

5 PLANNING POLICY CONTEXT

5.1 Introduction

- 5.1.1 This chapter outlines the international, UK and Scottish climate change, renewable energy and planning policies that are considered to be relevant to the Proposed Development. Legislation, planning policy and guidance specific to each technical discipline is considered in the relevant technical chapters (**Chapters 6 to 16**).
- 5.1.2 This chapter of the EIA Report first sets out the decision-making process for the consideration of the application before it identifies the relevant considerations for the decision-making process. It then sets out a high-level overview of the climate change and renewable energy policy and targets which are considered to be relevant to the Proposed Development.
- 5.1.3 The relevant planning policy is also considered in this chapter of the EIA Report. This includes national planning policy and the relevant Development Plan.
- 5.1.4 In line with the Institute of Environmental Management & Assessment guidelines (2004), the detailed analysis of the policies is not contained in this EIA Report. A more detailed analysis of the policies is contained in the Planning Statement, which is included in the submission to the ECU.

5.2 Electricity Act 1989

- 5.2.1 This EIA Report has been prepared in respect of a development for which permission will be sought under Section 36 of the Electricity Act 1989 (the 1989 Act). In the consideration of the application, the Scottish Ministers have a duty to fulfil the requirements of Schedule 9 (paragraph 3) of the 1989 Act. This requires the Scottish Ministers to consider the *'desirability of preserving natural beauty, of conserving flora, fauna and geological or physiographical features of special interest and of protecting sites, buildings and objects of architectural, historic or archaeological interest'*. In addition, the Scottish Ministers are required to assess whether the applicant has fulfilled the requirement to *'do what he reasonably can to mitigate any effect which the proposals would have on the natural beauty of the countryside or on any such flora, fauna, features, sites, buildings or objects.'*
- 5.2.2 Schedule 9 also sets out a requirement for the protection of fisheries by decision makers. Paragraph 3 (3) states that *"in exercising any relevant functions each of the following, namely, a licence holder, a person authorised by an exemption to generate or supply electricity and the Secretary of State shall avoid, so far as possible, causing injuries to fisheries or to the stock of fish in any waters."* The assessment of impacts on fish have been considered and are addressed in **Chapter 8, Ecology**.
- 5.2.3 In applications submitted under S36, the role of the Development Plan is not the same as in applications submitted under the Town and Country Planning (Scotland) Act 1997 as amended (the 1997 Act). The test set out in Section 25 of the 1997 Act, which requires that development must accord with the terms of the Development Plan, is not engaged in the case of a S36 application. The Development Plan is nonetheless a material consideration in the determination of a S36 application.

5.3 Renewable Energy

International Context

5.3.1 In order to understand the need for renewable energy generation in the UK, it is important to consider the international drive towards addressing climate change. The policy framework for renewable energy development in the UK is largely motivated by international agreements on the reduction of greenhouse gas emissions. This section sets out the most recent position in respect of the international context.

United Nations

5.3.2 The United Nations Framework Convention on Climate Change (UNFCCC) came into force on 21 March 1994 and sought to stabilise the atmospheric concentrations of greenhouse gases at “safe levels”. The Convention provides an overall framework for international government efforts to address the challenge posed by climate change. Currently there are 197 parties signed up to the Convention. The Convention embodies a series of review mechanisms.

5.3.3 The 21st session of the Conference of the Parties (COP21), which was held in Paris in December 2015, resulted in a legally binding global climate change target agreed by all 197 member parties with the aim of capping global climate change well below 2°C of warming.

5.3.4 The outcome of the 26th session in Glasgow in November 2021 (COP26) was a package of decisions, resolutions and statements that formalised how the commitments made at COP21 would be enacted. COP26 covered three key themes around climate change: adaptation; finance (including increasing support to developing companies) and mitigation, with the aim to limit the rise in global average temperature to 1.5°C above pre-industrial levels.

The Inter Governmental Panel on Climate Change (IPCC) Special Report: Global Warming of 1.5 °C, 2018

5.3.5 This Report responded to the invitation, contained in the Decision of the COP21 (the ‘Paris Agreement’), for the IPCC to provide a Special Report in 2018 on the impacts of global warming of 1.5°C above pre-industrial levels. The IPCC accepted the invitation in April 2016 and published the Special Report in October 2018.

5.3.6 The IPCC Report advised that “*estimates of the global emissions outcome of current nationally stated mitigation ambitions as submitted under the Paris Agreement would lead to global greenhouse gas emissions in 2030 of 52–58 GtCO₂eq yr⁻¹[Global Total carbon dioxide emissions]. Pathways reflecting these ambitions would not limit global warming to 1.5°C, even if supplemented by very challenging increases in the scale and ambition of emissions reductions after 2030*”.

5.3.7 The IPCC Report concludes that reliance on future large-scale deployment of carbon dioxide removal can only be achieved if global CO₂ emissions start to decline well before 2030. It advised that “*Strengthening the capacities for climate action of national and sub-national authorities, civil society, the private sector, indigenous peoples and local communities can support the implementation of ambitious actions implied by limiting global warming to 1.5°C. International cooperation can provide an enabling environment*

for this to be achieved in all countries and for all people, in the context of sustainable development. International cooperation is a critical enabler for developing countries and vulnerable regions.”

United Nations Emissions Gap Report 2021

- 5.3.8 The United Nations Gap Emissions Report 2021 presents the latest data on the expected gap in 2030 for the 1.5°C and 2°C temperature targets of the 2015 Paris Agreement. The document is titled 'The Heat Is On A world of climate promises not yet delivered'. The Emissions Gap Report 2021 shows that new national climate pledges combined with other mitigation measures put the world on track for a global temperature rise of 2.7°C by the end of the 21st century. That is well above the goals of the Paris climate agreement and would, it says lead to catastrophic changes in the Earth's climate.
- 5.3.9 The Emissions Gap Report 2021 advises that to keep global warming below 1.5°C this century, the world needs to urgently put additional policies and action in place to almost halve annual greenhouse gas (GHG) emissions in the next eight years.

IPCC Sixth Assessment Report

- 5.3.10 The Working Group report is the first instalment of the IPCC's Sixth Assessment Report, which will be completed in 2022. The report which was published on 9th August 2021 identifies that the level of future emissions will determine the level of future temperature rise and the severity of future climate change and the associated impacts and risks. Not only have CO₂ concentrations increased in the Earth's atmosphere, but the rate of the increase has also increased. The report finds that, averaged over the next 20 years, global temperature is expected to reach or exceed 1.5°C of warming.
- 5.3.11 It is clear that unless there are rapid, sustained and large-scale reductions of climate change-causing greenhouse gas emissions, including CO₂, methane and others, the goal of limiting global warming to 1.5°C compared to pre-industrial levels, as enshrined in the Paris Agreement, will be beyond reach.

UK Context

- 5.3.12 This section sets out the summary of UK Government's approach to renewable energy generation since 2008. This provides the framework for the development of renewable energy generation across the UK and a background for the development of Scottish renewable energy generation and wind energy policy. This section focuses on the most recent and most relevant UK documents.

Climate Change Act 2008

- 5.3.13 The Climate Change Act (the 2008 Act) became law on 26 November 2008. The Scottish Government is a partner in delivering the UK emissions reduction target set out in the 2008 Act.
- 5.3.14 Two key aims underpin the 2008 Act these are:
- to improve carbon management and help the transition towards a low carbon economy in the UK; and
 - to demonstrate strong UK leadership internationally.

- 5.3.15 The 2008 Act introduced for the first time a legally binding framework to tackle the challenges of climate change. It sets legally binding targets for the UK to reduce carbon dioxide emissions by 2050 by at least 80 % relative to 1990 levels. Energy generated from renewable sources was identified as a key component for meeting the challenge of reducing carbon emissions and the fight against climate change.

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

- 5.3.16 The 2008 Act was amended in 2019 to include revised targets. These included the target of, by 2050, at least 100 % reduction in greenhouse gas (GHGs) emissions from 1990 levels.

Net Zero - the UK's Contribution to Stopping Global Warming

- 5.3.17 The UK's Contribution to Stopping Global Warming was published by the Committee on Climate Change (CCC) in May 2019. It was prepared at the request of the UK Government and the devolved governments of Scotland and Wales, to reassess the UK's long-term emissions targets.

Climate Change Committee Progress Report to Parliament June 2021

- 5.3.18 The Climate Change Committee Progress Report to Parliament was published in June 2021 and is the most recent of the Committee's annual reports to Parliament. The Report covered both progress in reducing emissions and on adapting to climate change.

- 5.3.19 The Foreword of the Progress on Reducing Emissions Report states: "*The UK's Climate Change Act had extraordinary foresight. It laid the groundwork for the nation's escalating climate ambition. It anticipated, correctly, the need to cajole governments into climate plans that would not otherwise fit the political cycle. It has kept UK climate policies rooted in the scientific realities and the technical feasibilities. That framework now faces its sternest test, as demand grows to see Net Zero delivered; as the urgency becomes more obvious; and as the inadequacies of our planning for the impacts of climate change become clear.*"

- 5.3.20 The document is clear that this is a decisive decade for tackling climate change and the introductions advise that: "*As the UK rebuilds after the COVID-19 pandemic, there is an opportunity to make systemic changes that will fill the gaps in the UK's climate response. Now is the time to invest in the UK's future through accelerated action to cut emissions and adapt to the changing climate, while supporting the global transition.*"

- 5.3.21 Contained within the Report on Reducing Emissions are recommendations for the Scottish Government, Table A17 of the report recommends that the Government "*Scale up delivery across all sectors in line with the ambition set out in the recent Climate Change Plan Update*"

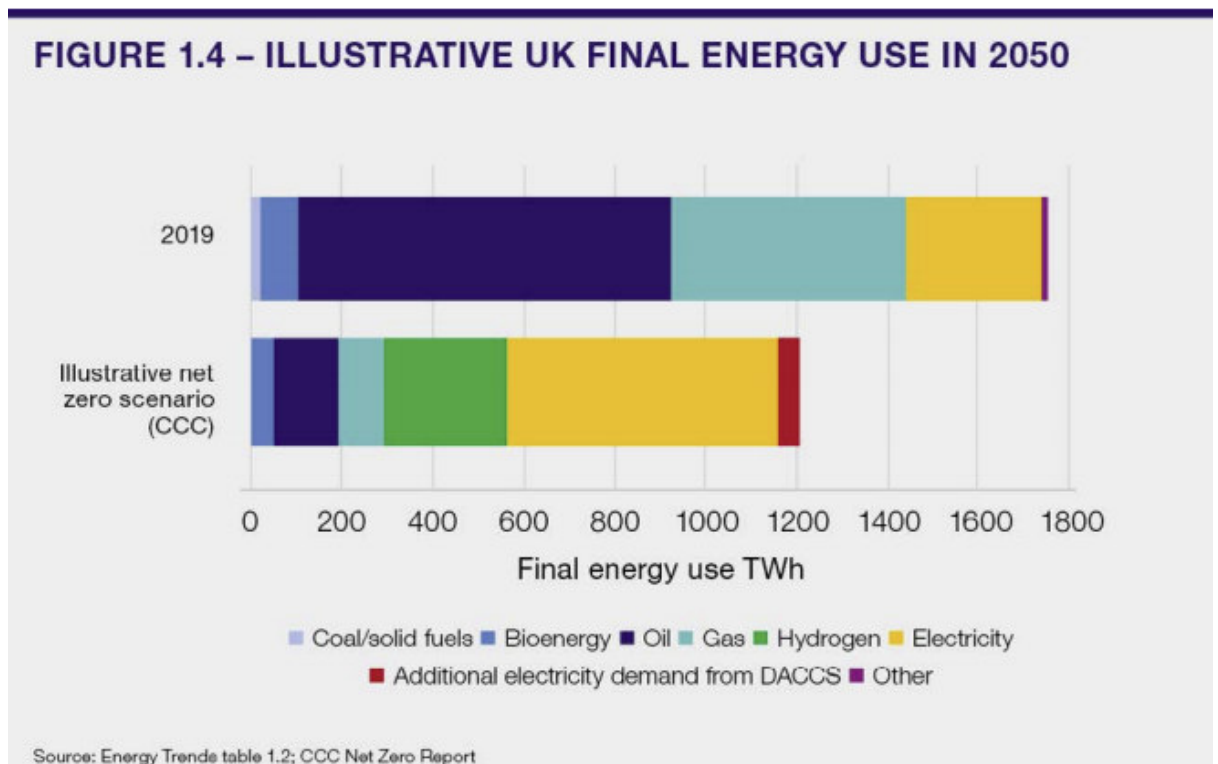
- 5.3.22 The Progress Report on Adapting to Climate Change advises that the ambition that has been set out by Government, in the form of non-policy statements and documents, in the last year must be turned into policy and be delivered. It calls for clear policy on the delivery of commitments.

The Sixth Carbon Budget: The UK's Path to Net Zero

- 5.3.23 On 9 December 2020 the CCC released the Sixth Carbon Budget which updates intermediary targets for the UK's progress to Net Zero which states:
- 5.3.24 *"Our recommended pathway requires a 78% reduction in UK territorial emissions between 1990 and 2035. In effect, it brings forward the UK's previous 80% target by nearly 15 years. There is no clearer indication of the increased ambition implied by the Net Zero target than this."*
- 5.3.25 In establishing intermediary targets towards Net Zero. As concluded in the Sixth Carbon Budget: this target is only credible if policy to reduce emissions ramps up significantly:
- 5.3.26 *"The implication of this path is clear: the utmost focus is required from government over the next ten years. If policy is not scaled up across every sector; if business is not encouraged to invest; if the people of the UK are not engaged in this challenge – the UK will not deliver Net Zero by 2050."*

The Energy White Paper, December 2020

- 5.3.27 On 13th December 2020, the UK Government published its Energy White Paper, 'Powering our Net Zero Future', this document sets out current thinking on the way in which the UK should work towards meeting its Net Zero targets by 2050. It advises that although retiring generating capacity will need to be replaced, modelling suggests, overall energy demand could double by 2050. It notes that this would require a four-fold increase in clean electricity generation with decarbonisation of electricity increasingly underpinning the delivery of the Net Zero target.
- 5.3.28 On page 4 the Energy White Paper sets out three key themes:
- transforms energy;
 - green recovery; and
 - fair deal for consumers.
- 5.3.29 In terms of clean electricity production, the Report considers what needs to be achieved in order to reach Net Zero, summarised in **Figure 1.4** on page 9, which is reproduced below in **Figure 5:1**.



Source: Energy White Paper (December 2020)

Figure 5:1 UK Clean Electricity Production by 2050

5.3.30 The document is clear that onshore wind is a key part of the overall solution, stating that: *“Onshore wind and solar will be key building blocks of the future generation mix, along with offshore wind”*.

UK Government Net Zero Strategy, October 2021

5.3.31 The UK Government published the Net Zero Strategy in October 2021. It sets out the UK Government’s policies and proposals to keep them on track in relation to the carbon budgets. In relation to power, page 19 of the Net Zero Strategy states the UK Government *“...will fully decarbonise our power system by 2035.”* The key policies of relevance to the Proposed Development include:

- *“By 2035 the UK will be powered entirely by clean electricity, subject to security of supply.”*
- *“40GW of offshore wind by 2030, with more onshore, solar and other renewables – with a new approach to onshore and offshore electricity networks to incorporate new low carbon generation and demand in the most efficient manner that takes account of the needs of local communities like those in East Anglia.”*
- *“Deployment of new flexibility measures including storage to help smooth out future price spikes.”*

5.3.32 Page 94 outlines the UK Government’s key commitments to deliver a decarbonised power system by 2035. The key commitments include:

- *“Take action so that by 2035, all our electricity will come from low carbon sources, subject to security of supply, bring forward the government’s commitment to a fully decarbonized power system by 15 years...”*
- *...Accelerate deployment of low-cost renewable generation, such as wind and solar through the Contracts for Difference scheme by undertaking a review of the frequency of the CfD auctions...*
- *...Adopt a new approach to onshore and offshore electricity networks to incorporate a new low carbon generation and demand in the most efficient manner, taking account of the environment and local communities...*
- *...Ensure that the planning system can support the deployment of low carbon energy infrastructure...”*

5.3.33 The Net Zero Strategy brings forward by 15 years the goal of a fully decarbonised, reliable, and low-cost power system. Page 98 states *“Although the Energy White Paper envisaged achieving an overwhelmingly decarbonised power system during the 2030s, we have since increased our ambition further. By 2035, all our electricity will need to come from low carbon sources, subject to security of supply, bringing forward the government’s commitment to a fully decarbonised power system by 15 years, whilst meeting a 40-50% increase in demand.”*

5.3.34 Page 98 continues by recognising that *“...the Energy White Paper’s fundamental approach remains unchanged. A low-cost, net zero consistent electricity system is most likely to be composed predominantly of wind and solar generation, whether in 2035 or 2050.”*

Scottish Context

5.3.35 Tackling climate change is a devolved matter and, therefore, the Scottish Government has the responsibility to set policy to ensure compliance with targets set at EU and UK level. In response to the UK Climate Change Act 2008, the Scottish Government enacted the Climate Change (Scotland) Act 2009. This and subsequent legislation brought forward by the Scottish Government introduced more ambitious climate reduction targets for the Scottish Government to meet, over and above the UK-wide targets identified above.

5.3.36 The following text identifies key Scottish legislation, renewable energy targets and policy that are relevant to the Proposed Development.

Climate Change (Scotland) Act 2009

5.3.37 The Climate Change (Scotland) Act 2009 created the statutory framework for greenhouse gas emissions reductions in Scotland by setting an interim 42 % reduction target for 2020, with the power for this to be varied based on expert advice, and an 80 % reduction target for 2050. To help ensure the delivery of these targets, the Act also required that the Scottish Ministers set annual targets, in secondary legislation, for Scottish emissions from 2010 to 2050.

Climate Change (Emissions Reduction Targets) Scotland Act 2019

5.3.38 The Climate Change (Emissions Reduction Targets) (Scotland) Act 2019 was passed by the Scottish Parliament in 2019 and its measures were brought into force in March 2020. It amends the Climate Change (Scotland) Act 2009 and sets targets to reduce Scotland's

emissions of all greenhouse gases to net-zero by 2045 at the latest, with interim targets for reductions of at least 56 % by 2020, 75 % by 2030, 90 % by 2040.

5.3.39 The target of net-zero emissions by 2045, five years ahead of the UK, is, the Scottish Government state, firmly based on what the independent Committee on Climate Change (CCC) advise is the limit of what can currently be achieved. Progress towards the targets is measured against 1990 levels of carbon dioxide, methane and nitrous oxide and 1995 levels of hydrofluorocarbons, perfluorocarbons, sulphur hexafluoride and nitrogen trifluoride.

5.3.40 As well as setting the targets, the Climate Change (Emissions Reduction Targets) (Scotland) Act 2019 has set annual targets for Scotland. The Scottish Government Climate Change Website¹ advises that these are to help ensure delivery of the long-term targets. The levels of these targets (expressed as percentage reductions from the 1990/1995 baseline) are set out as follows for the years between 2021 and 2030:

- 2021 – 57.9 %
- 2022 – 59.8 %
- 2023 – 61.7 %
- 2024 – 63.6 %
- 2025 – 65.5 %
- 2026 – 67.4 %
- 2027 – 69.3 %
- 2028 – 71.2 %
- 2029 – 73.1 %
- 2030 – 75 %

Scottish Energy Strategy 2017

5.3.41 The Scottish Government published the Scottish Energy Strategy in December 2017 (the SES) (Scottish Government, 2017). The SES sets out the Scottish Government's vision for the future energy system in Scotland, for the period to 2050. The Strategy is designed to provide a long-term vision to guide detailed energy policy decisions over the coming decades. It articulates the priorities for an integrated system-wide approach that considers both the use and the supply of energy for heat, power and transport. The document focuses on a range of renewable sources including onshore wind, solar and energy storage. The main document was published alongside three policy statements:

- Onshore Wind Policy Statement² (OWPS);
- Local Heat & Energy Efficiency Strategies and District Heating; and
- Scotland's Energy Efficiency Programme (SEEP).

5.3.42 The SES sets out the 2050 vision for energy in Scotland is to have a "*flourishing, competitive local and national energy sector, delivering secure, affordable, clean energy*

¹ <https://www.gov.scot/policies/climate-change/> [accessed December 2021]

² Scottish Government (2017). The Onshore Wind Policy Statement (OWPS). Accessed at: <https://www.gov.scot/publications/onshore-wind-policy-statement-9781788515283/documents/> [accessed March 2022]

for Scotland's households, communities and businesses". The vision is centred around six priorities, including the following:

- *"innovative local energy systems which empower communities; and*
- *exploiting Scotland's huge renewable energy resources"*.

- 5.3.43 The SES is clear that energy storage has an important role to play in the future of Scotland's energy system. It states: "*Changes in how we store energy across the system, and particularly in terms of electricity and heat, could have a profoundly important bearing on our low carbon economy*".
- 5.3.44 The SES advises that for Scotland to meet the domestic and international climate change targets, the Government will set a new 2030 'all-energy' target for the equivalent of 50 % of Scotland's heat, transport, and electricity consumption to be supplied from renewable sources.
- 5.3.45 The SES advises that onshore wind development is essential to Scotland's transformation to a fully decarbonised energy system by 2050 and brings opportunities which underpin our vision to grow a low carbon economy and build a fairer society.
- 5.3.46 The SES notes that the Scottish Government wants to "*see a significant increase in shared ownership of renewable energy projects in Scotland – putting energy into the hands of local communities and delivering a lasting economic asset to communities across Scotland*".
- 5.3.47 The 2017 OWPS was prepared to reaffirm the existing Scottish Government's onshore wind policy set out in previous publications. It includes separate sections on key priority areas as follows:
- route to market;
 - repowering;
 - developing a strategic approach to new development;
 - barriers to deployment;
 - protection for residents and the environment;
 - community benefits; and
 - shared ownership.
- 5.3.48 The 2017 OWPS states that Scotland will continue to need more onshore wind developments in order to meet renewable energy targets. Also highlighted in the OWPS is an acknowledgement by the Scottish Government that windfarm design is moving in the direction of bigger turbines and that larger turbines should be supported where appropriate.
- 5.3.49 The 2017 OWPS outlines the Scottish Government's position that new onshore wind projects should be developed at no additional subsidy cost to consumers, adding that some limited market intervention is required to protect projects against variations in the wholesale price of power.
- 5.3.50 A consultative draft for an update to the OWPS was published by the Scottish Government in 2021; further information is provided in **paragraph 5.3.71** below.

Climate Change Plan: The Third report on Proposals and Policies 2018-2032

- 5.3.51 The Climate Change Plan (CCP) (Scottish Government, 2018) is the third report on proposals and policies for meeting Scotland’s annual greenhouse gas emissions targets that the Scottish Ministers must lay before the Scottish Parliament as required by the 2009 Act.
- 5.3.52 CCP 2018 outlines the Scottish Government revised target of reducing greenhouse gas emissions by 66 % by 2032. The reduction figure is to be measured against the 1990 baseline figures. The CCP 2018 envisages that by 2030 Scotland’s electricity system will be wholly decarbonised and with electricity supplying a growing share of Scotland’s energy needs (e.g., transport and heat).
- 5.3.53 An update to the CCP 2018, Update to the Climate Change Plan 2018-2032 Securing a Green Recovery on a Path to Net Zero, was published by the Scottish Government in December 2020 and includes the targets in the amendments to the Climate Change Act *“to reduce emissions by 75 % by 2030 (compared with 1990) and to net zero by 2045.”* The update notes that to achieve the climate change targets a coordinated approach is needed: *“A coordinated approach is fundamental to delivering a just transition, given that the transition will transform all part of our society and economy.”*

Reducing Emissions in Scotland Progress Report to Parliament

- 5.3.54 The Climate Change Committee published the Progress in reducing emissions in Scotland 2021 Report to Parliament on 7th December 2021. The report outlines that Scottish emissions fell 2% in 2019 which is the latest year that data are available. Page 9 states *“In 2020, emissions will have fallen substantially due to the lockdowns in response to the COVID-19 pandemic, but much of this effect is transient. The latest available data do not reflect these developments, so in this report we focus primarily on future delivery of emissions reductions. The 2020s is the critical decade in changing course for Net Zero.”*
- 5.3.55 Page 9 of the report continues by stating *“Most of the key policy levers are now in the hands of the Scottish Government, but promises have not yet turned into action. In this new Parliament, consultations and strategies must turn decisively to implementation.”*
- 5.3.56 The Climate Change Committee’s key messages include:
- *“The Scottish Government has set out laudable ambitions.*
 - *Delivery of rapid emissions reductions cannot wait. It has taken 30 years to halve Scottish territorial emissions; they must halve again in a decade to meet the legislated 2030 target...*
 - *Greater transparency is needed...*
 - *The annual targets during the 2020s will be very difficult to meet, even with the strongest climate policies. Emissions in 2019 were above the annual target...*
 - *Meeting the 2030 target. Climate policy in Scotland must focus on the transition to Net Zero and the need for rapid progress by 2030...”*

Scotland’s Energy Strategy Position Statement (2021)

- 5.3.57 The Scottish Government published Scotland’s Energy Strategy Position Statement (SESPS) in March 2021 which provides an overview of the Governments key priorities

for the short to medium-term in ensuring a green economic recovery, whilst remaining aligned to net zero ambitions, in the lead up to COP 26.

- 5.3.58 SESPS provides an overview of Government policies in relation to energy. It is clear that the Government's will remain guided by the key principles set out in the SES and reinforces *"the importance the Scottish Government attaches to supporting the energy sector in our journey towards net zero, thus ensuring a green, fair and resilient recovery for the Scottish economy"*.
- 5.3.59 The Ministerial Foreword references the challenge of COVID 19 which, it states, has created an economic crisis and notes that the Climate Emergency *"has continued unabated"*. The Foreword states that *"in this context, the need for a just transition to net zero greenhouse gas emissions by 2045, in a manner that supports sustainable economic growth and jobs in Scotland, is greater than ever"*.
- 5.3.60 The SESPS refers to Scotland's ambitious legislative framework for emissions reduction in the world and *"a particularly challenging interim target for 2030"*. This is the ambitious target of achieving a 75 % reduction in greenhouse gas emissions by 2030 in advance of achieving net zero by 2045.
- 5.3.61 The summary of the SESPS is clear that the current SES remains in place until any further Energy Strategy refresh is adopted by Ministers. In terms of key priorities for energy, and renewables in particular, this includes working on the update of the OWPS which is expected to be published in 2022.
- 5.3.62 Onshore renewables are specifically considered in Section 8, of the SESPS where it states that *"the continued growth of Scotland's renewable energy industry is fundamental to enable us to achieve our ambition of creating sustainable jobs as we transition to net zero"*. It adds that *"the Scottish Government is committed to supporting the increase of onshore wind in the right places to help meet the target of net zero. In 2019, onshore wind investment in Scotland generated over £2 billion in turnover and directly supported approximately 2,900 full time equivalent jobs across the country"*.

A Fairer, Greener Scotland – The Government's Programme for 2021-22

- 5.3.63 The Scottish Government's A Fairer, Greener Scotland was published in September 2021. This document reaffirms the Scottish Government's commitment to ensuring a green recovery by: *"securing an economic recovery which is green and fair – for everyone and in every part of Scotland – and delivers our ambition to become a net-zero nation."*
- 5.3.64 The document is clear in its commitment to renewable energy generation and delivering a decarbonised economy. Chapter 3 which is titled A Net Zero Nation: Ending Scotland's contribution to climate change, in a just and fair way, advises on page 63 that by 2030 the Government's aim is to generate 50 % of Scotland's overall energy consumption from renewable sources and by 2050 to have decarbonised the energy system almost completely.
- 5.3.65 Page 64 notes that the development of renewable energy *"presents an immense opportunity for Scotland to lead by example showing how a clean energy future is possible at home, and as a net exporter of renewable energy, attracting further investment and ensuring our progress to net zero is environmentally and economically beneficial."*

- 5.3.66 It also commits to ensuring that NPF4 will actively enable renewable energy and will be supportive of existing wind farms and expansion of the grid. All renewable energy projects over 50MW will be designated as national development but the document reaffirms its commitment to ensuring that a balance is struck between development and the protection of biodiversity and the natural environment.
- 5.3.67 A Fairer Greener Scotland also outlines on page 64 that, subject to consultation, the Scottish Government is committed to securing between 8 and 12GW of installed onshore wind by 2030.

12 immediate actions for the new Scottish Government in the year of COP26

- 5.3.68 In September 2021, the Climate Emergency Response Group published 12 immediate actions that the Scottish Government should prioritise. The Executive Summary states that these priorities are “*practical and fit well with a green recovery and a just transition in the year of the UN Climate Conference taking place in Glasgow, COP26*”.
- 5.3.69 The Executive Summary also states that this is a “*decade for action*” building on the evidence from the IPCC Sixth Assessment Report requiring immediate and large-scale reductions in GHG emissions.
- 5.3.70 Page 30 which is titled: ‘Make the climate emergency a guiding principle in all planning decisions’, states that planning and consent policy is critical to supporting the transition to net-zero and providing a favourable planning regime for low-cost renewables, particularly onshore wind. Page 32 also notes the need for taller turbines is translated into local planning policy

Onshore Wind Policy Statement Refresh: Consultation Draft (2021)

- 5.3.71 In October 2021 the Scottish Government published its consultation on a revised OWPS. While not yet policy this document provides insight into the Scottish Government’s position on the future of onshore wind.
- 5.3.72 The Ministerial forward acknowledges that onshore wind is a cheap and renewable source of electricity generation. It further advises that onshore wind remains vital to Scotland’s future energy mix and the delivery of renewable electricity generation is essential.
- 5.3.73 In setting out the current position the document notes that meeting the renewable energy targets, decisive and meaningful action is required during 2022 across all sectors. It is clear that the Scottish Government’s current thinking is that Scotland must go further and faster to meet the expected increasing demands for electricity which is required to support all sectors reach Net Zero, and this this will include increased installed capacities in all renewable technologies. The document advises that the Scottish Government believes that it is “*vital to send a strong signal and set a clear expectation*” on what onshore wind can contribute to meeting Net Zero.
- 5.3.74 The document considers the issue of security of supply and storage potential. It states that “*onshore wind can play a greater part in helping to address the substantial challenge of maintaining security of supply and network resilience in a decarbonised electricity system.*” It is clear that as Scotland progresses towards Net Zero battery storage will become more prevalent.

- 5.3.75 It is acknowledged that the OWPS Refresh is not yet Scottish Government policy. However, it does show a clear train of thought from the Scottish Government and much of what is written is clearly the thinking of the Scottish Government on the current situation alongside consultation on the way forward.

Climate Emergency

- 5.3.76 In May 2019, both the Scottish and UK Governments declared a climate emergency. In a speech to the Scottish Parliament the Climate Change Secretary stated:

“The Climate Change Committee has been stark in saying that the proposed new targets will require “a fundamental change from the current piecemeal approach that focuses on specific actions in some sectors to an explicitly economy wide approach”. To deliver the transformational change that is required, we need structural changes across the board: to our planning, procurement, and financial policies, processes and assessments. And as I’ve already said, that is exactly what we will do.”

- 5.3.77 The Climate Change Secretary went onto say that: *“subject to the passage of the Planning Bill at stage 3, the next National Planning Framework and review of the Scottish Planning Policy will include considerable focus on how the planning system can support our climate change goals.”*

- 5.3.78 The speech to parliament highlighted the advice received by the Scottish Government from the UK Committee on Climate Change, emphasising this advice was being taken forward via amendments to the Climate Change Bill.

The Highland Council Climate Emergency

- 5.3.79 At a meeting of The Highland Council (THC) on 9th May 2019, following a motion brought by the Leader of the Council, Cllr Margaret Davidson, Members agreed that the Council declare a climate and ecological emergency.

- 5.3.80 THC has adopted the following position on climate change, following the declaration of a climate and ecological emergency on 9 May 2019: *“Highland Council recognises the serious and accelerating changes to the world caused by climate change and therefore declares a climate and ecological emergency. The Council will establish a Climate Change panel with responsibility for the following reporting back to full council on progress;*

- 1. Inform ourselves on what the Council is currently doing to reduce our carbon footprint.*
- 2. Revisit the Carbon Clever declaration made by the Council in 2012 with a view to updating and reinvigorating those commitments working towards a carbon neutral Highlands by 2025.*
- 3. Consider and recommend any new targets and priorities for the Council’s Corporate Plan by June 2019.*
- 4. We realise we can achieve far less by working alone so we commit to listening to and involving Highland citizens in all that we do and to involve them in the preparation of our new carbon reduction plan.*
- 5. Promptly, we will target areas for behavioural change, such as plastic reduction. These areas to be selected by public consultation.”*

- 5.3.81 THC is committed to a carbon neutral Inverness and a low carbon Highlands by 2025. The THC Website advises that: *“By 2025, the Highlands will be a region where its residents and visitors can move around easily by low carbon and sustainable forms of transport. The region is well connected both in terms of transport links and through digital connectivity. Buildings across the region will have been energy renovated, and new buildings are energy efficient. The growing majority of buildings in rural areas will be heated by renewable sources. Electricity will be generated from a range of renewable sources, and excess energy can be transmitted to surrounding regions through smart grids, or stored efficiently. Land and resources across the Highlands are utilised for optimal economic, social, and environmental gains. Communities across the region are engaged, are highly active, more healthy and empowered.”*
- 5.3.82 In order for THC’s aspirations to be achieved, two established practices are identified:
- reducing carbon emissions, and
 - offsetting those emissions which it is not feasible or practical to reduce.
- 5.3.83 Offsetting can be achieved by exporting renewable energy and, for example, planting woodland. The resulting aim is for net emissions to be zero or less.

5.4 Response to COVID-19

- 5.4.1 The Scottish Government has been clear that Scotland’s recovery following the outbreak of the COVID-19 pandemic needs to be, amongst other things, a green recovery. The following text sets out some of the ways in which that can be achieved.

Climate Change Committee advice to the Scottish Government on the Recovery from the COVID-19 pandemic

- 5.4.2 In its letter to Roseanna Cunningham MSP and Cabinet Secretary for Environment, Climate Change and Land Reform, dated May 2020, the CCC are clear that *“reducing greenhouse gas emissions and adapting to climate change should be integral to any recovery package”*. The letter sets out six principles for a resilient recovery, these are as follows:
1. *“Use climate investments to support the economic recovery and jobs;*
 2. *Lead a shift towards positive long-term behaviours;*
 3. *Tackle the wider ‘resilience deficit’ on climate change;*
 4. *Embed fairness as a core principle;*
 5. *Ensure the recovery does not ‘lock in’ greenhouse gas emissions or increased climate risk; and*
 6. *Strengthen incentives to reduce emissions when considering fiscal changes”.*
- 5.4.3 It is clear that the CCC is of the opinion that the opportunities that are afforded by tackling climate change and reducing GHG emissions should play a key role in the recovery from the COVID-19 pandemic.

Chief Planner and Minister for Local Government, Housing and Planning Letter May 2020

- 5.4.4 In their letter of 29 May 2020, the Chief Planner and Minister for Local Government, Housing and Planning advised that:

“The need for a well-functioning planning system is as important now as ever. Decisions and actions being taken now, across government and wider society, are vital to the nation’s health, wellbeing and economic recovery. What we do in planning is vital to all of those objectives in the short and the long-term.

We are in no doubt that Scotland’s planning services are essential in supporting recovery, ensuring appropriate development proposals can be consented in good time to facilitate delivery on the ground.”

- 5.4.5 This reference, although in the context of the planning system, is relevant to Section 36 applications for energy developments. It is clear that appropriate developments are essential in the economic recovery, post COVID-19.

Scottish Renewables Written Evidence to the House of Commons Scottish Affairs Committee Inquiry into Coronavirus and Scotland

- 5.4.6 In June 2020, Scottish Renewables submitted evidence to the House of Commons Scottish Affairs Committee inquiry into COVID-19 and Scotland. The submission makes the case for placing Scotland’s renewable energy industry at the heart of a green economic recovery, sets out the opportunities that the renewable energy industry in Scotland offers to quickly stimulate the economy and how the UK Government can unlock long-term opportunities for renewable energy in Scotland.

- 5.4.7 The submission advises that economic analysis has established that for every gigawatt (GW) of renewable energy installed in Scotland it creates 1,500 jobs and adds £133 million of gross value added to the Scottish economy.

Towards a robust, resilient wellbeing economy for Scotland, Advisory Group on Economic Recovery June 2020

- 5.4.8 In June 2020, a report from the Advisory Group on Economic Recovery was published. The Foreword advises that *“in the world before Covid-19, Scotland had the ambition to become a robust, wellbeing economy. That is one that generates strong economic growth with the concomitant creation of quality jobs, and that does so with an unequivocal focus on climate change, fair work, diversity and equality. Diversity – in all its aspects- is not simply a moral issue; there is conclusive evidence that diversity of thinking leads to better outcomes.”*

Eight Policy Packages for Scotland’s Green Recovery July 2020

- 5.4.9 The Climate Emergency Response Group published Eight Policy Packages for Scotland’s green recovery in July 2020. The Executive Summary states:

“The COVID-19 pandemic has created a public health and economic crisis, which has shifted the parameters of this response. A green recovery is a necessity, not an option”.

5.4.10 Under the heading of ‘Unlocking private investment now with greater policy certainty’ the document calls for an update to existing planning guidance to enable new and existing onshore wind planning consents and enhance the competitiveness of Scottish projects.

5.4.11 The conclusion of the document states that:

“Scotland’s response to COVID-19 is a massive opportunity to catapult and prioritise a just transition to a net-zero economy. The Scottish Government is already committed to a fair and green recovery from this public health crisis. This report has identified specific policy proposals which can help make that a reality - directly addressing the economic concerns resulting from the public health crisis while stepping up our response to the climate crisis – an existential emergency that has not gone away. The packages have also been designed to make the most of the wider social, health and well-being benefits.”

5.5 Progress Towards Targets

5.5.1 This section sets out the updated key renewable energy targets that are relevant to the Proposed Development.

The Targets

5.5.2 The current targets that are set for renewable energy in Scotland are described in this Section. It is acknowledged that the Proposed Development would be contributing to post 2020 targets.

5.5.3 It is considered that the key targets for Scotland are as follows:

- 2045 to reach net zero greenhouse gas emissions; and
- 2030 50 % of energy (not just electricity) use from renewable sources.

5.5.4 **Table 5.1** presents the key energy targets relevant to the Proposed Development.

Table 5.1: Energy Targets

Target	Timescale	Source	Current Position
50 % of energy use from renewable sources	2030	Scottish Energy Strategy	25.4 % in 2020 ¹
Reduction of Greenhouse Gas emissions by 75 % against 1990 levels	2030	The Climate Change (Scotland) Act 2009 (as amended by the Climate Change (Emissions Reduction Targets) (Scotland) Act 2019)	Greenhouse gas emissions in Scotland have fallen by 51.5 % since 1990 ²
Annual and Domestic Effort Targets 55 % reduction from 1990 baseline	Annual 2019	The Climate Change (Scotland) Act 2009 (as amended by the Climate Change (Emissions Reduction Targets) (Scotland) Act 2019)	2019 target missed ² Missed by 3.5 % ²

Target	Timescale	Source	Current Position
Net zero greenhouse gas emissions against 1990 levels	2045	The Climate Change (Emissions Reduction Targets) (Scotland) Act 2019	Greenhouse gas emissions in Scotland have fallen by 51.5 % since 1990 ²

¹ Scottish Government Energy Statistics for Scotland Q3 2021 Figures (December 2021).

² Scottish Greenhouse Gas Emissions 2019 An Official Statistics publication for Scotland June 2021

Progress Towards Scottish Targets

- 5.5.5 Scottish Government's target is to achieve the equivalent of 50 % of total Scottish energy consumption from renewable sources by 2030. Figures published by the Scottish Government in December 2021 show that in 2020, 25.4 % (provisional figure) of total Scottish energy consumption came from renewable sources (19.2 % in 2017, 21.1 % in 2018 and 23.8 % in 2019).
- 5.5.6 The Scottish Government also has a target to deliver the equivalent of 100 % of Scottish electricity consumption from renewables by 2020. The Scottish Government Energy Statistics for Scotland for 2020 published in December 2021 stated that 98.6 % of gross electricity consumption came from renewables.
- 5.5.7 The 2020, 100 % electricity target equates to around 16GW of installed renewables capacity. The 50% energy from renewable sources by 2030 target in the Scottish Energy Strategy (2017) may require in the region of 17GW of installed renewables capacity by 2030 (Scottish Energy Strategy page 34).
- 5.5.8 Figures released in the Energy Statistics for Scotland (December 2021) show that as of September 2021, 12.2GW of renewable electricity capacity was operational in Scotland (an increase of 0.5GW from September 2020). While there is an additional 15.2GW of capacity either under construction, consented, or in planning, the target relates to installed capacity.

5.6 National Planning Policy and Advice

National Planning Policy and Advice

- 5.6.1 National planning policy and advice documents relevant to the Proposed Development include the following documents:
- The National Planning Framework 3 (June 2014) (NPF3);
 - Scottish Planning Policy (June 2014) (SPP);
 - Onshore Wind Turbines Specific Advice Sheet (updated May 2014);
 - Online Planning Advice on Flood Risk (2015);
 - PAN 1/2011 Planning and Noise (March 2011);
 - PAN 2/2011 Planning and Archaeology (July 2011);
 - PAN 3/2010 Community Engagement;
 - PAN 1/2013 Environmental Impact Assessment (August 2013);
 - PAN 51 Planning, Environmental Protection and Regulation (October 2006);

- PAN 60 Planning for Natural Heritage (January 2008);
- PAN 61 (2001) Sustainable Urban Drainage Systems
- PAN 69 Planning and Building Standards Advice on Flooding (August 2004);
- PAN 75 Planning for Transport (August 2005); and
- PAN 79 Water and Drainage (September 2006).

5.6.2 Under the requirements of the Planning (Scotland) Act 2019, which was passed by the Scottish Parliament in June 2019, SPP will become part of NPF4. NPF4 will include all aspects of national planning policy and will become part of the development plan. The draft NPF4 was placed before Parliament on 10 November 2021 and will be considered for a period of up to 120 days.

National Planning Framework for Scotland (NPF3)

5.6.3 There is high level support for the promotion of renewable energy developments throughout many parts of NPF3. Chapter 3 of NPF3, 'A low carbon place' identifies that planning will play a key role in delivering the Scottish Government commitments set out in Low Carbon Scotland: the Scottish Government's report on proposals and policies. The priorities which are set out in this strategy set a clear approach which is consistent with Scottish climate change legislation.

5.6.4 Overall, NPF3 emphasises the Scottish Government's commitment to increasing sustainable economic growth across all areas of Scotland and is supportive of renewable energy developments which are located in the right places.

5.6.5 NPF3 sets out a national spatial strategy structured around four key themes, which also includes 'A low carbon Place'. These are set below:

- A successful, sustainable place: this theme is underpinned by the objective of achieving "*a growing low carbon economy*" alongside creating "*high quality, vibrant and sustainable places...*". The Framework calls for a renewed focus on exploiting Scotland's energy resources, and in paragraph 2.7 the NPF3 identifies a need for development which "*facilitates adaptation to climate change, reduces resource consumption and lowers greenhouse gas emissions*".
- A low carbon place: this theme relates to the legally binding target of reducing Scotland's GHG emissions by 80% by 2050 compared with 1990 levels, as set out in the Climate Change (Scotland) Act 2009. It states that "*Our built environment is more energy efficient and produces less waste and we have largely decarbonised our travel*".
- A natural, resilient place: this theme is concerned with environmental protection, and it is noted that Scotland's principal asset is the land, which must be managed sustainably as both an economic and dynamic resource and an environmental asset. It is noted in paragraph 4.22 of the SPP that "*rural areas have a particular role to play in building Scotland's long-term resilience to climate change and reducing our national greenhouse gas emissions*".
- A connected place: this theme is orientated around maximising physical and digital connectivity around Scotland and between Scotland and the rest of the world.

5.6.6 It should be noted that the targets with respect to 'A low carbon place' have now been superseded by The Climate Change (Emissions Reduction Targets) (Scotland) Act 2019.

- 5.6.7 Paragraph 3.9 of NPF3 makes it clear that the Scottish Government wants to continue to capitalise on the wind resource of Scotland. By presenting an application that maximises the potential of the site to generate electricity whilst respecting environmental considerations it is submitted that the Proposed Development is seeking to capitalise on the wind resource within northern Scotland.
- 5.6.8 NPF3 advises that, whilst Scotland is making good progress in diversifying the energy generation capacity and lowering carbon emissions, more action is required by way of continuing to capitalise on the wind resource to ensure security of supply. Paragraph 3.22 makes it clear that onshore wind development will continue to make a significant contribution to the diversification of energy supplies.

Scottish Planning Policy (SPP) 2014

- 5.6.9 SPP creates a presumption in favour of development that contributes to sustainable development. Sustainable development is focussed on throughout the SPP. Under the heading of Policy Principles, it is clear that: *“This SPP introduces a presumption in favour of development that contributes to sustainable development”*; and Paragraph 28 advises that: *“The planning system should support economically, environmentally and socially sustainable places by enabling development that balances the costs and benefits of a proposal over the longer term. The aim is to achieve the right development in the right place; it is not to allow development at any cost.”*
- 5.6.10 Paragraph 29 of SPP advises that planning policies and decisions should support sustainable development. To assess whether a policy or proposal supports sustainable development the following principles should be considered:
- giving due weight to net economic benefit;
 - responding to economic issues, challenges and opportunities, as outlined in local economic strategies;
 - supporting good design and the six qualities of successful places;
 - making efficient use of existing capacities of land, buildings and infrastructure including supporting town centre and regeneration priorities;
 - supporting delivery of infrastructure, for example transport, education, energy, digital and water;
 - supporting climate change mitigation and adaptation including taking account of flood risk;
 - improving health and well-being by offering opportunities for social interaction and physical activity, including sport and recreation;
 - having regard to the principles for sustainable land use set out in the Land Use Strategy;
 - protecting, enhancing and promoting access to cultural heritage, including the historic environment;
 - protecting, enhancing and promoting access to natural heritage, including green infrastructure, landscape and the wider environment;
 - reducing waste, facilitating its management and promoting resource recovery; and
 - avoiding over-development, protecting the amenity of new and existing development and considering the implications of development for water, air and soil quality.

5.6.11 Onshore wind is specifically considered in SPP starting at Paragraph 161. SPP advises that Planning Authorities should set out in the Development Plan a spatial framework identifying areas likely to be most appropriate for onshore windfarms where there is the greatest potential for onshore wind development. Table 1 of SPP is as presented in **Table 5.2**.

Table 5.2: Table 1 of SPP Spatial Framework

Group 1: Areas where wind farms will not be acceptable		
National Parks and National Scenic Areas		
Group 2: Areas of significant protection		
Recognising the need for significant protection, in these areas wind farms may be appropriate in some circumstances. Further consideration will be required to demonstrate that any significant effects on the qualities of these areas can be substantially overcome by siting, design or other mitigation.		
<p><i>National and international designations:</i></p> <ul style="list-style-type: none"> • <i>World Heritage Sites;</i> • <i>Natura 2000 and Ramsar sites;</i> • <i>Sites of Special Scientific Interest;</i> • <i>National Nature Reserves;</i> • <i>Sites identified in the Inventory of Gardens and Designed Landscapes;</i> • <i>Sites identified in the Inventory of Historic Battlefields.</i> 	<p><i>Other nationally important mapped environmental interests:</i></p> <ul style="list-style-type: none"> • <i>areas of wild land as shown on the 2014 SNH map of wild land areas;</i> • <i>carbon rich soils, deep peat and priority peatland habitat.</i> 	<p><i>Community separation for consideration of visual impact:</i></p> <ul style="list-style-type: none"> • <i>an area not exceeding 2 km around cities, towns and</i> • <i>villages identified on the local development plan with an identified settlement envelope or edge. The extent of the area will be determined by the planning authority based on landform and other features which restrict views out from the settlement.</i>
Group 3: Areas with potential for wind farm development		
Beyond groups 1 and 2, wind farms are likely to be acceptable, subject to detailed consideration against identified policy criteria		

5.6.12 Paragraph 169 of SPP, provides guidance for development management and the determination of development proposals. It sets out that proposals for energy infrastructure developments should take account of spatial frameworks for windfarms where these are relevant and sets out key considerations for proposals. These include net economic effect; the scale of contribution to renewable energy generation targets; effect on greenhouse gas emissions; cumulative effects; effects on communities and individual dwellings; and landscape and visual effects.

Draft NPF4

5.6.13 The Draft Fourth National Planning Framework (Draft NPF4), sets out how the Scottish Government’s approach to planning and development will help to achieve a net zero, sustainable Scotland by 2045. It was laid in Parliament on 10 November 2021.

5.6.14 The Scottish Parliament will be considering the Draft NPF4 for a period of up to 120 days. Alongside Parliamentary scrutiny of the draft, the Scottish Government is running a consultation, which is open until 31 March 2022.

5.6.15 The draft NPF4 incorporates Scottish Planning Policy, containing detailed national policy on a number of planning topics. Draft policies most relevant to the Proposed Development are summarised in **Table 5.3**.

Table 5.3 Draft NPF4 policies most relevant to the Proposed Development

Policy reference	Title	Relevant Policy Summary
Policy 2	Climate Emergency	<p>When considering all development proposals significant weight should be given to the Global Climate Emergency.</p> <p>All development should be designed to minimise emissions over its lifecycle</p> <p>Development proposals for national, major or EIA development should be accompanied by a whole-life assessment of greenhouse gas emissions from the development.</p> <p>Development proposals for new, infrastructure should be designed to be adaptable to the future impacts of climate change.</p>
Policy 3	Nature Crisis	<p>Development proposals should contribute to the enhancement of biodiversity, including restoring degraded habitats and building and strengthening nature networks and the connections between them.</p> <p>Potential adverse impacts of development proposals on biodiversity, nature networks and the natural environment should be minimised through careful planning and design. Design should take into account the need to reverse biodiversity loss, safeguard the services that the natural environment provides and build the resilience of nature by enhancing nature networks and maximising the potential for restoration.</p> <p>Development proposals for national, major and of EIA development or development for which an Appropriate Assessment is required should only be supported where it can be demonstrated that the proposal will conserve and enhance biodiversity, including nature networks within and adjacent to the site, so that they are in a demonstrably better state than without intervention, including through future management.</p>
Policy 19	Green Energy	<p>Development proposals for all forms of renewable energy and low-carbon fuels, together with enabling works such as transmission and distribution infrastructure, and energy storage such as battery storage, should be supported in principle.</p> <p>Development proposals for wind farms in National Parks and National Scenic Areas should not be supported.</p> <p>Outwith National Parks and National Scenic Areas, and recognising the sensitivity of any other national or international designations, development proposals for new wind farms should be supported unless the impacts identified (including cumulative effects), are unacceptable. To inform this, site specific assessments including where applicable Environmental Impact Assessments (EIA) and Landscape and Visual Impact Assessments (LVIA) are required.</p>

Policy reference	Title	Relevant Policy Summary
		<p>Areas identified for wind farms should be suitable for use in perpetuity. Consents may be time-limited but wind farms should nevertheless be sited and designed to ensure impacts are minimised and to protect an acceptable level of amenity for adjacent communities.</p> <p>Specific considerations will vary relative to the scale of the proposal and area characteristics but development proposals for renewable energy developments must take into account:</p> <p>net economic impact, including local and community socio-economic benefits such as employment, associated business and supply chain opportunities;</p> <p>the scale of contribution to renewable energy generation targets;</p> <ul style="list-style-type: none"> • effect on greenhouse gas emissions reduction targets; • cumulative impacts – taking into account the cumulative impact of existing and consented energy development; • impacts on communities and individual dwellings, including visual impact, residential amenity, noise and shadow flicker; • landscape and visual impacts, including effects on wild land; • effects on the natural heritage, including birds; • impacts on carbon rich soils; • public access, including impact on long distance walking and cycling routes and scenic routes; • impacts on historic environment assets, including scheduled monuments, listed buildings and their settings; • impacts on tourism and recreation; • impacts on aviation and defence interests including seismological recording; • impacts on telecommunications and broadcasting installations, particularly ensuring that transmission links are not compromised; • impacts on road traffic and on adjacent trunk roads; • effects on hydrology, the water environment and flood risk; • the need for conditions relating to the decommissioning of developments, including ancillary infrastructure, and • site restoration, opportunities for energy storage; and • the need for a robust planning obligation to ensure that operators achieve site restoration.
Policy 28	Historic Assets and Places	Local development plans and their spatial strategies should identify, protect and enhance locally, regionally, nationally and internationally valued historic assets and

Policy reference	Title	Relevant Policy Summary
		<p>places.</p> <p>Development proposals for the demolition of listed buildings or other works that adversely affect the special interest of a building or its setting should not be supported.</p> <p>Development proposals should preserve or enhance the character and appearance of conservation areas and their settings.</p> <p>Development proposals which affect scheduled monuments should only be supported where they avoid direct impacts on scheduled monuments and any adverse impacts upon their setting.</p> <p>Development proposals should avoid adverse impacts on non-designated historic environment assets, areas and their setting.</p>
Policy 32	Natural Places	<p>Development proposals that would have an unacceptable impact on the natural environment including biodiversity objectives should not be supported.</p> <p>Development proposals likely to have a significant effect on an existing or proposed European site which is not directly connected with or necessary to their conservation management must be subject to an 'appropriate assessment' of the implications for the conservation objectives.</p> <p>Development proposals that will affect a National Park, National Scenic Area, Site of Special Scientific Interest or a National Nature Reserve should only be supported where the objectives of designation and the overall integrity of the area will not be compromised; or any significant adverse effects on the qualities for which the area has been designated are clearly outweighed by social, environmental or economic benefits of national importance.</p> <p>Development proposals that would be likely to have an adverse effect on a protected species should not be supported unless it meets the relevant statutory tests. If there is evidence to suggest that a protected species is present on site or may be affected by a proposed development, steps must be taken to establish their presence. The level of protection afforded by legislation must be factored into the planning and design of the development and any impacts must be fully considered prior to the determination of the application.</p> <p>Planning authorities should apply the precautionary principle where the impacts of a proposed development on nationally or internationally significant landscape or natural heritage assets are uncertain but there is sound evidence indicating that damage could occur.</p>

Policy reference	Title	Relevant Policy Summary
		<p>Development proposals for development in areas identified as wild land (per Nature Scot Wild Land Areas map 2014) should only be supported where:</p> <ul style="list-style-type: none"> • the proposed development cannot be reasonably located outside of the wild land area; or, • it is for small scale development directly linked to a rural business, croft or required to support a fragile population in a rural area; and, • a site based assessment of any significant effects on the qualities of the areas is undertaken, and use of siting, design or other mitigation minimises adverse impacts.

Development Plan Policy

Highland-wide Local Development Plan (HwLDP) (2012)

5.6.16 The HwLDP was adopted in April 2012. A review of HwLDP commenced with the publication of a Main Issues Report in September 2015 which included a series of questions on the main issues affecting people across Highland. THC are expecting to take forward a review of the HwLDP, in the context of the new arrangements for Local Development Plans, with formal work anticipated to commence in Spring/Summer 2022.

5.6.17 Key policies relevant to the Proposed Development are summarised below.

5.6.18 The HwLDP Policy most relevant to the Proposed Development is Policy 67 – Renewable Energy Developments, which sets out THC’s support in principle for renewable energy developments. The first part of Policy 67 states: *“Renewable energy development proposals should be well related to the source of the primary renewable resources that are needed for their operation. The Council will also consider:*

- *The contribution of the Proposed Development towards meeting renewable energy generation targets; and*
- *Any positive or negative effects it is likely to have on the local and national economy;*
- *and will assess proposals against other policies of the development plan the Highland Renewable Energy Strategy and Planning Guidelines and have regard to any other material considerations, including proposals able to demonstrate significant benefits including by making effective use of existing and proposed infrastructure of facilities.”*

5.6.19 The second part of Policy 67: Renewable Energy Developments sets out a number of criteria that must be addressed by windfarm applications. The policy states: *“Subject to balancing with these considerations and taking into account any mitigation measures to be included, the Council will support proposals where it is satisfied that they are located, sited and designed such that they will not be significantly detrimental overall, either individually or cumulatively with other developments (see Glossary), having regard in particular to any significant effects on the following:*

- *natural, built and cultural heritage features;*

- *species and habitats;*
- *visual impact and impact on the landscape character of the surrounding area (the design and location of the proposal should reflect the scale and character of the landscape and seek to minimise landscape and visual impact, subject to any other considerations);*
- *amenity at sensitive locations, including residential properties, work places and recognised visitor sites (in or outwith a settlement boundary);*
- *the safety and amenity of any regularly occupied buildings and the grounds that they occupy having regard to visual intrusion or the likely effect of noise generation and, in the case of wind energy proposals, ice throw in winter conditions, shadow flicker or shadow throw;*
- *ground water, surface water (including water supply), aquatic ecosystems and fisheries;*
- *the safe use of airport, defence or emergency service operations, including flight activity, navigation and surveillance systems and associated infrastructure, or on aircraft flight paths or MoD low-flying areas;*
- *other communications installations or the quality of radio or TV reception;*
- *the amenity of users of any Core Path or other established public access for walking, cycling or horse riding;*
- *tourism and recreation interests;*
- *land and water based traffic and transport interests.*

“Proposals for the extension of existing renewable energy facilities will be assessed against the same criteria and material considerations as apply to proposals for new facilities. In all cases, if consent is granted, the Council will approve appropriate conditions (along with a legal agreement/obligation under section 75 of the Town and Country Planning (Scotland) Act 1997, as amended, where necessary), relating to the removal of the development and associated equipment and to the restoration of the site, whenever the consent expires, other than in circumstances where fresh consent has been secured to extend the life of the project, or the project ceases to operate for a specific period.”

5.6.20 The ‘Highland Renewable Energy Strategy’ referred to in Policy 67, was removed as a material consideration in August 2016 by the Planning, Development and Infrastructure Committee.

5.6.21 Other policies of the HwLDP which are also considered potentially relevant to the Proposed Development are summarised in **Table 5.4**.

Table 5.4 Highland wide Local Development Plan Policies Summary

Policy reference	HwLDP Policy Title Summary	Policy Summary
Policy 28	Sustainable Design	Proposed developments will be assessed in relation to the promotion of social, economic and environmental wellbeing.
Policy 51	Trees and Development	Sets out that proposals will be supported where they promote significant protection to existing hedges, trees and woodlands on and around development sites. It

Policy reference	HwLDP Policy Title Summary	Policy Summary
		includes reference to the Trees, Woodland and Development Supplementary Guidance.
Policy 52	Principle of Development in Woodland	Sets out THC's favour for protecting woodland resources and details how proposals should be assessed against conformity with the Scottish Government's Policy on Control of Woodland Removal and The Highland Forest and Woodland Strategy
Policy 53	Minerals	Sets out areas that THC will support for mineral extraction.
Policy 55	Peat and Soils	Proposals should demonstrate how they have avoided unnecessary disturbance, degradation or erosion of peat and soils and provide a peat management plan if necessary, to demonstrate how effects have been minimised and mitigated.
Policy 57	Natural, Built and Cultural Heritage	Proposals will be assessed, taking into account, the level of importance and type of heritage features (international, national or local/regional), the form and scale of the proposed development any effect on the feature and its setting.
Policy 58	Protected Species	Where there is a possibility that protected species may be present on site or affected by a proposal survey works and assessment are required;
Policy 59	Other Important Species	Sets out other legislation and nature conservation site designations which could be affected by a proposal.
Policy 60	Other Important Habitats	Sets out other Important Habitats and Article 10 Features to ensure their protection by any development proposal
Policy 61	Landscape	Proposed developments should be designed to reflect the landscape characteristics and special qualities identified in the Landscape Character Assessment of the area in which they are proposed. This includes consideration of appropriate scale, form, pattern and construction materials, as well as the potential cumulative effect of developments where this may be an issue. Measures of enhancement are encouraged.
Policy 63	Water Environment	Proposals should not compromise the Water Framework Directive (2000/60/EC) in line with the River Basin Management Plan for the Scotland River Basin District and associated Area Management Plan.
Policy 64	Flood Risk	Development proposals should avoid areas susceptible to flood and promote sustainable flood management.
Policy 66	Surface Water Drainage	Proposals must be drained by Sustainable Drainage Systems in accordance with The SuDs Manual (CIRCA

Policy reference	HwLDP Policy Title Summary	Policy Summary
		C697), the Sewers for Scotland Manual 2nd Edition and Planning Advice note 69: Planning and Building Standards Advice on Flooding.
Policy 69	Electricity Transmission Infrastructure	Proposals for cables and transmission infrastructure will be considered with regards to their level of strategic importance. THC will support proposals which are assessed as not having an unacceptable significant impact on the environment, including natural, built and cultural heritage features.
Policy 72	Pollution	Proposals that may result in significant pollution such as noise, air, water, and light will only be approved where a detailed assessment report is provided to show how pollution can be appropriately avoided and if necessary mitigated. Major Developments and developments that are subject of Environmental Impact Assessment will be expected to follow a robust project environmental management process.
Policy 77	Public Access	Where major development is being proposed the developer must submit an Access plan showing access to the development during construction and after completion.

Onshore Wind Energy Supplementary Guidance (OWESG) (2017)

- 5.6.22 Supplementary Guidance (SG) forms part of the HwLDP. The relevant SG pertaining to the Proposed Development is the OWESG. The OWESG sets out a range of matters that THC will consider when determining windfarm applications including landscape, aviation interests, roads, peat, and tourism. It contains a spatial framework for onshore wind energy development that applies to all wind energy development proposals.
- 5.6.23 The spatial framework presented in the OWESG classifies the turbine area for the Proposed Development as ‘Group 2: Areas of significant protection’ (see **Table 5.2**). These classifications do not rule out windfarm development, noting that further consideration would be required to demonstrate that any significant effects can be sustainably overcome by siting, design or other mitigation.

5.7 References

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