STEPHENSON HALLIDAY

Planning, Landscape & Environment

ESB Asset Development UK Limited

Chleansaid Wind Farm

Planning Statement

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Planning and Landscape

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Executive Summary

This Planning Statement has been prepared in support of an application made under Section 36 of the Electricity Act 1989 for the proposed Chleansaid Wind Farm (the Proposed Development) on behalf of ESB Asset Development UK Limited (the applicant) who is Ireland's premier energy company, established in 1927 and a leading independent power generator in the UK market. The Planning Statement provides an assessment of the Proposed Development in the context of the decision-making framework. The Planning Statement is a stand-alone document and does not form part of the Environmental Impact Assessment (EIA) Report.

The United Kingdom (UK) and Scottish Governments have declared a climate emergency and set ambitious climate change targets with a net zero carbon dioxide (CO_2) target for 2045 in Scotland and an interim target of 75% reduction in greenhouse gas emissions by 2030. The applicant has set its own target of net zero emissions by 2040.

The Proposed Development, which is located on the Dalnessie Estate, approximately 13 km to the northeast of Lairg, will comprise up to 16 turbines, 12 with a maximum tip height of 200 m and four with a maximum tip height of 180 m. Associated infrastructure will also be developed including access tracks, borrow pits, transformers, underground cables, onsite sub-station/control building, a prospective energy storage facility of around 20MW, telecommunications equipment and temporary construction compounds. The individual turbine generating capacity is anticipated to be approximately 6 MW.

The Proposed Development would have a generating capacity of approximately 96 MW and produce approximately 212 GWh of electricity annually. This equates to the annual power consumed by approximately 54,396 average Scottish households[1], which equates to approximately 45% of the 119,918[2] homes in the Highland Council area.

The Proposed Development would assist with Scotland and the UK's long term energy security, reducing reliance on energy imports.

There is a demonstrable and urgent need for the development of renewable energy which is detailed with the energy policy framework and the ambitious targets for carbon reduction and renewable energy generation. The Proposed Development has the support of the relevant planning policy framework.

It is anticipated that the Proposed Development would have a carbon payback period of approximately 1.3 years, when compared to the fossil fuel mix of electricity generation. The Proposed Development would in effect be in a net gain situation for CO_2 emissions following this time period. The proposed grid connection date for the Proposed Development is 2027 and would therefore be in a position to contribute to the 2030 targets.

The applicant has had regard to the matters set out in Schedule 9 of the 1989 Act and these are all matters which have guided and informed the design and EIA process. The EIA Report provides sufficient information to allow Ministers to be satisfied on these points.

[1] Calculated using the Scottish Government Renewable electricity output and energy conversion calculators, January 2020

[2] Estimates of Households and Dwellings in Scotland, 2020 : National Record of Statistics, June 2021.

The design evolution process has considered a number of environmental and engineering factors and sought to minimise environmental impacts. This iterative design process has formed the final design of the Proposed Development. It is considered the Proposed Development is the right development and in the right location.

The EIA Report which has been prepared for the Proposed Development concludes the only residual significant effects are limited to landscape and visual impacts. There are no residual significant effects in terms of cultural heritage, ecology, ornithology, geology, hydrology, hydrogeology and peat, noise and vibration, traffic and transportation, aviation and radar, telecommunications and shadow flicker. A range of habitat enhancement opportunities are proposed in the Outline Habitat Management Principles plan (OHMP) detailed as part of the EIA Report. This includes enhancement of moorland habitats, fisheries habitats and enhancement opportunities for black grouse.

The expected capital expenditure for the development and construction of the Proposed Development is estimated at £146.9 million, with £17.6 million anticipated to be spent in Lairg and the Highlands. It is also expected the Proposed Development would create jobs, with 52 estimated in Lairg and the Highlands and 158 jobs within Scotland, during the construction phase.

As part of the Proposed Development, the applicant would offer a community benefit fund of £5,000 per MW during the operational life. The total community funding could be around £17.5 million for the 35-year operational lifetime of the Proposed Development depending on the capacity installed. In addition, the applicant is offering the opportunity of community shared ownership.

The Proposed Development is for a commercial scale wind farm which would deliver clean energy to the national grid and would contribute to Scotland and the UK's long-term energy security. It is clear that substantial progress needs to be made this decade to meet the carbon reduction targets set in legislation. The Proposed Development will make a valuable contribution to Scotland's ambitious carbon reduction targets.

1 Introduction

1.1.1 The UK and Scotland's current climate change ambitions are amongst the highest in Europe. The Scottish Government declared a climate emergency in May 2019 and passed the Climate Change (Emissions Reduction Targets) (Scotland) Act 2019, which amends the Climate Change (Scotland) Act 2009 that set a target for a 100 % reduction in CO_2 emissions by 2045. This is supported by the Scottish Energy Strategy's (Scottish Government 2017) target of 50 % of all energy (including transport, heat and electricity) being supplied from renewables by 2030.

1.1.2 Key to achieving the net zero or carbon neutral ambition is the decarbonisation of many sectors of the economy, and in order to do this the generation of renewable electricity needs to be increased. An important part of this is the development of renewable energy generating stations, including onshore wind farms in suitable locations.

1.1.3 This Planning Statement has been prepared by Stephenson Halliday to accompany an application made by ESB Asset Development UK Limited (the applicant) for consent for the Chleansaid Wind Farm (the Proposed Development) to be located approximately 13 km to the northeast of Lairg in the Scottish Highlands (the site).

1.1.4 The Proposed Development comprises 16 turbines and would exceed 50 MW with an anticipated indicative installed generating capacity of approximately 96 MW, alongside a potential energy storage facility of around 20MW. Therefore, it is to be considered under Section 36 (S36) of the Electricity Act 1989 (the 1989 Act).

1.1.5 RSK Consulting Ltd (RSK) was appointed to undertake an Environmental Impact Assessment (EIA) which has been undertaken in accordance with the Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017 (the EIA Regulations) to determine and evaluate the potential effects of the Proposed Development. The results of the EIA are presented in the Environmental Impact Assessment Report (EIA Report), submitted in support of the application and this Planning Statement should be read in conjunction with the EIA Report.

1.2 The Applicant

1.2.1 The applicant is Ireland's premier energy company, established in 1927 and is a leading independent power generator in the UK market. The applicant has a track record of over 20 years as a successful investor in the UK since 1994. The applicant owns and operates wind farms across the UK and Ireland with a current generating capacity of 600 MW.

1.2.2 The applicant's strategy sets a net zero emissions target to achieve by 2040. The applicant will set a science-based target for 2030 to provide independent assurance that the pathway to net zero is aligned with the commitments set out in the Paris Agreement. This objective reflects ESB's commitment to supporting the societal goal of achieving net zero emissions through the generation of renewable electricity and by enabling the connection of renewable generation to their electricity networks. ESB aims to decarbonise 63% of generation output by 2030, and 100% by 2040, and will deliver a five-fold increase in its renewable generation portfolio to 5,000MW by 2030, and ESB Networks and NIE Networks

will increase the amount of renewable energy connected to its Irish networks from 6.2GW to >15GW over the same period.

1.3 Structure of Planning Statement

1.3.1 The applicant, by way of the S36 process, requests that the Scottish Ministers issue a S36 Consent in respect of the Proposed Development, together with a Direction under Section 57(2) of the Town and Country Planning (Scotland) Act 1997, as amended (the 1997 Act) that planning permission is deemed to be granted for the Proposed Development.

1.3.2 The purpose of this Planning Statement is to identify the key planning considerations relating to the Proposed Development and assess its compliance with the relevant provisions of the Development Plan and any other material considerations.

1.3.3 The remainder of this Planning Statement is structured as follows:

- Chapter 2: Planning History.
- Chapter 3: The Proposed Development.
- Chapter 4: Benefits of the Proposed Development.
- Chapter 5: Statutory Framework.
- Chapter 6: Renewable Energy Framework.
- Chapter 7: Scottish Renewable Energy and Carbon Reduction Targets.
- Chapter 8: Planning Policy.
- Chapter 9: Planning Assessment.
- Chapter 10: Conclusion.

1.4 Statutory Framework

1.4.1 The application for the Proposed Development requires to be made under S36 of the 1989 Act because the installed capacity would exceed 50 MW. The way in which decision making is to be considered under the 1989 Act is discussed in Chapter 5 of this document.

2 Planning History

2.1.1 Whilst it is acknowledged that any application seeking planning permission, or, as in this case deemed planning permission, should be considered on its own merits, it is relevant to acknowledge the planning history for the site and land in close proximity to it.

2.1.2 An application for a wind farm at Dalnessie was submitted to the Energy and Telecommunications Division of the Enterprise, Transport & Lifelong Learning Department of the Scottish Executive in July 2013 by SSE Renewables Developments (UK) Limited. This project was located to the northeast of the Proposed Development and was known as Dalnessie Wind Farm.

2.1.3 The Dalnessie Wind Farm application was for 27 wind turbines and associated infrastructure, turbines with a blade tip height of 121 m and an overall maximum installed site capacity of 81 MW. The application was withdrawn in 2014. There was therefore no formal decision made in respect of the application.

2.1.4 The Proposed Development is a wholly new project, and the applicant has no connection with the Dalnessie Wind Farm project.

3 The Proposed Development

3.1 Introduction

3.1.1 This Chapter of the Planning Statement sets out the site selection rationale, the key characteristics of the site and the surrounding area before providing a summary of the physical elements of the Proposed Development, further information can be found in the EIA Report Chapter 2 Proposed Development. Chapter 3 of the Planning Statement also describes the offer of community benefit and the shared ownership opportunity which are an integral part of the Proposed Development.

3.2 Site Selection Rationale

3.2.1 The applicant identified potential sites for large scale onshore wind energy development throughout Scotland through a constraints-based approach, with sites being evaluated against the following criteria, in no particular order:

- Avoiding 'Group 1' areas from Scottish Planning Policy (SPP[3]);
- Avoiding SPP 'Group 2' national and international designations;
- Development Plan policy;
- Landscape character;
- Distance from dwellings;
- Cumulative impact with other wind farm developments;
- Exposed sites with good wind speed;
- Feasibility of grid connection;
- Area topography, including gradients, exposure, watercourses and land use;
- Feasibility of access for abnormal indivisible loads (AIL); and
- Compatibility with aviation interests.

3.2.2 An essential element of the search for potential sites is the interest of landowners in onshore wind energy development. In that regard, and taking the criteria above into account, the site initially became a viable proposition for the applicant following discussions with the landowners, who were interested in exploring the potential of such a development on their estate.

3.2.3 The Proposed Development area was confirmed as a good site for Proposed Development following further feasibility assessments.

3.2.4 It is acknowledged that the site is within a Group 2 location due to class 1 and class 2 peatland identified on the Carbon and Peatland 2016 map. However, the layout of the Proposed Development has been designed to avoid areas of deep peat which has been informed

[3] Scottish Government, Scottish Planning Policy Table 1: Spatial Frameworks, 2014

through a series of peat surveys undertaken to ensure that the impact on peatland can be minimised.

3.3 The Site

3.3.1 The Proposed Development is located on the Dalnessie Estate, approximately 13 km to the northeast of Lairg in the Scottish Highlands, near the A836–A838 Junction. The site falls within The Highland Council (THC) area, in the North, West and Central Sutherland ward.

3.3.2 The land is currently used as a shooting estate and for rough sheep grazing. There are two residences on the Estate, one that is used occasionally by the landowners, the other is a full-time residence for the Estate Manager.

3.3.3 There are no nationally or international designated sites for ecology or ornithology within the site. The location of the site is shown on Figures 1 and 2 attached to this Planning Statement.

3.4 Surrounding Area

3.4.1 The surrounding land uses include commercial forestry, sporting and recreational uses.

3.4.2 The location of the Proposed Development is within a wider area which has several existing and proposed wind farm developments.

3.4.3 The proposed Strath Tirry Wind Farm, which is currently at application stage, is the closest proposed wind farm to the Proposed Development, located approximately 4.63 km to the southwest. The closest operational wind farm is Lairg Wind Farm, which is located approximately 15.15 km to the south. Creag Riabhach Wind Farm, which is under construction, is located approximately 13.83 km to the northwest.

3.4.4 Wild Land Area (WLA) 35: Ben Klibreck -Armine Forest is adjacent to the northeast of the site. The closest National Scenic Areas (NSA) are the Dornoch Firth NSA located approximately 25 km to the south of the site and Kyle of Tongue NSA located approximately 25 km to the north of the site. The Ben Klibreck and Loch Choire Special Landscape Area (SLA) lies approximately 5 km to the north of the site.

3.4.5 Table 3.1 summarises the ecological and ornithological designated sites within 10 km of the site and their approximate distance from the site.

Table 3.1: Ecological and Ornithological designated sites within 10 km of site

Name	Approximate distance from Site
Lairg and Strath Bora Lochs Special Protection Area (SPA) and Site of Special Scientific Interest (SSSI) I	3.1 km, south-west
Ben Klibreck SSSI	5.5 km, north

Name	Approximate distance from Site
Strath Carnaig and Strath Fleet Moors SPA and SSSI	6 km, south
River Naver Special Area of Conservation (SAC)	6.5 km, north
Caithness and Sutherland Peatlands SAC, SPA and Ramsar	8.3 km, east
Skinsdale Peatlands SSSI (part of Caithness and Sutherland Peatlands SAC)	8.3 km, east
Cnoc an Alaskie SSSI	8.6 km, west
Grudie Peatlands SSSI	10 km, south-west

3.4.6 There are no Gardens and Designed Landscapes (GDL) within 20 km of the outermost turbines. The closest GDL is Dunrobin Castle, which lies beyond 25 km to the south-east.

3.4.7 There are 11 Scheduled Monuments (SM) within 5 km of the site. The closest SM to the site (bounding the access track) is Cnoc a'Bhreach-leathaid, sheilings and cairn field (SM5300). There are two Listed Buildings within 5 km of the site, both of which are Category C listed bridges. The locations of designated heritage assets close to the Proposed Development are shown on illustrations 3 and 4 of **Appendix 7.1 Archaeological Desk-Based Assessment** in Volume 3.

3.5 The Proposed Development

3.5.1 Careful consideration has been given to the layout of the Proposed Development, which is demonstrated in the design evolution process. This is set out in the EIA Report Chapter 2 Proposed Development.

3.5.2 The wind farm design and layout were adapted and altered in response to environmental constraints and consultation feedback. The Proposed Development went through a series of design iterations. Changes to the layout included decreasing the number of turbines and changing turbine positions. It is considered the final design balances the optimum productivity while minimising the environmental impact and will make a valuable contribution to the Scottish Government's renewable energy and carbon reduction targets.

3.5.3 The Proposed Development infrastructure would include the following:

- Up to 16 wind turbines of approximately 6 MW each, 12 with a maximum tip height of 200 m and four with a maximum tip height of 180 m;
- Hardstanding areas at the base of each turbine, with a permanent area of approximately 2156 m^2;

- One permanent meteorological mast and hardstanding areas for up to two permanent Lidars;
- Total length of access tracks is 17,002 m, of which 11,121m is new access track with associated watercourse crossings and 5,881 m is existing access track and watercourse crossings which will need to be upgraded;
- An operations control building with parking and welfare facilities;
- A substation compound;
- An energy storage facility;
- Telecommunications equipment;
- Up to four temporary construction compounds;
- Two borrow pits, to provide suitable rock for access tracks, turbine bases and hardstandings; and
- Underground cabling linking the turbines with the substation.

3.5.4 The layout for the Proposed Development is presented in Figure 3 of this Planning Statement. Typical details for the proposed infrastructure are shown on EIA Report Figures 2.3 to 2.13.

3.5.5 The Proposed Development would take access from the A836 via an existing access track leading to properties within the Dalnessie Estate.

3.5.6 Access for construction materials would be predominantly from the south via the A9, A836 and A839. Abnormal loads associated with the wind turbines would access the site via the A9(T), A839 and A836.

3.5.7 The width of the tracks will be approximately 5.5 m, although may be wider for short sections, such as passing places, laydown areas and sharp bends.

3.5.8 Access tracks including some which will be of floating construction will be required to provide access to the proposed turbine locations and borrow pits.

3.5.9 The precise route of the grid connection has not yet been determined and the assessment of its effects are not identifiable because it has yet to be designed and applied for. The grid connection may require consent under Section 37 of the 1989 Act which would be the subject of a separate consenting process to this S36 application.

3.5.10 Further information on the Proposed Development can be found in Chapter 2 of the EIA Report.

3.6 Lifetime of the Proposed Development

3.6.1 The Proposed Development is anticipated to have an operational life of 35 years, after which it would be decommissioned and the turbines dismantled and removed, unless further consent is secured to operate for an additional time period. Information on the decommissioning process can be found in Chapter 2 of the EIA Report.

3.7 Mitigation, Compensation and Enhancement Measures Assumed to Form a Part of the Proposed Development

3.7.1 The EIA Report assumes mitigation measures are designed into the scheme and form an inherent part of the Proposed Development. However, further measures may be imposed as a condition of the grant of any deemed planning consent at the request of consultees.

Aviation Lighting

3.7.2 Structures of 150 m or taller require to be lit with visible aviation lighting in accordance with Article 222 of the UK Air Navigation Order (ANO) 2016. For the Proposed Development, the Civil Aviation Authority (CAA) has agreed to a reduced lighting scheme whereby only five cardinal turbines require to be lit with visible lighting (2000 candela, reducing to 200 candela in good visibility) mounted on the hubs. Additionally Infra-red (IR) lighting would be installed on peripheral turbines to meet the requirements of the Ministry of Defence (MOD). Subject to the evolution of CAA policy, the applicant would also consider the installation of a transponder activated lighting system (TLDS) or an aircraft detection lighting system (ADLS) on the Proposed Development. This would switch on the visible lights only when detected by radar or activated by a transponder devise from an aircraft passing within specified horizontal and vertical distances from the wind farm.

3.7.3 Details of the approach to aviation lighting, including mitigation measures, can be found in Chapter 13 of the EIA Report.

Outline Habitat Management Principles Plan

3.7.4 An Outline Habitat Management Principles plan (OHMP) has been prepared as part of the EIA and is provided within Appendix 8.5 of the EIA Report. It includes a number of aims, objectives and management prescriptions which will be further refined and prescribed in consultation with NatureScot, THC and relevant stakeholders. The aims and objectives are summarised below:

- Aim 1: Enhancement of Moorland Habitats.
  - Objective 1.1: Promote Improved Structural Diversity of Wet Heath and Blanket Bog.
- Aim 2: Enhancement of Fisheries Habitats.
  - Objective 2.1: Management of Fish Cover.
  - Objective 2.2: Management of Bank-side vegetation.
- Aim 3: Enhancement of Opportunities for Black Grouse
  - Objective 3.1: Native Woodland Planting

3.7.5 Figure 1 of the OHMP outlines the proposed habitat enhancement measures, including peat restoration areas, indicative riparian planting areas and indicative areas for native woodland planting.

Construction Environment Management Plan

3.7.6 A Construction Environmental Management Plan (CEMP) would be implemented as part of the Proposed Development. A Summary of Environmental Commitments is detailed in Appendix 2.1 of the EIA Report.

Construction Traffic Management Plan

3.7.7 An outline Construction Traffic Management Plan (CTMP) has been prepared as part of the EIA and is contained within Appendix 12.2 of the EIA Report. The outline CTMP provides information to THC and Transport Scotland relating to the management of all construction traffic as a result of the Proposed Development. The CTMP will be updated through the detailed design and construction stages of the Proposed Development.

Outline Peat Management Plan

3.7.8 An Outline Peat Management Plan (OPMP) has been prepared as part of the EIA and is contained within Appendix 10.2 of the EIA Report. The assessment indicates there would be a balance in peat volumes and that all peat excavated for construction would be able to be reused either for reinstatement or peatland restoration within the Proposed Development or within the wider Dalnessie Estate.

Community Shared Ownership

3.7.9 Should the Proposed Development gain consent and be constructed, the applicant is committed to setting up a community benefit fund of £5,000 per installed MW per year. This could equate to up to approximately £500,000 per year, for 35 years, amounting to up to approximately £17.5 million community benefit funding over the lifetime of the Proposed Development.

3.7.10 The neighbouring communities will be invited to help shape a community benefit package that best meets local needs. The applicant will discuss with local groups and community representatives to seek their input as the Proposed Development progresses. There are many community benefit options being considered, from capital funding and local regeneration to support for local groups and clubs. All ideas will be actively discussed with community councils, development trusts and local representatives in the surrounding areas.

3.7.11 The applicant is committed to an offer of community shared ownership of the Proposed Development. Community shared ownership gives the community the opportunity to invest in the wind farm and benefit from revenue generated from the Proposed Development, which can then be used to invest in local initiatives.

4 Benefits of the Proposed Development

4.1 Introduction

4.1.1 The Proposed Development offers opportunity for social, economic and environmental benefits in line with Scottish Planning Policy's (SPP) presumption in favour of sustainable development.

Renewable Electricity Generation

4.1.2 The Scottish and UK Governments are committed to the decarbonisation of electricity generation and the Scottish Government declared a climate emergency in May 2019. The need for the generation of renewable energy is set out in Chapter 7 of this Planning Statement and is not repeated here.

4.1.3 The proposed wind turbines would have a combined rated output in the region of approximately 96 MW equating to approximately 212 GWh[4] of electricity annually. This equates to the annual power consumed by approximately 54,396[5] average Scottish households. The Proposed Development includes energy storage allowing the flexibility to balance of energy output to meet the demands of the national grid.

4.1.4 The Proposed Development would also contribute to Scotland and the UK's long-term energy security, reducing reliance on energy imports.

Capital Expenditure Associated with the Development

4.1.5 Chapter 14 of the EIA Report anticipates that the construction costs of the Proposed Development could total approximately £146.9 million, including development and planning, turbines, balance of plant and grid connection. It can be estimated that Lairg and the Highlands could secure contracts worth up to £17.6 million and Scotland as whole could secure up to £54.2 million. The balance of investment would be on purchase of the turbines, for which there are currently no UK suppliers.

Employment Opportunities

Construction

4.1.6 The Proposed Development has an anticipated construction phase of approximately 21 months. This is expected to support 52 direct jobs and between 15.6 and 26 indirect jobs in Lairg and the Highlands and 158 direct jobs and between 47.4 and 79 indirect jobs within Scotland. This results in benefits including investment in the local and Scottish economy through, for example, haulage, building services, fencing and security.

[4] Calculated using the Scottish Government Renewable electricity output and energy conversion calculators, January 2020

[5] Calculated using the Scottish Government Renewable electricity output and energy conversion calculators, January 2020

Operation

4.1.7 The Proposed Development is expected to require approximately 49 (comprising 21 within Lairg and the Highlands and 28 within Scotland) new full time equivalent (FTE) employees during the operational phase including engineers and technicians. In addition, approximately 19.4 indirect jobs could be created elsewhere in the economy. Local supply chains would also benefit from the Proposed Development.

Community Benefit and Investment

4.1.8 A package of community benefits for local communities would be provided by the applicant as part of the Proposed Development. Detail on this is set out within Chapter 3 of this Planning Statement.

Carbon Savings

4.1.9 During operation, the Proposed Development would contribute to a beneficial effect on local and global air quality, by avoiding emissions due to the generation of electricity by burning fossil fuels. A carbon assessment has been undertaken as part of the EIA Report to estimate the potential savings in CO_2 emissions by the proposed replacing other electricity sources.

4.1.10 The payback time for the Proposed Development is approximately 1.3 years with displacement of around 132,451 tCO_{2e} tonnes of CO_2 per year over a fossil fuel mix of electricity (4,461,952 tCO2e tonnes over a 35-year lifetime). This is a significant beneficial impact and would positively contribute to meeting Scotland's targets for reducing greenhouse gas (GHG) emissions.

5 Statutory Framework

5.1.1 The application for the Proposed Development requires to be made under S36 of the 1989 Act because the installed capacity would exceed 50 MW.

5.1.2 The approach to determining an application for *"consent required for construction, etc. of generating stations"* under S36 of the 1989 Act, is not the same as an application for planning permission, under the Town and Country Planning (Scotland) Act 1997 (TCPSA), for a generating station whose permitted capacity is 50 MW or less.

5.1.3 In terms of determinations under S36, there are no specific statutory presumptions that apply. However, there are considerations which have to be taken into account. In that context, decision making for S36 applications incorporates consideration of a broad policy framework which includes Energy Policy, National Planning Policy and Guidance and the Development Plan. All these matters are relevant and should be taken into account in the decision-making process. The ultimate weight of any particular factor in the decision-making process is a matter for the decision maker, in this case the Scottish Ministers.

5.1.4 The 1989 Act contains a number of requirements which the decision maker can use as a guide as part of the process to determine whether to grant consent for the Proposed Development or not. In summary, the requirement is to consider what effects the Proposed Development would have on a range of environmental matters which are detailed in Paragraph 3(2) of Schedule 9 to the 1989 Act and to what extent the applicant has sought to mitigate any such effects. It is not a test that has to be passed or can be failed. The wording is clear that the developer shall have regard to the desirability of preserving a number of features and reasonably do what they can to mitigate effects on the features. The decision maker is required to have regard to the desirability of the features and the extent to which the developer has sought to mitigate effects.

5.1.5 The wording within paragraph 3 of Schedule 9 to the 1989 Act is provided in Appendix 1 of the Planning Statement.

6 Renewable Energy Framework

6.1 Introduction

6.1.1 The Proposed Development is the subject of a S36 application, and as such, it must be recognised that it is being brought forward in an environment where the need for renewable energy is becoming increasingly important in addressing important global issues associated with climate change. The framework of international agreements, legally binding targets and climate change global advisory reports is the foundation upon which national (UK and Scottish) energy policy is based.

6.1.2 It has been the case over a number of years that the policy on renewable energy is guided by scientific research and reports (Advisory Reports). These Advisory Reports unequivocally make clear the need to address climate change and to reduce GHG emissions.

6.1.3 Government policy on renewable energy and GHG emissions is a relevant consideration in the decision making process.

6.1.4 This Chapter of the Planning Statement sets out the key Advisory Reports which have informed Government policy which is also set out in this Chapter of the Planning Statement. It also considers the response to COVID-19 which has been focused on a 'green recovery'. The renewable energy targets are considered in Chapter 7 of this Planning Statement.

6.1.5 The following text sets out a high level review of the documents that are referenced. Further details can be found in Appendix 2.

6.2 Climate Emergency

6.2.1 The International Panel on Climate Change (IPCC) released a special report: Global Warming of 1.5°C, in October 2018 on the impacts of global warming and warned that we may have just twelve years left from 2018 to limit a climate crisis.

6.2.2 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."

6.2.3 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."

6.2.4 The speech to the Scottish Parliament highlighted the advice received by the Scottish Government from the UK Climate Change Committee (CCC), emphasising this advice was being taken forward via amendments to the Climate Change Bill.

Highland Council Climate Emergency

6.2.5 THC are committed to a carbon neutral Inverness and a low carbon Highlands by 2025:

"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."

6.2.6 Being carbon neutral has two important elements for THC:

- Reducing carbon emissions; and
- Offsetting those emissions which it is not feasible or practical to reduce.

6.2.7 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. To achieve this, projects will be implemented which work towards the following goals:

- Carbon emission reduction;
- Lead by example;
- Engagement with others;
- Value for money;
- Economic benefits; and
- Raising awareness and promote behaviour change.

6.3 Advisory Reports

6.3.1 This Chapter of the Planning Statement sets out the most recent and key renewable energy Advisory Reports, in order to set the context for the Proposed Development, which comprise:

- 6th Carbon Budget (December 2020);
- Climate Change Committee Progress Report to Parliament (June 2021);
- IPCC Intergovernmental Panel on Climate Change Sixth Assessment Report 2021;
- 12 immediate actions for the new Scottish Government in the year of COP26;
- UN Gap Emissions Report (October 2021); and
- Climate Change Committee Progress in reducing emissions in Scotland – 2021 Report to Parliament.

6.3.2 These documents are summarised in the following table.

Table 6.1 Key Renewable Energy and Carbon Reduction Advisory Reports

Advisory Report	Key Points
The Committee on Climate Change's 6th Carbon Budget December 2020	The 6th Carbon Budget was published by the Climate Change Committee (CCC) in December 2020. It sets out for the first time, what actions the UK will need to take to achieve net zero emissions by 2050. The recommended pathway requires 78% reduction in UK territorial emissions by 2035, a 63% reduction from 2019. The 6th Carbon budget advises that this can be done through 4 key steps as follows: • Take up of low carbon solutions. • Expansion of low carbon energy supplies including onshore wind • Reducing demand for carbon intensive activities. • Land and greenhouse gas removals. This reinforces the need to continue to prioritise the development of renewable energy as part of the decarbonisation drive. The 6th Carbon Budget outlines that "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 2020s must be the decisive decade of progress and action." The 6th Carbon Budget reinforces the interrelationship between the UK and Scotland and is clear in the role that Scotland needs to play. It states: "Where powers are reserved to the UK level, the devolved administrations have an important role in ensuring that the emissions reductions take place. In particular, the devolved administrations should focus on the following areas: Planning. Planning frameworks are another useful lever over infrastructure that needs to be well aligned to objectives for emissions reduction in devolved administrations (e.g. .... through a favourable planning regime for low cost onshore wind) Procurement. The public sector in devolved administrations can use procurement rules positively to help drive emissions reductions in a number of areas (e.g. uptake of ultra-low emission vehicles, energy efficiency and low-carbon heat in buildings, low-carbon products). Convening role. It is important the devolved administrations maximise their potential to bring stakeholders together, and facilitate dialogue and strengthen relationships, to enable the development of mutually beneficial projects that contribute to decarbonisation. Working with the UK Government to ensure that UK-wide policies work for devolved administrations. Access to UK-wide funding. The devolved administrations should seek to ensure that households and businesses have good access to UK-wide funding opportunities where possible and appropriate.

	Communication and public engagement of climate risks and the options and choices available to reduce emissions across the UK. It also states that "Actions by the UK Government will be necessary to deliver the Welsh and Scottish targets, and actions by the devolved administrations will be necessary to deliver the UK target." In April 2021, the UK Prime Minster announced that the UK government will set in law the targets set by the Sixth Carbon budget. These targets were enshrined in law on 30th June 2021.
Climate Change Committee Progress Report to Parliament 2021	The CCC Progress Report to Parliament was published in June 2021. The Report covered both progress in reducing emissions and on adapting to climate change. The Progress on Reducing Emissions Report is clear that this is a decisive decade for tackling climate change and states: "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."
Intergovernmental Panel on Climate Change Sixth Assessment Report 2021	The IPCC was created to provide policymakers with regular scientific assessments on climate change, its implications and potential future risks, as well as to put forward adaption and mitigation options. The IPCC Sixth Assessment Report 2021 is very clear that the world needs to act now to tackle climate change and that all countries have a role to play. The Headline statements from the Summary for Policymakers include a number of issues. One of which is "Global surface temperature will continue to increase until at least the mid-century under all emissions scenarios considered. Global warming of 1.5°C and 2°C will be exceeded during the 21st century unless deep reductions in carbon dioxide (CO2) and other greenhouse gas emissions occur in the coming decades."
12 immediate actions for the new Scottish Government in the year of COP26	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"* 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. 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
United Nations Gap Emissions Report 2021	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. 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 GHG emissions in the next eight years. At COP26, the Glasgow Climate Pact was agreed where all countries will revisit and strengthen their current emissions targets to 2030 in 2022 to try to keep temperature rises within 1.5^0C.
Reducing Emissions in Scotland – 2021 Progress	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."* 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." 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…"

6.3.3 It is clear from these Advisory Reports that action needs to be taken now. This action must include a rapid increase in the delivery of renewable energy projects, including projects such as the Proposed Development.

6.4 Energy Policy

6.4.1 The UK and Scottish Governments have developed a suite of comprehensive policies which are supportive of renewable energy generally and onshore wind in particular. The following policy and emerging policy documents are considered to be the most relevant to the consideration of this application:

- The UK Government Energy White Paper 'Powering our Net Zero Future' (December 2020);
- The UK Government Net Zero Strategy: Build Back Greener (October 2021)
- The Scottish Energy Strategy 2017;
- Scottish Energy Strategy Position Statement (March 2021);
- The Scottish Onshore Wind Energy Policy Statement 2017 (OWPS);
- Onshore Wind Policy Statement Refresh: Consultation Draft (October 2021)
- The Climate Change Plan, The Third Report on Proposals and Policies 2018-2032 February 2018;
- Green Recovery on a Path to Net Zero: Climate Change Plan 2018-2032 (December 2020); and
- Scottish Government and Scottish Green Party Draft Shared Policy Programme Working Together to Build A Greener, Fairer, Independent Scotland (August 2021).

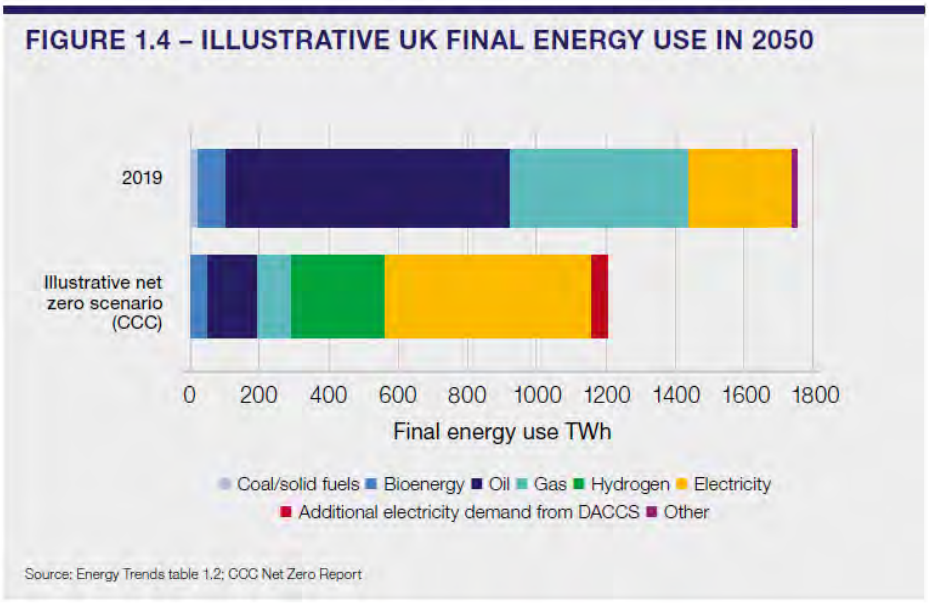
6.4.2 The key parts of these documents are considered in the following text.

UK Policy

The Energy White Paper December 2020

6.4.3 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 capacity will need to be replaced, modelling suggests overall [electricity] 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.

6.4.4 It is clear that the UK Government is looking for a transformation to the delivery of renewable energy which will form part of a 'green recovery' from the Covid-19 pandemic and deliver fair prices for the consumers of energy. The document looks at what needs to be achieved in terms of clean electricity production in order to reach net zero and Figure 1.4 on page 9 summarises the situation clearly, as follows:



6.4.5 Page 10 of the Energy White Paper is clear that clean electricity is key to reaching net zero – it states, *"Clean electricity will become the predominant form of energy, entailing a potential doubling of electricity demand and consequently a fourfold increase in low-carbon electricity generation."*

6.4.6 Chapter 2 of the Energy White Paper outlines the UK Government's goal in relation to power. It states, *"Electricity is a key enabler for the transition away from fossil fuels and decarbonising the economy cost-effectively by 2050."* To the do this the UK Government will:

- *"Accelerate the deployment of clean electricity generation through the 2020s.*
- *Invest £1 billion in the UK's energy innovation programme to develop the technologies of the future such as advanced nuclear and clean hydrogen.*
- *Ensure that the transformation of the electricity system supports UK jobs and new business opportunities, at home and abroad."*

6.4.7 Page 43 of the document is clear on the expected role of wind energy developments as a key generator of low-cost clean energy. It advises that while the UK Government *"are not planning for any specific technology solution, we can discern some key characteristics of the future generation mix. A low-cost, net zero consistent system is likely to be composed predominantly of wind and solar."*

6.4.8 The document is clear that onshore wind is 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… 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".*

Net Zero Strategy: Build Back Greener

6.4.9 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."*

6.4.10 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…"*

6.4.11 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."*

6.4.12 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 Policy

6.4.13 Tackling climate change is a devolved matter and therefore the Scottish Government has a responsibility to set policy to ensure compliance with targets set at UK level. The Scottish Government is responsible for their climate change and planning policy. The following text sets out the current Scottish policy and emerging policy relevant to the consideration of the application for the Proposed Development.

6.4.14 In December 2017, the Scottish Government published two energy policy documents:

- the Scottish Energy Strategy 'The Future of Energy in Scotland'; and

- the Onshore Wind Policy Statement (OWPS).

6.4.15 Together, these policy documents represent the Scottish Government's intended energy and climate change strategy for the period to 2050. Further information in respect of these documents, and the Scottish Energy Strategy Position Statement published in March 2021 and the Onshore Wind Policy Statement Refresh 2021: consultative draft published in October 2021 is contained in the following text.

Scottish Energy Strategy 2017

6.4.16 The Scottish Government published its Scottish Energy Strategy (SES 2017) in December 2017. The SES 2017 sets out a vision for a strong and sustainable low carbon economy. SES 2017 describes the Scottish Government's vision for the future energy system in Scotland beyond 2020 looking forward until 2050.

6.4.17 The SES 2017 is designed to provide a long term vision to guide detailed energy policy decisions over the coming decades. It sets out the priorities for an integrated system-wide approach that considers both the use and the supply of energy for heat, power and transport. It contains six energy priorities including increasing renewable energy production and increasing flexibility, efficiency and resilience of the energy system.

6.4.18 The SES 2017 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. It advises that it has a vision for:

> *"a flourishing, competitive local and national energy sector, delivering secure, affordable, clean energy for Scotland's households, communities and businesses."*

6.4.19 The SES 2017 sets two new targets for the Scottish energy system by 2030. These are:

- "*The equivalent of 50% of the energy for Scotland's heat, transport and electricity consumption to be supplied from renewable sources; and*
- *An increase by 30% in the productivity of energy use across the Scottish economy*."

6.4.20 The SES 2017 acknowledges that reaching 50 % by 2030 will be challenging .

6.4.21 Renewable and low carbon solutions are identified as one of six energy priorities around which the 2050 vision is built. The document advises that the Scottish Government "*will continue to champion and explore the potential of Scotland's huge renewable energy resource, and its ability to meet our local and national heat, transport and electricity."*

6.4.22 The SES 2017 advises that *"changes to 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 future."*

6.4.23 Under the heading of Renewable Energy, SES 2017 is clear that the Scottish long term climate change targets will require the near complete decarbonisation *"of the Scottish energy system by 2050 and that renewable energy is anticipated to meet a significant share of this".* It should be noted that this target has now been superseded by the Climate Change (Emissions Reduction Targets) (Scotland) Act 2019 and is now 2045.

6.4.24 In the section on Onshore Wind, SES 2017 advises that "*onshore wind is now amongst the lowest cost forms of power generation of any kind, and is a vital component of the huge industrial opportunity that renewables create for Scotland*". Onshore wind is identified as being required to play a vital role in the future of Scotland, helping to decarbonise electricity, boosting the economy and meeting demand.

Scotland's Energy Strategy Position Statement

6.4.25 The Scottish Government published Scotland's Energy Strategy Position Statement (SESPS) in March 2021 which provides an overview of the Scottish Government's 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[6] which was held between 31st October 2021 and 12th November 2021 in Glasgow.

6.4.26 The report makes reference to Scotland's ambitious legislative framework for emissions reduction and *"a particularly challenging interim target for 2030"*. This is the ambitious target of achieving a 75% reduction in GHG emissions by 2030 in advance of net zero by 2045.

6.4.27 The summary of the SESPS is clear that the current SES remains in place until any further Energy Strategy refresh is adopted by Ministers.

6.4.28 The topic of onshore renewables is 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".*

Onshore Wind Policy Statement

6.4.29 The Onshore Wind Policy Statement (OWPS) reaffirms the existing Scottish Government's onshore wind policy set out in previous publications. The Ministerial Foreword is clear that there is no question that onshore wind has played a dominant and hugely successful role in contributing to the 100% gross consumption from renewables target by 2020 and the 50% target of all energy to be sourced from renewables by 2030. It notes that onshore wind plays a valuable role in the empowerment and reward of local communities which are located near developments. The document focuses on the need to support development in the right places including, where acceptable, the inclusion of larger turbines, with effects and impacts of proposed developments being considered on their merits. The need to strike the right balance between environmental effects and impacts, local support and economic benefits is highlighted. It includes separate sections on the following key priority areas:

- route to market;
- repowering;
- a strategic approach to development;
- barriers to deployment;

[6] The 26th annual UN Climate Change Conference

- protection for residents and the environment;
- community benefits; and
- shared ownership.

6.4.30 The section on Route to Market states that the Scottish Government expects *"onshore wind to remain at the heart of a clean, reliable and low carbon energy future in Scotland."* Onshore wind is to remain *"crucial in terms of meeting the goals for a decarbonised energy system."* The Scottish Government recognises that "*Scotland will continue to need more onshore wind development and capacity, in locations across landscapes where it can be accommodated*."

6.4.31 The OWPS states that *"new onshore wind projects can and must be developed with no additional subsidy cost to consumers."* The OWPS invites applicants for renewable energy projects *"to explain clearly how environmental impacts have been balanced against energy yield during design iteration, and reported as part of the information provided in support of applications*."

6.4.32 The OWPS is clear that innovative solutions such as the integration of energy storage within onshore windfarm proposals not only help improve the ability of variable generators, such as onshore wind, to manage generation and demand but can also help grow the supply chain. The OWPS states: "*continuing support for innovation – for example, the development of smarter networks, active management and storage technology – can have a positive effect on the integration and economics of onshore wind generation. Innovation in the onshore wind sector can help the Scottish supply chain to grow, creating jobs and opportunities, and securing Scotland's position as a hub for innovation and investment*."

6.4.33 In the Chapter on Community Benefits the OWPS advises that "*As of November 2017 over £12 million [in community benefit payments] has been paid out over the preceding 12 month period*".

6.4.34 The OWPS is clear that the Scottish Government is keen to see a significant increase in shared ownership of renewable energy projects delivering long lasting economic assets to communities across the country.

Onshore Wind Policy Statement Refresh 2021: Consultative Draft

6.4.35 The Scottish Government published the consultation on the OWPS Refresh in October 2021 where it is seeking views on its ambition to secure an additional 8-12 GW of installed onshore wind capacity by 2030. While it is only at consultative draft stage it demonstrates the Scottish Government's ongoing commitment to onshore wind and recognition that this decade is key for the delivery of onshore wind if the 2030 renewable energy and carbon reduction targets are to be met.

6.4.36 The Cabinet Secretary for Net Zero, Energy & Transport states in their Ministerial Foreword that *"Onshore wind remains vital to Scotland's future energy mix, and we will need much more as we continue our progress to meet Scotland's legally binding net zero target."*

6.4.37 In paragraph 1.2.2 the Scottish Government recognises *"We must 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. Some estimates from the CCC suggest that we could expect a doubling in electricity demand.*

This will undoubtedly require a substantial increase in installed capacity across all renewable technologies."

6.4.38 The consultation period ended on 31st January 2022 and the Scottish Government is now considering responses.

Climate Change Plan, The Third Report on Proposals and Policies 2018-2032

6.4.39 The Scottish Government published the Climate Change Plan, The Third Report on Proposals and Policies 2018-2032 (CCP 2018) in February 2018, which sets out Scotland's decarbonisation plans to 2032. The Executive Summary advises that the CCP 2018 sets out how Scotland can deliver its target of 66 % emissions reduction, relative to the baseline for the period 2018-2032.

Scotland's Update to the Securing a Green Recovery on a Path to Net Zero: Climate Change Plan 2018-2032

6.4.40 On 16th December 2020, the Scottish Government published 'Securing a Green Recovery on a Path to Net Zero: Climate Change Plan 2018-2032' (CCP Update). This provides an update to 'Scotland's 2018-2032 Climate Change Plan' and sets out the Scottish Government's pathway to what it describes as new and ambitious targets set by the Climate Change Act 2019. The Scottish Government states that this is a strategic document for the green recovery from Covid-19. Section 6.5 and Appendix 3 of the Planning Statement provides further information on the green recovery from Covid-19.

6.4.41 Under the heading of 'Electricity', the CCP Update recognises the role that renewable energy generation has played:

"The decarbonisation of Scotland's electricity sector has been driven by our rich natural resources, a supportive approach to planning, a drive to involve local communities in decisions that affect them, supportive market frameworks, and rapidly declining prices of renewable technology globally - with wind and solar now the lowest cost forms of new generation."

6.4.42 It further states:

"*Renewable generation will increase substantially between now and 2032, and we expect to see the development of between 11 and 16 GW of capacity during this period, helping to decarbonise our transport and heating energy demand."*

6.4.43 All of this sets out the very clear position of the Scottish Government in respect of renewable energy, and the role and potential of onshore wind in contributing to meeting the relevant targets set by the Scottish Government.

A fairer, greener Scotland -The Government's Programme for Scotland 2021-22

6.4.44 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".

6.4.45 Page 64 notes that development of renewable energy:

"presents an immense opportunity for Scotland to lead by example showing how a clean energy future is possible at home, and as a net exporter of renewable energy, attracting further investment and ensuring our progress to net zero is environmentally and economically beneficial".

6.5 The Response to Covid-19

6.5.1 The Covid-19 crisis has created an unprecedented economic situation which is likely to have an ongoing impact for many years. Both the UK and Scottish Governments consider that one of the key solutions is a 'green recovery'. A number of documents have been published which outline the economy recovery from the Covid-19 pandemic should be green and fair and this information is provided in Appendix 3 of this Planning Statement. It is submitted that the development of renewable energy projects should be seen as a key part of the green recovery.

6.6 Renewable Energy Policy Conclusions

6.6.1 The international, UK and Scottish contexts set a framework of ambitious targets associated with climate change. If these targets are to be met, and the economy is to decarbonise, then the need for generation of renewable energy is critical, without renewable energy it will not be possible to achieve the targets.

6.6.2 There have been recent wind farm decision's which recognise the importance of the climate emergency which are detailed below.

6.6.3 On 11 December 2020, the Scottish Government issued their decision in respect of Paul's Hill Wind Farm Extension. In the Reporter's Report, it is concluded that there is a change in policy support from renewable energy since SPP was published. Paragraph 8.33 states that the Reporter finds that:

"the support this proposal can draw from SPP has been strengthened by the publication of subsequent policy and strategy documents such as the OWPS and SES. Very recent changes to legislation that commit Scotland to net zero carbon emissions by 2045 add some further support to the proposal, given the clear policy position that on-shore wind energy is a positive contributor to the objective of lower carbon emissions. Further support can be drawn from the clear recognition by the CCC of the need for much greater progress on carbon emissions reduction in the future, which has led to the declaration of a climate emergency."

6.6.4 The Scottish Minsters decision letter states:

"Scotland's renewable energy and climate change targets, energy policies and planning policies are all material considerations when weighing up the proposed development. NPF3, SPP, the Energy Strategy and the Onshore Wind Policy Statement make it clear that renewable energy deployment remains a priority of the Scottish Government. This is a matter which should be afforded significant weight in favour of the proposed development."

6.6.5 The decision letter goes on to state:

"Scottish Government's Energy Strategy and Onshore Wind Policy Statement sets out targets for the increase in the supply of renewable energy. The OWPS in particular reaffirms the vital role for onshore wind in meeting Scotland's energy targets. The statement sets out the Scottish Government's position for the ongoing need for more onshore wind development in locations across Scotland where it can be accommodated. There is also clear support in principle for extending existing sites by making best use of the potential at existing sites."

6.6.6 On 24th March 2021, the Scottish Government issued their decision in respect of Crystal Rig IV Wind Farm. The Scottish Ministers decision letter, approving the application, outlines:

"NPF3, SPP, the Energy Strategy and the Onshore Wind Policy Statement make it clear that renewable energy deployment remains a priority of the Scottish Government. This is a matter which should be afforded significant weight in favour of the proposed Development."

6.6.7 The decision letter also outlines *"The seriousness of climate change, its potential effects and the need to cut carbon dioxide emissions, remain a priority for the Scottish Ministers."*

6.6.8 Recent UK and Scottish Government policy has been clear that the role of onshore wind is demonstrably stronger than that stated in the NPF and SPP which were both published in 2014. The increased importance of the contribution that onshore wind, as part of renewable energy, is expected to make to meeting future energy needs and targets has to be recognised.

6.6.9 The Scottish Government are looking for an additional 8-12 GW of onshore wind to be installed in Scotland by 2030. This is only 8 years away and is a substantial task which should not be underestimated.

6.6.10 It is therefore concluded significant weight should be afforded to energy and climate change policy.

7 Scottish Renewable Energy and Carbon Reduction Targets

7.1 Introduction

7.1.1 This Chapter of the Planning Statement outlines the Scottish renewable energy and carbon reduction targets, the latter of which are set in law and the progress that has been made towards these.

7.1.2 The key targets are:

- The equivalent of 50% of the energy for Scotland's heat, transport and electricity consumption to be supplied from renewable sources[7] by 2030.
- 100% reduction in GHG emissions to net zero by 2045, at the latest with interim targets for reductions of at least 56% by 2020, 75% by 2030, and 90% by 2040, which is set by the Climate Change (Scotland) Act 2009 as amended by the Climate Change (Emissions Reduction Targets) Scotland) Act 2019. The Climate Change (Scotland) Act 2009, as amended also includes annual target figures.

7.2 Progress to the Scottish Renewable Energy & Greenhouse Gas Targets

7.2.1 Whilst the electricity sector is largely decarbonised in Scotland, it is recognised that additional renewable electricity generation is required to meet the demand which is expected to significantly increase as a result of the decarbonisation of heating and transport during the next decade.

7.2.2 The progress towards the targets is detailed below:

- In 2020, 25.4%[8] (provisional figure) of total Scottish energy consumption was from renewables, demonstrating here is a long way to go in the next eight years to achieve 50% by 2030.
- The annual emissions reduction targets have not been achieved since the Climate Change (Emissions Reduction Targets) (Scotland) Act 2019 was passed. In 2018, the emissions reduction achieved was 50% while the target was 54%, and in 2019 the emissions reduction achieved was 51.5%[9] while the target was 55%.

7.2.3 In 2011, The Scottish Government also set a target for the equivalent of 100% of Scotland's gross electricity consumption to be from renewable sources by 2020. The date to achieve

[7] Scottish Government, Scottish Energy Strategy, December 2017

[8] Scottish Government, Energy Statistics for Scotland Q3 2021 Figures, December 2021

[9] Scottish Government, An Official Statistics publication for Scotland, Scottish Greenhouse Gas Emissions 2019

this target has now passed, however the latest energy statistics from the Scottish Government demonstrate this target was not met, with 98.6%[10] of all electricity used in Scotland coming from renewable sources.

7.2.4 These targets are important relevant considerations and should be afforded significant weight in the decision-making process. This approach is supported in a number of decisions including the Arecleoch Wind Farm Extension (Reference: WIN-370-2) where the Reporter in the Report to the Scottish Ministers stated that:

"9.67. We find that, within the context of the climate change emergency and Covid-19 recovery, national and UK energy policy provide unequivocal support for renewable energy development, of which onshore wind farms are one component. We do not consider that this policy support is dependent on the applicant providing detailed evidence on the specific contribution the proposal would make to climate change objectives. Given that renewable energy targets are not a cap, we consider that this policy support applies even if (as indicated by some objectors), there is sufficient capacity in the pipeline of consented windfarms to meet current targets. In the same context, the fact that some consented schemes are not being implemented is not a relevant consideration for this application.

9.68 We conclude that the increasing importance of tackling climate change and strong policy support for renewable energy is a matter of significance in favour of the proposal."

7.3 Conclusions on Targets

7.3.1 The renewable energy and carbon reduction targets are not being met and as the targets increase, the shortfall will rapidly increase unless action is taken. The increase in renewable energy production is a key part of the solution towards net zero.

7.3.2 The Proposed Development would make a valuable contribution to meeting the Scottish interim target of a 75% reduction in carbon emissions by 2030. It is considered this contribution to carbon emissions reduction should be afforded significant weight in the decision-making process.

8 Planning Policy

8.1 Introduction

8.1.1 This Chapter of the Planning Statement considers the relevant national planning policy and the Development Plan.

8.1.2 National planning policy is contained in The National Planning Framework (NPF3) and Scottish Planning Policy (SPP). These documents both date from 2014 and, although they contain the most recent statements of national planning policy, are dated.

8.1.3 The draft NPF4 has now been published and is currently being consulted upon at the same time as being scrutinised by the Scottish Parliament. The draft NPF4 will be a relevant

[10] Scottish Government, Energy Statistics for Scotland Q3 2021 Figures, December 2021

consideration in the determination of the application, however it is recognised the weight to be attached will be limited at this stage.

8.2 National Planning Framework 3 (2014)

8.2.1 NPF3 was laid before the Scottish Parliament on 23rd June 2014 and sets the context for development planning in Scotland. It is a long term strategy for Scotland and provides a framework for the spatial development as Scotland as a whole.

8.2.2 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.

8.2.3 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.

8.2.4 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 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.

8.2.5 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.

8.2.6 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.

8.2.7 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.

8.3 Draft National Planning Framework 4

8.3.1 The draft NPF4 was published by the Scottish Government for consultation (following the Position Statement published in November 2020) and at the same time laid in Parliament on 10th November 2021. Once adopted, which is expected during 2022, it will form part of the Development Plan.

8.3.2 The draft NPF4 sets out an overarching spatial strategy for Scotland which includes priorities, spatial principles and action areas, it outlines proposed national developments, sets out detailed policies for the development and use of land and outlines how the Scottish Government will deliver the strategy.

8.3.3 The site is located within the Northern revitalisation action area for Scotland 2045. The Scottish Government recognise *"This part of Scotland can make a strong contribution towards meeting our ambition for a net zero and nature positive country by demonstrating how natural assets can be managed and used to secure a more sustainable future."*

8.3.4 The draft NPF4 has proposed that all electricity generation of 50MW or more is classed as a national development *"12. Strategic Renewable Electricity Generation and Transmission Infrastructure."* The Scottish Government recognise *"A large increase in electricity generation from renewable sources will be essential for Scotland to meet its net zero emissions targets."*

8.3.5 The Need Statement for the National Development states *"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."*

8.3.6 Part 3 of the draft NPF4 contains a number of draft policies, which may be subject to revision as part the consultation process, therefore it is considered limited weight can be afforded to them at this stage. Draft Policy 2: Climate Emergency outlines *"when considering all development proposals* ***significant weight should be given to the Global Climate Emergency****…"*

8.3.7 In relation to green energy, the draft NPF4 outlines:

"we want our places to support continued expansion of low-carbon and net zero energy technologies as a key contributor to net zero emissions by 2045. Scotland's energy sector has a significant role to play in reducing carbon emissions and contributing to a green, fair and resilient economic recovery. A wide range of renewable technologies are capable of delivering these benefits, although it is likely the onshore wind sector will play the greatest role in the coming years…"

8.3.8 Draft Policy 19: Green Energy outlines that *"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."*

8.3.9 Section 3A(3)(c) of the amended Town and Country Planning (Scotland) Act 1997 directs that NPF4 must contribute to a series of six outcomes, of which, meeting targets for emissions of GHGs is one (outcome (e)) and of particular relevance to the Proposed Development.

8.3.10 The Scottish Government's response to the outcomes is detailed in Annex A. In response to meeting the targets for the reduction of emissions of GHGs *"Scottish Ministers consider that development of land supported by the policies and proposals in the NPF will contribute to this outcome by placing the global climate emergency at the heart of our strategy which addresses both emissions reduction and adoption. Policy 2: Climate emergency states that when considering all development proposals significant weight should be given to the Global Climate Emergency."*

8.3.11 The drat NPF4 demonstrates the Scottish Government's strong support for renewables and the importance of the global climate emergency.

8.3.12 Whilst only limited weight can be placed on the draft policies of the draft NPF4 at this stage, the statutory outcomes are set in law and are not being consulted upon.

8.4 Scottish Planning Policy (2014)

8.4.1 Scottish Planning Policy (SPP) was published on 23 June 2014. The purpose of SPP is to set out national planning policies which reflect the Scottish Ministers' priorities for the operation of the planning system, and for the development and use of land. Paragraph (iii) states that the content of SPP is a material consideration that carries significant weight.

SPP Vision

8.4.2 The introduction of SPP sets out planning outcomes which are designed to explain how planning should support the vision of the SPP. Three of the four are considered to be relevant to the consideration of the Proposed Development. These are:

- Outcome 1: A successful sustainable place;
- Outcome 2: A low carbon place; and
- Outcome 3: A natural resilient place

8.4.3 Outcome 2 is perhaps the most relevant and it explains that NPF3 will facilitate the transition to a low carbon economy, particularly by supporting diversification in the energy sector. However, it is recognised the policy position has now shifted from a transition to a low carbon economy to achieving a net zero economy by 2045.

SPP Principal Policies

8.4.4 SPP sets out two Principal Policies – Sustainability and Place Making. In the context of sustainability paragraph 24 states that: *"The Scottish Government's central purpose is to focus government and public services on creating a more successful country, with*

opportunities for all of Scotland to flourish, through increasing sustainable economic growth." Where sustainable economic growth is defined as: *"building a dynamic and growing economy that will provide prosperity and opportunities for all, while ensuring that future generations can enjoy a better quality of life too".*

8.4.5 Paragraph 27 cross refers to the Government's Economic Strategy which *"indicates that sustainable economic growth is the key to unlocking Scotland's potential … and to achieving a low carbon economy …"*. It also makes reference to the need to maintain a high quality environment and to pass on *"a sustainable legacy for future generations".*

8.4.6 The principle of shared ownership is supported by SPP. SPP advises that:

"Net economic benefits are considered to be a material planning consideration."

8.4.7 This is in keeping with the Scottish Government Good Practice Principles for Shared Ownership of Onshore Renewable Energy Developments, page 24 where it is clear that *"If the development is to receive planning permission, it should be acceptable in planning terms and without taking into consideration the shared ownership element".*

8.4.8 Paragraph 4 of SPP is clear that the planning service should seek to focus on outcomes, maximising benefits and balancing competing interests.

8.4.9 SPP creates a presumption in favour of development that contributes to sustainable development. Sustainable development is focussed on throughout the SPP. 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 the 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."*

8.4.10 Paragraph 29 of SPP advises that planning policies and decisions should be guided by a number of principles which are detailed in Appendix 4 of the Planning Statement.

8.4.11 Under the heading Development Management, Paragraph 32 of SPP states, *"the presumption in favour of sustainable development does not change the statutory status of the Development Plan as the starting point for decision-making. Proposals that accord with up-to-date plans should be considered acceptable in principle and consideration should focus on the detailed matters arising."*

8.4.12 The application is not a planning application therefore the Development Plan does not have the same statutory status as it does under the Town and Country Planning (Scotland) Act 1997.

8.4.13 Appendix 4 of the Planning Statement sets out how the Proposed Development is in compliance with the relevant SPP sustainable development principles.

SPP A Successful, Sustainable Place - Valuing the Historic Environment

8.4.14 SPP recognises the importance of the historic environment and cultural heritage. Of relevance to the Proposed Development are paragraphs 145 and 150. The predicted effects on cultural heritage and archaeology are considered in Table 9.1.

SPP A Low Carbon Place

8.4.15 The importance that the role of NPF3 places on the transition to a low carbon economy is highlighted in paragraph 152. Paragraph 153 of SPP advises that terrestrial planning facilitates the development of renewable energy technologies, links generation with consumers and guides new infrastructure to appropriate locations. It advises that efficient supply of low carbon and low cost generation of electricity from renewable resources are vital to reducing GHGs. It also advises that renewable energy presents a significant opportunity for associated development, investment and growth in the supply chain.

8.4.16 In Paragraph 154 the SPP states (inter alia) that:

"The planning system should:

- support the transformational change to a low carbon economy, consistent with national objectives and targets[63], including deriving:
  - 30% of overall energy demand from renewable sources by 2020*;
  - 11% of heat demand from renewable sources by 2020; and
  - the equivalent of 100% of electricity demand from renewable sources by 2020;
- support the development of a diverse range of electricity generation from renewable energy technologies - including the expansion of renewable energy generation capacity - and the development of heat networks;
- guide development to appropriate locations and advise on the issues that will be taken into account when specific proposals are being assessed;"

8.4.17 Footnote 63 advises *"that further targets may be set in due course, for example district heating targets have been proposed"* and it should be noted that the Scottish Government now have a target of 50 % of overall energy demand to be met from renewable sources by 2030.

8.4.18 The targets referenced previously highlight the age of the document, as these targets have been revised and are now out of date. However, the overall meaning remains valid, and it sets out a clear Scottish Government policy principle for the planning system as a whole.

SPP Onshore Wind Spatial Framework

8.4.19 Onshore wind is specifically addressed at Paragraph 161, of SPP. Table 1: Spatial Frameworks of the SPP (as replicated below) identifies three separate 'Groups' to help local planning authorities develop spatial frameworks for encouraging wind farm development.

Table 8.1 SPP Spatial Framework

Spatial Framework approach
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.

National and International designations: • World Heritage Sites; • Natura 2000 and Ramsar sites; • Sites of Special Scientific Interest; • National Nature Reserves; • Sites identified in the Inventory of Gardens and Designed Landscapes; • Sites identified in the inventory of Historic Battlefields.	Other nationally important mapped environmental interests: • Areas of wild land as shown on the 2014 SNH map of wild land areas; • Carbon rich soils, deep peat and priority peatland habitat.	Community separation for consideration of visual impact: • An area not exceeding 2km around cities, towns and 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.

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.

8.4.20 The consideration of the Proposed Development in terms of the spatial framework is provided in Chapter 9 of the Planning Statement.

SPP criteria set out in Paragraph 169

8.4.21 The SPP states that local development plans should set out the criteria that will be considered in deciding all applications for proposals for energy developments of different scales. It is noted, at paragraph 169 of SPP, that considerations will vary, relative to the scale of the proposal and area characteristics but are likely to include the 19 criteria set out in paragraph 169 of the SPP. These are detailed in Table 9.1 of the Planning Statement. These criteria cover and go beyond the matters which are identified in Schedule 9 for consideration in S36 applications.

8.4.22 Table 9.1 in Chapter 9 of the Planning Statement summarises the key findings of the environmental effects of the Proposed Development. This draws on the EIA Report submitted as part of the application. This demonstrates that the matters referred in Schedule 9 of the 1989 Act have been considered by the applicant. Chapter 9 of the Planning Statement considers the technical tests for the Proposed Development and for ease of reference they are ordered as per the 19 criteria set out in SPP paragraph 169.

SPP – A Natural, Resilient Place

8.4.23 Paragraph 193 states *"Planning plays an important role in protecting, enhancing and promoting access to our key environmental resources, whilst supporting their sustainable use."* Policies of relevance to the Proposed Development are Valuing the Natural Environment and Managing Flood Risk and Drainage. An assessment of the Proposed Development is provided in Table 9.1 in Chapter 9.

8.4.24 With respect to Wild Land, Paragraph 200 states *"Wild land character is displayed in some of Scotland's remoter upland, mountain and coastal areas, which are very sensitive to any form of intrusive human activity and have little or no capacity to accept new development."* The predicted effects of the Proposed Development on Wild Land are considered in Table 9.1.

8.5 The Development Plan

8.5.1 It is recognised the statutory presumption in relation to the Development Plan is not triggered in S36 applications (see Appendix 1 of this Planning Statement), however it is an important relevant consideration in the decision-making process.

8.5.2 The Development Plan for the Proposed Development is the Highland-wide Local Development Plan (HwLDP) (2012), with additional guidance in relation to onshore wind energy provided in the Onshore Wind Energy Supplementary Guidance (OWESG) and the Caithness and Sutherland Local Development Plan (CaSPlan) (2018).

8.5.3 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.

Highland Wide Local Development Plan (April 2012)

8.5.4 THC adopted the HwLDP in April 2012, the HwLDP is accompanied by OWESG adopted in November 2016, with an addendum in December 2017. This provides further detail and guidance on the policies within the LDP, and where necessary supplements these with additional policy requirements. Both the HwLDP and OWSEG are dated but the key policy in the HwLDP in respect of the Proposed development is considered to remain relevant.

8.5.5 The vision set out in the HwLDP is as follows:

"By 2030, Highland will be one of Europe's leading regions. We will have created sustainable communities, balancing population growth, economic development and the safeguarding of the environment across the area, and have built a fairer and healthier Highlands."

8.5.6 In land use planning terms, the following are noted:

"ensuring that development of renewable energy resources are managed effectively with clear guidance on where renewable energy developments should and should not be located;

ensuring that the special quality of the natural, built and cultural environment in Highland is protected and enhanced;

taking a lead in reducing the amount of greenhouse gases released into the air, adapted to the effects of climate change and limited the amount of non renewable resources development uses;

providing opportunities which encourage economic development and create new employment across the area focusing on the key sectors of life sciences, energy, tourism, food and drink, higher education, inward investment, financial and business services, creative industries, aquaculture and renewable energy, whilst at the same time improving the strategic infrastructure necessary to allow the economy to grow over the long term;"

8.5.7 It is considered Policy 67: Renewable Energy Development is the key policy in relation to the Proposed Development which 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."*

8.5.8 The full text of Policy 67 is provided in Appendix 5.

8.5.9 The Policy is supportive of windfarm development subject to the satisfaction of the criteria outlined in Appendix 5 of the Planning Statement. These criteria are broadly consistent with SPP and an assessment against these criteria is provided in Chapter 9 of this Planning Statement.

8.5.10 The following policies of HwLDP are also considered to have some relevance to the Proposed Development:

- Policy 28 Sustainable Design
- Policy 51 Trees and Development
- Policy 52 Principle of Development in Woodland
- Policy 53 Minerals
- Policy 55 Peat and Soils
- Policy 57 Natural, Built and Cultural Heritage
- Policy 58 Protected Species
- Policy 59 Other Important Species
- Policy 60 Other Important Habitats
- Policy 61 Landscape
- Policy 63 Water Environment
- Policy 64 Flood Risk
- Policy 66 Surface Water Drainage
- Policy 69 Electricity Transmission Infrastructure

- Policy 72 Pollution
- Policy 77 Public Access

8.5.11 The policies are contained in full in Appendix 5 of this Planning Statement for reference. An assessment of the Proposed Development in the context of these policies is contained in Chapter 9 of this Planning Statement.

Onshore Wind Energy Supplementary Guidance, November 2016 (with addendum, December 2017)

8.5.12 Supplementary Guidance forms part of the Local Development Plan. The relevant Supplementary Guidance pertaining to the Proposed Development is the Onshore Wind Energy Supplementary Guidance (amended 2017) (OWESG). The OWESG was adopted in November 2016. The SG sets out a range of matters that the Council will consider when determining wind farm applications including landscape, aviation interests, roads, peat, and tourism. The SG contains a spatial framework for onshore wind energy development that applies to all wind energy development proposals.

8.5.13 The spatial framework presented in the OWESG classifies the site as a Group 2 location due to the site being underlain by Class 1 and Class 2 peatland. A series of peat surveys have been undertaken and informed the design process. This has ensured that tracks and crane pads are proposed to be located in areas with less than 1 m in depth, with tracks for the most part in areas with peat depth of less than 1.5 m. A Peat Slide Risk Assessment and OPMP have been prepared as part of the EIA Report. The OPMP indicates that there would be a balance in peat volumes and that all peat excavated for construction would be reused within the Proposed Development or within the wider Dalnessie Estate, either for reinstatement or peatland restoration.

8.5.14 The OWESG contains an Addendum SG 'Part 2b' (December 2017). Part 2b contains two landscape sensitivity appraisals for Black Isle, Surrounding Hills and Moray Firth Coast and Caithness. The site is situated within the Caithness study area. The Caithness Landscape Character Area Map identifies that the site is situated within Landscape Character Area CT3 Sweeping Moorland and Flows.

8.5.15 In 2019 SNH (now NatureScot) made available via their website an updated national Landscape Character Assessment (LCA) for Scotland. This LCA has been used to inform the assessment in Chapter 6 LVA of the EIA Report. The south-western part of the turbine area is classified as Sweeping Moorland and Flows (134) LCT, while the north-eastern part is classified as Rounded Hills (135) LCT.

8.5.16 The OWESG sets out key development plan considerations as follows:

- Siting and Design of Wind Turbines and Wind Farms;
- Landscape and Visual Effects;
- Safety and Amenity at Sensitive Locations;
- Safety of Airport, Defence and Emergency Service Operations;
- Operational Efficiency of Other Communications;
- Operational Efficiency of Wind Energy Developments;

- The Natural and Historic Environment;
- The Water Environment;
- Peat;
- Trees and Woodland;
- Tourism and Recreation;
- Public Access;
- Traffic and Transport Interests;
- Electricity and Gas Infrastructure;
- Noise Assessment;
- Borrow Pits;
- Mitigation;
- Construction Environmental Management Plans;
- Restoration Bonds;
- and Repowering.

Caithness and Sutherland Local Development Plan (CaSPlan

8.5.17 The CaSPlan was adopted in August 2018. There are no policies which are considered relevant to the Proposed Development. There are certain paragraphs which have relevance to the Proposed Development, which include:

- Paragraph 80 – "*The Council is committed to working with communities, businesses and partners to mitigate our impact on climate change by reducing greenhouse gas emissions, maximising renewable energy contributions, taking steps to adapt to the unavoidable impacts of a changing climate and to working with communities to respond to climate change*."
- Paragraph 82 – "*The area also has a substantial renewable energy resource, with onshore wind and hydro energy sectors well established and offshore and marine energy developments currently emerging*."

8.6 Scottish Government Planning Guidance

8.6.1 The Scottish Government provides advice and guidance for planning applications which has relevance to wind farm development. This Guidance is for planning applications and covers many of the issues that have been identified in the context of renewable energy policy, the Development Plan, NPF and SPP and is, therefore, not set out in this Planning Statement.

SNH - Spatial Planning for Onshore Wind Turbines – Natural Heritage Considerations 2015

8.6.2 In June 2015, SNH published Spatial Planning for Onshore Wind Turbines – natural heritage considerations. This guidance document focuses on providing advice in developing spatial

frameworks for wind energy developments. The guidance is aimed at planning authorities and, whilst the document does not set out any new policy positions or technical requirements for applicants, it does highlight the importance of natural heritage considerations and provides links to existing policy and guidance documents.

Historic Environment Policy for Scotland (HEPS)

8.6.3 The HEPS contains Scottish Ministers' policies and provides direction for Historic Environment Scotland and policy frameworks. HEPS is a policy statement directing decision-making that affects the historic environment. It is non statutory, which means that it is not required to be followed as a matter of law or statute. It is relevant to a wide range of decision-making at national and local levels. It is a material consideration for planning proposals that might affect the historic environment.

8.6.4 HEPS sets out a number of policies and core principles which set out Historic Environment Scotland's understanding of how the historic environment should be managed and how to apply these principles. The principles contained in the document are the fundamental ideas that underpin desirable and positive outcomes for the historic environment. The principles are the basis for the policies outlined in the document and the policies describe how the principles should be implemented.

8.6.5 The predicted effects on cultural heritage and archaeology are considered in Table 9.1 in Chapter 9 of the Planning Statement.

9 Planning Assessment

9.1 Introduction

9.1.1 The decision-making framework is clear that the decision maker in the case of this S36 application should have regard to a number of matters. These include the following:

- Schedule 9 of the 1989 Act.
- Climate change and renewable energy policy and contribution to renewable energy targets.
- Planning Policy.

9.1.2 These matters are considered below.

9.2 Schedule 9 of the 1989 Act

9.2.1 The EIA Report submitted with the application demonstrates the applicant's compliance with the requirements set out in Schedule 9 of the 1989 Act. Chapter 2 Proposed Development of the EIA Report describes the design evolution process which has been undertaken. The Proposed Development has gone through four principal iterations which have been developed through the project design process. The final design represents a layout which minimises impacts on the cultural heritage assets on site, the height of turbines – T12, T13, T14 and T15 were reduced from 200 m to 180 m to blade tip which reduces the magnitude of the landscape and visual impacts on key views, particularly from Lairg and views from the Ben Klibreck – Armine Forest WLA and avoids areas of deep peat.

9.2.2 The EIA Report has thoroughly assessed the matters which are raised in Schedule 9 and where appropriate has proposed mitigation which is detailed within the EIA Report in Technical Appendix 2.1: Summary of Environmental Commitments.

9.2.3 The EIA has also considered matters which are not covered by Schedule 9 including noise and vibration, traffic and transport, aviation and radar, socio-economics and climate change. It is submitted that for the Proposed Development the requirement to have regard to the preservation of matters stated in Schedule 9 has been met and that the requirement to reasonably mitigate effects has also been met through the EIA process.

9.2.4 The only residual significant effects relate to limited landscape and visual effects which would be the case for any commercial scale wind farm.

9.2.5 The EIA Report demonstrates the applicant 's compliance with the requirements set out in Schedule 9. As detailed above, the EIA process has a broader topic range as detailed above than that contained in S36 of the 1989 Act. Where significant effects are found as part of the EIA process, appropriate mitigation is proposed. The EIA Report accompanying the application sets out in detail how the applicant has approached the design of the Proposed Development and how careful consideration has been given to the matters set out in Schedule 9. In the circumstances, the applicant has fulfilled the statutory requirements of Schedule 9

9.3 Climate Change and Renewable Energy Policy and Contribution to Renewable Energy Targets

9.3.1 Chapter 6 of this Planning Statement has set out the relevant climate change and renewable energy policy and the weight that should be attached to such matters in the decision-making process. That is not repeated here other than to note that significant weight should be attached to such policy in the decision-making process. The climate change and renewable energy targets are set out in Chapter 7 of this Planning Statement.

9.3.2 The Proposed Development would make a valuable contribution towards the renewable energy targets set out in policy and the GHG emissions reduction required by legislation. The Proposed Development would:

- Have a generating capacity of approximately 96 MW and produce approximately 212 GWh of electricity annually.
- Result in the displacement of approximately 4,461,951 tCO_2e over the proposed 35-year lifetime and is expected to be in net gain by 1.3 years of operation.
- Would assist Scotland and the UK's long term energy security, reducing reliance on energy imports.

9.3.3 Chapters 6 and 7 outline the progress that is needed to meet the targets, in particular the substantial progress that is required to meet the 2030 targets. The Proposed Development has a grid connection in 2027 and therefore is a project which is capable of contributing to these targets.

9.4 Planning Policy

9.4.1 This section of the Planning Statement demonstrates the compliance of the Proposed Development against the planning policy framework set out in Chapter 8 of the Planning Statement.

National Planning Policy

NPF3 2014

9.4.2 A focus of NPF3 was for Scotland to become a world leader in low carbon energy generation, this ambition has now increased with Scotland looking to become net zero by 2045, a target which is set in law. The Proposed Development would make a valuable contribution to these targets.

9.4.3 NPF3 recognises the importance of onshore wind, and this support has been consistent in energy policy published since NPF3, including OWPS and in the draft NPF4 and draft OWPS Refresh.

9.4.4 The Proposed Development is in compliance with NPF3, it would contribute to sustainable economic development which is detailed in Chapter 14 of the EIA Report and is in compliance

with the national spatial strategy, in particular the themes 'A successful, sustainable place' and 'A low carbon place'.

Draft NPF4

9.4.5 As set out in Chapter 8, while only limited weight can be attached the policies within the draft NPF4 at this stage, it demonstrates the ongoing support from the Scottish Government for onshore wind developments. It proposes that all electricity generation of 50 MW or more will be classed as a national development which, if adopted, establishes the principle of developments of this scale, which include the Proposed Development.

9.4.6 While only limited weight can be placed on the draft NPF4 at this stage, the statutory outcomes are set in law and are not being consulted upon. The Proposed Development, through the generation of renewable electricity, would clearly help meet outcome *"(e) meeting any targets relating to the reduction of emissions of greenhouse gases, within the meaning of the Climate Change (Scotland) Act 2009, contained in or set by virtue of that Act."*

SPP 2014

9.4.7 SPP introduces a presumption in favour of development that contributes to sustainable development and sets out a number of principles in paragraph 29, which development should be guided by to achieve the overall aim of the right development in the right place.

9.4.8 Appendix 4 of the Planning Statement demonstrates how the Proposed Development satisfies the relevant principles in paragraph 29 of the SPP. This demonstrates the Proposed Development to be a sustainable development.

9.4.9 The Proposed Development would make a valuable contribution to the targets set out in paragraph 154 which have since been increased by the Scottish Government.

9.4.10 Table 1 of the SPP outlines the spatial framework approach for onshore wind. In the Highland Council area the OWESG provides the spatial framework for onshore wind. The Proposed Development site is shown as within a Group 2 area due to mapped Class 1 and Class 2 peatlands. However, a series of peat surveys have been undertaken which have informed the design of the Proposed Development. The majority of infrastructure is proposed to be located on areas of peat depth of less than 1 m. The OPMP has identified that there would be a balance in peat volumes and that all peat excavated for construction would be able to be reused within the Proposed Development or within the wider Dalnessie Estate. The project level assessment is more relevant than the Strategic Carbon and Peatland 2016 map and this is supported by the decision on the Blarghour Wind Farm (Reference: WIN 130-4) where Scottish Ministers concluded they *"are therefore satisfied that although the proposed Development is sited in an area where priority peatland habitat is present, it has been demonstrated that significant effects on the qualities of peatland habitat are able to be substantially overcome by siting, design and the controls which have been imposed by conditions on the construction methods and future land management."* It is therefore considered the Proposed Development is acceptable in relation to the Spatial Framework.

9.4.11 The design layout of the Proposed Development has evolved during the design process, and the final layout is one which minimises impacts on the environment while maximising the

efficiency of the site in terms of renewable energy output. This is shown with the limited significant effects predicted in the EIA Report, which are restricted to landscape and visual.

9.4.12 The Proposed Development is considered to be a sustainable development, it has been designed to avoid areas of deep peat and therefore is, in effect, a Group 3 Area. The only residual significant effects identified in the EIA Report are related to landscape and visual which would be the case for any commercial scale wind farm. It has therefore been demonstrated the Proposed Development is the right development in the right place.

9.4.13 Table 9.1 below provides an assessment in relation to the criteria in paragraph 169 of the SPP.

9.4.14 It is therefore considered the Proposed Development is in compliance with SPP.

Planning Policy Assessment

9.4.15 Table 9.1 below considers the criteria which are relevant considerations for wind farm development which are contained in paragraph 169 of SPP, HwLDP and OWESG. This draws on the EIA Report submitted as part of the application. This demonstrates that the matters referred in Schedule 9 of the 1989 Act have been considered by the applicant. This section of the Planning Statement considers the technical tests for the Proposed Development and for ease of reference they are ordered as per the 19 criteria set out in SPP paragraph 169. These criteria are broadly consistent with the criteria set out in Policy 67 Renewable Energy Developments of the HwLDP and OWESG.

Table 9.1 SPP Paragraph 169, HwLDP Policy and OWESG Review

Criteria / Policy	Response
SPP Net Economic Impact HwLDP Policy 67 OWESG	Chapter 14 of the EIA Report provides information on the economic impact of the Proposed Development. The key findings are: • The expected capital expenditure for the development and construction stages of the Proposed Development is estimated at £146.9 million. It is estimated that Lairg and the Highlands could secure contracts worth up to £17.6 million and Scotland is estimated to be able to receive contracts worth up to £54.2 million. • During construction, the Proposed Development is estimated to support 52 jobs within Lairg and the Highlands and 158 within Scotland. This would result in an estimated £7.2 million GVA within Lairg and the Highlands and £21.8 million within Scotland. • During the operation of the Proposed Development is estimated to support 21 jobs within Lairg and the Highlands and 28 within Scotland. The Proposed Development would result in beneficial socio-economic effects. In addition, the applicant has committed annual community funding of £5,000 per MW installed during the operational life of the Proposed Development. Based on a total installed capacity of around 100 MW this would equate to approximately £17.5 million over the proposed 35 year operational period. It is therefore considered the Proposed Development is in compliance with SPP, HwLDP and OWESG on the subject of net economic impact.
SPP Contribution to Renewable Energy Generation Targets HwLDP polices 28 and 67 OWESG	The Proposed Development would make a considerable contribution to the renewable energy targets set by both the UK and Scottish Governments as set out in Chapters 6 and 7 of the Planning Statement. The Proposed Development would have a capacity of around 96 MW and would produce approximately 212 GWh of renewable electricity annually. This equates to the power consumed by approximately 54,396 average households in Scotland per year. This contribution should be afforded significant weight in the decision-making process. It is therefore considered the Proposed Development is in compliance with HwLDP and OWESG on the subject of contribution to renewable energy generation targets.
SPP Effect on Greenhouse Gas Emissions HwLDP policies 28 67 OWESG	Chapter 16 Climate Change Mitigation of the EIA Report outlines the GHG emissions associated with the Proposed Development are predicted to be offset 1.3 years after the Proposed Development becomes operational (against a fossil fuel mix of electricity). The Proposed Development is predicted to deliver total emissions savings of 4,461,951 tCO_2e, based on a 35% capacity factor over its 35 year operational lifetime. The Proposed Development would make a considerable contribution to the reduction of GHG emission targets which are legally binding. The overall emissions impact is considered to represent a significant beneficial and long-term climate change effect. It is therefore considered the Proposed Development is in compliance with SPP, HwLDP and OWESG on the subject of greenhouse gas emissions.
SPP Cumulative Impacts HwLDP Policy 67	The cumulative impact of the Proposed Development has been considered as part of the EIA process. In particular it has been considered in the context of landscape, archaeology, ecology, ornithology, and noise in Chapters 6, 7, 8, 9 and 11 of the EIA Report.

OWESG	Landscape Chapter 6 Landscape and Visual Assessment of the EIA Report has assessed the cumulative landscape and visual impact of the Proposed Development with other wind farm developments within a 45 km radius study area. The other wind farms considered are detailed in Chapter 6 of the EIA Report and not repeated here. The cumulative assessment focused on the assessment of 'additional' cumulative effects, i.e. the effect of adding the Proposed Development to a baseline of other built or unbuilt wind farms. No significant 'additional' cumulative effects are predicted. Archaeology Chapter 7 of the EIA Report concluded that no cumulative impacts are predicted as no impacts resulting from change in the setting of heritage assets are predicted. Ecology and Ornithology Chapters 8 and 9 of the EIA Report have considered the potential for cumulative effects as a result of the Proposed Development. In terms of ecology, the cumulative effects of the proposed Strath Tirry Wind Farm and the Proposed Development were assessed. It was determined the only potential for cumulative effects were on bats (construction and operation) and the loss and modification of Annex I habitats (construction). Given the implementation of the 50 m buffer between blade tip and key bat features and the lack of potential bat roost features identified at both schemes Chapter 8 of the EIA Report concludes there would be no significant cumulative effect. Given the adoption of a HMP to restore and enhance Annex 1 habitats at the Proposed Development, construction cumulative effects with the proposed Strath Tirry Wind Farm on Annex 1 habitats are considered highly unlikely and determined to be not significant. In terms of ornithology, Chapter 9 of the EIA Report has considered the potential for a cumulative effect to golden eagle and hen harrier. The assessment concludes that the overall cumulative collision mortality risk to both species would be not significant. Noise Chapter 11 Noise of the EIA Report has considered the potential cumulative operational noise effects of the Proposed Development with the proposed Strath Tirry Wind Farm (other more distance wind farms were not considered as their potential noise contribution was considered negligible). It has been assessed that cumulative operational noise effects can be considered negligible and therefore not significant. Summary of Cumulative Impacts The assessment undertaken as part of the EIA demonstrates there would be no significant cumulative impacts. It is therefore concluded that the Proposed Development is in compliance with SPP, HwLDP and OWESG on the subject of cumulative impacts.
SPP Impacts on Communities and Individual Dwellings	Economic Impact The Proposed Development offers the opportunity for economic benefit to the local community. The Proposed Development will result in the creation of jobs. Chapter 14 of the EIA Report estimates the construction phase of the Proposed Development could result in 52 jobs

HwLDP policies 28 and 67
OWESG

within Lairg and the Highlands. This would result in an estimated (gross value added) GVA of £7.2 million. In addition, it is estimated that between 15.6 and 26 indirect/induced jobs would be created within Lairg and the Highlands, resulting in an estimated GVA of between £2.2million to £3.6 million.

The applicant has committed to annual community funding of £5,0000 per MW during the operational life of the Proposed Development which would be around £500,000 per year (based on a total installed capacity of around 100 MW). This would equate to approximately £17.5 million over the 35 year lifetime.

Landscape – Residential Visual Amenity
Some significant landscape and visual effects, as a result of any proposed renewable energy development incorporating wind turbines, are unavoidable. Wind turbines proposed within 2 km of residential properties have the potential to cause significant visual effects on properties. This, however, is not necessarily unacceptable as there is a long held planning principle that there is no right to a view from a private property and each development needs to be considered on its respective merits. With residential amenity the issue is, therefore, not simply that there is a significant effect on a property, but rather is that effect such that the property would become an unacceptable place to live because its amenity is so degraded by the presence of the proposed wind turbines.

This approach, which is often referred to as the Lavender Test, after the Inspector who formulated it, has been applied in a number of decisions relating to English cases and is articulated in a number of Scottish Reporters' and Ministers' decisions relating to windfarms. In the case of the Windy Edge Appeal Decision (Reference PPA-140-2055, June 2016) the Reporter stated:
"*I think it is important to differentiate between the general landscape and visual impacts which local residents would experience and the particular impacts on any individual property. A significant change to a view is not necessarily harmful in planning terms. It is more than a significant change to a view or that any individual resident would prefer not to live near a wind farm. The visual impact would have to be excessively dominant*."

In their Report on the proposed Fauch Hill/Harburnhead Windfarms (Reference PPA-400-2084 and EC00003190 respectively, July 2014) the Reporters stated that "*the generally agreed guidance on the level of visual impact is known as the Lavender Test which assesses whether a property would become an unacceptable place to live because of the development*."
In their decision in relation to the proposed Afton Windfarm (Reference EC00003134, October 2014) the Scottish Ministers advised that they considered that *"the development would not result in any over bearing visual effects on residential amenity to a degree that any property might be considered an unattractive place in which to live."*

Chapter 6 LVA of the EIA Report has undertaken an examination of effects on views from residential properties within 2 km of the nearest wind turbine of the Proposed Development. This is limited to the small property cluster at Dalnessie. There are two residential properties at Dalnessie, the estate manager's house to the west and the lodge (financially involved) to the east. The Proposed Development will be visible in views to the north west at a distance of just over 1.5 km. The proposed turbines will be visible in views from the surroundings of the properties and on approach along the access track. Views from the properties themselves will be secondary, with outbuildings in close proximity providing a level of screening. This will be more so from ground level windows in the lodge house.

Chapter 6 of the EIA Report assesses that while the Proposed Development would result in significant visual effects, the distance; secondary nature of views towards the Proposed Development; level of screening provided by the outbuildings; and orientation of primary views (south east along River Brora) which would remain unaltered is that such effects are not judged to breach the residential visual amenity threshold[11] of becoming an unattractive place in which to live.

Landscape and Communities

Chapter 6 LVA of the EIA Report has considered the impact of the Proposed Development on settlements. In relation to the OWESG criterion 1, Chapter 6 notes there would be no significant visual effects on settlements, as defined in the HwLDP. Visibility from the core of the settlement of Lairg is very limited, with rising ground to the north of the settlement screening views north to the Proposed Development.

Traffic

Chapter 12 Traffic and Transportation of the EIA Report considers the impact of the Proposed Development on the local community. A CTMP would be in place and an outline CTMP has been prepared and is detailed in EIA Report Technical Appendix 12.2 An Abnormal Load Traffic Management Plan (ATMP) would be prepared to cater for all movements to and from the site. With the implementation of mitigation no significant effects are predicted.

Private Water Supplies

The potential effect of the Proposed Development on private water supply has been assessed in Chapter 10 Geology, Hydrogeology, Hydrology and Peat of the EIA Report. One private water supply has been identified that has the potential to be at risk from the Proposed Development. The private water supply source is a borehole housed within an enclosed building with fully protected headworks. The only proposed construction works within 250 m are track construction and trackside drainage, both of which involve limited excavation. Chapter 10 of the EIA Report considers there would be a low potential for overland drainage to reach the private water supply building. To prevent risk, all track works within 250 m of the private water supply would have additional surface water and sediment protection measures put in place prior to any groundworks in the area. These are detailed in Chapter 10 of the EIA Report and are not repeated here. With the appropriate mitigation measures in place the likelihood of effect is considered to be unlikely.

Noise

Chapter 11 Noise and Technical Appendix 11.1 Noise Assessment of the EIA Report has assessed the potential impact of the Proposed Development on the nearby properties.

As noted above, there are only two properties located within a 3 km radius from the proposed turbines. Background noise monitoring was undertaken at “Dalnessie” and agreed with THC as being representative of the two properties. Chapter 11 Noise of the EIA Report concludes that with the adoption of mitigation measures (including proposed restriction on some weekend works near Dalnessie) reduce

[11] Landscape Institute, Residential Visual Amenity Assessment (RVAA) Technical Guidance Note 2/19, 15 March 2019

the associated worst-case effects to be minor at most. The effects are therefore negligible to minor and temporary and not significant in EIA terms.
The operational noise levels from the Proposed Development are predicted to be compliant with noise limits derived in accordance with the ETSU-R-97 guidance and also with more stringent alternative noise limits derived in accordance with THC preferences. This could be secured in practice through appropriate planning conditions. The cumulative effects with the proposed Strath Tirry Wind Farm have been concluded to be negligible and not significant.

Shadow Flicker
Chapter 15 Other Issues of the EIA Report has assessed the predicted effect of shadow flicker as a result of the Proposed Development. Two receptors (the residence of the Dalnessie estate manager and Dalnessie Lodge) were identified within the 11-rotor diameter study area. Two scenarios have been assessed, the worst case scenario which does not take into consideration physical intervening objects or environmental and weather elements that may prevent shadow flicker, such as cloud coverage and the realistic scenario which incorporates data on weather patterns in the surrounding area of the Proposed Development. Based on the realistic scenario, no significant impacts are expected, and no mitigation is proposed. Based on the worst-case scenario, mitigation measures are proposed which can be implemented if necessary.

Ice Throw
The risks of ice throw are addressed through the design of the Proposed Development as outlined in Chapter 2 of the EIA Report. In cold weather, ice can build up on blade surfaces when operating. The turbines can continue to operate within a think accumulation of snow or ice but would be shut down automatically when there is a sufficient build up to cause aerodynamic or physical imbalance of the rotor assembly. Many models now include a de-icing technology.

Summary of Impacts on Communities and Individual Dwellings
It is considered the Proposed Development would not result in any unacceptable impacts upon communities and individual dwellings which is as a result of good design parameters which are set out in the EIA Report.

There are only two residential properties within a 3 km radius of the proposed turbines, and it has been assessed that the residential visual amenity threshold would not be breached, impact on private water supply is considered unlikely, the operational noise levels are predicted to be compliant with ETSU-R-97 derived noise limits and THC noise limits and no significant effects are predicted in terms of shadow flicker. A CTMP and ATMP would be in place to mitigate the effects of the Proposed Development.

The Proposed Development would also create employment. The construction phase of the Proposed Development could result in an estimated 52 jobs within Lairg and the Highlands. In addition, the applicant is committed to community funding and based on an installed capacity of around 100 MW, the total community funding would be around £500,000 per year.

It is therefore concluded it has been demonstrated the Proposed Development is acceptable in terms of impacts on communities and individual properties and the Proposed Development is in compliance with SPP, HwLDP and OWESG on the subject of impacts on communities and individual dwellings.

SPP Landscape and Visual Impacts HwLDP policies 28, 61, 67 and OWESG	An assessment of the landscape and visual impacts (LVIA) of the Proposed Development has been undertaken as part of the EIA process. The assessment is provided within Chapter 6 of the EIA Report. The conclusions of the EIA Report in relation to landscape and visual impacts are summarised below. Chapter 6 of the EIA Report includes an appraisal of the Proposed Development against the landscape and visual criteria in OWESG and this not repeated here. Visual Effects No significant effects are anticipated from valued natural and cultural landmarks including Dalchork Bird Hide, Ben Armine, Ben Hee or Ben More Assynt. Chapter 6 of the EIA Report predicts there would be significant visual effects at the following: • The Right of Way, near Dalnessie. Viewpoint 1 is located on a track near a small cluster of buildings at Dalnessie, to the south east of the turbine area. The distance to the nearest turbine is 1.53 km. • A836 near Rhian Bridge. Viewpoint 2 is located on the A836 near Rhian Bridge, which crosses the Abhainn Sgeamhaidh watercourse near a small cluster of properties at Rhian, to the west of the turbine area. The distance to the nearest turbine is 4.43 km. • Saval, Lairg. Viewpoint 3 is located on the minor road to a small cluster of properties at Saval, to the north of Lairg. It is representative of views experience by residents in properties located on higher ground to the north of Lairg with more open views to the north. The distance to the nearest turbine is 7.96 km. • The Ord above Ferrycroft Visitor Centre. Viewpoint 5 is located at the Ord, an archaeological site situated on a small hill to the south west of Lairg. It is representative of views experienced by recreational receptors including visitors to the chambered cairns and hut circles at the Ord, as well as hillwalkers. • Meall nan Con, the highest summit of the Ben Klibreck massif. Viewpoint 8 is located within the Ben Klibreck and Loch Choire SLA and Ben Klibreck – Armine Forest WLA. The judgement in Chapter 6 of the EIA Report is just above the threshold where significant visual effects may be experienced, due to the high sensitivity of the viewpoint. The views in the directions specifically highlighted in the special qualities of the SLA will not be altered. Landscape Character Chapter 6 of the EIA Report has assessed there would be a significant effect on 134 – Sweeping Moorland and Flows LCT and 135 – Rounded Hills LCT for the turbine area and for areas within approximately 5 km and not significant for the wider areas of the LCTs. Landscape Designations The turbine area is not within any designated landscapes, however there are a number of designated landscapes within the 45 km LVIA study area. The majority were scoped out of the EIA assessment due to having very limited theoretical visibility, very limited theoretical visibility and largely beyond distances of between 20 km to 40 km. Ben Klibreck and Loch Choire SLA which is situated approximately 5 km to the north of the proposed turbines at its closest point. There would be no direct effects on the special qualities of the SLA, including

the large scale, open and exposed landscape; diversity of upland habitats; pockets of pasture and fragments of broadleaf woodland. The Proposed Development would be visible from intermittent areas in views south and outwards from SLA. This will tend to be from higher hill flanks and summits beyond 5 km, where large scale views have been altered by operational wind farm development. Significant visual effects are predicted from limited areas of the SLA, including areas with visibility on the southern fringes of this SLA and from the high sensitivity view from the summit of Ben Klibreck. However, this is not judged to translate into compromising the overall integrity of the SLA and the perceptual special qualities associated with 'wildness' and 'exceptional panoramic views'. Operational wind farm development seen in outward and large scale panoramic views from the SLA has already altered this sense of 'wildness'. The areas with visibility of the Proposed Development across the SLA as a whole will be limited. Panoramic views towards Ben Hope and Ben Loyal to the north west will not be altered by views of the Proposed Development to the south.

Wild Land

A Wild Land Impact Assessment has been undertaken as part of the EIA Report and is provided in Technical Appendix 6.3. The proposed turbines within the Proposed Development are located outside any Wild Land Area (WLA). WLA 35: Ben Klibreck and Armine Forest (adjacent to the north east of the site, WLA 34: Reay – Cassley (located within 10 km to south-west) and WLC 37: Foinaven and Ben Hee (located within 10 km to north west) were considered in the Wild Land Impact Assessment.

No significant effects are predicted on any of the wild land qualities from WLA 37: Foinaven and Ben Hee and WLA 34: Reay – Cassley. Significant effects on the perceptual aspects in relation to one wild land quality ("*An awe-inspiring simplicity of landform and landcover and a perception of 'emptiness', so that the extent of the peatland often seems greater than it is")* have been identified from a localised area in WLA 35: Ben Klibreck and Armine Forest. This relates to a wild land quality which is commonly experienced across both the WLA in question and outside the WLA.

WLA 35: Ben Klibreck and Armine Forest is considered to be of sufficient scale that localised effects on the perceptual aspects of the wild land quality under question are not judged to result in a material change to the wild land qualities as they are expressed across the wider WLA or other WLA considered in this assessment.

Aviation Lighting

An assessment of the predicted landscape and visual effects of the proposed aviation lighting has been undertaken as part of the EIA and is detailed in Technical Appendix 6.2 of the EIA Report. A reduced lighting scheme has been agreed through consultation with the CAA comprising only five turbines with hub lighting. No significant effects on landscape character, designated landscapes or WLA are anticipated. No significant visual effects are predicted for the assessment viewpoints.

Summary

The potential landscape and visual effects associated with the Proposed Development were a key consideration in the design evolution process. It is considered that, while significant effects are likely (which would be the case for all commercial wind farms and cannot itself justify the rejection of a Proposed Development), these are contained. The turbines are proposed in a large scale landscape with a simple land pattern, which is able to accommodate turbines of this scale.

	The areas of visibility of the Proposed Development across the Ben Klibreck and Loch Choire SLA as a whole will be limited and importantly the Proposed Development is not considered to compromise the overall integrity of the SLA. The Proposed Development is not judged to result in a material change to the wild land qualities of WLA 35: Ben Klibreck and Armine Forest. No significant effects are predicted as result of aviation lighting. It is therefore concluded that the landscape impacts of the Proposed Development are acceptable and in compliance with SPP, HwLDP and OWESG on the subject of landscape and visual impacts.
SPP Effects on the Natural Heritage Including Birds HwLDP policies 28, 57, 58, 59, 60, 67 and OWESG	Chapter 8 Ecology of the EIA Report provides an assessment of the potential effects upon important ecological features as a result of the Proposed Development. There are no nationally or internationally designated sites with ecological qualifying interest located within 5 km of the turbine area and no local designated sites within 2 km of the turbine area. Chapter 8 of the EIA Report concludes there would be no significant effects upon the recorded ecological features which include habitats and vegetation, water vole and bats. In relation to fisheries, Chapter 8 Ecology of the EIA Report outlined there are no designated site for nature conservation, designated by virtue of its fisheries interested within 5 km of the turbine area and no records of fish were return from the Highland Biological Recording Group. Embedded mitigation, including the adoption of culverts which allow free passage, together with good practice construction measures and pollution prevention controls are considered adequate to avoid any potentially significant adverse effects upon local fish populations. Ecological enhancement measures are also proposed in the OHMP which is provided within Appendix 8.5 of the EIA Report. The Outline Habitat Management Plan outlines habitat enhancement principles to be implemented as part of the Proposed Development. Chapter 9 Ornithology of the EIA Report provides an assessment of the potential effects upon important ornithological features as a result of the Proposed Development. The Proposed Development does not form part of any statutory designated site for nature conservation with qualifying ornithological feature. Chapter 9 includes information to inform a HRA in relation to the Lairg and Strath Brora Lochs SPA (and SSSI), the Caithness and Sutherland Peatlands SPA and Ramsar and the Dornoch Firth and Loch Fleet SPA and Ramsar and from the desk study and survey information it has been concluded the potential for Likely Significant Effects can be precluded. Chapter 9 concludes no significant effects are predicted to occur upon any important ornithological feature as a result of the Proposed Development. Enhancement measures proposed as part of the HMP would remain in place throughout the operational phase, subject to periodic review in accordance with any emerging best practice management advice. Measures are to include peat restoration in the north of the turbine area and native riparian planting along the Allt nan Con-uisge which flows through the turbine area. Peat restoration works will benefit ornithological species, including wading species, and riparian planting will provide potential habitat for black grouse and nesting and foraging passerines.

	It is concluded the Proposed Development would have minimal impact on the natural heritage, including birds and with the adoption of mitigation measures proposed the effects on natural heritage are acceptable. It is therefore considered the Proposed Development is in compliance with SPP, HwLDP and OWESG on the subject of natural heritage.
SPP Impacts on Carbon Rich Soils, Using the Carbon Calculator HwLDP Policy 55 OWESG	The disturbance of peat was a key factor in the design process of the Proposed Development. A series of peat surveys have been undertaken which have informed the design process, resulting in the majority of infrastructure being located of peat depths of less than 1 m. An OPMP has been prepared as part of the EIA Report and is contained within Technical Appendix 10.2. This demonstrates that the peat excavated for construction would be able to be reused within the Proposed Development or within the wider Dalnessie Estate. The calculations of total carbon dioxide savings and payback time for the Proposed Development indicates the overall payback period over a 35 year period, would be approximately 1.3 years, when compared to the fossil fuel mix of electricity generation. Therefore, after 1.3 years, the Proposed Development would in effect be in a net gain situation and can contribute to national objectives. It is concluded the Proposed Development is in compliance with SPP, HwLDP and OWESG on the subject of impacts on carbon rich soils.
SPP Public Access HwLDP policies 28, 67 and 77 and OWESG	There are no formal tracks or paths within the turbine area. A Right of Way (HS29) which is designated as Heritage Path and Scottish Hill Track, passes to the east of the turbine area. National Cycle Network (NCN) 1 which forms part of the A836 is located to the west of the site. Chapter 6 of the EIA Report predicts there would be significant visual effects within 5 km on A836 and NCN 1 where breaks in the coniferous forest cover offer oblique views towards the Proposed Development and significant visual effects on the Right of Way (HS29) within 5 km of the site and from the more open landscape to the north of the site. While there are visual effects predicted it is not expected the Proposed Development would have an impact on the behaviour of visitors and tourists that use these routes. There is one core path within 5 km which is SU16.05, Loch Shin Hide. It is located approximately 4.5 km from the turbine area and therefore it would not be impacted during the construction of the Proposed Development. The Heritage Path of Strath Tirry to Bandaloch (not part of THC's core path network) runs from the A836 as the private road leading to Dalnessie Lodge from the public road. Along a portion of its length, this existing private road would be upgraded during the construction phase of the Proposed Development. Chapter 12 of the EIA Report assesses the impact on the local road network. During construction there would be an increase in traffic on the A836 for a temporary period (estimated 21 months), however with the implementation of a CTMP, no significant effects are predicted. The Proposed Development would also result in the creation of new access tracks which would be accessible to the public under the right to roam. It is considered the Proposed Development is acceptable in term of impact on public access and is in compliance with SPP, HwLDP and OWESG on the subject of public access.

SPP Impacts on the Historic Environment HwLDP policies 28, 57 and 67 OWESG	Chapter 7 Cultural Heritage and Archaeology considers the potential effect of the Proposed Development on the historic environment. There are 26 SM within 10 km of the site. The majority of the SM within the Outer Search Area (extends to 15 km of the proposed turbines) are in areas with no predicted visibility of the turbines and are therefore scoped out. 13 SM were scoped into the assessment in Chapter 7 of the EIA Report. Chapter 7 concludes there would be no physical impact on SMs or the cultural significance of the SMs as a result of the Proposed Development during construction or operation. There are seven Listed Buildings within 10 km of the site and following screening, no Listed Buildings will be considered for potential effects resulting from change in their setting in the EIA Report. The rationale is outlined in Technical Appendix 7.1 of the EIA Report and is not repeated here. There are four known heritage assets within the site which are three sheepfolds and the remains of a settlement which are undesignated. The sheepfolds are considered to be of low importance and the former settlement remains (A'Chleansaid) are considered to be of medium importance, as a settlement abandoned in the late 18th or early 19th century. It appears to be a single phase of occupation and therefore is unlikely to be considered of national importance. Chapter 7 of the EIA Report considers the impact on these assets and with the application of an agreed mitigation strategy (including a photographic survey of the sheepfolds and archaeological monitoring and recording of ground works for Turbine T16) there would be a residual direct impact of minor significance. It is considered the mitigation proposed is in accordance with SPP, in particular paragraphs 150 and 151. It is considered the impacts on the Historic Environment as a result of the Proposed Development are acceptable and the Proposed Development is in compliance with SPP, HwLDP and OWESG on the subject of the historic environment.
SPP Impacts on Tourism and Recreation HwLDP Policy 67 OWESG	Chapter 14 of the EIA Report assesses the impact of the Proposed Development upon tourism and recreation. During construction the visual impacts of construction effects would be localised and temporary, as the construction works would only be detectable to route users for short periods. There is one core path within 5 km which is SU16.05, Loch Shin Hide, which is approximately 4.5 km from the turbine area. The Heritage Path of Strath Tirry to Bandaloch (not part of THC's core path network) forms part of the access track to the turbine area and therefore would be utilised for the temporary construction period. Beneficial effects are predicted as a result of the Proposed Development. The local economy would benefit through expenditure on purchases of accommodation, food, drink, fuel etc that are needed to sustain the construction workforce. There is also predicted to be expenditure to local businesses during the operation of the Proposed Development which is likely to be intermittent however would be year round, unlike tourism expenditure which tends to be seasonal. In terms of tourism impacts during the operation of the Proposed Development, Chapter 14 of the EIA Report refers to a study undertaken by BiGGAR Economics in 2017 which concluded that published national statistics on employment in sustainable tourism demonstrate that there is no relationship between the development of onshore wind farms and tourism employment at the level of the Scottish economy, at the local authority level, nor in the areas immediately surrounding wind farm development. The findings of this research are in accordance with those of the Scottish Parliament's Economy, Energy and Tourism Committee in 2012, when they

	concluded that there is no robust, empirical evidence of a negative link between wind farm development and tourism. Overall, there is no research evidence that shows that negative effects on the tourism economy in Scotland as a result of wind farms are likely. The visual effects on recreational routes are considered above in relation to criterion 9, however it is expected that the Proposed Development would have no impact on the behaviour of visitors/tourists that use paths (NCN 1, Right of Way HS29, Hill Track and Heritage Path) as only a few sections of these would have visibility of the Proposed Development. There is a predicted beneficial impact on the surrounding economy as a result of the Proposed Development and no evidence to suggest any negative effects on the tourism economy as a result of wind farms. The Proposed Development is considered acceptable in terms of impacts on tourism and recreation. It is therefore considered the Proposed Development is in compliance with SPP, HwLDP and OWESG on the subject of impacts on tourism and recreation.
SPP Impacts on Aviation and Defence Interests and Seismological Recording HwLDP Policy 67 OWESG	Chapter 13 Aviation and Radar of the EIA Report considers the potential effects of the Proposed Development on existing and planned military and civil aviation activities. The Proposed Development is not expected to have any aviation impacts and no radars will be affected. A reduced lighting scheme has been agreed through consultation with CAA. It is considered the Proposed Development is acceptable in terms of impacts on aviation and defence interests and in compliance with SPP, HwLDP and OWESG on tehs ubject ofaviation and defence interests and seismological recording
SPP Impacts on Telecommunications and Broadcasting Installations HwLDP Policy 67 OWESG	Chapter 15 Other Issues of the EIA Report considers the potential impact of the Proposed Development on telecommunications. It has been determined from the consultation responses received, there is no indication that the Proposed Development would interfere with telecommunications links. No impacts on any identified telecommunications assets are predicted and therefore it is considered the Proposed Development is in compliance with SPP, HwLDP and OWESG on this subject.
SPP Impacts on Road Traffic HwLDP policies 28 and 67 OWESG	Chapter 12 Traffic and Transportation of the EIA Report assesses the potential effects of the Proposed Development on the highway network and its users. Given the temporary nature of the proposed construction programme and with the implementation of mitigation measures proposed through a CTMP and ATMP, all potential effects can be effectively managed and are assessed to be minor or negligible. It is therefore concluded the impact of the Proposed Development on road traffic is acceptable and in compliance with SPP, HwLDP and OWESG on this subject.
SPP Impacts on Adjacent Trunk Roads HwLDP policies 28 and 67 OWESG	The proposed route for abnormal loads and construction materials includes the A9 which is a trunk road. As detailed in relation to the above criterion, with the implementation of a CTMP and ATMP the impact, of the Proposed Development, on trunk roads is acceptable. It is therefore considered the Proposed Development is in compliance with SPP, HwLDP and OWESG on this subject.

SPP Effects on Hydrology, the Water Environment and Flood Risk HwLDP policies 28, 63, 64, 66 and 67 OWESG	Chapter 10 Geology, Hydrogeology, Hydrology and Peat of the EIA Report assesses the potential effect of the Proposed Development on the existing geological, hydrogeological, hydrological and peat conditions. A detailed assessment of the interaction between the proposed works for the Proposed Development any potentially groundwater-dependent terrestrial ecosystems has been undertaken and detailed in Technical Appendix 10.4 of the EIA Report. There are three potentially groundwater-dependent NVC communities within the site. Through assessment it has been determined that none of three potentially groundwater-dependent communities are actually groundwater-dependent. Impacts to wetland habitats and watercourses would be kept to a practical minimum through the use of best practice construction and mitigation measures. With the implementation of good practice measures, including in relation to soils and peat, surface watercourses and groundwater drainage infrastructure, excavations, development traffic and pollution prevention no significant effects are predicted as a result of the Proposed Development on hydrology and the water environment. SEPA's Indicative Flood Map has been consulted and flood risk within the site is shown to be minimal, with some localised regions of river and surface water flood risk. It has been determined the Proposed Development infrastructure is not at risk of flooding from any source. Drainage infrastructure is proposed to be installed around long-term Proposed Development infrastructure which would be designed to minimise the concentration of flows, the details of which are outlined in Chapter 10 of the EIA Report. Chapter 10 concludes that the effect of increase in flood risk is considered to be negligible. The likelihood of effect is considered to be unlikely for both construction and operation of the Proposed Development. It is therefore concluded that the impact of the Proposed Development on hydrology, the water environment and flood risk is acceptable and in compliance with SPP, HwLDP and OWESG on the subjects of hydrology, the water environment and flood risk.
SPP The Need for Conditions Relating to the Decommissioning of Developments	It is anticipated there would be a condition if consent is granted which would relate to the decommissioning of the wind turbines following the end of the operational life of the Proposed Development.
SPP Opportunities for Energy Storage	It is the applicant 's intention to retain the construction compound located immediately adjacent to the substation for purpose of potentially hosting a permanent co-located energy storage facility. This is anticipated to comprise a lithium-ion battery technology solution, with modular elements comprising a number of battery housings (either standard ISO containers, electrical-houses ('eHouses') or otherwise) with associated 'heating, ventilation and air-condition' ('HVAC') systems, along with paired power conversion systems ('PCS') comprising bi-directional inverters and transformers, as well as central switchgear, metering and transformer, and space for access and operations. This area of technology is currently fast evolving and for this reason, indicative designs for the installation have been provided in Figures 2.10 and 2.11 of the EIA Report. The details of the energy storage would be agreed by THC in advance of construction if consent is granted.

SPP The Need for a Robust Planning Obligation to Ensure that Operators Achieve Site Restoration	It is anticipated there would be a condition if consent is granted which would relate to the restoration of the site at the end of the operational life of the Proposed Development.

Other Policy Considerations

9.4.16 The majority of the policy considerations have been assessed in Table 9.1; however, Table 9.2 provides an assessment in relation to any matters raised in HwLDP policies and advice within OWESG listed in Chapter 8 of the Planning Statement which have not been considered in the context of Table 9.1.

Table 9.2 Other HwLDP Policy and OWESG Considerations

Policy	Assessment
Policy 51 Trees and Development, Policy 52 Principle of Development in Woodlands, OWESG – Trees and Woodlands	The proposed turbines are not located within woodland, therefore no key-holing or clear-felling would be required. It is therefore considered the Proposed Development is in accordance with policies 51, 52 and OWESG.
Policy 53 Minerals and OWESG – Borrow Pits	The Proposed Development will require crushed stone to construct new tracks, create hardstanding areas for the cranes and lay the turbine foundations. The majority of the stone required is expected to be won from on-site borrow pits. The use of on-site borrow pits reduces the amount of HGVs accessing the site and this is detailed in Chapter 12 of the EIA Report. The locations for up to two borrow pits have been carefully site in areas with rock exposure, therefore the volume of topsoil/peat to be removed would be limited. A Borrow Pit Assessment has been prepared as part of the EIA and is contained within Technical Appendix 10.3 of the EIA Report. Removed topsoil, plus rock material unsuitable for use as aggregate or fill, would be used in the final restoration of the borrow pit. It is therefore considered the Proposed Development is in accordance with Policy 53 of the HwLDP.
Policy 69 Electricity Transmission Infrastructure	The precise route of the grid connection has not yet been determined. The grid connection may require consent under Section 37 of the 1989 Act which is the subject of a separate consenting process to this S36 application.
Policy 72 Pollution	Tables 8.1 and 9.1 have addressed the effects of the Proposed Development in terms of noise, air, water and light pollution and it has been demonstrated the Proposed Development is acceptable. The Proposed Development therefore is in accordance with Policy 72 of the HwLDP.
OWESG – Construction Environmental Management Plans	A CEMP will be in place during the construction phase of the Proposed Development. The CEMP will include all good practice construction measures, pollution prevention controls and monitoring to be implemented over the course of the Proposed Development in line with current industry and mandatory statutory guidance. It is anticipated the requirement for a CEMP will be a condition on the consent, if the application is consented.

Planning Policy Conclusion

9.4.17 An assessment of the Proposed Development has been undertaken against the planning policy framework which includes NPF3, SPP, the HwLDP and OWESG.

9.4.18 It has been demonstrated:

- The Proposed Development would be located in a large-scale landscape with a simple land pattern, which is able to accommodate turbines of this scale.
- The Proposed Development is in keeping with the existing pattern of wind energy development and it will generally read as a distinct and well composed single cluster of turbines which reflects the pattern of distinct schemes to the northwest and west of the site.
- The predicted localised effects on the perceptual aspects of one wild land quality of WLA 35: Ben Klibreck and Armine Forest is not judged to result in a material change to the wild land qualities.
- No significant effects are predicted on WLAs, landscape character or designated landscapes as a result of the proposed aviation lighting. A reduced lighting scheme has been agreed through consultation with the CAA.
- Significant visual effects are predicted on five of the viewpoint locations assessed as part of the LVA in Chapter 6 of the EIA Report.
- Predicted effects on the landscape character are localised, limited to within 5 km of the site. No landscape designations would be compromised by the Proposed Development.
- The Proposed Development would not result in any significant cumulative effects.
- There are no significant effects predicted in terms of residential amenity.
- The design of the Proposed Development has avoided areas of deep peat.
- There are no residual significant effects in terms of cultural heritage, ecology, ornithology, geology, hydrology (including Private Water Supplies), hydrogeology and peat, noise and vibration, traffic and transportation, aviation and radar, telecommunications and shadow flicker.
- The GHG emissions as a result of the Proposed Development are predicted to be offset 1.3 years after the Proposed Development becomes operational (against a fossil fuel mix of electricity). The overall emissions impact is considered to represent a significant beneficial and long-term climate change effect.
- The Proposed Development would produce approximately 212 GWh of renewable electricity each year. This equates to the power consumed by approximately 54,396 average households in Scotland per year.
- The Proposed Development would make a valuable contribution to the emissions reductions target and the renewable energy targets.
- The Proposed Development would result in beneficial socio-economic benefits, including the creation of approximately 52 jobs within Lairg and the Highlands and 158 within Scotland during the construction phase.

9.4.19 The policy framework is supportive of the Proposed Development and while limited residual significant landscape and visual effects are predicted, this needs to be balanced with the benefits of the Proposed Development. On balance, therefore, it is considered the Proposed Development is in compliance with the planning policy framework.

9.5 Assessment Conclusion

9.5.1 There are a number of considerations which are considered relevant in the decision making framework which can be set out as compliance with Schedule 9 of the 1989 Act, compliance with climate change and renewable energy policy and contribution to targets and compliance with planning policy.

9.5.2 The applicant has complied with the requirements set out in Schedule 9 of the 1989 Act and this is demonstrated in the EIA Report submitted with the application.

9.5.3 The Proposed Development benefits from strong support in respect of renewable energy and climate change policy as set out in Chapter 6 of the Planning Statement. The Proposed Development would make a substantial and valuable contribution to achieving the renewable energy targets set out in Chapter 7 of the Planning Statement. In addition, the Proposed Development is expected to be in a carbon net gain position within 1.3 years of operation.

9.5.4 In terms of SPP, it has been demonstrated that the Proposed Development is sustainable development, and it is the right development in the right place.

9.5.5 The EIA process has identified limited and localised landscape and visual significant effects. However, it is important to identify the Proposed Development would not result in a material change to the wild land qualities of WLA 35: Ben Klibreck and Armine Forest and would not compromise the overall integrity of the Ben Klibreck and Loch Choire SLA.

9.5.6 The identification of significant effects in the EIA does not mean that a development is considered unacceptable. Such will be the case for all commercial wind farms and cannot justify the rejection of a wind farm development. This needs to be balanced with the substantial benefits of the Proposed Development. It is therefore considered the Proposed Development is acceptable and is in compliance with the planning policy framework.

10 Conclusion

10.1.1 It is clear that progress needs to be made now to enable Scotland to meet its required carbon reduction and renewable energy targets. The interim 75% reduction in GHG by 2030 which is set in legislation is rapidly approaching and the gap will continue to increase unless substantial progress is made now. The latest provisional figures from 2020 show that 25.4% of total Scottish energy consumption was from renewables against a target of 50% by 2030. The grid connection date for the Proposed Development is 2027 therefore it is capable of contributing towards the 2030 targets.

10.1.2 The Proposed Development would have a generating capacity of approximately 96 MW and produce approximately 212 GWh of electricity annually. This equates to the annual power consumed by approximately 54,396 average Scottish households.

10.1.3 The Proposed Development would also assist with Scotland and the UK's long-term energy security, reducing reliance on energy imports.

10.1.4 The Proposed Development would result in the displacement of approximately 4,461,951 tCO_2e over the proposed 35-year lifetime and is expected to be in net gain by 1.3 years of operation. The contribution of the Proposed Development towards the renewable energy and carbon reduction targets should be afforded significant weight in the decision-making process.

10.1.5 The renewable energy and carbon policies outlined in the Planning Statement demonstrate the strong support for onshore wind farm development. There is a demonstrable and urgent need for the development of renewable energy. This policy support must attract significant weight in the decision-making process.

10.1.6 The planning policy framework is supportive of the Proposed Development, and it has been demonstrated the Proposed Development meets the requirements of national planning policy, the HwLDP and OWESG and the emerging NPF4.

10.1.7 The design process has sought to balance the energy potential of the site and its potential environmental impacts to ensure it achieved the right development in the right place. The only residual significant effect identified as part of the EIA process is limited to landscape and visual impacts. It is considered these impacts are limited and landscape and visual impacts would be the case for all commercial wind farms and cannot itself justify the rejection of a Proposed Development. There are no residual significant effects in terms of cultural heritage, ecology, ornithology, geology, hydrology (including Private Water Supplies), hydrogeology and peat, noise and vibration, traffic and transportation, aviation and radar, telecommunications and shadow flicker.

10.1.8 An OHMP has been prepared which outlines a number of enhancement opportunities to be delivered as part of the Proposed Development including, enhancement of moorland habitats, fisheries habitats, enhancement opportunities for black grouse.

10.1.9 The Proposed Development would result in beneficial economic impacts. The expected capital expenditure for the development and construction of the Proposed Development is estimated at £146.9 million, with £17.6 million of the expenditure expected to be spent in Lairg and the Highlands. During construction, the Proposed Development is estimated to

support 52 jobs within Lairg and the Highlands and 158 jobs within Scotland. During the operation, the Proposed Development is anticipated to support 21 jobs within Lairg and the Highlands and 28 within Scotland.

10.1.10 In addition, the applicant has committed annual community funding of £5,000 per MW installed during the operational life of the Proposed Development. Based on a total installed capacity of around 100 MW this would result in approximately £17.5 million over the proposed 35 year operational period.

10.1.11 The applicant has had regard to the matters set out in Schedule 9 of the 1989 Act in respect of the desirability of preserving the natural beauty of the countryside, of conserving flora, fauna and geological and physiological features of special interest and of protecting sites, buildings and objects of architectural, historic, or archaeological interest. These are all matters which have guided the evolution of the project through the design process and have informed the EIA process associated with the application. There is sufficient information to allow Ministers to be satisfied on these points.

10.1.12 It is concluded that a S36 consent and deemed planning permission should be granted for the Proposed Development.

Figures

240000 250000 260000 270000 280000

930000 920000 910000 900000

Legend:

Application Boundary

Coordinate System: British National Grid
Projection: Transverse Mercator
Datum: OSGB 1936
Units: Meter

Rev	Date	Description	Drn	Chk	App
00	07/12/2021	First Draft	NH	AP	JS

Chleansaid Wind Farm

RSK ESB

TITLE:

Figure 1:
Site Location Plan

0 2 4
Kilometres
SCALE:1:150,000 @ A3

N W E S

REV 00

Document Path: D:\Projects\62367 Chleansaid Windfarm\06 Graphics\01 - GIS\Fig1_Site_Location_Plan.mxd

257000 258000 259000 260000 261000 262000 263000 264000

919000 918000 917000 916000 915000 914000

Legend:

Application Boundary

Coordinate System: British National Grid
Projection: Transverse Mercator
Datum: OSGB 1936
Units: Meter

Rev	Date	Description	Drn	Chk	App
00	07/12/2021	First Draft	NH	AP	JS

Chleansaid Wind Farm

TITLE:

Figure 2:
The Proposed Development

0 400 800
Metres

SCALE: 1:25,000 @ A3

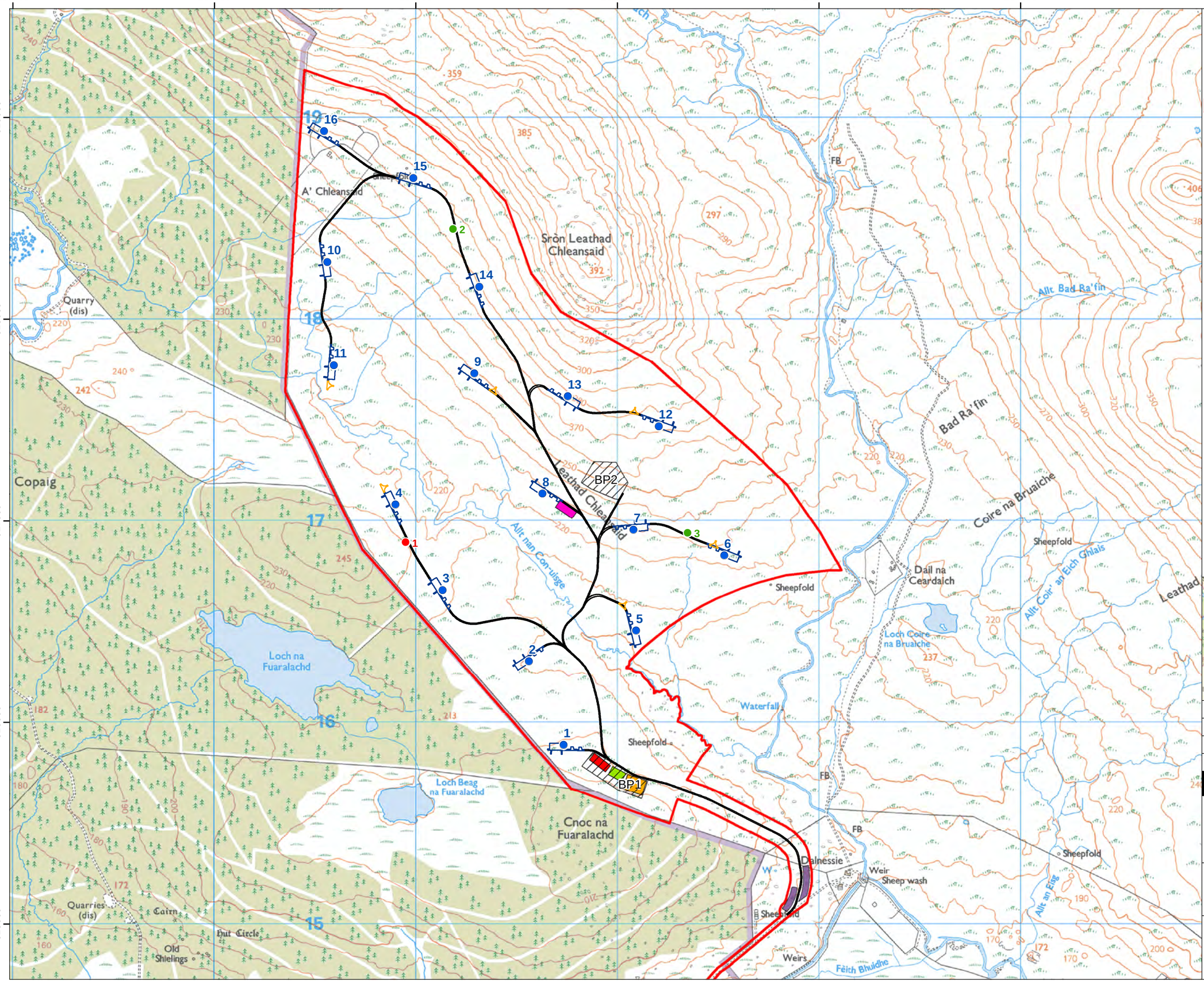
N W E S

REV 00

Document Path: D:\Projects\662367 Chleansaid Windfarm\06 Graphics\01 - GIS\Fig2_Proposed Development.mxd

259000 260000 261000 262000 263000 264000

919000 918000 917000 916000 915000



Legend:

- Proposed Turbine Locations
- Permanent Met Mast
- Permanent Lidar Location
- Application Boundary
- Turning Head
- Hardstanding
- Access Track
- Control Building and Substation Compound (100m by 75m)
- Substation Construction Compound and Battery Energy Compound (75m x 45m)
- Main Construction Compound (100m by 40m)
- Additional Construction Compound (100m by 40m)
- Mobilisation Compounds
- Borrow Pit

Coordinate System: British National Grid
Projection: Transverse Mercator
Datum: OSGB 1936
Units: Meter

Rev	Date	Description	Drn	Chk	App
01	15/03/2022	mobilisation cpds & BPs	NH	GA	JS
00	07/12/2021	First Draft	NH	AP	JS

Chleansaid Wind Farm

TITLE:

Figure 3:
Proposed Site Layout

0 250 500
Metres

SCALE: 1:17,500 @ A3

N W E S

REV 01

Document Path: P:\660000 - EPD Projects\662367 Chleansaid Windfarm\06 Graphics\01 - GIS\Fig3_Proposed Site Layout.mxd

Appendices

Appendix 1 - Schedule 9 of the Electricity Act 1989

In the consideration of the application the Scottish Ministers have a duty to fulfil the requirements of Schedule 9 (paragraph 3) of the 1989 Act. Schedule 9 considers the preservation of amenity and sets out a number of environmental matters which must be considered by the decision maker. Schedule 9 states:

(1) "In formulating any relevant proposals, a licence holder or a person authorised by exemption to generate, transmit, distribute or supply electricity

(a) shall have regard to the desirability of preserving natural beauty, of conserving flora, fauna and geological or physiographical features of special interest and of protecting sites, buildings and objects of architectural, historic or archaeological interest; and

(b) shall 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.

(2) In considering any relevant proposals for which his consent is required under section 36 or 37 of this Act, the Secretary of State shall have regard to—

(a) the desirability of the matters mentioned in paragraph (a) of sub-paragraph (1) above;

(b) (b) the extent to which the person by whom the proposals were formulated has complied with his duty under paragraph (b) of that sub-paragraph.

(3) Without prejudice to sub-paragraphs (1) and (2) above, 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."

In the Fauch Hill / Harburnhead S36 decision (Reference EC00003184 and EC00003190 respectively, July 2014), the Reporters considered Schedule 9 of the 1989 Act and advised that:

"The provisions of Schedule 9 of the Electricity Act 1989 apply to the assessment of wind farms with an installed capacity of over 50MW. The Scottish Government's position is that whether an applicant is licensed or not, Ministers will have regard to the Schedule 9 provisions and expect them to be addressed through the Environmental Statement."

The High Court (England and Wales), in 2012, made clear in the decision of R (on the application of Samuel Smith Old Brewery) v Secretary of State for Energy & Climate Change that the provisions of Section 38(6) (of the Planning and Compulsory Purchase Act 2004)[12]-which requires that planning determinations should be made in accordance with the Development Plan unless material considerations indicate otherwise, does not apply in respect of a direction under Section 90 (of the Town & Country Planning Act 1990)[13]. This decision related to a 'direction' in connection with an application for Section 37 consent under the 1989 Act.

The judgement advised that a *"direction"* that planning permission shall be deemed to be granted was not a *"determination"* under the Planning Acts. The Court stated (para 75) that *"as a matter of construction I consider that it is a direction that such a determination is not required".* It was therefore judged that there was no duty on the decision maker in making a direction under Section

[12] Section.38(6) of the Planning and Compulsory Purchase Act 2004 is equivalent of Section 25 of the 1997 Act in Scotland.

[13] Section 90 of the Town & Country Planning Act 1990 is equivalent to Section 57 (2) of the 1997 Act.

90 (of the Town & Country Planning Act 1990) to comply with the requirement in Section 38(6) (of the Planning and Compulsory Purchase Act 2004) that determinations must be made in accordance with the Development Plan unless material considerations indicate otherwise.

In Scotland the matter was considered in the William Grant / Dorenell s.36 Windfarm Judicial Review case (2012). In this case Lord Malcolm ruled that s.25 of the 1997 Act did not apply to a 1989 Act case. He advised that his decision was broadly in line with the Samuel Smith old Brewery Case In respect of Schedule 9 of the 1989 Act Lord Malcom stated:

"I consider that Parliament intended that the relevant provisions of the 1989 Act would provide a self-contained code…….Schedule 9 narrates the relevant considerations, dealing with, amongst other things, the preservation of amenity……By contrast, section 25 [s.38(6) in England] applies to decisions under the planning acts when it is a requirement that regard is to be had to the development plan".

Appendix 2 - Renewable Energy Policy

Renewable Energy Policy

The key matters for the consideration of the application for the Proposed Development are considered to be the UK Government's Net Zero Strategy: Build Back Greener, Energy White Paper 'Powering our Net Zero Future', The Scottish Energy Strategy 2017, the Scottish Energy Strategy Position Statement 2021, The Scottish Onshore Wind Policy Statement 2017, The Climate Change Plan 2018, Climate Change Plan Update 2020 and the Scottish Government and Scottish Green Party Draft Shared Policy Programme Working Together to Build a Greener, Fairer, Independent Scotland 2021 together with the latest climate change targets. The climate targets are summarised in Chapter 7 of this document. This Appendix sets out the Policy framework for the Proposed Development including the key documents referred to.

The context for decision making on renewable energy developments and the rationale for development of the nature proposed lie in international efforts to combat the expected adverse effects of climate change.

In order to understand the context within which the Proposed Development is being promoted, it is considered important that international, national (UK) and Scottish Government commitments to the development of renewable energy technology and approach to climate change are understood. Renewable energy policy and associated targets are important relevant considerations to the determination of the application for the Proposed Development.

International Context

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 emissions of GHGs. The international context is well understood and is summarised here.

The United Nations Framework Convention on Climate Change (UNFCCC) came into force on 21 March 1994 and sought to stabilise the atmospheric concentrations of GHGs at "*safe levels*". The Convention provides an overall framework for international government efforts to address the challenge posed by climate change. Currently there are 194 parties signed up to the Convention. The Convention embodies a series of review mechanisms. The first of these, the Kyoto Protocol, was adopted in December 1997. As a result of this Protocol the European Union was obliged to secure an 8 % reduction in GHG emissions from 1990 levels by 2012.

The United Nations Climate Change Conference in Doha, Qatar took place in 2012, when the Kyoto Protocol was amended so that it would continue as of 1 January 2013.

The twenty-first session of the Conference of the Parties (COP 21), held in Paris in December 2015, resulted in a legally binding global climate change target agreed by all 196 member parties with the aim of capping climate change well below 2°C of warming. Recently there have been reports of 1.5^{o}C being considered as an appropriate limit, UN Intergovernmental Panel on Climate Change October 2018.

The twenty sixth meeting of COP took place in Glasgow in November 2021. COP26 concluded with the agreement of the Glasgow Climate Pact. The Glasgow Climate Pact *"will accelerate action on*

*climate this decade, and **finally completes the Paris Rulebook.**"* It was agreed that all countries will revisit and strengthen their current emissions targets to 2030 in 2022 to keep the 1.5°C alive.

The Inter Governmental Panel on Climate Change (IPCC) Special Report: Global Warming of 1.5^{0}C, 2018

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.

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 $GtCO_2eq\ yr^{-1}$[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*".

The IPCC Report concludes that reliance on future large-scale deployment of carbon dioxide removal can only be achieved if global CO_2 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.*"

The United Nations Gap Emissions Report 2021

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 United Nations Gap Report Executive Summary notes that *"This twelfth edition of the United Nations Environment Programme (UNEP) Emission Gap Report comes during a year of constant reminders that climate change is not in the distance future."*

It further notes that *"there is a fifty-fifty chance that global warming will exceed 1.5^{o}C in the next two decades, and unless there are immediate, rapid and largescale reductions in GHG emissions, limiting warming to 1.5^{o}C or even 2^{o}C by the end of the century will be beyond reach."*

IPCC Sixth Assessment Report

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.

It is clear that unless there are rapid, sustained and large-scale reductions of climate change-causing GHG emissions, including CO2, methane and others, the goal of limiting global warming to 1.5C compared to pre-industrial levels, as enshrined in the Paris Agreement, will be beyond reach.

UK Context

The main responsibilities for policy development in relation to energy production and regulation in Scotland are reserved by Westminster. The following summarises the 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 provides a background for the emergence of Scottish renewable energy generation and wind energy policy.

The Climate Change Act 2008

The Climate Change Act 2008 became law on 26 November 2008 (the 2008 Act). Scotland is a partner in delivering the UK emissions reduction target set out in the 2008 Act.

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.

The 2008 Act introduced for the first time a legally binding framework to tackle the challenges of climate change. The 2008 Act sets legally binding targets for the UK to reduce carbon dioxide emissions by at least 80 % by 2050 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

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

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

Net Zero: The UK's Contribution to stopping global warming was published by the 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.

The advice to the Scottish Government from the CCC, as highlighted in Chapter 6 of the Planning Statement, relates to this report: Net Zero – The UK's contribution to stopping global warming (2019). The recommendations of this report, relating to Scotland, have been taken forward in the amendments to the Climate Change Bill and are summarised as follows:

- The UK should legislate as soon as possible to reach net-zero greenhouse gas emissions by 2050. The target can be legislated as a 100% reduction in greenhouse gases (GHGs) from 1990 and should cover all sectors of the economy, including international aviation and shipping;

- The aim should be to meet the target through UK domestic effort, without relying on international carbon units (or 'credits');

- This target is only credible if policy to reduce emissions ramps up significantly;

- HM Treasury should undertake a review of how the transition will be funded and where the costs will fall. It should develop a strategy to ensure this is, and is perceived to be, fair; and

- Scotland has proportionately greater potential for emissions removal than the UK overall and can credibly adopt a more ambitious target. It should aim for net-zero GHGs by 2045. Interim targets should be set for Scottish emissions reductions (relative to 1990) of 75% by 2030 and 90% by 2040.

The Net Zero report also has a number of related documents which go into detail on how the targets of the Net Zero report can be met. One such related document is the 'Green Finance Strategy'.

The 6th Carbon Budget December 2020

On 9th December 2020 the Climate Change Committee (CCC) published the Sixth Carbon Budget. The Sixth Carbon Budget sets out, for the first time, what actions the UK will need to take to achieve net zero emissions by 2050. The recommended pathway requires 78% reduction in UK territorial emissions by 2035, a 63% reduction from 2019. This early action is considered vital to support the required increase in global ambitions in respect of net zero.

The recommended net zero Pathway requires a 78% reduction in UK territorial emissions between 1990 and 2035. In effect, bringing forward the UK's previous 80% target by nearly 15 years. In this context, the 6th Carbon budget advises that this can done through 4 key steps as follows:

- Take up of low carbon solutions
- Expansion of low carbon energy supplies including onshore wind
- Reducing demand for carbon intensive activities
- Land and greenhouse gas removals.

This reinforces the need to continue to prioritise the development of renewable energy as part of the decarbonisation drive.

The Energy White Paper December 2020

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 capacity will need to be replaced, modelling suggests, overall 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.

Climate Change Committee Progress Report to Parliament June 2021

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. 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."

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."

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"*

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.

Scottish Context

Tackling climate change is a devolved matter and therefore the Scottish Government has a responsibility to set policy to ensure compliance with targets set at EU and UK level. To encourage the production of renewable energy in 2011, the Scottish Government introduced a '2020 target' for the production of renewable energy as a percentage of the total gross annual electricity consumption. This 2020 target for renewables production has steadily increased from 40 % to 50 % in November 2007 to 100% in May 2011. Scotland did not meet this target, in 2020 98.6% of gross electricity consumption came from renewable sources.

The SES published in 2017 sets a 2030 target for the equivalent of 50% of the energy for Scotland's heat, transport and electricity consumption to be supplied by renewable sources. The latest

statistics from the Scottish Government show that 25.4%[14] (provision figure) of total Scottish energy consumption was from renewables.

The text below provides a summary of the Scottish legislative requirements for emissions reduction targets.

The Climate Change (Scotland) Act 2009

The Climate Change (Scotland) Act 2009 (the 2009 Act) received Royal Assent on August 4, 2009, the Bill having been passed unanimously by members of the Scottish Parliament. The 2009 Act is a key commitment of the Scottish Government, and was defined as the most far-reaching environmental legislation considered by the Parliament during the first ten years of devolution. There were a number of parts to the 2009 Act which set the context for the setting of targets and the monitoring of deliverables to achieve those targets. These are described as follows:

- Part 1 created the statutory framework for GHG 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 2009 Act required the Scottish Ministers to set annual targets, in secondary legislation, for Scottish emissions between 2010 and 2050;

- Part 2 contained provisions to allow the Scottish Ministers to establish a Scottish Committee on Climate Change;

- Part 3 placed a duty on the Scottish Ministers requiring that they report regularly to the Scottish Parliament on Scotland's emissions and on the progress being made towards meeting the emissions reduction targets set in the 2009 Act; and

- Part 4 contained the ability to impose further duties on public bodies in relation to climate change.

Climate Change (Emissions Reduction Targets) Scotland Act 2019

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 amended the Climate Change (Scotland) Act 2009 and sets targets to reduce Scotland's emissions of all GHG 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. The interim target of 75% by 2030 requires the current decade to be a transformative decade.

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 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.

[14] Scottish Government, Energy Statistics for Scotland – Q3 2021 Figures, December 2021

As well as setting the targets, the Climate Change (Emissions Reduction Targets) (Scotland) Act 2019 set annual targets for Scotland. The Scottish Government Climate Change Website[15] 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

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 Statement[12] (OWPS);
- Local Heat & Energy Efficiency Strategies and District Heating; and
- Scotland's Energy Efficiency Programme (SEEP).

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 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".

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*".

[15] https://www.gov.scot/policies/climate-change/

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.

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.

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*".
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.

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.

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.

A consultative draft for an update to the OWPS was published by the Scottish Government in 2021

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

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.
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).

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."*

Scotland's Energy Strategy Position Statement (2021)

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.

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"*.

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"*.

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.

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.

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

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*."

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.

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*."

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.

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.

Onshore Wind Policy Statement Refresh: Consultation Draft (2021)

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.

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.

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.

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 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.

Progress in reducing emissions in Scotland 2021 Report to Parliament

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."

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."

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…"*

Appendix 3 - Recovery from the Covid-19 Pandemic

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

In its letter to Roseanna Cunningham, MSP and Cabinet Secretary for Environment, Climate change and Land Reform, dated May 2020 the Committee on Climate Change are clear that "*reducing greenhouse gas emissions and adapting to climate change should be integral to any recovery package*". The letter sets out 6 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
6. Strengthen incentives to reduce emissions when considering fiscal changes.

It is clear that the Climate Change Committee are 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 crisis.

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

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".

This reference, although in the context of the planning system, is relevant to S36 applications for energy developments. It is evident that appropriate developments are extremely important in the economic recovery, post Covid-19.

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

In June 2020 Scottish Renewables submitted evidence to the House of Commons Scottish Affairs Committee inquiry into coronavirus 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.

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 GVA to the Scottish economy. A scheme of the scale of the Proposed Development could therefore result in a substantial boost for the Scottish economy.

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

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

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".

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.

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."

Appendix 4 - SPP Sustainable Development Principles

Appendix Table 4.1 Review of Proposed Development and SPP Policy Principles – Paragraph 29

Policy Principle	Proposed Development Response
Giving due weight to net economic benefit	There would be net positive socio-economic benefits as set out in EIA Report Chapter 14. Should the Proposed Development gain consent, the applicant is committed to offering a community benefit and community shared ownership. Further information is detailed in Table 9.1 of the Planning Statement. It is therefore demonstrated there is a net positive economic benefit as a result of the Proposed Development.
Respond to economic issues, challenges and opportunities, outlined in local economic strategies	THC have prepared the Highland Indicative Regional Spatial Strategy to 2050 which was first published in September 2020 and updated in April 2021. It was developed in response to the Scottish Government NPF4 review. While not specifically an economic strategy it does outline THC's vision and spatial strategy looking towards to 2050. It is considered the Proposed Development would contribute to THC's vision of "Highland will be an exemplar carbon action region by optimising its unique, rich and diverse assets to lead national emissions reduction targets."
Supporting good design and the six qualities of successful places	It is considered this has limited relevance to the Proposed Development, however through the design process a layout has been formed which fits with the surrounding landscape and minimises adverse effects upon the environment.
Making efficient use of existing capacities of land, buildings and infrastructure including supporting town centre and regeneration priorities	It is considered this is not relevant to the Proposed Development.
Supporting delivery of accessible housing, business, retailing and leisure development	It is considered this is not relevant to the Proposed Development.

Policy Principle	Proposed Development Response
Supporting delivery of infrastructure, for example transport, education, energy, digital and water	The Proposed Development will enable the production of renewable energy, helping to meet the UK and Scottish Government targets for renewable energy.
Supporting climate change mitigation and adaptation including taking account of flood risk	The Proposed Development would help to support climate change mitigation by replacing fossil fuel energy generation with renewable energy, thereby reducing emissions associated with energy generation used to power a wide number of sectors. Chapter 16 Climate Change Mitigation of the EIA Report provides an approximation of the CO_2 emissions associated with the manufacture, construction and decommission of the Proposed Development. SEPA's indicative Flood Map shows that flood risk within the Proposed Development area would be minimal. Chapter 10 of the EIA Report outlines that the Proposed Development infrastructure is not at risk of flooding from any source and any potential increase of flood risk during construction and operation is considered negligible.
Improving health and well-being by offering opportunities for social interaction and physical activity, including sport and recreation	The Proposed Development would include the creation of new access tracks within the site which offers an opportunity for recreational access and can be utilised under the right to roam.
Having regard to the principles for sustainable land use set out in the Land Use Strategy	Scotland's Third Land Use Strategy 2021-2026 (LUS) was published in March 2021. The LUS recognises that land is needed for many purposes, including onshore wind. Page 11 notes in relation to "*Helping our land support…Climate Change mitigation and adaption"* that *"We will need to continue to develop wind farms, in the right places, and also look to the extension and replacement of existing sites."* The LUS refers to the Onshore Wind Policy Statement and that developers and the community need to work together to strike the balance *"between environmental impacts, local support, benefit, and – where possible -economic benefits for communities, for example through community ownership or other means."* The Proposed Development has sought to do this. There would be limited environmental impacts as outlined in the EIA Report and this needs to be balanced with the generation of renewable energy, the reduction in GHG emissions, beneficial economic benefits such as creation of jobs and the opportunity for community ownership. Page 27 states "Restoration of our carbon rich habitats such as peatland is an important part of our drive to reach net-zero."

Policy Principle	Proposed Development Response
	The OHMP which is detailed within Appendix 8.5 of the EIA Report outlines opportunities for the enhancement of peatland habitat and two areas have been identified which are shown on Figure 1 in the OHMP.
Protecting, enhancing and promoting access to cultural heritage, including the historic environment;	The potential for the Proposed Development to effect historic assets has been carefully considered in the design process. No significant effects are predicted as a result of the Proposed Development. Chapter 7 Cultural Heritage and Archaeology concludes there would be a residual direct effect of minor significance (not significant in EIA terms) on the settlement remains at A'Chleansaid and the two sheepfolds which are all non-designated. The identified effect would be off-set by a programme of archaeological monitoring and recording, however the effect will remain as assessed. No other heritage assets would be directly impacted by the construction of the Proposed Development. It is considered the Proposed Development meets this principle.
Protecting, enhancing and promoting access to natural heritage, including green infrastructure, landscape and the wider environment;	Chapter 6 Landscape and Visual Assessment (LVA) of the EIA Report concludes there would be a significant effect on the landscape character (134 -Sweeping Moorland and Flows LCT and 135 – Rounded Hills LCT) within approximately 5 km, however not significant for the wider area of the LCTs. It is considered therefore that the predicted effect on the landscape character is limited. Chapter 8 Ecology of the EIA Report concludes there would be no significant effects as a result of the Proposed Development. An OHMP has been prepared and is provided in Appendix 8.5 of the EIA Report. It details outline habitat enhancement principles to be implemented as part of the Proposed Development. Whilst it is predicted the Proposed Development would have a significant effect on the landscape character this would be the case for any commercial wind farm and cannot itself justify the rejection of a Proposed Development. This is considered in the Corlic Hill Wind Farm (Reference: PPA-280-2022) where the Reporter concludes *"With regards to impacts on the site and its immediate surroundings, I have borne in mind that commercial-scale wind energy proposals will inevitably create significant effects within their immediate surroundings. If such effects were always considered to rule out a proposal, no commercial-scale wind energy projects would be approved. This would be contrary to Scottish Government policy."* It is therefore considered the Proposed Development meets this principle.

Policy Principle	Proposed Development Response
Reducing waste, facilitating its management and promoting resource recovery; and	It is considered this is not relevant to the Proposed Development.
Avoiding over-development, protecting the amenity of new and existing development and considering the implications of development for water, air and soil quality	The Proposed Development is in keeping with the existing pattern of wind energy development and it will generally read as a distinct and well composed single cluster of turbines which reflects the pattern of distinct schemes to the northwest and west of the site. The EIA Report considers the effect of the Proposed Development on the environment, including water, air and soil quality. Chapter 10 of the EIA Report concludes there would be no significant effects on geological, hydrogeological, hydrological and peat conditions. Air quality was scoped out of the EIA. The main source of impact on air quality would be increased traffic flows on local roads during construction and emissions from construction activities. It is considered the air emissions associated with these activities would be transient, localised and unlikely to have a significant effect upon local air quality. Controls in relation to construction will form part of the CEMP. It is considered the Proposed Development meets this policy principle.

SPP Paragraph 29 Conclusion

10.1.13 Appendix Table 4.1 demonstrates how the Proposed Development satisfies the relevant principles in paragraph 29 of the SPP and is considered to be a sustainable development. Further information is available in Chapter 9 of the Planning Statement.

Appendix 5 - HwLDP Policies

Policy 28 Sustainable Design

Policy 28, Sustainable Design states that:

"The Council will support developments which promote and enhance the social, economic and environmental wellbeing of the people of Highland. Proposed Developments will be assessed on the extent to which they:

- *are compatible with public service provision (water and sewerage, drainage, roads, schools, electricity);*
- *are accessible by public transport, cycling and walking as well as car;*
- *maximise energy efficiency in terms of location, layout and design, including the utilisation of renewable sources of energy and heat;*
- *are affected by physical constraints described in Physical Constraints on Development: Supplementary Guidance;*
- *make use of brownfield sites, existing buildings and recycled materials;*
- *demonstrate that they have sought to minimise the generation of waste during the construction and operational phases. (This can be submitted through a Site Waste Management Plan);*
- *impact on individual and community residential amenity;*
- *impact on non-renewable resources such as mineral deposits of potential commercial value, prime quality agricultural land, or approved routes for road and rail links;*
- *impact on the following resources, including pollution and discharges, particularly within designated areas:*
    - habitats
    - freshwater systems
    - species
    - marine systems
    - landscape
    - cultural heritage
    - scenery
    - air quality;
- *demonstrate sensitive siting and high quality design in keeping with local character and historic and natural environment and in making use of appropriate materials;*
- *promote varied, lively and well-used environments which will enhance community safety and security and reduce any fear of crime;*
- *accommodate the needs of all sectors of the community, including people with disabilities or other special needs and disadvantaged groups; and*
- *contribute to the economic and social development of the community.*

Developments which are judged to be significantly detrimental in terms of the above criteria will not accord with this Local Development Plan. All development proposals must demonstrate

compatibility with the Sustainable Design Guide: Supplementary Guidance, which requires that all developments should:

- *conserve and enhance the character of the Highland area;*
- *use resources efficiently;*
- *minimise the environmental impact of development;*
- *enhance the viability of Highland communities.*

Compatibility should be demonstrated through the submission of a Sustainable Design Statement where required to do so by the Guidance.

All developments must comply with the greenhouse gas emissions requirements of the Sustainable Design Guide.

In the relatively rare situation of assessing development proposals where the potential impacts are uncertain, but where there are scientific grounds for believing that severe damage could occur either to the environment or the wellbeing of communities, the Council will apply the precautionary principle.

Where environmental and/or socio-economic impacts of a Proposed Development are likely to be significant by virtue of nature, size or location, The Council will require the preparation by developers of appropriate impact assessments.

Developments that will have significant adverse effects will only be supported if no reasonable alternatives exist, if there is demonstrable over-riding strategic benefit or if satisfactory overall mitigating measures are incorporated."

Policy 51 Trees and Development

"The Council will support development which promotes significant protection to existing hedges, trees and woodlands on and around development sites. The acceptable developable area of a site is influenced by tree impact, and adequate separation distances will be required between established trees and any new development. Where appropriate a woodland management plan will be required to secure management of an existing resource.

The Council will secure additional tree/hedge planting within a tree planting or landscape plan to compensate removal and to enhance the setting of any new development. In communal areas a factoring agreement will be necessary.

The Council's Trees, Woodland and Development Supplementary Guidance will be adopted as statutory supplementary guidance. The guidance will identify the main principles for the protection and management of trees and woodland in relation to new development. It will:

- *identify key relevant legislation and regulation;*
- *establish the key factors for assessment of development sites in relation to the presence of trees;*
- *give guidance on preparation of tree protection, management, planting and landscape plans;*
- *for developments involving a significant element of woodland, give advice on the need for a woodland management plan;*
- *provide advice for development within existing woodland on the potential for woodland removal and need for compensatory planting;*

- generally support well planned developments which are designed to create and coexist with significant areas of new woodland.

Policy 52 Principle of Development in Woodland

"The applicant is expected to demonstrate the need to develop a wooded site and to show that the site has capacity to accommodate the development. The Council will maintain a strong presumption in favour of protecting woodland resources. Development proposals will only be supported where they offer clear and significant public benefit. Where this involves woodland removal, compensatory planting will usually be required.

The Council will consider major development proposals against their socio economic impact on the forestry industry within the locality, the economic maturity of the woodland, and the opportunity for the proposals to coexist with forestry operations.

For housing proposals within existing woodland, applicants must pay due regard to its integrity and longer term management.

In all cases there will be a stronger presumption against development where it affects inventoried woodland, designated woodland or other important features (as defined in Trees, Woodland and Development Supplementary Guidance).

All proposals affecting woodland will be assessed against conformity with the Scottish Government's Policy on Control of Woodland Removal.

The current Highland Forest and Woodland Strategy will be considered as a material consideration. It is the intention that future reviews of the strategy will be adopted as supplementary guidance.

The Highland Forest and Woodland Strategy reflects the strategic directions of the Scottish Forest Strategy developing its priorities for action at the regional level and through its key principles seeks to:

- *ensure sustainability;*
- *increase the community benefit from forestry and woodlands;*
- *identify opportunities for forest and woodland expansion compatible with other interests;*
- *improve existing forests and woodland to enhance forestry's contribution to the economy and environment of Highland;*
- *work with partners to address economic and infrastructure issues;*
- *retain and enhance the level of funding for forestry in Highland.*

Policy 53 – Minerals (inter alia);

"The Council will support the following areas for mineral extraction:

- *Extension of an existing operation/site*
- *Re-opening of a dormant quarry*
- *A reserve underlying a Proposed Development where it would be desirable to extract prior to development.*

Before a new site for minerals development will be given permission, it must be shown that other existing reserves have been exhausted or are no longer viable or, for construction aggregates, amount to less than a ten-year supply of permitted reserves.

The Council will support borrow pits which are near to or on the site of the associated development if it can be demonstrated that they are the most suitable source of material, are time limited and appropriate environmental safeguards are in place for the workings and the reclamation.

Geodiversity will also be considered when assessing proposals; the Council may set out conditions covering working methods, restoration and after use to safeguard the geodiversity value. Geodiversity value may occur out with designated sites. The Council will encourage opportunities to enhance geodiversity in all relevant development proposals including the potential to create, extend or restore geodiversity interests e.g. during mineral working and restoration.

All minerals developments will have to provide information on pollution prevention, restoration and mitigation proposals. Restoration should be carried out in parallel with excavation where possible. Otherwise it should be completed in the shortest time practicable. Planning conditions will be applied to ensure that adequate provision is made for the restoration of workings. The Council will expect all minerals developments to avoid or satisfactorily mitigate any impacts on residential amenity, the natural, built and cultural heritage, and infrastructure capacities. After uses should result in environmental improvement rather than just restoring a site to its original state. After uses should add to the cultural, recreational or environmental assets of an area. A financial guarantee may be sought."

Policy 55 Peat and Soils (inter alia);

"Development proposals should demonstrate how they have avoided unnecessary disturbance, degradation or erosion of peat and soils. Unacceptable disturbance of peat will not be permitted unless it is shown that the adverse effects of such disturbance are clearly outweighed by social, environmental or economic benefits arising from the development proposal.

Where development on peat is clearly demonstrated to be unavoidable then The Council may ask for a peatland management plan to be submitted which clearly demonstrates how impacts have been minimised and mitigated.

New areas of commercial peat extraction will not be supported unless it can be shown that it is an area of degraded peatland which is clearly demonstrated to have been significantly damaged by human activity and has low conservation value and as a result restoration is not possible.

Proposals must also demonstrate to the Council's satisfaction that extraction would not adversely affect the integrity of nearby Natura sites containing areas of peatland."

Policy 57 Natural, Built and Cultural Heritage

"All development proposals will be assessed taking into account the level of importance and type of heritage features, the form and scale of the development, and any impact on the feature and its setting, in the context of the policy framework detailed in Appendix 2. The following criteria will also apply:

1. For features of local/regional importance we will allow developments if it can be satisfactorily demonstrated that they will not have an unacceptable impact on the natural environment, amenity and heritage resource.

2. For features of national importance we will allow developments that can be shown not to compromise the natural environment, amenity and heritage resource. Where there may be any significant adverse effects, these must be clearly outweighed by social or economic benefits of national importance. It must also be shown that the development will support communities in fragile areas who are having difficulties in keeping their population and services.

3. For features of international importance developments likely to have a significant effect on a site, either alone or in combination with other plans or projects, and which are not directly connected with or necessary to the management of the site for nature conservation will be subject to an appropriate assessment. Where we are unable to ascertain that a proposal will not adversely affect the integrity of a site, we will only allow development if there is no alternative solution and there are imperative reasons of overriding public interest, including those of a social or economic nature. Where a priority habitat or species (as defined in Annex 1 of the Habitats Directive) would be affected, development in such circumstances will only be allowed if the reasons for overriding public interest relate to human health, public safety, beneficial consequences of primary importance for the environment, or other reasons subject to the opinion of the European Commission (via Scottish Ministers).

Where we are unable to ascertain that a proposal will not adversely affect the integrity of a site, the proposal will not be in accordance with the development plan within the meaning of Section 25(1) of the Town and Country Planning (Scotland) Act 1997.

Note: Whilst Appendix 2 groups features under the headings international, national and local/regional importance, this does not suggest that the relevant policy framework will be any less rigorously applied. This policy should also be read in conjunction with the Proposal Map.

The Council intends to adopt the Supplementary Guidance on Wild Areas in due course. The main principles of this guidance will be:

- *to provide mapping of wild areas;*
- *to give advice on how best to accommodate change within wild areas whilst safeguarding their qualities;*
- *to give advice on what an unacceptable impact is; and*
- *to give guidance on how wild areas could be adversely affected by development close to but not within the wild area itself.*

  In due course the Council also intends to adopt the Supplementary Guidance on the Highland Historic Environment Strategy. The main principles of this guidance will ensure that:

- *Future developments take account of the historic environment and that they are of a design and quality to enhance the historic environment bringing both economic and social benefits;*
- *It sets a proactive, consistent approach to the protection of the historic environment.*

Policy 58 Protected Species

"Where there is good reason to believe that a protected species may be present on site or may be affected by a Proposed Development, we will require a survey to be carried out to establish any such presence and if necessary a mitigation plan to avoid or minimise any impacts on the species, before determining the application. Development that is likely to have an adverse effect, individually and/or cumulatively, on European Protected Species (see Glossary) will only be permitted where:

- *There is no satisfactory alternative;*
- *The development is required for preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment; and*
- *The development will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range.*

Development that is likely to have an adverse effect, individually and/or cumulatively, on protected bird species (see Glossary) will only be permitted where:

- *There is no other satisfactory solution; and*
- *The development is required in the interests of public health or public safety. This will include but is not limited to avoiding adverse effects, individually and/or cumulatively, on the populations of the following priority protected bird species:*
- *Species listed in Annex 1 of the EC Birds Directive;*
- *Regularly occurring migratory species listed in Annex II of the Birds Directive;*
- *Species listed in Schedule 1 of the Wildlife and Countryside Act 1981 as amended;*
- *Birds of conservation concern.*

Development that is likely to have an adverse effect, individually and/or cumulatively (see glossary), on other protected animals and plants (see Glossary) will only be permitted where the development is required for preserving public health or public safety.

Development proposals should avoid adverse disturbance, including cumulatively, to badgers and badger setts, protected under the Protection of Badgers Act 1992 (as amended by the Nature Conservation (Scotland) Act 2004".

Policy 59 Other Important Species

"The Council will have regard to the presence of and any adverse effects of development proposals, either individually and/or cumulatively, on the Other Important Species which are included in the lists below, if these are not already protected by other legislation or by nature conservation site designations:

- *Species listed in Annexes II and V of the EC Habitats Directive;*
- *Priority species listed in the UK and Local Biodiversity Action Plans;*
- *Species included on the Scottish Biodiversity List.*

We will use conditions and agreements to ensure detrimental affect on these species is avoided."

Policy 60 Other Important Habitats and Article 10 Features

"The Council will seek to safeguard the integrity of features of the landscape which are of major importance because of their linear and continuous structure or combination as habitat "stepping stones" for the movement of wild fauna and flora. (Article 10 Features). The Council will also seek to create new habitats which are supportive of this concept.

The Council will have regard to the value of the following Other Important Habitats, where not protected by nature conservation site designations (such as natural water courses), in the assessment of any development proposals which may affect them either individually and/or cumulatively:

- *Habitats listed in Annex I of the EC Habitats Directive;*
- *Habitats of priority and protected bird species (see Glossary);*
- *Priority habitats listed in the UK and Local Biodiversity Action Plans;*
- *Habitats included on the Scottish Biodiversity List.*

The Council will use conditions and agreements to ensure that significant harm to the ecological function and integrity of Article 10 Features and Other Important Habitats is avoided. Where it is judged that the reasons in favour of a development clearly outweigh the desirability of retaining those important habitats, the Council will seek to put in place satisfactory mitigation measures, including where appropriate consideration of compensatory habitat creation."

Policy 61 Landscape

"New 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 will include consideration of the appropriate scale, form, pattern and construction materials, as well as the potential cumulative effect of developments where this may be an issue. The Council would wish to encourage those undertaking development to include measures to enhance the landscape characteristics of the area. This will apply particularly where the condition of the landscape characteristics has deteriorated to such an extent that there has been a loss of landscape quality or distinctive sense of place. In the assessment of new developments, the Council will take account of Landscape Character Assessments, Landscape Capacity Studies and its supplementary guidance on Siting and Design and Sustainable Design, together with any other relevant design guidance.

Note: The principles and justification underpinning the Council's approach to sustainable developments are contained in the supplementary guidance: "Sustainable Design".

Policy 63 Water Environment

"The Council will support proposals for development that do not compromise the objectives of the Water Framework Directive (2000/60/EC), aimed at the protection and improvement of Scotland's water environment. In assessing proposals, the Council will take into account the River Basin Management Plan for the Scotland River Basin District and associated Area Management Plans and supporting information on opportunities for improvements and constraints."

Policy 64 Flood Risk

Development proposals should avoid areas susceptible to flooding and promote sustainable flood management.

Development proposals within or bordering medium to high flood risk areas, will need to demonstrate compliance with Scottish Planning Policy (SPP) through the submission of suitable information which may take the form of a Flood Risk Assessment.

Development proposals outwith indicative medium to high flood risk areas may be acceptable. However, where:

- *better local flood risk information is available and suggests a higher risk;*
- *a sensitive land use (as specified in the risk framework of Scottish Planning Policy) is proposed, and/or;*
- *the development borders the coast and therefore may be at risk from climate change; a Flood Risk Assessment or other suitable information which demonstrates compliance with SPP will be required.*

Developments may also be possible where they are in accord with the flood prevention or management measures as specified within a local (development) plan allocation or a development brief. Any developments, particularly those on the flood plain, should not compromise the objectives of the EU Water Framework Directive.

Where flood management measures are required, natural methods such as restoration of floodplains, wetlands and water bodies should be incorporated, or adequate justification should be provided as to why they are impracticable."

Policy 66 Surface Water Drainage

"All Proposed Development must be drained by Sustainable Drainage Systems (SuDS) designed in accordance with the SuDS Manual (CIRIA C697) and, where appropriate, the Sewers for Scotland Manual 2nd Edition. Planning applications should be submitted with information in accordance with Planning Advice Note 69; Planning and Building Standards Advice on Flooding paragraphs 23 and 24. Each drainage scheme design must be accompanied by particulars or proposals for ensuring long-term maintenance of the scheme."

Policy 69 Electricity Transmission Infrastructure

"Proposals for overground, underground or sub-sea electricity transmission infrastructure (including lines and cables, pylons/ poles and vaults, transformers, switches and other plant) will be considered having regard to their level of strategic significance in transmitting electricity from areas of generation to areas of consumption. Subject to balancing with this consideration, and taking into account any proposed mitigation measures, the Council will support proposals which are assessed as not having an unacceptable significant impact on the environment, including natural, built and cultural heritage features. In locations that are sensitive, mitigation may help to address concerns and should be considered as part of the preparation of proposals. This may include, where appropriate, underground or sub-sea alternatives to overground route proposals. Where new infrastructure provision will result in existing infrastructure becoming redundant, the Council will seek the removal of the redundant infrastructure as a requirement of the development."

Policy 72 Pollution

"Proposals that may result in a significant pollution such as noise (including aircraft noise), air, water and light will only be approved where a detailed assessment report on the levels, character and transmission and receiving environment of the potential pollution is provided by the applicant to show how the pollution can be appropriately avoided and if necessary mitigated.

Where the Council applies conditions to any permission to deal with pollution matters these may include subsequent independent monitoring of pollution levels.

Major Developments and developments that are subject of Environmental Impact Assessment will be expected to follow a robust project environmental management process, following the approach

set out in the Council's Guidance Note "Construction Environmental Management Process for Large Scale Projects" or a similar approach."

Policy 77 Public Access

"Where a proposal affects a route included in a Core Paths Plan or an access point to water, or significantly affects wider access rights, then The Council will require it to either:

- *Retain the existing path or water access point while maintaining or enhancing its amenity value; or*
- *Ensure alternative access provision that is no less attractive, is safe and convenient for public use, and does not damage or disturb species or habitats.*

For a proposal classified as a Major Development, the Council will require the developer to submit an Access Plan. This should show the existing public, non-motorised public access footpaths, bridleways and cycleways on the site, together with proposed public access provision, both during construction and after completion of the development (including links to existing path networks and to the surrounding area, and access point to water)"