an overall significant enhancement.

4.7.17 The OHMP should be referred to for its detail with regard to the various specific measures that are proposed.

4.7.18 It should be noted that this commitment has the objective of benefiting biodiversity and would not just mitigate impacts. The proposals would therefore result in the site, from a biodiversity perspective, being in a “demonstrably better state” than without intervention, in accordance with the provisions of Policy 3.

4.7.19 It is also important to keep in mind that the greatest threat to biodiversity is climate change. The principal and essential benefit of the development is a significant contribution of renewable energy, to facilitate the earliest possible decarbonisation of the energy system and the achievement of “Net Zero” no later than 2045, in accordance with the objectives of the Climate Change (Scotland) Act 2009. The purpose of Net Zero is to protect biodiversity and the earlier it can be achieved, the greater the benefits to biodiversity.

## **4.8 Policy 4: Natural places**

4.8.1 **Policy 4, Paragraph a)** of the policy states that development proposals which by virtue of type location or scale will have an unacceptable impact on the natural environment will not be supported.

4.8.2 **Policy 4 Part b)** addresses both nature conservation and landscape designations. Part b deals with development proposals likely to have a significant effect on an existing or proposed European site (Special Area of Conservation or Special Protection Areas). Part c) deals with national landscape designations and also SSSIs and national nature Reserves.

- 4.8.3 **Policy 4, Part c)** deals with national landscape designations and has a similar approach in relation to the former SPP in terms of how a proposal that affects a National Park or a National scenic Area (NSA) should be addressed.
- 4.8.4 Considering the North Arran NSA, in terms of in-combination effects, the established developed context of existing and consented wind farms already forms a notable characteristic of views from the NSA and influences the visual amenity of recreational receptors. The inclusion of proposed and in-scoping developments, as well as the Proposed Development is likely to compound this, representing a continued significant effect on views out of the NSA and on the profile and primacy of the NSA mountains. However, given the localised nature of such effects (principally at summits and on vessels in the Firth of Clyde), it is set out in the assessment that significant in-combination effects on these few special qualities does not, in of itself, compromise the integrity of the whole NSA. Moreover, the Proposed Development would not represent a significant contribution to these effects.
- 4.8.5 **Policy 4, Part d)** deals with local landscape designations and contains a different policy approach to that which was contained within the former SPP. Policy 4 is as follows:
- “Development proposals that affect a site designated as ...a local landscape area in the LDP will only be supported where:*
- > *Development will not have significant adverse effects on the integrity of the area or the qualities for which it has been identified; or*
  - > *Any significant adverse effects on the integrity of the area are clearly outweighed by social, environmental or economic benefits of at least local importance”.*
- 4.8.6 The policy now follows a similar construct to that which deals with national level designations. The first limb of the policy refers to significant effects on the “*integrity*” of the area or “*the qualities for which it has been identified*”.
- 4.8.7 The policy set out in the second limb of NPF4 Policy 4, Part d) provides that development proposals that affect a site designated as a local landscape area in the LDP will only be supported where any significant adverse effects on the integrity of the area are clearly outweighed by social, environmental or economic benefits of at least local importance. It must be noted that:
- > this policy provision, reflects the wider NPF4 policy that adverse effects (including adverse landscape and visual effects outside of a National Park or National Scenic Area) must be balanced against the benefits of a development for which significant weight must be given;
  - > the second limb is independent of the first (“or”) and is to be applied where a decision-maker concludes that a development will have significant adverse effects on the integrity of a local designation;
  - > NPF4, Policy 4, Part d) now expressly includes a balancing mechanism (“*clearly outweighed by social, environmental or economic benefits*”) and sets out the threshold to be used (“*of at least local importance*”).
- 4.8.8 As explained above in the context of NPF4 Policy 11, there would be no significant adverse effects from the Proposed Development on the special qualities and the integrity of a LLA.
- 4.8.9 Furthermore, in this case the benefits that would result from the Proposed Development are of national importance – as evidenced, among other things, by designation as a National Development (being significant developments of national importance that will help to deliver the NPF4 Spatial Strategy). As a result, the development also accords with the second limb of the policy and should therefore be supported.
- 4.8.10 **Policy 4 Part g)** deals with Wild Land.

- 4.8.11 Considering the North Arran WLA, in terms of in-combination effects, although a significant in combination effect is predicted, the overall conclusion of the Wild Land Impact Assessment (WLIA) (Technical Appendix 4.5 of the EIAR (Volume 4)) is that since there are no views of the Proposed Development from the interior of the WLA, the 'strong sense of naturalness would not be impacted and the integrity of the WLA would not be undermined'.
- 4.8.12 Importantly the policy states that the "*effects of development outwith wild land areas will not be a significant consideration*".
- 4.8.13 Overall, the Proposed Development is considered to be in accordance with NPF4 Policy 4.

## 4.9 Policy 5: Soils

### Policy 5 & Principles

- 4.9.1 In terms of soils, **Policy 5** states that where development on peatland or carbon rich soils or priority peatland habitat is proposed, a detailed site-specific assessment is required to identify baseline, likely effects and net effects. The policy intent is to protect carbon rich soils, restore peatlands and minimise disturbance to soils from development. This is very similar to the policy position that was in SPP; however, a key difference is that renewable energy proposals are one of the types of development expressly envisaged to be acceptable in principle on peatlands (Paragraph c) reflecting the net benefits in carbon emissions and peatland restoration potential which can be gained.

### The application of Policy 5

- 4.9.2 Chapter 9 of the EIAR considers the potential impact on geology and soils. It is noted that the soils present within the Wind Turbine Array are not of noted quality and are of low agricultural value and therefore negligible sensitivity.
- 4.9.3 Peat Class 1, 2 and 5 are mapped as present within the Study Area. A hazard impact assessment has been completed which concludes that, subject to the employment of appropriate mitigation measures, the presence of peat and potential peat slide instability is not considered to be a development constraint.
- 4.9.4 Impacts on peat have sought to be avoided through avoidance of areas of deep peat through design. A site-specific Outline Peat Management Plan (PMP) has also been prepared and is submitted in support of the application (Technical Appendix 9.3 of the EIAR (Volume 3)).
- 4.9.5 The Carbon Calculator (Technical Appendix 2.2 of the EIAR (Volume 4)) assessment has concluded that the calculations of total carbon dioxide emission savings and payback time for the Proposed Development indicates that the overall payback period will be around 2.2 years (26.4 months) when compared to the grid fuel mix of electricity generation. This payback period means that the proposed development is anticipated to take around 2.2 years to repay the carbon exchange to the atmosphere (the CO<sub>2</sub> debt) through construction; the Proposed Development would in effect be in a net gain situation following this time period and can then claim to contribute to national emissions reduction objectives thereafter for its remaining operational life.
- 4.9.6 The resulting effect of a pollution event, erosion or sedimentation, drainage and dewatering on peat soils and peat, is considered negligible adverse and no significant effects are predicted following adherence to good practice measures.
- 4.9.7 Existing ground conditions have been identified and used to assess the potential impacts the Proposed Development might have on the geology and soils environment. The EIAR has demonstrated that the Proposed Development would not result in significant effects on geology and soils. The absence of significant effects relates primarily to the adoption of good practice measures and intelligent site design, which effectively act as 'embedded' mitigation.

4.9.8 The EIAR and relevant technical appendices have demonstrated that the design evolution has sought to avoid areas of deepest peat and those areas of most sensitivity. The Proposed Development meets the terms of NPF4 Policy 5 in terms of types of development which may be supported in areas of peatland i.e. 'generation of energy from renewable sources that optimises the contribution of the area to greenhouse gas emissions reduction targets'. Overall, it is demonstrated that the energy generation output of the Proposed Development has been maximised, while respecting the immediate and surrounding environmental sensitivities, ultimately optimising the effectiveness of clean energy generation.

4.9.9 The Proposed Development is considered to be in accordance with NPF4 Policy 5.

## 4.10 Policy 6: Forestry, Woodland and Trees

### Policy 6 & Principles

4.10.1 The policy intent is to protect and expand forests, woodland and trees. It states that development proposals that enhance, expand and improve woodland and tree cover will be supported.

4.10.2 **Policy 6 Part b)** states that "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, hedgerow 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."*

4.10.3 Policy 6 Part c) states that:

*"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".*

### The application of Policy 6

4.10.4 Chapter 13 of the EIAR considers the potential impact the Proposed Development will have on the woodland resource within the Application Boundary. The woodland in which the Proposed Development is located comprises privately owned and managed commercial forestry which is managed by a Forest Plan and includes felling and restocking over the lifetime of the plan.

4.10.5 The design iteration process sought to minimise the area of felling as far as possible. This has largely been driven by both the forestry and technical constraints of the Proposed Development. In this case, taking into account the ecological constraints, a 3.1 ha (100 metre (m) radius) 'keyhole' was adopted around wind turbines. These keyholes are areas that require to be felled for construction, operation and environmental mitigation. A 10 m buffer has been applied around each other item of temporary and permanent infrastructure and an indicative 30m corridor has been applied to all new access tracks and upgraded existing tracks to be used for wind turbine delivery and construction purposes.

4.10.6 Chapter 13 of the EIAR considers the extent of woodland removal required to accommodate the Proposed Development in comparison with the baseline Forest Plan. The Forest Study Area comprises 202.7 ha.

- 4.10.7 Felling would be advanced on 61.3 ha for construction of the Proposed Development. The species composition of the forest would change as a result of the Proposed Development forestry proposals. In particular, the area of Sitka spruce would decrease by 37.6 ha. Following the restocking as proposed under the Proposed Development Restocking Plan, the area of unplanted ground would increase from the baseline and, as a result, there would be a net loss of woodland area of 39.8 ha resulting from the Proposed Development.
- 4.10.8 The Applicant is committed to providing appropriate compensatory planting in line with the above-mentioned policies to mitigate for this loss of woodland. Compensatory planting has to be provided in accordance with The Control of Woodland Removal Policy. The extent, location and composition of planting will be agreed with Scottish Forestry, taking into account any revision to the felling and restocking plans prior to the commencement of construction.
- 4.10.9 The Proposed Development is considered to be in accordance with NPF4 Policy 6.

## 4.11 Policy 7: Historic Assets and Places

### Policy 7 & Principles

- 4.11.1 Finally, in terms of **Policy 7** which deals with Historic Assets and Places, the policy is very similar to that which was in SPP (paragraph 145).
- 4.11.2 The intent of the policy is to protect and enhance the historic environment, assets and places and to enable positive change. Key parts of the policy include the following:
- > **Paragraph c)** states that “*development proposals affecting the setting of a Listed building should preserve its character, and its special architectural or historic interest*”.
  - > **Paragraph d)** states that “*development proposals in or affecting Conservation Areas will only be supported where the character and appearance of the Conservation Area and its setting is preserved or enhanced*”.
  - > **Paragraph h)** states that “*development proposals affecting Scheduled Monuments will only be supported where:*
    - i) *direct impact on the Scheduled Monument are avoided;*
    - ii) *significant adverse impacts on the integrity of the setting of the Scheduled Monument are avoided; or*
    - iii) *exceptional circumstances have been demonstrated to justify the impact on a Scheduled Monument and its setting and impact on the monument or its setting have been minimised.*
  - > **Paragraph i)** states 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*”.
  - > **Paragraph o)** states 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 impact*”.

### The application of Policy 7

- 4.11.3 Chapter 5 of the EIAR considers the potential effects of the Proposed Development on heritage assets.
- 4.11.4 Three heritage assets were identified within the Inner Study Area (the Application Boundary forms the Study Area for the identification of heritage assets that may receive direct impacts from the construction of the Proposed Development). These are three groups of former

shielings huts associated with summer grazing and usually considered to be of medieval or later date, although some have been dated to the prehistoric period. One of the groups of shieling huts, comprising 18 well-preserved huts, is assessed as being of heritage value at a regional level and of medium sensitivity; the other smaller groups of shieling huts are assessed as being of heritage value at a local level and of low sensitivity. No direct construction impacts are predicted on the three non-designated heritage assets identified within the Inner Study Area.

- 4.11.5 An assessment of the known cultural heritage resource within and in the immediate vicinity of the Inner Study Area, and the current and past land-use, indicates that there is a low to negligible likelihood of unidentified archaeological remains being present within this area.
- 4.11.6 Mitigation is proposed to address the possibility that other archaeological remains could be discovered during construction work. Following application of the proposed mitigation, there would be no significant residual direct effects on cultural heritage.
- 4.11.7 Within 5 km of the outermost wind turbines there are eight SMs, two Category A Listed Buildings, eight Category B Listed Buildings and three Category C Listed Buildings.
- 4.11.8 As noted above, the assessment has concluded there would be a significant effect on the setting of one Scheduled Monument: Saddell Abbey (SM 3645). The Proposed Development would be a new element in the wider landscape surroundings of the abbey ruins, and the introduction of modern wind turbines into an otherwise rural, pastoral setting would result in a noticeable alteration to its current landscape setting. However, it is explained in the assessment that the key contributors to the significance of the Abbey ruins would be retained and it would remain possible for any visitor to the Abbey ruins to understand, appreciate and experience these qualities. As such the integrity of the setting of the SM and its capacity to inform and convey its cultural significance, would be unhindered and the impact of the Proposed Development would not amount to a significant adverse effect on the integrity of its setting.
- 4.11.9 This is an important consideration in policy terms particularly in relation to NPF4 Policy 7 (h)ii which notes that proposals affecting SMs will only be supported where direct impacts on the SM are avoided and significant adverse impacts on the integrity of the setting of a SM are avoided. Chapter 5 of the EIA has concluded that the impact of the Proposed Development would not amount to a significant adverse effect on the integrity of the setting of this SM.
- 4.11.10 All other impacts, affecting the settings of heritage assets in the surrounding landscape, would give rise to residual effects that would be of no more than minor significance. The Proposed Development is considered to be in accordance with Policy 7.

## 4.12 Policy 22 – Flood Risk and Water Management

- 4.12.1 The intent of Policy 22 is to strengthen resilience to flood risk by promoting avoidance as a first principle and reducing the vulnerability of existing and future development to flooding. Paragraph C is the most relevant part of the policy which states that development proposals should not increase the risk of surface water flooding to others, or itself be at risk. In addition, all rain and surface water should be managed through Sustainable Urban Drainage Systems (SUDs).
- 4.12.2 As set out above, effects on hydrology, the water environment and flood risk are an assessment criterion within NPF4 Policy 11 (Energy). Chapter 8 of the EIA addresses hydrology matters in detail including flood risk and sustainable drainage and there are no issues arising with regard to these topics. The Proposed Development is therefore considered to be in accordance with NPF4 Policy 22.



#### **4.13 Conclusions on NPF4**

- 4.13.1 Overall, the Proposed Development, as a National Development, is considered to be one that would make a substantial and valuable contribution to the NPF4 Spatial Strategy and would help deliver a 'sustainable place'. Overall, it is considered that development would accord with relevant policies of NPF4, and with NPF4 when read as a whole.
- 4.13.2 The Proposed Development is considered to be acceptable in relation to all of NPF4 Policy 11's environmental and technical topic criteria.
- 4.13.3 A key point within Policy 11 (Energy) is that any identified impacts have to be weighed against a development's specific contribution to meeting targets – which attracts significant positive weight in the case of the Proposed Development.
- 4.13.4 Significant weight is also afforded in relation to NPF4 Policy 1 (Tackling the climate and nature crises). This policy direction fundamentally alters the planning balance compared to the position that was set out in the former NPF3 and SPP.
- 4.13.5 The term "tackling" the respective crises in Policy 1 is also important – this means that decision makers should ensure an urgent and positive response to these issues and take positive action.
- 4.13.6 Overall, the Proposed Development, is considered to be one that would make a valuable contribution to the NPF4 Spatial Strategy and would help deliver a 'sustainable place'. Overall, it is considered that Proposed Development would accord with relevant policies of NPF4, and with NPF4 when read as a whole.

## 5. Appraisal against the Local Development Plan & Guidance

### 5.1 Introduction

- 5.1.1 The other element of the statutory Development Plan covering the development site comprises the Argyll & Bute Local Development Plan 2 (the LDP) (adopted 2024).
- 5.1.2 The Argyll and Bute Landscape Wind Energy Capacity Study (LWECS) is non statutory supplementary planning guidance and therefore does not form part of the Development Plan.
- 5.1.3 The LDP was adopted after NPF4 came into force and it reflects the provisions of NPF4. Relevant policies from the LDP are referenced below. In this case LDP prevails in the event of any incompatibility with NPF4. AS noted below, whilst Policy 71 is worded differently to NPF4 Policy 4 it is not considered to be contradictory or in conflict such that the policies are incompatible (and were not found to be so by the Reporter in the LDP Examination process or by the Scottish Ministers before the adoption of the LDP).

### 5.2 Other LDP Policies

- 5.2.1 A summary of relevant LDP policies is set out below in **Table 5.1**.

**Table 5.1: LDP Policies & Comment regarding NPF4**

Policy	Policy Summary	Comment re NPF4
Policy 04 Sustainable Development	<p>The policy states that in preparing new development proposals developers should seek to demonstrate a number of sustainable development principles which the planning authority will also use in deciding whether or not to grant planning permission. The principles relate to various matters including making efficient use of vacant and derelict land, maximising use of existing infrastructure, maximising opportunities for sustainable forms of design, avoiding use of locally important good quality agricultural land and conserving and enhancing the natural and built environment and avoiding significant adverse impacts on biodiversity, natural and heritage assets.</p> <p>The policy also requires there to be respect to landscape character of an area and avoiding locations with significant risk of flooding or ground instability. Furthermore, the policy requires avoidance of significant adverse impacts on land, air and the water environment.</p>	No conflict or contradiction with NPF4.
Policy 05 Design and Place Making	The policy states that to achieve good quality places proposals should endeavour to comply with a number of place making criteria. The criterion of relevance is that any proposed use should be compatible with surrounding land uses.	<p>This policy has limited relevance.</p> <p>Design and place is covered by NPF4 Policy 12 (Design, quality and place).</p>

Policy	Policy Summary	Comment re NPF4
		No conflict or contradiction with NPF4.
Policy 08 Sustainable Siting	The policy states that a number of considerations will apply when assessing any proposal. The policy principally relates to conventional built development and relates to matters such as integrating development into the landscape, avoiding sloping sites, overshadowing and making best use of solar gain.	This policy has limited relevance.  No conflict or contradiction with NPF4.
Policy 15 Supporting the Protection, Conservation and Enhancement of our Historic Built Environment	The policy states that development proposals will not be acceptable where they fail to protect, preserve, conserve or enhance special characteristics and/or cultural significant of the historic built environment in terms of its location, scale, form, design or proposed use; or  Avoid any cumulative effect upon the special characteristics and/or cultural significant of designated built environment sites.	This historic environment is covered by NPF4 Policy 7 (Historic assets and places).  No conflict or contradiction with NPF4.
Policy 16 Listed Buildings	The policy sets out the development management criteria in relation to development proposals that would affect a listed building, its curtilage or its wider setting.	Listed buildings are covered by NPF4 Policy 7 (Historic assets and places).  No conflict or contradiction with NPF4.
Policy 19 Scheduled Monuments	The policy states that there will be a presumption against development that does not retain, protect, conserve or enhance a Scheduled Monument and the integrity of its settings. Developments that have an adverse impact on Scheduled Monuments or their settings will not be permitted unless there are exceptional circumstances. New development on sites affecting the settings of Scheduled Monuments must respect their architectural, historic and other special qualities and conform to the national policies and guidance	Scheduled Monuments are covered by NPF4 Policy 7 (Historic assets and places).  No conflict or contradiction with NPF4.
Policy 20 Gardens and Designed Landscapes	The policy states that proposals affecting nationally important Gardens and Designed Landscapes (GDLs) will be supported where they protect, preserve or enhance their cultural significance, character and integrity and where proposals will not significantly impact upon important views to, from and within the site, or its setting.  The policy adds that proposals should protect and preserve in situ regionally and locally important GDLs and their settings, wherever feasible.	GDLs are covered by NPF4 Policy 7 (Historic assets and places).  No conflict or contradiction with NPF4.

Policy	Policy Summary	Comment re NPF4
Policy 21 Sites of Archaeological Importance	The policy states that there is a presumption in favour of retaining, protecting, conserving and enhancing the existing archaeological heritage and any future discoveries found in Argyll and Bute. Where a proposed development would affect a site of archaeological significance then a number of criteria apply.	Archaeological interests are covered by NPF4 Policy 7 (Historic assets and places).  No conflict or contradiction with NPF4.
Policy 30 The Sustainable Growth of Renewables	The policy states the Council will support renewable energy developments where these are consistent with the principles of sustainable development and it can be adequately demonstrated that there would be no unacceptable for environmental effects whether individual or cumulative on local communities, natural and historic environments, landscape character and visual amenity, and that the proposals would be compatible adjacent land uses. It states that applications for all wind turbine developments will be assessed against a range of criteria – reflecting those within NPF4 Policy 11 (Energy).	Energy developments are covered by NPF4 Policy 11 (Energy).  No conflict or contradiction with NPF4.  No conflict or contradiction.
Policy 55 Flooding	The policy has a presumption against development on functional flood plains except in limited circumstances. The policy sets out detailed development management policy in relation to development proposals that would be at risk of flooding or in a flood risk area.	Flood risk is covered by NPF4 Policy 22 (Flood risk and water management).  No conflict or contradiction with NPF4.
Policy 59 Water Quality and the Environment	The policy states that proposals for development that could affect the water environment will be assessed with regard to potential impact on water quality and quantity and ecological status, riparian habitats and wildlife, geomorphic processes and economic activity.  The policy adds that the Council actively seek to protect natural watercourse features by preventing or avoiding development on sites where there would be an unavoidably detrimental impact upon a water course. It adds that developments that may have a significant detrimental impact on the water environment will not be permitted unless it can be demonstrated that the impacts could be fully mitigated so as to ensure non-deterioration of water body status.	Water management matters are covered by NPF4 Policy 22 (Flood risk and water management).  No conflict or contradiction with NPF4.
Policy 61 Sustainable Drainage Systems (SUDS)	The policy states that where appropriate developers should incorporate existing ponds, watercourses or wetlands as positive environment features in	Drainage matters are covered by NPF4 Policy 22 (Flood risk and water management).

Policy	Policy Summary	Comment re NPF4
	development schemes. Development proposals require to manage all rain and surface water through sustainable urban drainage systems which should form part of an integrate with proposed infrastructure.	No conflict or contradiction with NPF4.
Policy 71 (Development Impact on Local Landscape Area (LLAs))	<p>The policy states that the Council will resist developments in, or affecting, a LLA where its scale, location or design will have a significant adverse impact on the character of the landscape.</p> <p>All proposals in or affecting a LLA must demonstrate that:</p> <ul style="list-style-type: none"> <li>Any significant adverse effects on the landscape quality for which the area has been designated are clearly outweighed by social, economic or environmental benefits of community wide importance;</li> <li>The proposal is supported by a LVIA and has taken account of the content of any relevant Argyll and Bute Landscape Capacity Assessment; and</li> <li>The location, scale, design, materials and landscaping would be of a high standard and would safeguard or enhance the special qualities and character of the Local Landscape Area.</li> </ul>	<p>NPF4 Policy 4 (Natural places) deals with local landscape designations. The policy does not state that proposals which result in a significant adverse impact on landscape character will be resisted.</p> <p>Whilst there are some differences in wording between Policy 71 and NPF4 Policy 4 they are not considered to be incompatible. As explained in the previous Chapter the Proposed Development is supported by a detailed SLVIA, and the Proposed Development is consistent with the terms of the LWECs report as referenced in the SLVIA.</p> <p>There would not be a significant impact on the integrity of any LLA and in addition, the benefits of the Proposed Development are of national importance.</p>
Policy 73 Development Impact on Habitats, Species and Biodiversity	The policy states that when considering all development proposals, the Council will give full consideration to legislation, policies and conservation objectives. The policy sets out requirements in relation to habitat and species surveys and states that proposals which are likely to have an adverse effect on protected species and habitats will only be permitted where it can be justified in accordance with the relevant protected species legislation.	<p>Habitats, species and biodiversity matters are covered by NPF4 Policy 3 (Biodiversity) and Policy 4 (Natural places).</p> <p>No conflict or contradiction with NPF4.</p>
Policy 74 Development Impact on Sites of International Importance	The policy relates to development proposals likely to have a significant adverse effect upon an existing or proposed Special Protection Area, existing or candidate Special Area of Conservation or Ramsar site.	<p>Sites of international importance are covered by NPF4 Policy 4 (Natural places).</p> <p>No conflict or contradiction with NPF4.</p>
Policy 75 Development Impact on Sites of Special Scientific	The policy states that development that would affect a SSSI or NNR will only be permitted where certain criteria are satisfied.	SSSIs are covered by NPF4 Policy 4 (Natural places).

Policy	Policy Summary	Comment re NPF4
Interest (SSSIs) and National Nature Reserves		No conflict or contradiction with NPF4.
Policy 76 Development Impact on Local Nature Conservation Sites (LNCS)	The policy states that development that would have a significant adverse effect on the integrity of a local nature conservation site will not be supported unless a number of conditions can be satisfactorily demonstrated, namely that such adverse effects are clearly outweighed by social, environmental or economic benefits of community-wide importance arising from the proposal and that the Council was satisfied that mitigation measures have been incorporated to minimise the adverse effects on the interests of the site.	LNCS are covered by NPF4 Policy 4 (Natural places).  No conflict or contradiction with NPF4.
Policy 77 Forestry, Woodland and Trees	The policy states that there is a strong presumption in favour of protecting woodland resources. It adds that removal of woodland resources will only be permitted where it would achieve significant and clearly defined additional public benefits. These benefits are to be secured by attaching a planning condition or by requiring a developer to enter into a planning obligation.	Forestry and woodland matters are covered by NPF4 Policy 6 (Forestry, woodland and trees).  No conflict or contradiction with NPF4.
Policy 78 Woodland Removal	The policy states that proposals that would involve the removal of woodland resources will be assessed against the criteria for determining the acceptability of woodland removal as explained in Annex C of the Scottish Government's Control of Woodland Removal policy.	Woodland removal matters are covered by NPF4 Policy 6 (Forestry, woodland and trees).  No conflict or contradiction with NPF4.
Policy 79 Protection of Soil and Peat Resources	The policy states that the Council will only support development where appropriate measures are taken to maintain soil resources and functions to an extent that is considered relevant and proportionate to the scale of development proposed. Development that would potentially have a significant adverse effect on soil resources and functions or peat structure and function in terms of disturbance, degradation or erosion will not be supported unless it can be demonstrated that such adverse effects are clearly outweighed by social, environmental or economic benefits of community-wide importance and a Soil or Peatland Management Plan is submitted that demonstrates how unnecessary disturbance, degradation or erosion of peat and soils will be avoided and how impacts are to be mitigated. Furthermore,	Soil and peat matters are covered by NPF4 Policy 5 (Soils).  No conflict or contradiction with NPF4.

Policy	Policy Summary	Comment re NPF4
	evidence of the adoption of best practice in the movement of, storage, management, re-use and re-instatement of soils must be submitted along with any planning application.	
Policy 80 Geodiversity	The policy states the Council will consider geodiversity impact when assessing proposals. Development that would have a significant adverse effect on non-designated geological conservation review sites or local geodiversity sites will not be supported unless it can be demonstrated that adverse effects are clearly outweighed by benefits of community-wide importance and that appropriate mitigation measures have been incorporated to minimise adverse effects on the interests of the site.	Geodiversity matters are covered by NPF4 Policy 5 (Soils).  No conflict or contradiction with NPF4.

5.2.2 This Chapter does not present a detailed assessment of the Proposed Development against the provisions of the above LDP policies as that has been covered in Chapter 4 above against the policy provisions of NPF4.

5.2.3 In this case LDP prevails in the event of any incompatibility with NPF4. Whilst Policy 71 is worded differently to NPF4 Policy 4 it is not considered to be contradictory or in conflict such that the policies are incompatible (and were not found to be so by the Reporter in the LDP Examination process or by the Scottish Ministers before the adoption of the LDP).

5.2.4 For the reasons set out in Chapter 4 in the context of the NPF4 policy appraisal, it is considered that as per the findings of the EIAR, the Proposed Development is considered to accord with the relevant LDP policies.

### 5.3 Conclusions on the LDP

5.3.1 The environmental and topic considerations within the LDP policies are encompassed within the broad remit of NPF4 Policy 11 Part e). Each of the relevant development management considerations have been addressed above (Chapter 4) in the context of NPF4 Policy 11 and are not repeated. The Proposed Development would be in accordance with relevant policies of LDP.

5.3.2 The environmental and topic considerations within LDP policies are encompassed within the broad remit of NPF4 Policy 11 Part e) and by other policies of NPF4. Each of the relevant development management considerations have been addressed above (Chapter 4) in the context of NPF4 Policies. It is considered that the effects arising from the Proposed Development would be acceptable in terms of the relevant policy topics of the LDP.

## 6. Conclusions

### 6.1 The Climate Crisis & Renewable Energy Policy Framework

- 6.1.1 The urgent need for onshore wind has been set out: a large increase in the deployment of this renewable energy technology is supported through a number of policy documents and by Scottish Government commitments – most recently expressed in the OWPS and in NPF4.
- 6.1.2 Onshore wind was already viewed and described as “vital” to the attainment of targets in 2017. This imperative has only increased since a ‘climate emergency’ was declared by the Scottish First Minister in April 2019, in line with the recommendations made by the CCC (2019) ‘Net Zero’ publication<sup>17</sup>. Furthermore, the drive to attain Net Zero emissions is now legally binding at the UK and Scottish Government levels by way of amendments to the 2008 Act and in Scotland through the provisions of the Climate Change (Scotland) Act 2009 and the Climate Change (Emissions Reduction Targets) (Scotland) Act 2019.
- 6.1.3 Achieving Net Zero is a legal requirement, and the Scottish Government has recognised, most recently in the new OWPS, that a very substantial quantity of new onshore wind is required to meet the onshore wind target requirement by 2030 – namely a minimum of 20GW of operational onshore wind capacity. Deployment of more onshore wind is described as being “*mission critical for meeting our climate targets*” in the OWPS.
- 6.1.4 As explained in Chapter 2 the CCC has stated (June 2024) that the deployment of low carbon technology is “*off track, with rates needing to significant ramp up.*” In this regard in terms of renewable technologies the CCC has stated that onshore wind installations will need to double by 2030. The new UK Labour Government has accepted this advice and has committed to this onshore wind target for the UK.
- 6.1.5 The important benefits of the Proposed Development have been set out in the context of the current climate emergency and they would help address the climate emergency and very challenging ‘Net Zero’ targets and contribute to improving security of supply.

### 6.2 The Planning Balance

- 6.2.1 In NPF4 there is a clear recognition that climate change must become a primary guiding principle for all plans and decisions. Significant weight is to be given to the climate emergency and the contribution of individual developments to tackling climate change.
- 6.2.2 The revised OWPS was published in December 2022. NPF4 came into force on 13 February 2023. Both are up to date statements of Scottish Government policy, directly applicable to determination of this planning application. Both should be afforded very considerable weight in decision-making.
- 6.2.3 NPF4 and the OWPS are unambiguous as regards the policy imperative to combat climate change, the crucial role of further onshore wind in doing so, and the scale and urgency of onshore wind deployment required. As described in this Planning Statement:
- > The global climate emergency and the nature crisis are the foundations for the NPF4 Spatial Strategy as a whole. The twin global climate and nature crises are “*at the heart of our vision for a future Scotland*” so that “*the decisions we make today will be in the long-term interest of our country*”<sup>18</sup>. The policy position, and the priority afforded to combatting the climate emergency, is different to that which was set out in the former NPF3 and SPP;

<sup>17</sup> CCC, Net Zero, The UK’s contribution to stopping global warming (May, 2019).

<sup>18</sup> NPF4, page 2.



- > NPF4 Policy 1 (Tackling the climate and nature crises) directs decision-makers to give significant weight to the global climate emergency in all decisions. This is a radical departure from the usual approach to policy and weight, and clearly denotes a step change in planning policy response to climate change. The matter of weight is no longer left entirely to the discretion of the decision maker; and
- > Both NPF4 and the OWPS are clear that further onshore wind development, of scale and utilising modern, larger turbines, has a crucial role in combatting climate change, transitioning to a Net Zero Scotland and ensuring security of energy supply. NPF4 Policy 11 (Energy) strongly supports proposals for all forms of renewable, low-carbon and zero emissions technologies, including onshore wind farms.

- 6.2.4 It is important to fully recognise both the scale and urgency of the challenge set out in these documents, and the required response from decision-makers. NPF4 is clear that significant progress must be made by 2030 requiring, as set out in the OWPS, that *“we must now go further and faster than before. We expect the next decade to see a substantial increase in demand for electricity to support Net Zero delivery across all sectors, including heat, transport and industrial processes”*<sup>19</sup>.
- 6.2.5 Publication of the OWPS followed and cross-refers to NPF4 and, for the first time, sets an onshore wind target: a Scottish Government ambition for a minimum of 20 GW of installed onshore wind capacity by 2030. New policy therefore supports an increase in the installed capacity of onshore wind in Scotland by a minimum amount equivalent to about 130% of the entire installed capacity of all current operational onshore wind farms in Scotland in a period of around 6 years. This is also embedded in the Scottish Government’s consultative draft Energy Strategy and Just Transition Plan, together with the commitment to **“place the climate and nature at the centre of our planning system”**<sup>20</sup> (original emphasis) in line with the NPF4.
- 6.2.6 By any measure, the identified need for delivery of this additional capacity is a massive challenge requiring an urgent and positive response. As noted above, unless projects are in the planning system now, there is a high likelihood that they will not contribute to this ambition before 2030. The ‘window’ until the key date of 2045 for Net Zero is also getting narrower.
- 6.2.7 As the Statement of Need for Strategic Renewable Electricity Generation and Transmission Infrastructure explains<sup>21</sup> *“A large and rapid increase in electricity generation from renewable sources will be essential for Scotland to meet its Net Zero emissions targets.”*
- 6.2.8 The Statement of Need relates to the attainment of Government renewable generation and emission reduction targets. Moreover, it relates to the importance of developing electricity supplies which are not dependent on volatile international markets and are located within the UK’s national boundaries. The urgency for an electricity system which is self-reliant and not reliant on fossil fuels is now enormous, in order to protect consumers from high and volatile energy prices. Moreover, such a system would reduce opportunities for destructive geopolitical intrusion into national electricity supplies and this matter has grown in importance in recent months.
- 6.2.9 Other policy support for development of wind farms is found in NPF4 and the OWPS:
- > In addition to the cross-cutting NPF4 Policy 1, NPF4 Policy 11 (Energy) directs that in considering the identified impacts of an onshore wind proposal significant weight will be placed on the contribution of the Proposed Development to renewable energy generation targets and on greenhouse gas emissions reduction targets;

<sup>19</sup> OWPS 2022, paragraph 1.1.2.

<sup>20</sup> Energy Strategy and Just Transition Plan, page 55

<sup>21</sup> NPF4, page 103.

- > The OWPS expressly recognises that meeting the ambition of a minimum installed capacity of 20GW of onshore wind in Scotland by 2030 will require taller and more efficient turbines and that *“this will change the landscape;*

On this specific point it is relevant to take into account the Reporter’s position on the target as referenced in the OWPS in the Meall Buidhe Appeal Decision Notice. The Reporter set out with regard to the OWPS at paragraph 87 of the Decision that:

*“It also provides some further supporting detail on increasing the installed capacity of onshore wind in Scotland by a minimum amount equivalent to about 130% of the entire installed capacity of all current operational wind farms in Scotland in the period of around 8 years. This is clearly a challenging target and there is an acceptance in the Policy Statement of the consequent change in the landscape. I find this further supports my conclusion above in terms of consistency with relevant provisions of NPF4. This policy statement does not form part of the Development Plan but is a material consideration in this case.”*

- > NPF4 Policy 11 confirms that significant landscape and visual impacts are to be expected for some forms of renewable energy. Scottish Government policy, which forms part of the Development Plan, is that where such impacts are localised and / or appropriate design mitigation has been applied, they will generally be considered to be acceptable. Notably, policy recognises that significant landscape and visual effects are inevitable and generally acceptable. As explained above, the landscape and visual effects would be largely localised.
- > NPF4 Policy 4 provides in principle support for wind farm development in all locations with the exception of National Parks and NSAs, unless the conditions in NPF4 Policy 4 c) are met;
- > NPF4 Policy 4, Part d) specifically relates to a proposed development that may adversely affect the integrity of a local landscape designation. It provides that development will be supported where significant adverse effects on the integrity of the area are clearly outweighed by social, environmental or economic benefits of at least local importance. There would be no adverse impacts on the integrity of a local landscape designation.

- 6.2.10 The Applicant has gone to considerable lengths to ensure a satisfactory layout, design and composition for the Proposed Development. In short, appropriate design mitigation has been applied. Potentially significant adverse landscape and visual effects resulting from the Proposed Development have been addressed through an iterative design process (i.e. ‘mitigation by design’) and a well-considered proposal has been established, which has acceptable effects.
- 6.2.11 NPF4 and the OWPS require that the decision-maker must also identify and weigh the adverse effects of a proposed development. However, increased weight is to be given to the benefits of a proposed development in the planning balance owing to the seriousness and importance of energy policy related considerations and the contribution of the Proposed Development in meeting climate change targets.
- 6.2.12 The LDP post dates NPF4 however based on the appraisal set out above it is considered that the Proposed Development would be in accordance with all relevant LDP policies and with the LDP read as a whole.
- 6.2.13 It is considered that this approach is very clearly reflected and articulated in NPF4 and the OWPS (subject to Scottish Government policy now expressly stating that significant weight will be given to the global climate and nature crises and a proposed development’s contribution towards meeting targets). Moreover, Section 3.6 of the OWPS states that the criteria for assessing proposals (in NPF4) have been updated *“including stronger weight being afforded to the contribution of the development to the climate emergency”*.

- 6.2.14 In considering the change to policy which has been introduced by NPF4, the conclusions of the Reporter in his supplementary Inquiry Report (IR) in relation to the Sanguhar II development are informative. At paragraph 4.5 of the Report (Overall Conclusions) the Reporter stated:
- “in paragraph 8.50 of my original report I found that, at the time of writing “...I do not consider that at this present time there has been a tangible shift in policy of a scale or nature which would be capable of being pivotal...” having reviewed the terms of NPF and the OWPS, I now consider that a tangible shift in planning policy has been made at the national level. In my view it is likely that this shift may be sufficient to result in some wind farm proposals, which would previously have been refused under the former policy regime, to potentially now be granted consent.”* (underlining added)
- 6.2.15 In the Clashindarroch II<sup>22</sup> Section 36 decision, the Reporter in the Supplementary IR with reference to the new policy position and with specific regard to ‘changes to the balancing exercise’ (paragraph 2.45) with reference to the OWPS stated that:
- “The new policy approach is clearly guiding decision makers towards supporting wind farm proposals that would make a meaningful contribution to the onshore wind target, unless those adverse effects were of such significance that they would override the imperative for more onshore wind capacity. The natural consequence of this approach must lead to changes in the scale or extent of adverse effects that the decision maker might now deem to be acceptable.”* (underlining added)
- 6.2.16 In addition, the Reporter stated at paragraph 2.51:
- “The balancing exercise is integral to the OWPS, NPF4 and the draft Scottish Energy Strategy and Just Transition Plan 2023 but the heightened priority of tackling climate change as expressed in the national and UK energy policy context must inevitably increase the weight given to those matters. Particularly now when NPF4 directs the decision maker to give significant weight to these matters within Policies 1 and 11.”* (underlining added)
- 6.2.17 Furthermore, the Reporter added at paragraph 2.90 that *“The new policy expects me to give less importance to such [landscape and visual] effects in unprotected areas.”* (underlining added).
- 6.2.18 In the Shepherds Rig<sup>23</sup> Section 36 case, the Reporters in their original Inquiry Report considered that the adverse effects of that development were such that it was contrary to national planning policy and the Development Plan, and a position of objection was recommended to the Scottish Ministers. However, in the Supplementary Report of Inquiry which considered the implications of NPF4 and the OWPS, the Reporters changed their position. At paragraph 3.14 of the Supplementary Report the Reporters stated:
- “Taking into account all of the above, we recognise the urgent policy imperative in the OWPS and NPF to deliver additional installed wind farm capacity. These recently published policy statements demonstrate a significant strengthening of policy support for renewable energy development, to which the proposal would make an obvious contribution. In our original report, we found that the significant effects on the area’s recreational resources should be given significant weight, to the extent that they outweighed the aims of delivering renewable energy. In the updated policy context, we find that the proposal’s obvious contribution to renewable energy targets causes the benefits as a whole to now clearly outweigh the significant landscape and visual effects.”*
- 6.2.19 The Reporter added at paragraph 3.4:

<sup>22</sup> Clashindarroch II, Section 36 Decision dated 26 June 2023, Supplementary Report of Inquiry dated 3 March 2023 (Case Reference WIN-110-2). This decision is now subject to Judicial Review but not in relation to NPF4 policy matters.

<sup>23</sup> Shepherd’s Rig, Section 36 Decision dated 21 August 2023, Supplementary Report of Inquiry dated 2 March 2023 (Case Reference WIN-170-2005).

*“National policy has a clear expectation that more renewable proposals may be granted consent, focusing down on a tighter set of circumstances under which proposals would not be supported.”*

- 6.2.20 It is accepted that each individual application needs to be considered on its respective merits; however, it is evident from these two recent Section 36 decisions, that the Reporters have recognised that there has been a material and tangible shift in planning policy support for onshore wind development and that this has clear implications for the planning balance and changes the calculus regarding the scale and extent of adverse effects which may now be found acceptable.
- 6.2.21 In this case, the Proposed Development has a capacity over 50MW and is a development of national importance that will help to deliver the national Spatial Strategy set out in NPF4. The Proposed Development would make a substantial and valuable and near-term contribution to help Scotland, and the UK attain Net Zero, security of supply and related socio-economic objectives. Specifically, the Proposed Development would be able to contribute to the interim 2030 emissions reduction target. It is submitted that significant weight should be given to this contribution when weighing the need for the Proposed Development and its identified effects within the planning balance.
- 6.2.22 The Proposed Development is considered to be in accordance with the relevant policies of the NPF4 and the LDP.
- 6.2.23 The limited effects of the development, including how relevant effects listed in NPF4 Policy 11(e) have been addressed, is detailed in the supporting information to the application. In terms of Policy 11, in considering the identified impacts of the Proposed Development significant weight must be placed on its nationally important contribution to renewable energy generation and greenhouse gas emissions reduction targets.

### **6.3 Overall Conclusion**

- 6.3.1 The policy set out in NPF4 and the OWPS requires a rebalancing of the consenting of onshore wind developments in response to the challenges of tackling the climate and nature crises. Having regard to the weight to be ascribed to the nationally important benefits of the development it is considered that the benefits of the proposal clearly outweigh its adverse effects.
- 6.3.2 The up-to-date policy set out in NPF4 and the OWPS and the policy being consulted upon in the draft Energy Strategy provide strong and increased support for the grant of consent for the Proposed Development.
- 6.3.3 The conclusion is that the Proposed Development would be consistent with all relevant policies of NPF4 and the LDP, and with the Development Plan when read as a whole insofar as that is a relevant matter in a Section 36 application.

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