Limekiln Wind Farm S36C Variation

INFINERGY

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Planning Statement

June 2021

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1. Introduction

1.1 Background & Planning History

- 1.1.1 This Planning Statement Update has been prepared by David Bell Planning Ltd (DBP) on behalf of Limekiln Wind Ltd (the Applicant) to support an application under Section 36C of the Electricity Act 1989.
- 1.1.2 In 2012 Limekiln Wind Limited submitted a section 36 Application to the Scottish Ministers for a proposed wind farm at Limekiln Estate. The application sought consent for the erection of 24 wind turbines (15 with a maximum blade tip height of 139 m; and 9 with a maximum blade tip height of 126 m) with an installed capacity of over 50 megawatts (MW). This planning application was refused at a Public Local Inquiry (PLI) in 2014 on the grounds that it did not include adequate information to understand the potential impact of the proposal on Wild Land Area (WLA) 39 'East Halladale Flows'.
- 1.1.3 In 2016 the Applicant submitted a section 36 Application with exactly the same proposed infrastructure and layout as the first section 36 Application submitted in 2012. The application, Environmental Impact Assessment (EIA) Report and other documents which were submitted in support, took account of relevant changes in policy or guidance which had occurred in the intervening period since the first application and was supported by additional information regarding wild land and updated information on cumulative impacts.
- 1.1.4 In February 2017 the planning committee of the Highland Council (THC) voted to object to the section 36 Application on the grounds of a loss of recreational amenity close to the village of Reay and an unacceptable impact on WLA 39. The Scottish Ministers therefore referred the section 36 Application to the Directorate for Planning and Environmental Appeals (DPEA) to be examined at Public Local Inquiry (PLI).
- 1.1.5 In response to feedback received, the Applicant decided to remove three turbines (T19, T20 and T21) and their associated access tracks from the (then) proposed wind farm. Further Environmental information (FEI) to support this layout was submitted in September 2017 and it was consented by the Scottish Ministers in June 2019. Infinergy have subsequently had all of the planning conditions required for construction to commence discharged.
- 1.1.6 As access would be taken to several turbines along an existing Core Path, Infinergy submitted a Section 11 application to THC for temporary closure of this path for health and safety reasons. After considering the application THC refused the Section 11 in November 2020.

1.2 The Revised Consented Development

- 1.2.1 In June 2019, Limekiln Wind Farm (the "Consented Development") was granted consent under section 36 of the Electricity Act 1989 and deemed planning permission under section 57 of the Town and Country Planning (Scotland) Act 1997 by the Scottish Ministers. The consent is for a wind farm generating station with a generating capacity exceeding 50MW, with up to 21 wind turbines¹ with varying tip heights and associated infrastructure. The Applicant is seeking to amend the consent (the "Revised Consented Development") to:
 - Increase the height of all turbines to 149.9m to blade tip;

 $^{^1}$ 15 No. with a maximum blade tip height of 139 m; and 6 No. with a maximum blade tip height of 126 m.

- Reroute certain access tracks;
- Remove one borrow pit;
- Increase the operational period of the wind farm from 30 to 40 years; and
- Relocate the construction compound and increase its size from 100m x 100m to 150 x 100m.
- Relocate five water crossings and allow for an additional two water crossings;
- Increase the size of the crane hardstandings from 40 m x 22 m to 40 m x 35 m; and
- Removal of permanent anemometer mast.
- 1.2.2 Table 1.1 sets out a summary of key changes² between the Consented Development and the proposed Revised Consented Development.

Element	Consented Development	Revised Consented Development	Summary of Change
No. of Turbines	21	21	No Change
Turbine tip height	126 m and 139 m	149.9 m	Up to 23.9 m increase
Turbine Foundation	400 m3	645 m3	Increase of 245 m3
Crane Hardstandings	40 m x 22 m (880m2)	40 m x 35 m (1,400 m2)	Increase of 520 m2
On-site access track length	19.4 km	15.3 km	Relocation of access tracks. Removal of 4.1 km
Temporary Construction Compound	Located to the north east of the site. 100 m \times 100 m (10,000 m2)	Located to the north west of T22 100 m x 150 m (15,000 m2)	Relocated approx. 1 km to the south. Width increased by 50 m
Watercourse crossings	5	6	Increase by one
Permanent Anemometer Mast	1	0	Removed
Borrow Pits	2	1	Reduction by one
Construction rock volume Requirements	118,000 m3	170,100 m3	Increase of 51,100 m3. This includes rock already used for the Consented Development enabling works.
Operational Land take	13.24 ha	13.33 ha	Increase of 0.09 ha
Operational lifetime	30 years	40 years	Increase of 10 years

Table 1: Summary of Changes

² As fully described in Chapter 4 'Description of Revised Consented Development' in the EIA Report.

- 1.2.3 Collectively, these proposed variations to the Consented Development are referred to as the 'Revised Consented Development'.
- 1.2.4 In the Consented Development, while all 21 turbines have an 82m rotor diameter, the hub height of 15 turbines gave them an overall blade tip height of 139.4m, while the remaining 6 turbines had an overall blade tip height of 125.6m.
- 1.2.5 The blade tip height of all 21 of the turbines proposed for the Revised Consented Development is 149.9m, representing an increase of 10.5m in respect of 15 of the turbines and 24.3m in respect of the remaining 6 turbines.
- 1.2.6 Based on the candidate turbine the Revised Consented Development will have an installed capacity of some 88.2MW. This would be a 40% increase in the installed capacity of the Consented Development using its candidate turbine.
- 1.2.7 It should be noted that another turbine make or model with a different installed capacity may be used, both for the Revised Consented Development as well as for the Consented Development (but still within the design limits of the applicable consent, for example, maximum tip height). For the Revised Consented Development the Applicant expects to install a turbine with a higher installed capacity than the installed capacity of the proposed candidate turbine.
- 1.2.8 The approach, consistent with the EIA Regulations has been to only assess impacts that are likely to result in significant effects. In addition, the Electricity Works (Environmental Impact Assessment) (Scotland) Amendment Regulations 2017 make it clear that, for a variation application relating to an EIA development, further assessment required to inform the application should consider the impacts of the variation itself and how those differ from the original scheme, rather than requiring the whole development to be assessed again. The EIA Report therefore includes an assessment of the likely significant environmental effects of the Revised Consented Development following this approach.

1.3 Scope of Planning Statement

- 1.3.1 The purpose of this Planning Statement is to provide an update of the policy appraisal for the Revised Consented Development with reference to new material considerations: specifically new matters that have arisen in relation to national renewable energy policy and changes that have taken place with regard to national planning policy since the Consented Development was granted consent in June 2019.
- 1.3.2 Policy was examined in detail at the PLI for the Consented Development and is referenced in the Scottish Ministers Decision Letter of June 2019. At that time due regard was given to the provisions of the statutory Development Plan, as well as national energy and planning policy, and other relevant material considerations.
- 1.3.3 The relevant policy context has evolved, in particular with regard to renewable energy and climate change matters. Furthermore, the Scottish Government has issued a National Planning Framework 4 (NPF4) Position Statement and has made changes to the 'presumption in favour' in Scottish Planning Policy. The opportunity is therefore being taken to provide a policy update and to appraise the Revised Consented Development against that updated policy framework – as set out in this report.
- 1.3.4 In addition, a fundamental new factor that has emerged in 2020 is the COVID-19 pandemic and the devastating impact that it has had on the UK and indeed worldwide economy. The need and opportunity for a 'green recovery' is a key matter that is consistently referenced in renewable energy policy documents that have been published in 2020 and early 2021.
- 1.3.5 The Statement focuses on these new matters and concludes as to the overall acceptability of the Revised Consented Development in relation to the overall planning

framework. Cross references are made where appropriate to the EIA Report. Consistent with the EIA Regulations the approach has been to only assess impacts that are likely to result in significant effects.

- 1.3.6 In addition, the Electricity Works (Environmental Impact Assessment) (Scotland) Amendment Regulations 2017 make it clear that, for a variation application relating to an EIA development, further assessment required to inform the application should consider the impacts of the variation itself and how those differ from the original scheme, rather than requiring the whole development to be assessed again. The EIA Report therefore includes an assessment of the likely significant environmental effects of the Revised Consented Development following this approach.
- 1.3.7 This Planning Statement is set out as follows:
 - Chapter 2 sets out the up-to-date position with regard to the renewable energy policy framework with reference to policy developments that have taken place since June 2019.
 - Chapter 3 makes reference to the key elements of national planning policy with reference to the NPF4 Position Statement and to changes made to the presumption in favour by way of the amended Scottish Planning Policy.
 - Chapter 4 presents overall policy and planning balance conclusions, taking into account the updated renewable energy and national planning policy position, the benefits that would arise from the Revised Consented Development and the findings on the environmental topics addressed within the EIA, with a focus on landscape and visual matters.

2. The Climate Emergency & Renewable Energy Policy

2.1 Introduction

- 2.1.1 Government renewable energy policy and associated renewable energy and electricity targets are an important material consideration and it is important to be clear on the current position as it is a fast-moving topic of public policy.
- 2.1.2 Moreover, a fundamental new factor that has emerged in 2020 is the coronavirus pandemic and the opportunity for a 'green recovery' is a key matter that is consistently referenced in more recent renewable energy policy.
- 2.1.3 This Chapter sets out a summary position, with reference to recent key policy and related documents, including:
 - At the UK level:
 - The Committee on Climate Change (CCC) Annual Report to UK Parliament (June 2020);
 - The CCC Sixth Carbon Budget 'the UK's Path to Net Zero' (December 2020); and
 - The UK Energy White Paper (December 2020).
 - At a Scottish Government level:
 - Scottish Government, Official Statistics, Scottish Greenhouse Gas Emissions 2018, (June 2020);
 - The Update to the Climate Change Plan (December 2020)
 - The Energy Strategy Position Statement (March 2021).

2.2 United Kingdom Energy Policy

The UK Net Zero Target – CCC Annual Report to Parliament

- 2.2.1 The UK net zero target for 2050 is legally binding by way of amendments made to the Climate Change Act 2008.
- 2.2.2 The scale of the net zero challenge was highlighted in a report from the Institute of Government published in September 2020. The Institute refers to the CCC's latest assessment of June 2020 (see below) which states that "*not nearly enough progress had been made a year on from the net zero target being adopted*" (page 16). The extract from the report provided below as Figure 2.1 shows that the UK is not on track to meet the required emissions reduction trajectory.



Figure 2.1: UK Emissions of GHG: Actual (1990-2018) and Projected (2019-35)

Source: Department for Business, Energy and Industrial Strategy, 'Final UK greenhouse gas emissions national statistics', February 2020, and 'Updated Energy & Emissions Projections: 2018'.

- 2.2.3 The CCC published its Annual Report to the UK Parliament (required under the Climate Change Act 2008) on 25 June 2020.
- 2.2.4 The report includes new advice to the UK Government on securing a green and resilient recovery following the COVID-19 pandemic. It recommends that Ministers "*seize the opportunity to turn the COVID-19 crisis into a defining moment in the fight against climate change*". The CCC states that although a limited number of steps have been taken over the past year to support the transition to a net-zero economy and improve the UK's resilience to the impacts of climate change "*much remains to be done*".
- 2.2.5 In terms of building a resilient recovery from the COVID-19 crisis the CCC states:
 - Net-zero emissions and improved climate resilience are integral to the COVID-19 recovery;
 - Climate investments will help create jobs and stimulate economic recovery, while changing the course of UK emissions and improving our resilience to climate change for the coming decade and beyond; and
 - The fundamental requirements to achieve Net Zero are largely unchanged by COVID-19.
- 2.2.6 The report adds that the steps that the UK takes to rebuild from the COVID-19 pandemic and its economic damage can also accelerate the transition to low-carbon activities and improve climate resilience.
- 2.2.7 In terms of specific reference to the power sector, the report welcomes plans to bring onshore wind back into the system of power auctions and states that a clear timetable for future auctions would support delivery and development of supply chains.
- 2.2.8 A fundamental part of the report is Chapter 5 'Planning a resilient recovery'. The CCC recommends that investments in low-carbon and climate adaptation infrastructure must be at the heart of measures to restore economic growth following COVID-19.
- 2.2.9 Page 169 sets out that 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 various areas

including "planning", described as a "useful lever over infrastructure that needs to be well aligned to objectives for emissions reduction" by various means including "a favourable planning regime for low-cost onshore wind."

The UK's Sixth Carbon Budget (December 2020)

- 2.2.10 The CCC published the Sixth carbon budget 'the UK's Path to Net Zero' in early December 2020. The recommendations relate to the budget to run from 2033 to 2037. It builds upon the CCC's previous advice to Government in relation to net zero. The CCC recommends that the UK:
 - Sets a Sixth Carbon Budget to require a reduction in UK greenhouse gas emissions of 78% by 2035 relative to 1990 levels;
 - This is seen as a world leading commitment, placing the UK "decisively on the path to net zero by 2050 at the latest with a trajectory that is consistent with the Paris Agreement"; and
 - It should be accompanied by an ambitious 2030 pledge to reduce emissions by at least 68% from 1990.
- 2.2.11 Key benefits for the UK are seen as including the opportunity for low carbon investment – recognised at a time when it is needed to support the UK's economic recovery from the COVID-19 health crisis.
- 2.2.12 Key points from the Sixth Carbon Budget include:
 - UK climate targets cannot be met without strong policy action in Scotland where action can be taken in terms of "*planning and consenting*".
 - The CCC is clear in setting out that new demand for electricity will mean that electricity demand will rise 50% to 2035 and "*doubling or even trebling by 2050*".
 - The Sixth Carbon Budget needs to be met /achieved and that will need more and faster deployment of renewable energy developments than has happened in the past.
 - The related 'Methodology Report' from the CCC advice, states that in all scenarios for the carbon budget and looking ahead to 2050, the CCC sees "*new* onshore wind generation being deployed by 2050". They set out that their "modelling reflects this by almost doubling onshore wind capacity to 20-30 GW in all scenarios by 2050."
 - Key benefits for the UK are seen as including the opportunity for low carbon investment – recognised at a time when it is needed to support the UK's economic recovery from the COVID-19 health crisis.

The UK Energy White Paper (December 2020)

2.2.13 The Energy White Paper 'Powering our Net Zero Future' was published on 14 December 2020 and represents a sea change in UK policy and highlights the importance of renewable electricity.

It sets out that "electricity is a key enabler for the transition away from fossil fuels and decarbonising the economy cost-effectively by 2050".

2.2.14 A key objective is to "accelerate the deployment of clean electricity generation through the 2020s" (page 38). Electricity demand is forecast to double out to 2050, which will "require a four-fold increase in clean electricity generation with the decarbonisation of

electricity increasingly underpinning the delivery of our net zero target" (page 42). This anticipated growth of renewable electricity is illustrated in the graph below – Figure 2.2.



Figure 2.2: Illustrative UK Final Energy Use in 2050³

2.2.15 Other key points in the White Paper include:

- The White Paper builds on the Prime Minister's recently announced 'Ten Point Plan' to set the energy-related measures and a long-term strategic vision for the energy system, consistent with net zero emissions by 2050.
- It sets out (page 2) that it "puts net zero and our effort to fight climate change at its core."
- It aims to support a 'green recovery' from COVID-19 and confirms that electricity demand could double by 2050.
- Whilst offshore renewables are expected to grow significantly, the White Paper also sets out that "onshore wind and solar will be key building blocks of the future generation mix, along with offshore wind. We will need sustained growth in the capacity of these sectors in the next decade to ensure that we are on a pathway that allows us to meet net zero emissions in all demand scenarios." (page 45).

2.3 Scottish Government Energy Policy associated Targets

- 2.3.1 The Scottish Government's Onshore Wind Policy Statement and the Scottish Energy Strategy were published at the end of 2017. More recent documents are referred to below, with key policy objectives and targets highlighted:
 - The Climate Change (Emissions Reduction Targets) (Scotland) Act 2019;
 - The Update to the Climate Change Plan (December 2020); and
 - The Scottish Energy Strategy Position Statement (March 2021).

³ Source: Energy White Paper page 9 (2020).

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

- 2.3.2 It is important to take into account the Climate Change (Emissions Reduction Targets) (Scotland) Act 2019 ('the 2019 Act'). The Act sets a legally binding target of 'net zero' emissions for Scotland by 2045 at the latest, five years ahead of the date set for the whole of the UK.
- 2.3.3 The Act amends the Climate Change (Scotland) Act 2009. It is also relevant to note that at Stage 3 of the Bill in Parliament the interim target for 2030 was amended and strengthened from a 70% to a 75% reduction in emissions lower than the baseline of 1990 levels (and 90% for 2040)⁴. The new targets were brought into force by way of Commencement Regulations on 23 March 2020⁵.
- 2.3.4 The Scottish Government publishes an annual report⁶ that sets out whether each annual emissions reduction target has been met. The latest report is for the 2018 target year and was published in June 2020.
- 2.3.5 The Report states that the 'GHG Account' reduced by only 50% between the baseline period and 2018. As noted, the 2019 Act specifies a 54% reduction over the same period therefore the target for 2018 has not been met. Table 2.1 below sets out the annual targets for every year to net-zero by 2045.

Year	% Reduction Target	Actual Emissions Reduction %	Year	% Reduction Target
2018	54	50	2032	78
2019	55	-	2033	79.5
2020	56	Interim Target	2034	81
2021	57.9	-	2035	82.5
2022	59.8	-	2036	84
2023	61.7	-	2037	85.5
2024	63.6	-	2038	87
2025	65.5	-	2039	88.5
2026	67.4	-	2040	90 (Interim)
2027	69.3	-	2041	92
2028	71.2	-	2042	94
2029	73.1	-	2043	96
2030	75	Interim Target	2044	98
2031	76.5	-	2045	100% NET ZERO

Table 2.1: Scotland's Annual Emission Reduction Targets to Net Zero

⁵ The Climate Change (Emissions Reduction Targets) (Scotland) Act 2019 (Commencement) Regulations 2020.

⁶ Scottish Government, Official Statistics, Scottish Greenhouse Gas Emissions 2018, (June 2020).

⁴ Progress against the targets is measured against 1990 levels of carbon dioxide, methane and nitrous oxide and 1995 levels of hydroflurocarbons, perflurocarbons, sulphur hexafluoride and nitrogen trifluoride.

The Update to the Climate Change Plan (2018-2032) (December 2020)

- 2.3.6 The Scottish Government published the update to the Climate Change Plan (CCP) 'Securing a Green Recovery on a Path to Net Zero' on 16 December 2020. The plan covers the period 2018-2032 and responds to the new net zero targets aimed at ending Scotland's contribution to climate change by 2045. The period it covers refers to the timescale in which the Government has committed to reduce greenhouse gas emissions by 75% by 2030 (compared with 1990 levels).
- 2.3.7 A key part of the plan is the green recovery and it states (page 1) that:

"It is essential that a recovery from the pandemic responds to the climate emergency, and puts us on a pathway to deliver our statutory climate change targets and a just transition to net zero, by ensuring our actions in the immediate term are in line with our long-term goals".

"The Scottish Government has been clear in its commitment to securing a just and green recovery, which prioritises economic, social and environmental well-being, and responds to the twin challenges of the climate emergency and biodiversity loss".

- 2.3.8 In terms of electricity, the CCP update announces, "further policies to continue the rapid growth in renewable generation over the past 20 years, moving from a low to a zero-carbon electricity system".
- 2.3.9 Reference is also given to the intention to prepare an Energy Strategy update in 2021 and an updated Electricity Generation Policy Statement by 2022. Page 18 refers to the "*pathway to 2032*" and sets out what the policies mean in practice. It states:

"by 2032 our energy system will be in the midst of a major transformation, integrating new ways of producing, transporting and using energy with existing technologies. This transformation will be planned and developed through a systems led approach, ensuring that decisions take account of the benefits across all of the energy sectors as well as the economic and social benefits they create for everyone in Scotland. By 2032 we will generate at least the equivalent of 50% of our energy across heat, transport and electricity demand from renewable sources".

"our electricity system will have deepened its transformation for the better, with over 100% of Scotland's electricity demand being met by renewable sources. More and more households, vehicles, businesses and industrial processes will be powered by renewable electricity, combined with green hydrogen production. <u>There will also be a substantial increase in renewable generation, particularly through new offshore and on shore wind capacity</u>" (page 18). (underlining added)

- 2.3.10 Chapter 1 addresses electricity. Paragraph 3.1.4 recognises that as Scotland transitions to net zero, a growing and increasingly decarbonised electricity sector "*is critical to enabling other parts of our economy to decarbonise notably transport, buildings and industry*".
- 2.3.11 Annex A of the CCP contains policies and proposals. For the electricity sector, 'outcome 1' is that "the electricity system will be powered by a high penetration of renewables, aided by a range of flexible and responsive technologies".
- 2.3.12 In addition, the target is maintained of "a new renewable all energy consumption target of 50% by 2030, covering electricity, heat and transport".
- 2.3.13 In terms of the coordinated approach needed, Section 2.5 refers to the planning system and the forthcoming NPF4. Planning is seen as a "*key delivery mechanism for many of the policies within this climate change plan update, across all sectors*".

- 2.3.14 Key points from the Climate Change Plan Update include:
 - Government views it as essential that a recovery from the pandemic responds to the climate emergency and puts Scotland on a pathway to deliver statutory climate change targets and a transition to net zero (page 1).
 - A growing and increasingly decarbonised electricity sector is seen as critical to enabling other parts of the economy to decarbonise, particularly transport, buildings and industry (page 32).
 - Planning is recognised as remaining as a "critical enabler of rapid renewables deployment in Scotland" (page 78)
 - The need to invest in renewable generation and related infrastructure to reduce greenhouse gas emissions is critical to creating good, green jobs as part of the green recovery and longer-term energy transition (page 78).
 - Renewable generation is expected to increase substantially between now and 2032 with an expectation of development of between 11 and 16 Giga Watts (GW) of new capacity during this period, "*helping to decarbonise our transport and heating energy demand*" (page 40).
 - Electricity demand is expected to have grown considerably over this period (page 82).

The Scottish Energy Strategy Position Statement (March 2021)

- 2.3.15 The Scottish Government published 'Scotland's Energy Strategy Position Statement' in March 2021. The Position Statement provides an overview of Government policies in relation to energy. It sets out (page 5) that it reinforces the Government's commitment to remain guided by the key principles set out in the Scottish Energy Strategy (SES) of 2017 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".
- 2.3.16 The Ministerial Foreword references the challenge of the pandemic which has created an economic crisis and notes that the Climate Emergency "has continued unabated". It sets out "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".
- 2.3.17 Reference is made to the most 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 net zero by 2045.
- 2.3.18 The summary of the document (page 7) sets out that the current SES remains in place until any further Energy Strategy refresh is adopted by Ministers.
- 2.3.19 In terms of key priorities for energy, with regard to renewables this includes working on the refresh of the Onshore Wind Policy Statement which is expected to be published in 2021.
- 2.3.20 Section 5 of the document addresses 'a green economic recovery' and states that creating green jobs is at the heart of the Scottish Government's plans for a green economic recovery and that the Programme for Government (2020) set out what is termed as a 'national mission' to create new and green jobs. It also adds (page 15) that a priority for the Scottish Government is "ensuring our local communities and economies reap the opportunities from a just transition to net zero".

- 2.3.21 Onshore renewables is specifically addressed in Section 8 where it is set out 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".
- 2.3.22 It adds that "the <u>Scottish Government is committed to supporting the increase of</u> <u>onshore wind in the right places</u> 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". (underlining added)

2.4 Relevant Decisions

- 2.4.1 It is informative to refer to a recent Scottish Minsters' Section 36 consent for a wind farm, namely <u>Pauls' Hill II</u>⁷ which related to a seven turbine, 24 MW extension development in Moray. The Scottish Minsters granted consent on 11 December 2020. The Inquiry Report (IR) is dated 10 July 2020 and key points from an energy policy perspective include the following:
 - At paragraph 2.130 the Reporter stated "there is also the issue clearly identified by the CCC (and discussed below) that large scale electrification of heating and transportation in the future are likely to increase significantly, the requirement for electrical energy. This electricity will have to be generated by low carbon methods if compliance with recent net zero legislation (also discussed below) is to be achieved."
 - The Reporter adds at paragraph 2.132 "turning to more recent developments, although the CCC's 2019 reports are not, in themselves, expressions of either UK or Scottish Government policy, I agree with the applicant that they are material considerations." The Reporter added "I agree with the applicant that some regard needs to be had to this expression by an independent advisor (informed by experts in the field) that a 'business as usual' approach is unlikely to deliver the emissions reductions (leading to net zero emissions (in Scotland) by 2045) that are now required by law".
- 2.4.2 The Reporter also makes reference to the technical report that accompanied the CCC's net zero report (May 2019) which he states "finds that emissions from the UK's electricity system can be reduced by approximately 97% whilst meeting increased electricity demands for transport and heat sectors, potentially doubling the size of today's electricity system. This will require what the CCC describes as 'sustained and increased deployment of renewables along with some flexible power generation.....".
- 2.4.3 The Reporter addressed the planning balance in Chapter 8 of the IR and concluded the position he was taking with regard to additional energy policy material considerations where he stated (paragraph 8.33):

"For the reasons I set out in Chapter 2, I find 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 commits Scotland to net zero carbon emissions by 2045 add some further support to the proposal, given the clear policy position that onshore 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 with the need for much greater progress on carbon emission reduction in the future, which has led to the declaration of a climate emergency".

7 Scottish Ministers' Decision Letter dated 11 December 2020. Case Reference WIN-300-3 and Inquiry Report dated 10 July 2020.

- 2.4.4 In addition, the Scottish Ministers granted consent for the <u>Crystal Rig Wind Farm⁸</u> (Phase IV) in East Lothian on 24 March 2021. This involved 11 turbines with a blade tip height of up to 200m, with part of the site being within a Special Landscape Area. The Ministers set out at page 16 of the Decision Letter that "*the seriousness of climate change, its potential effects and the need to cut carbon dioxide emissions, remain a priority for the Scottish Ministers*".
- 2.4.5 In the Inquiry Report for the development dated 22 January 2021, the Reporters set out in 'overall policy conclusions' (paragraph 6.148) that "we conclude that the proposed development is supported by national energy and planning policy. It also attracts support from recent developments in response to the declaration of a Climate Emergency, particularly the enactment of The Climate Change (Emissions Reduction Targets) (Scotland) Act 2019."
- 2.4.6 The increased weight to be given to benefits is justified on the basis of the new material considerations that have arisen since SPP and NPF3 were published in 2014. As the Reporters in these two cases rightly highlight, the context since then has considerably changed and that is what needs to be taken into account in planning decisions.

2.5 Conclusions

- 2.5.1 The Scottish Energy Strategy (SES) (2017) which preceded the important events and publications referred to above, already sets out that onshore wind is recognised as a key contributor to the delivery of renewable energy targets specifically the 2030 50% energy from renewable sources target. The SES did not and could not take account of what may be required in terms of additional renewable generation capacity to attain the new legally binding 'net zero' targets.
- 2.5.2 One of the key messages in the Onshore Wind Policy Statement (OWPS) (2017) is the recognition that onshore wind is to play a "vital role" in meeting Scotland's energy needs, a "material" role in growing the economy and it is specifically stated that the technology remains "crucial" in terms of Scotland's goals for an overall decarbonised energy system and to attain ambitious renewable targets for the milestone dates of 2020, 2030 and 2045.
- 2.5.3 The OWPS also makes specific reference to the move "towards larger and more powerful (i.e. higher capacity) turbines and that these by necessity will mean taller towers and blade tip heights". Notice is therefore given of market reality and evolving technological change and the benefits larger turbines can bring in terms of energy yield and a consequent larger contribution to targets.
- 2.5.4 Whilst the SES and the OWPS are evidence of a continuum of ever stronger positive advice on onshore wind development as part of the Scottish Government's renewables strategy, the latest documents and legally binding targets for net zero introduced in 2019 and which came into force in March 2020 go further still.
- 2.5.5 If the net zero target alone is not sufficient to indicate a pressing need for more renewable energy schemes the Highland Council and the Scottish Government in common with much of the world, declared a global climate emergency in 2019. That is not simply a political declaration, it is the overriding priority of Government at all levels. The declaration of an "emergency" is a reflection of both the seriousness of climate change and its potential effects and the need for urgent action to cut carbon dioxide emissions. Action now, not next year.

⁸ Scottish Ministers' Decision Letter dated 24 March 2021. Case Reference WIN-140-8 and Inquiry Report dated 22 January 2021.

- 2.5.6 The Scottish Government's declaration is inimical with a "business as usual" approach to the planning balance for onshore wind and other development designed to address that emergency.
- 2.5.7 Decisions through the planning system must be responsive to this position and bring these material matters into play in planning determinations, by according these factors proper weight through the application of the planning balance. The current situation must therefore go to the matter of weight to be attributed to benefits and the need case for the proposal.
- 2.5.8 The benefits of the proposal would help attain these policy objectives the net zero target which the National Audit Office say is "*a colossal challenge*". Moreover, the project would deliver economic benefits at a time of severe economic recession consistent with the green recovery being sought by both the UK and Scottish Governments.

3. National Planning Policy

3.1 Introduction: Changes to National Planning Policy

3.1.1 National planning policy guidance is provided by way of the National Planning Framework 3 (NPF3) and Scottish Planning Policy (SPP). Amendments were made to SPP in December 2020 and the NPF4 'Position Statement' was published in November 2020. These new matters are addressed below.

3.2 Scottish Planning Policy (2020)

- 3.2.1 An important 'Policy Principle' in the planning system, introduced by SPP, is the updated 'presumption in favour of sustainable development'.
- 3.2.2 The Scottish Government made changes to the presumption following a period of consultation. The previous paragraph 27 of SPP referred to a presumption in favour of development that contributed to sustainable development. The Scottish Government has now re-worded the presumption so that it can be applied in a more straightforward way.
- 3.2.3 Page 24 of the Government's 'Finalised Amendments' to SPP make amendments to policy "so that it more clearly supports sustainable development. It will now provide that there is a presumption in favour of sustainable development" (page 24). The changes were made largely in light of housing matters; however the changes are relevant to all types of development. The changes relate to paragraphs 28 through to 33 of SPP.
- 3.2.4 Paragraph 28 states:

"the planning system should support economically, environmentally and socially sustainable places by enabling development that balances the costs and benefits of a proposal over the longer term. The aim is to achieve the right development in the right place; it is not to allow development at any cost".

- 3.2.5 The amended policy principle is now set out as follows at paragraph 29 "planning policies and decisions should support sustainable development. For the purposes of this policy, to assess whether a policy or proposal supports sustainable development, the following principles should be taken into account". The various principles remain unchanged.
- 3.2.6 Paragraph 29 of SPP sets out that policies and decisions should be guided by a number of principles. The Revised Consented Development was assessed against those principles in the Planning Statement and that appraisal remains relevant.
- 3.2.7 The Revised Consented Development would be consistent with the principles set out at paragraph 29 of SPP and it would also assist in delivering SPP Outcomes in particular Outcomes 1 and 2 (namely a successful sustainable and low carbon place) indicating that overall the proposal is sustainable development.
- 3.2.8 Furthermore, the proposal is considered to be acceptable when considered against the development management considerations in relation to renewable energy developments as set out at paragraph 169 of SPP. In addition, a key development management policy in SPP is at paragraph 174 with regard to 'Existing Wind Farm Sites' where it states:

"proposals to repower existing wind farms which are already in suitable sites where environmental and other impacts have been shown to be capable of mitigation can help to maintain or enhance installed capacity, underpinning renewable energy generation targets. <u>The current use of the site as a wind farm will be a material</u> <u>consideration in any such proposals</u>".

3.3 NPF4 Position Statement (November 2020)

- 3.3.1 The Fourth National Planning Framework (NPF4) is being prepared by the Scottish Government to replace NPF3 and SPP and will represent a new National Plan and, for the first time, will become part of the statutory Development Plan. The NPF4 'Position Statement' was published by the Scottish Government on 26th November 2020.
- 3.3.2 A call for ideas for NPF4 was undertaken by the Scottish Government in early 2020 and the Position Statement "sets out our current thinking to inform further discussions on the content of a draft revised framework for consultation. It aims to support those discussions and is not, in itself, a document setting out policy".
- 3.3.3 The Statement makes it clear that the current NPF3 and SPP "*remain in place until NPF4 is adopted by Ministers*". Page 40 of the Statement states however that "*the Position Statement provides an idea of the direction of travel*" to inform a full draft of NPF4.
- 3.3.4 The plan looks ahead to 2050 and it is clear that a central element is a planning approach to deliver 'net-zero' emissions. The introductory section entitled 'Our Future Places' states that:
 - "a significant shift is required to achieve net-zero emissions by 2045"; and that
 - "We will have to rebalance the planning system so that climate change is a guiding principle for all plans and decisions".
- 3.3.5 Page 2 states "we cannot afford to compromise on climate change. If we are to meet our targets, some significant choices will have to be made". References to "significant choices" and "no more compromises" is strong language.
- 3.3.6 It is also clear that a central part of the new policy approach will be to help stimulate the green economy.

Key Opportunities

3.3.7 In terms of future places, the Government has set out twelve "*key opportunities to achieve this*" and with specific reference to renewables, 'Opportunity 8' states "*supporting renewable energy developments, including the re-powering and extension of existing wind farms* ... " (page 3). (underlining added).

Outcomes

- 3.3.8 The Statement sets out various outcomes for 2050 (page 5) and states that the longterm strategy "will be driven by the overarching goal of addressing climate change. We must play our full part in tackling the global climate emergency by reducing greenhouse gas emissions in line with our legal targets." The four key outcomes for NPF4 are expected to be as follows:
 - Net-Zero Emissions;
 - A Well-being Economy;
 - Resilient Communities; and
 - Better, Greener Places.
- 3.3.9 The Statement addresses each of these outcomes in turn, covering a summary of the principal consultation responses on these matters, emerging spatial priorities and

outlines potential policy changes. In terms of the net-zero emissions outcome, the Statement sets out "*a plan for net-zero emissions*". Key points in this include that the Government will build on the Climate Change Plan⁹ and take forward the advice provided by the UK Committee on Climate Change. The Statement sets out that the new spatial strategy will:

- <u>Prioritise emissions reduction</u> in this regard it states: "climate change will be the overarching priority for a spatial strategy. To achieve a net-zero Scotland by 2045 and meet the interim emissions reduction targets of 75% by 2030 and 90% by 2040, an <u>urgent and radical shift in our spatial plan and policies is required</u>. Scotland's updated Climate Change Plan will be published later this year, setting a course for achieving the targets in the Climate Change (Emissions Reductions Targets) (Scotland) Act 2019. NPF4 will take forward proposals and policies to support it." (underlining added)
- Deliver infrastructure to reduce emissions it states: "we expect that NPF4 will confirm our view that the Global Climate Emergency should be a material consideration in considering applications for appropriately located renewable energy developments." (page 9).

Potential National Planning Policy Changes

- 3.3.10 In terms of potential policy changes (page 10), there are various proposals which are intended to "support a spatial strategy for net-zero emissions" and these are to include "updating the current spatial framework for onshore wind to continue to protect National Parks and National Scenic Areas, whilst allowing development outwith these areas where they are demonstrated to be acceptable on the basis of site-specific assessments".
- 3.3.11 In terms of the Wellbeing Economy outcome, the Statement sets out that the new spatial strategy will support a sustainable and green economic recovery and references the need to recover from the impacts of COVID-19 through "*a sustainable, green economic recovery, as recognised in the 2020 report by the Advisory Group on Economic Recovery*" (page 22).

Next Steps on NPF4 & Key Points

- 3.3.12 The Government is continuing its engagement process on NPF4 and opened a further consultation period which ended on 19 February 2021. A full draft of NPF4 is expected to be published in September 2021 at which time it will be laid before the Scottish Parliament and will also be the subject of wider public consultation, with a view to being adopted in 2022.
- 3.3.13 Key points in the Position Statement include:
 - Whilst the Statement does not yet provide any detail of any changes to spatial planning for onshore wind, the document is an expression of the Government's clear direction of travel of policy – involving a "rebalance" of the planning system "so that climate change is a guiding principle for all plans and decisions".
 - The new spatial strategy will "*prioritise emissions reduction*" which is underpinned and made necessary by the changes in energy policy and the law (in terms of emissions reduction targets).
 - Onshore wind is the specific renewable technology referenced in the "*key* opportunities" and is expected to play a significant role in the plan for net-zero emissions.

⁹ Climate Change Plan (2018).

- The Scottish Government is following the clear recommendations of the CCC, recognising an "urgent and radical shift in our spatial plan and policies is required".
- Recognition that the climate emergency should be a material consideration in considering applications for renewable energy developments.
- 3.3.14 Whilst the document does not represent formal planning policy, it is, as noted, a clear insight into the direction of travel of planning policy. It is clear that achieving net zero underpins the Position Statement and this key matter 'ties in' to the various other energy policy material considerations referred to. Planning policy therefore needs to adapt to properly address these other considerations. In short, planning policy needs to 'catch up' with the law on net zero.

3.4 Conclusions on National Planning Policy

- 3.4.1 Both NPF3 and SPP set out a strong position of support in relation to renewable energy and renewable energy targets and recognise the significant energy resource provided by onshore wind. This is clearly not at any cost and development continues to be guided to appropriate locations and environmental effects need to be judged to be acceptable when weighed against the benefits of such schemes, before consents are forthcoming.
- 3.4.2 The Revised Consented Development benefits from the updated presumption in favour of sustainable development. It is the right development in the right place (paragraph 28 of SPP) and not only because the proposal is in accordance with the guiding principles relevant to this type of development set out in paragraph 29 of SPP, but also because what is proposed has a strong consistency with the declared desirable planning Outcomes within SPP and the consented development is a key material consideration.
- 3.4.3 Finally, with regard to national planning policy, it has to be acknowledged that the need case with regard to renewable generation and emissions reduction targets as set out in NPF3 and SPP is both out of date and out of step with current targets as set out in new law. The documents are under review and have to a large extent been overtaken by new renewable energy targets and statutory provisions on greenhouse gas emissions reductions which have been explained in the previous Chapter.
- 3.4.4 Whilst the NPF4 Position Statement does not yet provide any detail of any changes to spatial planning for onshore wind, the document is an expression of the Government's clear direction of travel of policy involving a "rebalance" of the planning system "*so that climate change is a guiding principle for all plans and decisions*".
- 3.4.5 Furthermore, in terms of planning policy provisions set out in SPP, there is now a clear shift from what was then (in 2014) termed the move to a 'low carbon economy' there is now an ambitious policy imperative to move to a 'net zero economy and society'. The Revised Consented Development can help achieve that clear policy objective.

4. The Development Plan

4.1 Approach

4.1.1 This Chapter sets out an appraisal of the Revised Consented Development in terms of the Development Plan. Reference is made to the conclusions reached as set out in the EIA documents. In addition, the pre-application feedback¹⁰ from Highland Council made it clear that the key matter for this application would be the effects of the larger turbines in relation to the landscape (Wild Land) and visual effects. The visual effects were considered to be relevant in relation to residential receptors in the settlement of Reay and the surrounding area to the north, west and east of the site as well as the impacts on road-based receptors and recreational users of the outdoors. The planning policy appraisal therefore focuses in on the landscape and visual matters arising.

4.2 The Development Plan

- 4.2.1 The statutory Development Plan for the application site comprises:
 - the Highland Wide Local Development Plan (the "HwLDP") (adopted 5th April 2012);
 - The Caithness and Sutherland Local Development Plan ("CasPlan") (2018); and
- 4.2.2 Relevant Supplementary Guidance: the Onshore Wind Energy Supplementary Guidance (November 2016) (OWSG).
- 4.2.3 The CaSPlan focuses largely on settlements and communities, rather than presenting planning policies of relevance to onshore wind. It is only relevant from a broad policy perspective and does not present any specific planning policies of relevance to onshore wind.

4.3 Policy 67 'Renewable Energy'

- 4.3.1 Policy 67 is the key or 'lead' HwLDP policy for the assessment of onshore wind farm developments. The policy contains a number of criteria which generally address the environmental topics that are referred to in other policies within the Plan. The Revised Consented Development has been assessed against Policy 67 and the associated SG which supports the policy.
- 4.3.2 Firstly, Policy 67 refers to the need for renewable energy development proposals to be "well related to the source of the primary renewable resources that are needed for their operation". The Revised Consented Development meets this requirement as the "primary renewable resource" for its operation is wind and the location is one where the wind resource is particularly good. The site is a suitable site as confirmed by the Consented Development.
- 4.3.3 Secondly, Policy 67 states the Council will consider a proposed development's contribution "towards meeting renewable energy generation targets". The proposal would provide an additional 25.2 MW of capacity over the Consented Development. The full range of benefit metrics is set out in the following Chapter. The Wind Farm would make a valuable contribution to UK and Scottish Government emission reduction and renewable electricity and energy generation targets and the net zero objective.
- 4.3.4 Thirdly, Policy 67 states the Council will consider "any positive or negative effects [the proposed development] is likely to have on the local and national economy". The

¹⁰ Highland Council, Pre-Application Advice Pack, dated 07 April 2021.

proposal would contribute to the attainment of economic development objectives at local and national levels. Employment and economic benefits that would arise from the proposal are also set out in Chapter 5 below.

- 4.3.5 Fourthly, a proposed development is to be assessed against other policies of the Development Plan, the Highland Renewable Energy Strategy and Planning Guidelines (HRES) and must have regard to any other material considerations. HRES is no longer used by the Council as a material policy / guidance document and is therefore of no relevance.
- 4.3.6 Fifthly, the Council will have regard to proposals able to "demonstrate significant benefits including by making effective use of existing and proposed infrastructure or facilities". The proposal optimises the use of consented infrastructure.
- 4.3.7 Finally, Policy 67 requires a proposed development to be assessed against 11 factors with regard to predicted significant effects, and a judgement has to be reached as to whether or not such effects would be "*significantly detrimental overall*". AS noted above, given the nature of the proposal and the issues arising the key matter in the policy appraisal is the predicted landscape and visual effects.
- 4.3.8 It should also be noted that a very clear distinction is made in the policy wording between, one the one hand, a finding of "significant effect" on any one or more of the identified receptors and, on the other hand, the overall judgement as to whether the proposal would be "significantly detrimental overall". The latter judgement must then balance any identified significant effects against (a) the locational considerations (i.e., where onshore wind can feasibly be located) and (b) the climate change and economic benefits. A conclusion that visual effects are significantly detrimental is not the same as a conclusion of significant detriment overall considering all factors.

Landscape and Visual Effects

- 4.3.9 The assessment of the Revised Consented Development is set out in the Landscape and Visual Assessment (LVIA) in the EIA Report. Significant effects are predicted to occur within the following receptors;
 - the landscape character type in which the Revised Consented Development is located and the landscape character type immediately adjacent;
 - localised parts of five of the closely surrounding landscape character types;
 - seven of the close range views;
 - two close range settlements;
 - sections of two close range routes, including coinciding parts of NC500 and NCR1; and
 - nine close range core paths.
- 4.3.10 Significant effects are concentrated within the local area and predominantly to the north and north-east of the Revised Consented Development where there is a concentration of roads and settlement. All other receptors are predicted to undergo not significant effects.
- 4.3.11 The suitability of the site and context relates to the character of the landscape in which the Revised Consented Development is situated and how it, in turn, relates to the contrasting landscapes which surround it. It is explained in the EIA Report that the low hills on which the Limekiln Coniferous Woodland Plantation Landscape Character Type (LCT) is located form a transition between the settled and farmed landscapes to the north and east and the unsettled and unfarmed landscapes to the west and south. The site is well positioned in that it is far enough removed from the less developed and

wilder landscapes to the south while at the same time recessed from the more settled landscapes along the coastal edge to the north.

- 4.3.12 The landscape in which the Revised Consented Development is situated comprises low hills which lack the scale and scenic qualities of the landscapes to the west and south. At the local level, they form a low ridgeline that marks the transition from the Mixed Agriculture and Settlement landscapes to the north and east and the Sweeping Moorlands to the west and south.
- 4.3.13 The site is not covered by any designation and the closest local / regional designated area lies 9 km from the nearest proposed turbine. Limekiln forms part of a the large area of undesignated landscape that lies central to the LVIA Study Area. No significant effects are predicted to arise in relation to the designated areas.
- 4.3.14 The extent of visibility across the LVIA Study Area is relatively well contained. To the east and north-east where the landscape is comparatively flatter, the extent of visibility is greater. These landscapes have a greater presence of development, including existing wind farm development and this has reduced the magnitude of change which the Revised Consented Development has brought to receptors in these areas. Overall, the pattern of visibility has meant large parts of the LVIA Study Area will undergo no effect as a result of the Revised Consented Development.
- 4.3.15 Viewpoints in the LVIA generally represent hill tops, roads and settlements. Roads and settlements are also assessed as principal visual receptors. There are no extremely close range viewpoints other than Borlum Hill and Beinn Ratha, the tops of which lie less than 2 km from the Revised Consented Development.
- 4.3.16 The next closest range viewpoints are from the A836 and Reay to the north. Significant effects on sections of, and viewpoints along the road arise as a result of the scale at which the turbines will be seen from relatively close proximity. The settlements, such as Reay and Shebster have a heightened sensitivity on account of the potential effects on the visual amenity of residents.
- 4.3.17 In respect of effects on the **East Halladale Flows Wild Land Area 39** (WLA 39), Appendix 9.E in the EIA Report presents a full and detailed assessment. While the assessment shows that the Revised Consented Development will affect the perception of wildness qualities in parts of WLA 39, these effects will arise, in the main, in locations where the wildness qualities are not expressed to their optimum and where other external influences have resulted in a diminution of their strength. In areas where wildness qualities are better expressed and high levels of visibility arise, the extent of these areas is small and localised, and they are areas subject to visibility from other wind farms. Importantly, it is explained in the LVIA that in the parts of WLA 39 which display wildness qualities to their optimum, the Revised Consented Development will not result in any significant effects. The LVIA concludes that the Revised Consented Development will not harm the integrity of WLA 39 when it is considered as a whole.
- 4.3.18 In respect of effects on **residential visual amenity**, Appendix 9.F in the EIA Report presents a full and detailed assessment. The assessment shows that there are no properties within a 2 km radius which is typically the outer extent of a Residential Visual Amenity Assessment. While the effects of the Revised Consented Development will give rise to significant effects in respect of 11 of the 14 properties assessed, none of these will undergo a high magnitude of change, and, therefore, none will reach what is termed the 'residential visual amenity threshold' where effects may become overwhelming or overbearing. Therefore no unacceptable effects on living conditions would result.
- 4.3.19 The issues which have arisen in respect of the **cumulative assessment** as set out in the EIA Report relate principally to the relationship between the Revised Consented Development and the operational Baillie Hill Wind Farm, which is located 4.5 km to the east of the Revised Consented Development, Drum Hollistan (at Appeal), which is

located 3.5km to the north-west and Ackron (in planning), which is located 5 km to the north-west.

4.3.20 Visibility of Baillie Hill Wind Farm generally coincides with the extent of visibility of the Revised Consented Development. It is explained in the LVIA that the Revised Consented Development will, therefore, not be introducing a new or unfamiliar feature to the setting of the majority of the receptors. The wind farms will often be seen in close proximity but always with a substantial separation so as not to appear as one.

The LVIA also sets out a **comparative assessment**, as noted in the introduction, in order to understand the differences between the assessment of the Consented Development and the Revised Consented Development, it is useful to highlight the physical differences between the proposals. Both proposals comprise 21 turbines, so there will be no change in terms of the number of turbines proposed. Both proposals present these 21 turbines in essentially the same arrangement, so there will be no change in terms of layout. The key difference will, however, relate to the proposed dimensions of the 21 turbines. The key points from the comparative assessment can be summarised as:

- With the turbine numbers and turbine layout staying the same, there will be very little change in terms of the horizontal extent of the Revised Consented Development.
- A comparative ZTV is also presented in the LVIA which shows that the extent to which the Revised Consented Development will be visible is broadly the same as the extent to which the Consented Development will be visible, albeit with a few marginal increases in localised areas.
- While the 10.5 m increase in the vertical extent of 15 of the Revised Consented Development turbines will not be readily apparent, the 24.3 m increase in six of the turbines is apparent from the closer range viewpoints, along with the increase in the rotor diameters. The apparency of the slightly larger dimensions dissipates with distance, such that form the middle to distant range viewpoints, the differences are not readily discernible.
- In terms of the effect that the slightly larger dimensions have on the findings of the LVIA assessment, this has been found to be relatively limited.
- The fact that the Revised Consented Development will occupy the same layout, on the same site, in the same landscape, leads to the finding that the level and extent of significant effects will broadly stay the same.
- While the increase in dimensions will inevitably lead to an incremental increase in the magnitude of change experienced in respect of both landscape and visual receptors, this increase will not be sufficient to change the ratings of magnitude of change set out in the 2018 LVIA. This means that the assessment of significant effects remains largely unaltered.

4.4 Development Plan Appraisal – Conclusions

- 4.4.1 The EIA Report addresses a range of other environmental topics but none that raise significant environmental effects in relation to the Revised Consented Development. The conclusion is reached that none of the effects arising, including landscape and visual effects as noted above, would be significantly detrimental for the purposes of Policy 67 and the related SG (far less overall when visual impact is considered in the wider planning balance as required by Policy 67).
- 4.4.2 It is considered that the Revised Consented Development accords with the key policy within the Development Plan with the Plan when it is read as whole.

5. The Benefits of the Revised Consented Development

5.1 Summary of Benefits

5.1.1 This Chapter summarises the benefits that would arise from the Revised Consented Development. There would be a range of benefits that can be summarised as follows:

Renewable Generation and Emissions Savings

- With an overall installed capacity in the region of 88.2 MW, the Revised Consented Development would make a valuable contribution to the attainment of the UK and Scottish Government policies of encouraging renewable energy developments; and in turn contribute to the achievement of UK and Scottish Government targets. As explained, there is now a distinct shift in policy emphasis from the displacement of higher carbon electricity generation to extending the use of electricity as the critical energy response to the climate emergency.
- The UK legally binding target of net zero GHG emissions by 2050 and the Scottish Government target of a 75% reduction of such emissions by 2030 and net zero by the earlier date of 2045 are major challenges. The Government has made it clear that onshore wind plays a vital role in the attainment of future targets in relation to helping to combat the crisis of global heating.
- The development would generate an estimated 278.1 GWh/year which represents some 81,977 'household equivalents' which could be powered by that amount of energy, on an annual basis in Scotland.
- The development would offset substantial carbon dioxide and other greenhouse gas emissions: the carbon dioxide savings are estimated at circa 4,962,151 tonnes over the lifetime of the development.
- 5.1.2 It is informative to recognise the difference in key energy 'metrics' that would result when the scheme is compared against the Consented Development. A summary of the key metrics in such a comparison is shown in Table 4.1 below.

Metric	Consented Development	Revised Consented Development
Power Output (MW) per `Candidate Turbine'	3	4.2
Installed Capacity	63	88.2
Approx Energy Yield (GHh/yr)	160	278.1
Equivalent no. of homes powered by the development ¹¹	37,481	81,977
Approx. CO2 Savings over lifetime of the project (metric tonnes) ¹²	1,920,000 (30 years)	4,962,151 (40 years)

Table 4.1: Comparison Energy Yield Metrics

¹¹ Based on mean domestic electricity consumption per home in Scotland of 4,270Kwh in 2019. ¹² Based on UK fossil fuel mix electricity generation.

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Economic and Employment Benefits

- It is estimated that the capital cost of constructing the Revised Consented Development could equate to investment estimated to be up to between £103m and £158.7m.
- During the construction phase, the Revised Consented Development could directly support up to 137.7 Full Time Equivalent (FTE) local jobs, and up to 413.9 FTE jobs within Scotland for the duration of the construction phase (about 18 months).
- During its operational phase, employment related to operations and maintenance for the Revised Consented Development could directly support up to 93.4 FTE jobs, of which up to 39.3 FTE jobs could be local and up to 54.1 FTE jobs would be likely to be within Scotland¹³.
- Other employment is likely to be supported or generated through induced and indirect economic and employment effects throughout all phases of the Revised Consented Development.

Community Benefits

- In addition to the economic benefits during the construction, operation and decommissioning phases, the proposed community benefit fund and shared/community ownership of the Revised Consented Development would result in significant local level benefit.
- The Revised Consented Development would make an annual payment of £5,000 (index-linked) per MW over the lifetime of the project (assuming 10% of the Revised Consented Development would be under community/shared ownership). For the 88.2MW scheme this would mean an annual payment of over £441,000 per annum for the local community to invest in local projects and priorities, which would equate to £17.6M during the 40-year operational period.
- While it is recognised that community benefit payments are not a material planning matter, these figures represent a major financial contribution and resource to underpin investment locally.
- 5.1.3 The importance of the economic benefits arising should not be under-estimated in today's circumstances. The nation struggles to regain its pre-COVID-19 virus economic footing. The Scottish Government's Advisory Group on Economic Recovery and the Government's Climate Emergency Response Group have both made consistent strong recommendations that there is an economic and environmental imperative to seek to deliver projects that can contribute to a 'green' economic recovery and which can also make a positive response to the Climate Emergency. The Revised Consented Development can make such a valuable contribution.

¹³ As set out within Chapter 6 'Socio-Economics' of the EIA Report.

6. Conclusions

6.1 The Electricity Act 1989

- 6.1.1 Paragraph 3 of Schedule 9 to the 1989 Act provides a specific statutory requirement on the Scottish Ministers to have regard to various matters when considering development proposals for consent under section 36 of the 1989 Act.
- 6.1.2 The information that is contained within the individual topic sections of the EIA documentation addresses these. It is considered that the detailed work undertaken for the EIA and has confirmed and provides confidence that the Revised Consented Development is environmentally acceptable.

6.2 Climate Emergency & Renewable Energy Policy Framework

- 6.2.1 The urgent need for onshore wind has been set out: an increase of this renewable energy technology is supported through a number of policy documents and by Scottish Government commitments.
- 6.2.2 As noted, the technology was already viewed and described as "vital" to the attainment of targets in 2017. This imperative has only increased since a 'climate emergency' was declared by the Scottish First Minister in April 2019, in line with the recommendations made by the CCC (2019) 'net zero' publication. Furthermore, the drive to attain net zero emissions is now legally binding at the UK and Scottish Government levels by way of amendments to the Climate Change Act 2008 and in Scotland with the provisions of the Climate Change (Scotland) Act 2009 and the Climate Change (Emissions Reduction Targets) (Scotland) Act 2019.
- 6.2.3 Overall, the renewable energy policy framework is a very important consideration and one that should attract great weight in the balance of factors in the determination of the application. It also needs to be acknowledged that the need case with regard to renewable generation as set out in NPF3 and SPP was predicated on emissions reduction targets that are now superseded by more challenging targets, to be achieved sooner. The documents are under review and the targets referred to in them have to a large extent been overtaken by new renewable energy targets and statutory emissions reduction targets.
- 6.2.4 The benefits of the Revised Consented Development have been set out in the context of the current Climate Emergency and economic crisis they would help address the issue of global heating and very challenging 'net zero' targets and moreover, would deliver economic benefits at a time of severe economic recession.
- 6.2.5 It is considered that the benefits offered by the Revised Consented Development demonstrably outweigh the negative impacts of the scheme.
- 6.2.6 Commercial scale wind turbines are by necessity large structures. It is not therefore surprising that some significant landscape and visual effects have been identified. The design of the wind farm has had landscape and visual effects, relationship to Wild Land and residential visual amenity as key design influences from the outset, and the resultant effects are not considered unacceptable. The effects arising are not disproportionate for a renewable energy project of this size. Furthermore, in terms of the landscape and visual effects, the comparative assessment has concluded that the effects that the slightly larger dimensions of the turbines would have (in comparison to the Consented Development) would be relatively limited.

6.2.7 The socio-economic benefits are also now of particular importance given the unprecedented current economic crisis. The letter from the Chief Planner dated 03 April 2020 entitled 'Planning Procedures and COVID-19' is clear in stating that "*planning has a crucial part to play within and beyond the immediate emergency" and makes reference to the planning system's critical role in our "future economic and societal recovery"*. When this is considered alongside the policy imperative in response to the Climate Emergency – great weight should be placed on the benefits that would arise from the Revised Consented Development.

6.3 National Planning Policy

- 6.3.1 NPF3 and SPP set out a strong position of support in relation to renewable energy and renewable energy targets and recognise the significant energy resource that can be provided by onshore wind. This is clearly not at any cost and environmental effects need to be judged to be acceptable in the overall planning balance when set against the benefits.
- 6.3.2 SPP requires consideration of a wind farm's contribution to renewable targets and climate emission reductions. Onshore wind was described by Scottish Ministers as "vital" in the Onshore Wind Policy Statement prior to the climate emergency declaration and before the introduction of the 2045 net zero target. It cannot be less so now.
- 6.3.3 Furthermore, each of the relevant sustainable development principles introduced through Paragraph 29 of SPP have been considered and the Revised Consented Development would be consistent with these and should benefit from the presumption in favour of sustainable development.
- 6.3.4 The Revised Consented Development is in an appropriate location and it is considered that the development is consistent with the relevant provisions of national planning policy and advice. The policy provisions at a national level have been satisfactorily addressed.
- 6.3.5 Furthermore, in Scotland, in terms of planning policy provisions set out in SPP, there is now a clear shift from what was then (in 2014) termed the move to a 'low carbon economy' there is now an ambitious policy imperative to move to a 'net zero economy and society'. The Revised Consented Development can help achieve that clear policy objective.
- 6.3.6 Whilst the NPF4 Position Statement does not yet provide any detail of any changes to spatial planning for onshore wind, the document is an expression of the Government's clear direction of travel of policy involving a "rebalance" of the planning system "so that climate change is a guiding principle for all plans and decisions". Moreover, onshore wind is the specific renewable technology referenced in the "key opportunities" and is expected to play a significant role in the plan for net-zero emissions.

6.4 The Development Plan

6.4.1 The Revised Consented Development would also be consistent with the lead policy of the Development Plan, and with the Plan when read as a whole.

6.5 Overall Conclusions

6.5.1 It has been demonstrated that the Revised Consented Development accords with local and national planning policy, and that there is a substantial need for this type of development in order that pressing future targets in relation to the global heating crisis and renewable energy generation and greenhouse gas emission reductions can be met in time.

- 6.5.2 There is a climate emergency. That is a factor of importance and considerable weight. It does not require a statement to that effect in a planning document to make it so. Planning decisions must be made within and respond to the changing economic and wider policy context within which development comes forward. The planning balance can therefore no longer be approached as it has been in the past.
- 6.5.3 The overall conclusion is that when all the relevant considerations have been properly considered, the balance strongly favours the granting of consent. On this basis, it is recommended that Section 36 consent and deemed planning permission should be granted, for the Revised Consented Development, subject to appropriate conditions.