



Cairnmore Hill Wind Farm Caithness, Highland:

Update Planning Statement

February 2023



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1. Introduction

1.1 Background

- 1.1.1 This Update Planning Statement has been prepared by David Bell Planning Ltd (DBP) on behalf of RES UK & Ireland Ltd (the Applicant) to support a planning application under the Town and Country Planning (Scotland) Act 1997, as amended (“the 1997 Act”), for consent to construct, operate a Wind Farm known as Cairnmore Hill, and associated infrastructure (“the Proposed Development”).
- 1.1.2 The application is accompanied by an Environmental Impact Assessment Report (EIA Report) which has been undertaken in accordance with the Environmental Impact Assessment (Scotland) Regulations 2017 (the EIA Regulations). The EIA Report presents information on the identification and assessment of the likely significant positive and negative environmental effects of the Proposed Development.
- 1.1.3 The planning application for a development of five wind turbines and associated infrastructure, was submitted to Highland Council in August 2022 and has reference 22/03558/FUL. The application was validated on 23 September 2022.
- 1.1.4 This Update Planning Statement is supplementary to, and should be read in conjunction with, Planning Statement of August 2022 which was submitted with the planning application.

1.2 Scope of this Update Planning Statement

- 1.2.1 Since the planning application was submitted the planning policy framework has changed significantly, in particular with the approval of the National Planning Framework 4 (NPF4), the publication of the new Onshore Wind Policy Statement and the Draft Energy Strategy and Just Transition Plan.
- 1.2.2 This Update Planning Statement therefore addresses these new policy documents and provides an assessment of the Proposed Development against relevant new policy provisions.
- 1.2.3 This Update Planning Statement is structured as follows:
- > **Chapter 2** appraises the Proposed Development against the relevant provisions of NPF4.
 - > **Chapter 3** examines the relevant provisions of the Onshore Wind Policy Statement and Draft Energy Strategy; and
 - > **Chapter 4** presents overall conclusions.

2. Appraisal against NPF4

2.1 Programme and Procedure

- 2.1.1 NPF4 has been subject to consultation and Parliamentary Committee scrutiny over the last year and was first laid before the Scottish Parliament in November 2021. On 8th November 2022, the Revised Draft NPF4 was laid before Parliament for approval. It was accompanied by an Explanatory Report which explains how the Scottish Government has considered responses to the initial draft NPF4 received during the preceding period of Parliamentary scrutiny and consultation, in line with its statutory duty.
- 2.1.2 Part 1 of the Planning (Scotland) Act 2019 (the '2019 Act') amends the Town and Country Planning (Scotland) Act 1997 (the '1997 Act'). Section 3CA of the 2019 Act deals with procedural matters for NPF4 and states:
- "The Scottish Ministers may not adopt a revised National Planning Framework until a draft of it has been approved by resolution of the Parliament".*
- 2.1.3 It adds:
- "As soon as practicable after the National Planning Framework as revised has been adopted, the Scottish Ministers are to publish it."*
- 2.1.4 NPF4, in the same form as the Revised Draft NPF4 laid before the Scottish Parliament on 8 November 2022, was approved by resolution of the Scottish Parliament on 11 January 2023.
- 2.1.5 Regulations have been put before the Scottish Parliament to commence the provisions of the 2019 Act so that NPF4 will become part of the statutory Development Plan. Subject to adoption by the Scottish Ministers and publication, NPF4 will become the new statement of national planning policy. A Chief Planners' letter was issued on 16 January which states that NPF4 will come into force at 9am on 13 February 2023.

2.2 Development Management

- 2.2.1 NPF4 will form part of the statutory Development Plan on adoption and publication. Until then, NPF4 is a material consideration in planning development management decision making. For the purposes of Section 36 decision making, acknowledging that Section 25 of the 1997 Act is not engaged, NPF4 in its approved form is a significant material consideration in the overall decision-making process.
- 2.2.2 Section 13 of the 2019 Act amends Section 24 of the 1997 Act regarding the meaning of the statutory 'development plan', such that for the purposes of the 1997 Act, the Development Plan for an area is taken as consisting of the provisions of:
- > The National Planning Framework;
 - > Any Strategic Development Plan; and
 - > Any Local Development Plan (LDP).
- 2.2.3 The publication of NPF4 will also have the effect that all Strategic Development Plans will cease to have effect. Therefore the statutory Development Plan covering the application site now consists of:
- > The Highland Wide Local Development Plan (HwLDP) (2012);
 - > The Caithness and Sutherland Local Development Plan (CaSPlan) (2018); and
 - > Relevant supplementary guidance, particularly the Onshore Wind Energy Supplementary (OWSG) Guidance (2016) and its Addendum (2017).

- 2.2.4 The publication of NPF4 has coincided with the implementation of certain parts of the Planning (Scotland) Act 2019 (the 2019 Act). A key provision is that in the event of any incompatibility between a provision of NPF4 and a provision of an LDP, then whichever of them is the later in date will prevail. That will include where a LDP is silent on an issue that is now provided for in NPF4.
- 2.2.5 Section 13 of the 2019 Act amends Section 24 of the Town and Country Planning (Scotland) Act 1997 (the 1997 Act) to provide that:
- “In the event of any incompatibility between a provision of the National Planning Framework and a provision of a local development plan, whichever of them is the later in date is to prevail.”*

2.3 How NPF4 is to be used

- 2.3.1 Annex A (page 94) of NPF4 explains how it is to be used. It states:
- “The purpose of planning is to manage the development and use of land in the long-term public interest ... Scotland in 2045 will be different. We must embrace and deliver radical change so we can tackle and adapt to climate change, restore biodiversity loss, improve health and wellbeing, reduce inequalities, build a wellbeing economy and create great places.”*
- 2.3.2 Annex A states that NPF4 is required by law to set out the Scottish Ministers' policies and proposals for the development and use of land. It adds:
- “It plays a key role in supporting the delivery of Scotland’s national outcomes and the United Nations Sustainable Development Goals¹. NPF4 includes a long-term spatial strategy to 2045.”*
- 2.3.3 NPF4 contains a spatial strategy and Scottish Government development management policies to be applied in all consenting decisions, and it identifies national developments which are aligned to the strategic themes of the Government’s Infrastructure Investment Plan² (IIP).
- 2.3.4 NPF4 therefore for the first time, introduces centralised development management policies which are to be applied Scotland wide. It also provides guidance to Planning Authorities with regard to the content and preparation of LDPs.
- 2.3.5 Annex A adds that NPF4 is required by law to contribute to six outcomes. These relate to meeting housing needs, health and wellbeing, population of rural areas, addressing equality and discrimination and also, of particular relevance to the proposed development *“meeting any targets relating to the reduction of emissions of greenhouses gases, and, securing positive effects for biodiversity”*.

2.4 The National Spatial Strategy – Delivery of Sustainable Places

- 2.4.1 Part 1 of NPF4 sets out the Spatial Strategy for Scotland to 2045 based on six spatial principles which are to influence all plans and decisions. The introductory text to the Spatial Strategy starts by stating (page 3):
- “The world is facing unprecedented challenges. The global climate emergency means that we need to reduce greenhouse gas emissions and adapt to the future impacts of climate change.”*

¹ The 17 UN Sustainable Development Goals are set out at page 95 of NPF4 and include *inter alia* ‘affordable and clean energy’ and ‘climate action’.

² The Scottish Government’s five-year Infrastructure Investment Plan (2021-22 to 2025-26) was published in February 2021. It set out a vision for Scotland’s future infrastructure in order to support and enable an inclusive net zero emissions economy.

- 2.4.2 The principles are stated as playing a key role in delivering the United Nations Sustainable Development Goals and the Scottish Government's National Performance Framework³.
- 2.4.3 The Spatial Strategy is aimed at supporting the delivery of:
- > 'Sustainable Places': "where we reduce emissions, restore and better connect biodiversity";
 - > 'Liveable Places': "where we can all live better, healthier lives"; and
 - > 'Productive places': "where we have a greener, fairer and more inclusive wellbeing economy".
- 2.4.4 Page 6 of NPF4 addresses the delivery of sustainable places. Reference is made to the consequences of Scotland's changing climate, and it states, *inter alia*:
- "Scotland's Climate Change Plan, backed by legislation, has set our approach to achieving net zero emissions by 2045, and we must make significant progress towards this by 2030..... Scotland's Energy Strategy will set a new agenda for the energy sector in anticipation of continuing innovation and investment."*
- 2.4.5 The new Energy Strategy and Just Transition Plan for Scotland (as referenced in NPF4) was published as a consultative draft on 10 January 2023 (see below).
- 2.4.6 The National Spatial Strategy in relation to 'sustainable places' is described (page 7) as follows:
- "Scotland's future places will be net zero, nature-positive places that are designed to reduce emissions and adapt to the impacts of climate change, whilst protecting, recovering and restoring our environment.*
- Meeting our climate ambition will require a rapid transformation across all sectors of our economy and society. This means ensuring the right development happens in the right place.*
- Every decision on our future development must contribute to making Scotland a more sustainable place. We will encourage low and zero carbon design and energy efficiency, development that is accessible by sustainable travel, and expansion of renewable energy generation."*
- 2.4.7 Six National Developments (NADs) support the delivery of sustainable places, one being 'Strategic Renewable Electricity Generation and Transmission Infrastructure'.
- 2.4.8 A summary description of this NAD is provided at page 7 of NPF4 as follows:
- "Supports electricity generation and associated grid infrastructure throughout Scotland, providing employment and opportunities for community benefit, helping to reduce emissions and improve security of supply".*
- 2.4.9 Page 8 of NPF4 sets out 'Cross-cutting Outcome and Policy Links' with regard to reducing greenhouse gas emissions. It states:
- "The global climate emergency and the nature crisis have formed the foundations for the spatial strategy as a whole. The regional priorities share opportunities and challenges for reducing emissions and adapting to the long-term impacts of climate change, in a way which protects and enhances our natural environment."*

³ The Scottish Government National Performance Framework sets out 'National Outcomes' and measures progress against a range of economic, social and environmental 'National Indicators'.

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

2.5 National Developments

Overview

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

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

- 2.5.2 It adds that:

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

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

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

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

- 2.5.4 Page 103 of NPF4 describes NAD3 and it states:

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

A large and rapid increase in electricity generation from renewable sources will be essential for Scotland to meet its net zero emissions targets. Certain types of renewable electricity generation will also be required, which will include energy storage technology and capacity, to provide the vital services, including flexible response, that a zero carbon network will require. Generation is for domestic consumption as well as for export to the UK and beyond, with new capacity helping to decarbonise heat, transport and industrial energy demand. This has the potential to support jobs and business investment, with wider economic benefits.

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

- 2.5.5 The location for NAD3 is set out as being all of Scotland and in terms of need it is described as:

"Additional electricity generation from renewables and electricity transmission capacity of scale is fundamental to achieving a net zero economy and supports improved network resilience in rural and island areas."

- 2.5.6 Reference is made to the designation and classes of development which would qualify as NAD3, and this includes onshore generation from renewables exceeding 50MW capacity.
- 2.5.7 The Proposed Development is not national development however the statement of need in NPF4 is a relevant consideration in setting out the strategic importance of increasing renewable electricity generation.
- 2.5.8 The Proposed Development would provide renewable generation and would make a valuable contribution to targets within the key timescale of up to 2030 and that is a very important consideration.

2.6 National Planning Policy

2.6.1 Part 2 of NPF4 (page 36) addresses national planning policy by topic with reference to three themes formulated with the aim of delivering sustainable, liveable and productive places.

2.6.2 In terms of planning, development management and the application of the national level policies, NPF4 states:

"The policy sections are for use in the determination of planning applications. The policies should be read as a whole. Planning decisions must be made in accordance with the development plan, unless material considerations indicate otherwise. It is for the decision maker to determine what weight to attach to policies on a case by case basis. Where a policy states that development will be supported, it is in principle, and it is for the decision maker to take into account all other relevant policies".

2.6.3 In terms of "sustainable places" relevant policies to the proposed development include the following:

- > Policy 1: Tackling the Climate and Nature Crisis;
- > Policy 3: Biodiversity;
- > Policy 4: Natural Places;
- > Policy 5: Soils;
- > Policy 7: Historic Assets and Places; and
- > Policy 11: Energy.

2.7 Policy 1: Tackling the Climate and Nature Crisis

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

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

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

2.8 Policy 11: Energy

2.8.1 For the consideration of wind energy development, Policy 11 'Energy' (page 53) is the lead policy. Policy 11's intent is set out as:

"to encourage, promote and facilitate all forms of renewable energy development onshore and offshore. This includes energy generation, storage, new and replacement transmission and distribution infrastructure and emerging low carbon and zero emission technologies including hydrogen and carbon capture utilisation and storage."

2.8.2 Policy Outcomes are identified as: “*expansion of renewable, low carbon and zero emission technologies*”.

2.8.3 For convenience the policy wording is set out below:

“a) Development proposals for all forms of renewable, low-carbon and zero emissions technologies will be supported. These include:

- i. wind farms including repowering, extending, expanding and extending the life of existing wind farms;*
- ii. enabling works, such as grid transmission and distribution infrastructure;*
- iii. energy storage, such as battery storage and pumped storage hydro;*
- iv. small scale renewable energy generation technology;*
- v. solar arrays;*
- vi. proposals associated with negative emissions technologies and carbon capture; and*
- vii. proposals including co-location of these technologies.*

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

c) Development proposals will only be supported where they maximise net economic impact, including local and community socio-economic benefits such as employment, associated business and supply chain opportunities.

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

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

- i. impacts on communities and individual dwellings, including, residential amenity, visual impact, noise and shadow flicker;*
- ii. significant landscape and visual impacts, recognising that such impacts are to be expected for some forms of renewable energy. Where impacts are localised and/ or appropriate design mitigation has been applied, they will generally be considered to be acceptable;*
- iii. public access, including impact on long distance walking and cycling routes and scenic routes;*
- iv. impacts on aviation and defence interests including seismological recording;*
- v. impacts on telecommunications and broadcasting installations, particularly ensuring that transmission links are not compromised;*
- vi. impacts on road traffic and on adjacent trunk roads, including during construction;*
- vii. impacts on historic environment;*
- viii. effects on hydrology, the water environment and flood risk;*
- ix. biodiversity including impacts on birds;*
- x. impacts on trees, woods and forests;*

- *xi. proposals for the decommissioning of developments, including ancillary infrastructure, and site restoration;*
- *xii. the quality of site restoration plans including the measures in place to safeguard or guarantee availability of finances to effectively implement those plans; and*
- *xiii. cumulative impacts.*

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

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

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

2.8.4 The intent and desired outcome of the policy is expressly clear – the expansion of renewable energy, through encouragement, promotion and facilitation which the proposed development, as a nationally important development would help further.

2.8.5 The wording of Policy 11(a)(i) makes it clear that the policy supports new wind farms with the extended wording simply reconfirming the positive support for wind farms which includes those stated. This is corroborated by the statement of need of NAD3 as detailed above.

Differences with Scottish Planning Policy

2.8.6 Paragraph a) of Policy 11 now states a position of express “support” for wind farm development.

2.8.7 The spatial and development management topic provisions within Policy 11 largely reflect those of the outgoing Scottish Planning Policy (SPP), but there are some significant differences, namely:

- > the role of renewable energy generation and greenhouse gas emissions reduction targets and a specific instruction to decision makers to apply significant weight to that consideration;
- > Wind Farms will not be supported in National Parks or National Scenic Areas but outside of these areas (and with the exception of Wild Land Areas) the policy is one, as noted of “general support”. This is a fundamental shift away from the previous Spatial Framework approach;
- > the reference significant landscape and visual impacts which are “to be expected” and to localised landscape and visual impacts and the role of design mitigation;
- > renewed emphasis on economic benefits and the need to maximise economic impact including local and community socio-economic benefits; and
- > the omission of references to tourism which is likely to be an acceptance of the lack of impact on tourism from wind farms.

2.8.8 **Paragraph e) of Policy 11** is expressly clear that in considering any identified impacts of developments, that significant weight must be placed on the contribution of the proposal to renewable energy generation targets and greenhouse gas emissions reduction targets. In particular, the Policy recognises that landscape and visual impacts are to be expected but provided they are localised and / or appropriate design mitigation has been applied, they are likely to be considered acceptable.

- 2.8.9 It is unsurprising that many of the same material considerations remain. NPF4 makes it clear that in considering the impacts of a development, significant weight will be placed on the contribution of the proposal to renewable energy generation targets and on greenhouse gas emissions reduction targets. The contributions are inextricably related to the scale of the proposed development and policy recognises that any identified impacts must be assessed in the context of these contributions.
- 2.8.10 The application of significant weight to be afforded in relation to targets also needs to be applied *in addition to* the provisions of **Policy 1 ‘Tackling the Climate and Nature Crises’** – referred to above.
- 2.8.11 In terms of contribution to targets:
- > As a national development, the proposal would contribute 21.5MW of capacity to the Scottish Government’s minimum target for having 20GW of onshore wind operational by 2030;
 - > The estimated carbon savings would be approximately 16,746 tCO₂ over the lifetime of the development.
- 2.8.12 The term “tackling” the respective crises in Policy 1 is also important – this means that decision makers should ensure an urgent and positive response to these issues and take positive action.
- 2.8.13 **Part c) of Policy 11** requires socio-economic benefits to be maximised, rather than just taken into account.
- 2.8.14 The socio-economic benefits that would arise from the proposed development have been set out in the Planning Statement, however in summary would include:
- > During the construction phase, the development is estimated to create approximately 3 FTE jobs.
 - > During the operational phase, employment related to operations and maintenance for the development would generate further employment of 2.5 FTE jobs and a further 3.4 FTE’s on an indirect and induced basis over the lifetime of the development.
 - > The Applicant is committed to maximising the local economic impact from the Proposed Development to encourage local enterprise have an opportunity to bid for contracts and holds ‘meet the buyer events’ for its developments – aimed at maximising local business involvement.
 - > The Proposed Development would make an annual payment of £5,000 (index-linked) per MW as a community benefit payment over the lifetime of the project.
- 2.8.15 **Part e(ii) of Policy 11** makes it clear and recognises that in terms of significant landscape and visual impacts, such impacts are to be expected for some forms of renewable energy. This is a very different starting point compared to the position in SPP and there is a very clear steer that significant effects are to be expected, and where localised and/or subject to design mitigation, they should generally be acceptable.
- 2.8.16 The EIA Report addresses landscape and visual matters and refers to the Landscape and Visual Impact Assessment (LVIA) undertaken. The Planning Statement (August 2022) summarises the landscape and visual effects of the Proposed Development and the EIA Report sets them out in detail in Chapter 5 (Landscape and Visual Impact Assessment). It explains that the effects on landscape character would be localised, limited to around 5km, as experienced from open landscapes and areas of seascape around the site.
- 2.8.17 The landscape and visual information provided with the application has demonstrated that the landscape and visual effects arising would be acceptable also explains where landscape and visual effects are localised in nature. Furthermore, appropriate mitigation has been applied

by way of embedded mitigation during the design process and in terms of the finalised design by way of siting, scale and extent of development and related infrastructure. This is demonstrated by the various layout iterations considered as set out in Chapter 3 of the EIA Report (Design Evolution Considerations and Alternatives).

2.8.18 The Proposed Development is considered to be acceptable in relation to all of Policy 11's environmental and technical topic criteria. The new policy has a much stronger context and is even more supportive of further renewables deployment than the policy contained in NPF3 and SPP.

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

2.9 Policy 3: Biodiversity

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

2.9.2 It should be noted that Policy 3 does not provide any guidance on how 'significant enhancements' will be measured and assessed, simply referring to "*best practice assessment methods*". In addition, in relation to the relevant wording in Policy 3, the Explanatory Report (as noted, issued alongside Revised Draft NPF4) states:

"The Scottish Government have commissioned research to explore options for developing a biodiversity metric or other tool, specifically for use in Scotland. This work is at early stages, we will work with NatureScot on a programme of engagement with stakeholders as this work progresses.

2.9.3 Therefore, exactly how enhancement is to be measured in the longer-term is to be the subject of further guidance, but timescale for the production of this is at present unclear. The Scottish Government also issued a draft Biodiversity Strategy in December 2022 however it does not contain national biodiversity targets – these are to be prepared on a statutory basis later in 2023 and will be subject to a Bill in Parliament.

2.9.4 Chapter 7 of the EIA Report addresses ecology and includes reference to a proposed Habitat Enhancement Plan (particularly in relation to wet heath). The proposed mitigation and enhancement measures detailed in Chapter 7 of the EIA Report would be secured by way of a planning condition.

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

2.10 Policy 4: Natural Places

2.10.1 **Policy 4, Part d)** deals with local landscape designations and contains a different policy approach to that within SPP and indeed is different to that within the HwLDP (Policy 57). Policy 4 is as follows:

"Development proposals that affect a site designated as ...a local landscape area in the LDP will only be supported where:

- > Development will not have significant adverse effects on the integrity of the area or the qualities for which it has been identified; or*

- > *Any significant adverse effects on the integrity of the area are clearly outweighed by social, environmental or economic benefits of at least local importance*".

- 2.10.2 The policy now follows a similar construct to that which deals with national level designations. The first limb of the policy refers to significant effects on the "integrity" of the area or "the qualities for which it has been identified".
- 2.10.3 As noted, the LDP policy which deals with local landscape designations is Policy 57. It is inconsistent with NPF4 Policy 4 in that it makes no reference to the matter of integrity.
- 2.10.4 The policy set out in the second limb of NPF4 Policy 4, Part d) provides that development proposals that affect a site designated as a local landscape area in the LDP will only be supported where any significant adverse effects on the integrity of the area are clearly outweighed by social, environmental or economic benefits of at least local importance. It must be noted that:
- > this is a new policy provision, reflecting the wider NPF4 policy that adverse effects (including adverse landscape and visual effects outside of a National Park or National Scenic Area) must be balanced against the benefits of a proposed development;
 - > the second limb is independent of the first ("or") and is to be applied where a decision-maker concludes that a proposed development will have significant adverse effects on the integrity of a local designation;
 - > the LDP Policy 57 which deals with SLAs does have a balancing mechanism which require consideration of the benefits of a proposed development.
 - > NPF4, Policy 4, Part d) now expressly includes a balancing mechanism ("*clearly outweighed by social, environmental or economic benefits*") and sets out the threshold to be used ("*of at least local importance*") and as noted above this policy provision will prevail over Policy 57.
- 2.10.5 The EIA Report explains that there would not be significant adverse effects on the integrity of the Dunnet Head SLA or the Farr Bay, Strathy and Portskerra SLA.
- 2.10.6 Moreover, in this case the benefits are of more than importance – as evidenced, among other things, by the application being a Major Development and one that will help to deliver the NPF4 Spatial Strategy). However, this advice would only be of relevance in this case if the Proposed Development failed the first limb of Policy 4, and the Applicant's position is that the Proposed Development would not fail against the first limb of Policy 4.

2.11 Policy 5: Soils

- 2.11.1 In terms of soils, **Policy 5** states that where development on peatland or carbon rich soils or priority peatland habitat is proposed, a detailed site-specific assessment is required to identify baseline, likely effects and net effects. The policy intent is to protect carbon rich soils, restore peatlands and minimise disturbance to soils from development. This is very similar to the policy position in the current SPP; however, a key difference is that renewable energy proposals are one of the types of development expressly envisaged to be acceptable in principle on peatlands (Paragraph c).
- 2.11.2 Technical Appendix 2.5 of the EIA Report evaluates the likely effects of the Development on the water environment and peat resources.
- 2.11.3 The Applicant has proposed an appropriate design and mitigation approach to peatland which would be addressed by way of a Peat Management Plan. Appropriate planning conditions can be attached to a grant of consent in relation to peatland and carbon rich soil matters.

2.12 Policy 7: Historic Assets and Places

- 2.12.1 Finally, in terms of **Policy 7** which deals with Historic Assets and Places, the policy is very similar to that which was in SPP (paragraph 145). There are no issues arising in relation to the proposed development and cultural heritage matters.
- 2.12.2 In terms of cultural heritage, this is addressed in Chapter 6 of the EIA Report. It concludes that the Proposed Development has the potential to cause moderately significant effects on the settings of two Scheduled Monuments predicted. These predicted effects would arise as a result of the presence of the Proposed Development in the landscape surroundings of two brochs (Thing's Va, broch (SM 587) and Scrabster Mains, broch (SM 579)).
- 2.12.3 The introduction of the Proposed Development would not however result in a change that would be so significant as to reduce the cultural significance or amenity value of the assets or to detract from the ability for any visitor to appreciate and understand the assets or their settings.
- 2.12.4 The EIA Report concludes that no significant cumulative impacts upon the settings of any designated cultural heritage assets are predicted.

2.13 Conclusions on NPF4 Appraisal

- 2.13.1 Overall, the Proposed Development, is considered to be one that would make a valuable contribution to the NPF4 Spatial Strategy and would help deliver a 'sustainable place'. Overall, it is considered that Proposed Development would accord with relevant policies of NPF4, and with NPF4 when read as a whole.

3. Other Policy Provisions

3.1 Introduction

3.1.1 This Chapter examines how the Proposed Development relates to relevant aspects of the new Onshore Wind Policy Statement and Draft Energy Strategy and Just Transition Plan, both of which, as explained, are new important material considerations which have been published since the section 36 application was submitted.

3.2 The Onshore Wind Policy Statement

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

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

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

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

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

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

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

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

Renewable Energy Generation & Greenhouse Gas Emission Targets

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

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

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

3.2.7 Paragraph 1.1.4 states *"our aim is to maintain the supportive policy and regulatory framework which will enable us to increase that deployment"*.

3.2.8 In terms of existing deployment, paragraph 1.1.5 states that as of June 2022 the UK had 14.6 GW of installed onshore wind, with around 8.7 GW of this capacity within Scotland. Reference is made to a figure of 11.3 GW of onshore wind "*currently in the pipeline, spread over 217 potential projects*". The breakdown of capacity within the pipeline is shown below in **Table 3.1**.

Table 3.1: Onshore Wind Development Pipeline (December 2022)

Status of Onshore Wind Projects	Giga Watt (GW)	Comments
In the Planning / Consenting Process	5.53	Footnote on page 6 of OWPS applies. Not all projects will receive consent.
Awaiting Construction	4.56	The figures are subject to some duplication – e.g. where some projects have consent but are also subject say to applications for tip height increases.
Under Construction	1.17	
<i>Sub Total</i>	11.26	
Operational Onshore Wind in Scotland	8.70	A number of projects will reach the end of their operational life. Not all will necessarily be repowered or life extended. A considerable proportion of the operational capacity will have passed its notional design life by 2030 and will be under consideration for decommissioning or repowering.
<i>Total</i>	19.96	

3.2.9 Within the table, the figure of 4.56 is denoted as "Awaiting Construction", however a footnote acknowledges that some of those projects with consent will need to re-apply or vary such consent to make changes to developments such as to increase tip heights, etc. it is also recognised that this will reduce the deliverable capacity.

3.2.10 There is also a figure of some 5.53 GW as representing projects that are within the planning system (this would include the Proposed Development); but again, the footnote makes it clear that not all projects will receive consent.

3.2.11 A further point arising is that given consenting and construction timescales for onshore wind developments, projects that are not yet in the planning system are therefore unlikely to provide the "installed" capacity by the Scottish Government's key date of 2030.

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

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

- 3.2.13 Section 1.2 of the OWPS refers to the Deployment Ambition to 2030. Reference is made to the Climate Change Committee's position as set out in their exploratory scenarios for emissions to 2050 and also as referred to within the Sixth Carbon Budget.
- 3.2.14 Paragraph 1.2.2 of the OWPS states that: "*these estimate that, in every scenario, the UK will require a total of 25-30 GW of installed onshore wind capacity by 2050 to meet government targets - which would mean doubling the current UK installed capacity*".
- 3.2.15 Section 1.3 of the OWPS further refers to the new 20 GW ambition and acknowledges that the Scottish Government's Programme for Government 2022/2023 committed Government to enabling up to 12 GW of onshore wind to be developed and it is stated that:
- "It is vital to send a strong signal and set a clear expectation on what we believe onshore wind capacity will contribute in the coming years.*
- In line with this commitment, and reflecting the natural life cycles of existing wind farms, this statement sets a new ambition for the deployment of onshore wind in Scotland:*
- A minimum installed capacity of 20 GW of onshore wind in Scotland by 2030.*
- This ambition will help support the rapid decarbonisation of our energy system, and the sectors which depend upon it, as well as aligning with a just transition to net zero whilst other technologies reach maturity".*
- 3.2.16 This statement is followed by reference to the "Legislative Context", in particular the Climate Change (Emissions Reduction Targets) (Scotland) Act 2019 and the related Net Zero greenhouse gas emissions targets. The OWPS states (paragraph 1.4.1) "*meeting these targets will require decisive and meaningful action across all sectors*".
- 3.2.17 Paragraph 2.4.2 states that "*onshore wind will play a crucial role in delivering our legally binding climate change targets*".
- 3.2.18 The Scottish Government has made clear that the 20 GW ambition of installed capacity is a "minimum". In short, there is a substantial 'hill to climb' to attain that figure and projects that are not yet in the planning system are unlikely to provide installed capacity by 2030. This underlines the importance of the benefits that the proposed development can deliver – namely near-term delivery of a substantial volume of installed capacity.
- 3.2.19 This means that the Scottish Government's ambition, as stated in December 2022, is to increase the installed capacity of onshore wind in Scotland by a minimum amount equivalent to about 130% of the entire installed capacity of all current operational onshore wind farms in Scotland in a period of around eight years. The Proposed Development and its contribution must be considered in the context of the sheer scale and urgency of the stated Scottish Government's position.

Delivering the Government's 20 Giga Watt Ambition for Onshore Wind

- 3.2.20 Chapter 2 of the OWPS entitled 'Delivering on our Ambition for Onshore Wind in Scotland' states that the Scottish Government is to form an Onshore Wind Strategic Leadership Group (SLG) and "*will task this SLG with taking forward the aspirations of this policy statement, and the development of an Onshore Wind Sector Deal*". This reflects the importance of the onshore wind sector.
- 3.2.21 Section 2.3 refers to a "Vision for Onshore Wind in Scotland" and states that Scottish Renewables, on behalf of the sector in Scotland, has produced a Vision Statement which the Government considers "*to lay the basis of a more detailed sector deal that the SLG will develop*".
- 3.2.22 The **Vision Statement** is contained within Annex 5 of the OWPS (page 66). A summary of the Vision for the onshore wind industry in Scotland is a future where:

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

3.2.23 The Vision Statement states (page 67) that

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

3.2.24 The Sector Deal has therefore still to be developed but it is clear that will be shared commitment between Government and industry to develop onshore wind as a key sector of the economy.

3.2.25 The Government states at paragraph 2.4.4 of the OWPS that *“given the scale and pace of delivery needed, we are committed to starting work on the Sector Deal immediately”*.

Balancing Environmental Considerations and Benefits

3.2.26 Chapter 3 of the OWPS “Environmental Considerations: Achieving Balance and Maximising Benefits” refers to matters relating to specific environmental topics as follows:

- > Shared Land Use;
- > Peat and Carbon-Rich Soils;
- > Forestry;
- > Biodiversity;
- > Landscape and Visual Amenity; and
- > Noise.

3.2.27 In terms of these topics, the matter of particular relevance to the case relates to the landscape and visual amenity considerations. Landscape and Visual Amenity is addressed at Section 3.6 in Chapter 3 of the OWPS with direct cross references to NPF4.

- 3.2.28 Paragraph 3.6.1 states (original emphasis):
"Meeting our climate targets will require a rapid transformation across all sectors of our economy and society. This means ensuring the right development happens in the right place. Meeting the ambition of a minimum installed capacity of 20 GW of onshore wind in Scotland by 2030 will require taller and more efficient turbines. This will change the landscape." (original emphasis)
- 3.2.29 As referenced above, NPF4 policy expressly recognises that significant landscape and visual impacts are to be expected and the OWPS emphasises that as a result there will be changes in Scotland's landscape.
- 3.2.30 Paragraph 3.6.2 of the OWPS, in cross-referencing NPF4, makes it clear that outside of National Parks and National Scenic Areas *"the criteria for assessing proposals have been updated, including stronger weight being afforded to the contribution of the development to the climate emergency, as well as community benefits"*.
- 3.2.31 There is therefore express direction of greater weight being placed to the benefits of the development in terms of how it contributes to tackling the climate emergency.
- 3.2.32 Paragraph 3.6.5 makes reference to Landscape Sensitivity Studies and makes it clear that these should not be used in isolation to determine matters of acceptability but can be a useful tool in assessing specific sensitivities within an area. It should be noted that the term is now Landscape sensitivity, in comparison with SPP paragraph 162 which encouraged Landscape Capacity Studies. This reflects NatureScot's 2021 advice that even landscape capacity studies concluded no more than relative sensitivities.
- 3.2.33 Paragraph 3.6.3 also makes reference to the NPF4 Policy 11 criteria with regard to energy development stating that *"where impacts are localised and/or appropriate design mitigation has been applied, they will generally be considered to be acceptable"*.

Energy Systems & Regulation

- 3.2.34 Chapter 8 of the OWPS deals with 'Onshore Wind, Energy Systems and Regulation'.
- 3.2.35 Section 8.4 of the OWPS refers to security of supply and storage potential. Paragraph 8.4.1 recognises that onshore wind can play a greater part in helping to address the substantial challenges of maintaining security of supply and network resilience in a decarbonised electricity system.

OWPS Conclusions

- 3.2.36 Page 49 of the OWPS sets out overall conclusions and these include *inter alia* the following key points:
- > Deployment of onshore wind is *"mission critical for meeting our climate targets"*.
 - > As an affordable and reliable source of electricity generation, *"we must continue to maximise our natural resource and deliver net zero in a way that is fully aligned with, and continues to protect our natural heritage and native flora and fauna"*.
 - > A renewed commitment to this technology will ensure we keep *"leading the way in onshore wind deployment and support within the UK"*.
 - > The Government has established *"a clear expectation of delivery with our ambition for a **minimum** installed capacity of 20GW of onshore wind in Scotland by 2030 and providing a vehicle for that delivery through the creation of our Onshore Wind Strategic Leadership Group"*. (emphasis added)

- 3.2.37 It is stated that “Onshore wind will remain an essential part of our energy mix and climate change mitigation efforts, but we are also in a nature crisis. Onshore wind farms must strike the right balance in how we care for and use our land...”.
- 3.2.38 The term “mission critical” is strong language and indicates onshore wind is crucial and extremely important to the attainment of the Government’s policy and legislative objectives. This is fundamentally different policy language to that contained within NPF3 and SPP.
- 3.2.39 Overall, the Applicant’s position is that the right balance has been struck in this case such that the Proposed Development is acceptable in land use planning terms and would be consistent with the advice and policy in the OWPS.

3.3 The Draft Energy Strategy and Just Transition Plan

- 3.3.1 The Scottish Government published a new Draft ‘Energy Strategy and Just Transition Plan’ entitled ‘Delivering a fair and secure zero carbon energy system for Scotland’ on 10 January 2023. The new Strategy is to replace the one previously published in 2017. The consultation period on the draft runs up until 4 April 2023.
- 3.3.2 The Ministerial Foreword states:
- “The imperative is clear: in this decisive decade, we must deliver an energy system that meets the challenge of becoming a net zero nation by 2045, supply safe and secure energy for all, generate economic opportunities, and build a just transition...”*
- The delivery of this draft Energy Strategy and Just Transition Plan will reduce energy costs in the long term and reduce the likelihood of future energy cost crises.*
- It is also clear that as part of our response to the climate crisis we must reduce our dependence on oil and gas as that Scotland is well positioned to do so in a way that ensures we have sufficient, secure and affordable energy to meet our needs, to support economic growth and to capture sustainable export opportunities.*
- For all these reasons, this draft Strategy and Plan supports the fastest possible just transition for the oil and gas sector in order to secure a bright future for a revitalised North Sea energy sector focused on renewables.”*
- 3.3.3 The Foreword adds that the draft Strategy sets out key ambitions for Scotland’s energy future including:
- > More than 20 GW of additional renewal electricity on and offshore by 2030.
 - > Accelerated decarbonisation of domestic industry, transport and heat.
 - > Generation of surplus electricity, enabling export of electricity and renewable hydrogen to support decarbonisation across Europe.
 - > Energy security through development of our own resources and additional energy storage.
 - > A just transition by maintaining or increasing employment in Scotland’s energy production sector against a decline in North Sea production.
- 3.3.4 The draft Strategy states (page 7, Executive Summary) that the vision for Scotland’s energy system is:

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

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

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

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

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

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

3.3.6 In terms of policy and onshore wind, the Strategy cross refers to NPF4 and the recently published OWPS and reiterates the new ambition for a deployment of a minimum further 12 GW of onshore wind by 2030.

3.4 Conclusions on other Policy Provisions

3.4.1 Overall, the Draft Energy Strategy forms part of the new policy approach alongside the OWPS and NPF4 and confirms the Scottish Government’s policy objectives and related targets reaffirming the crucial role that onshore wind will play in response to the climate crisis which is at the heart of all these policies.

4. Conclusions

4.1 The Development Plan

4.1.1 As set out in the Planning Statement (August 2022) Section 25 of the 1997 Act requires that:

“where, in making any determination under the Planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the Plan unless material considerations indicate otherwise”.

4.1.2 Accordingly, the purpose of this Update Planning Statement is to provide an assessment of the Proposed Development against the new make up of the Development Plan given the approval of NPF4. Relevant Development Plan policies have been considered, and material considerations, consistent with the requirements of Section 25 of the 1997 Act.

4.1.3 The planning balance needs to take into account potential benefits and harm which may arise and conclude as to the overall acceptability of the Proposed Development in relation to the planning policy framework and relevant material considerations.

4.2 The Climate Crisis & Renewable Energy Policy Framework

4.2.1 The urgent need for onshore wind has been set out: a large increase in the deployment of this renewable energy technology is supported through a number of policy documents and by Scottish Government commitments – most recently expressed in the new OWPS and in NPF4.

4.2.2 Onshore wind was already viewed and described as “vital” to the attainment of targets in 2017. This imperative has only increased since a ‘climate emergency’ was declared by the Scottish First Minister in April 2019, in line with the recommendations made by the CCC (2019) ‘net zero’ publication. 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 through the provisions of the Climate Change (Scotland) Act 2009 and the Climate Change (Emissions Reduction Targets) (Scotland) Act 2019.

4.2.3 Achieving net zero is a legal requirement, and the Scottish Government has recognised, most recently in the new OWPS, that a very substantial quantity of new onshore wind is required to meet the legal emissions reduction requirement by 2030 – namely a *minimum* of 20GW of operational capacity. Deployment of more onshore wind is described as being “*mission critical for meeting our climate targets*” in the new OWPS.

4.2.4 The benefits of the Proposed Development have been set out in the context of the current Climate Emergency and after a period of economic recession – they would help address the issue of global heating, the nature crisis, very challenging ‘net zero’ targets and contribute to improving security of supply.

4.3 The Planning Balance

4.3.1 In policy submissions to date on the application – as set out in the Planning Statement (August 2022) the Applicant highlighted existing policy support for the Proposed Development and its contributions towards emissions reduction and renewable energy generation targets. The Applicant’s position was that the Climate Emergency and the needs case were considerations which should be afforded substantial weight. It was made clear that these considerations were not a “trump card” that must lead to consent for every wind farm development; but they added to the weight of positive support in the planning balance. Any identified adverse effects should be considered within this context.

- 4.3.2 The Applicant further highlighted the policies contained in the draft NPF4 and draft OWPS. In the Applicant's submission, the draft policy statements both supported and strengthened the case for the grant of planning permission. There was a clear recognition that climate change must become a primary guiding principle for all plans and decisions. Significant weight was to be given to the Climate Emergency and the contribution of individual developments to tackling climate change.
- 4.3.3 The draft policies were subject to consultation, and this went to the weight that could be attached to these draft policy statements. NPF4 and the OWPS are no longer subject to consultation. The revised OWPS has been published. NPF4 has now been approved and came into force on 13 February 2023. Both are up to date statements of Scottish Government policy, directly applicable to determination of this planning application. Both should be afforded very considerable weight in decision-making.
- 4.3.4 NPF4 and the OWPS are unambiguous as regards the policy imperative to combat climate change, the crucial role of further onshore wind in doing so, and the scale and urgency of onshore wind deployment required. As described in this statement:
- > The global climate emergency and the nature crisis are the foundations for the NPF4 Spatial Strategy as a whole. The twin global climate and nature crises are "*at the heart of our vision for a future Scotland*" so that "*the decisions we make today will be in the long-term interest of our country*"⁴. The policy position, and the priority afforded to combatting the Climate Emergency, is different to that under NPF3 and SPP;
 - > NPF4 Policy 1 directs decision-makers to give significant weight to the global Climate Emergency in all decisions. This is a radical departure from the usual approach to policy and weight and clearly denotes a step change in planning policy response to climate change. The matter of weight is no longer left entirely to the discretion of the decision maker; and
 - > Both NPF4 and the OWPS are clear that further onshore wind development, of scale and utilising modern, larger turbines, has a crucial role in combatting climate change, transitioning to a net-zero Scotland and ensuring security of energy supply. NPF4 Policy 11 strongly supports proposals for all forms of renewable, low-carbon and zero emissions technologies, including onshore wind farms.
- 4.3.5 It is important to fully recognise both the scale and urgency of the challenge set out in these documents and the required response from decision-makers. NPF4 is clear that significant progress must be made by 2030 requiring, as set out in the OWPS, that "*we must now go further and faster than before. We expect the next decade to see a substantial increase in demand for electricity to support net zero delivery across all sectors, including heat, transport and industrial processes*"⁵.
- 4.3.6 Publication of the OWPS followed and cross-refers to NPF4 and, for the first time, sets an onshore wind target: a Scottish Government ambition for a minimum of 20GW of installed onshore wind capacity by 2030. New policy therefore supports an increase in the installed capacity of onshore wind in Scotland by a minimum amount equivalent to about 130% of the entire installed capacity of all current operational onshore wind farms in Scotland in a period of less than ten years. This is also embedded in the Scottish Government's consultative draft Energy Strategy and Just Transition Plan, together with the commitment to "**place the climate and nature at the centre of our planning system**"⁶ (original emphasis) in line with the NPF4.

⁴ NPF4, page 2.

⁵ OWPS 2022, paragraph 1.1.2.

⁶ Energy Strategy and Just Transition Plan, page 55

- 4.3.7 By any measure, the identified need for delivery of this additional capacity is a massive challenge requiring an urgent and positive response. As noted above, unless projects are in the planning system now (such as this proposal) there is a high likelihood is that they cannot contribute to this ambition before 2030.
- 4.3.8 In addition to attaining targets is the importance of developing electricity supplies which are not dependent on volatile international markets and are located within the UK's national boundaries. The urgency for an electricity system which is self-reliant and not reliant on fossil fuels is now enormous, in order to protect consumers from high and volatile energy prices, and to reduce opportunities for destructive geopolitical intrusion into national electricity supplies and economics has grown in importance in recent months. The 'window' until the key date of 2030 for Scottish Government targets is also getting narrower.
- 4.3.9 Other policy support for development of large-scale wind farms and the deployment of larger turbines is found in NPF4 and the OWPS:
- > In addition to the cross-cutting NPF4 Policy 1, NPF Policy 11 directs that in considering the identified impacts of an onshore wind proposal significant weight will be placed on the contribution of the proposal to renewable energy generation targets and on greenhouse gas emissions reduction targets;
 - > The OWPS expressly recognises that meeting the ambition of a minimum installed capacity of 20GW of onshore wind in Scotland by 2030 will require taller and more efficient turbines and that this will change the landscape;
 - > NPF4 Policy 11 confirms that significant landscape and visual impacts are to be expected for some forms of renewable energy. Scottish Government policy, which now forms part of the Development Plan, is that where such impacts are localised and / or appropriate design mitigation has been applied, they will generally be considered to be acceptable. Notably, policy recognises that significant landscape and visual effects are inevitable and should be generally acceptable in those circumstances; and
 - > NPF4, Policy 4, Part d) specifically relates to a proposed development that may adversely affect the integrity of a local landscape designation. It provides that development will be supported, notwithstanding the impact where significant adverse effects on the integrity of the area are clearly outweighed by social, environmental or economic benefits of at least local importance.
- 4.3.10 NPF4 and the OWPS of course require that the decision-maker must also identify and weigh the adverse effects of a proposed development. It was acknowledged in the original Planning Statement that weight is entirely a matter for the decision maker. However, the way that decision makers can recognise the strengthened policy imperative and the increased weight that should be given to the benefits of the Proposed Development is by giving stronger weight in the planning balance to the seriousness and importance of energy policy related considerations and the contribution of the Proposed Development in meeting green energy targets.
- 4.3.11 It is submitted that this approach is very clearly reflected and articulated in NPF4 and the OWPS (subject to Scottish Government policy now expressly stating that significant weight will be given to the global climate and nature crises and a proposed development's contribution towards meeting targets). Moreover, Section 3.6 of the OWPS states that the criteria for assessing proposals (in NPF4) have been updated "*including **stronger weight being afforded to the contribution of the development***". (emphasis added)
- 4.3.12 In this case, the Proposed Development has a capacity of up to approximately 21.5MW, a development that will help to deliver the national Spatial Strategy set out in NPF4. The Proposed Development would make a valuable and near-term contribution to help Scotland and the UK attain Net Zero, security of supply and related socio-economic objectives. Specifically, the Proposed Development would contribute to the interim 2030 emissions reduction target. It is submitted that very substantial weight should be given to this

contribution when weighing the need for the development and its identified effects within the planning balance.

- 4.3.13 The Planning Statement (August 2022) appraised the Proposed Development with regard to relevant policies of the HwLDP and the Supplementary Guidance. The conclusion reached was that the Proposed Development would be in accordance with the relevant policy provisions.
- 4.3.14 The limited effects of the Proposed Development, including now relevant effects listed in NPF Policy 11(e) have been addressed, as detailed in the supporting information to the application. In terms of Policy 11, in considering the identified impacts of the Proposed Development, significant weight must be placed on its nationally important contribution to renewable energy generation and greenhouse gas emissions reduction targets.

4.4 Overall Conclusion

- 4.4.1 The policy set out in NPF4 and the OWPS requires a rebalancing of the consenting of onshore wind developments in response to the challenges of tackling the climate and nature crises. Having regard to the weight to be ascribed to the important benefits of the Proposed Development it is considered that the benefits clearly outweigh its adverse effects.
- 4.4.2 The up-to-date policy set out in NPF4 and the OWPS and the policy being consulted upon in the draft Energy Strategy provide strong and increased support for the grant of planning permission, subject to appropriate conditions, for the Proposed Development.
- 4.4.3 The conclusion is that the Proposed Development would be consistent with all relevant policies of the Development Plan, and with the Development Plan when read as a whole and material considerations further support the position that planning permission should be granted.

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