

Ladyfield Renewable Energy Park Section 36 Application:

Planning Statement

October 2023



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1. Introduction

1.1 Background

- 1.1.1 This Planning Statement has been prepared by David Bell Planning Ltd (DBP) on behalf of Ladyfield Renewable Energy Park Ltd (the Applicant) to construct, operate and decommission a 13 turbine Wind Farm and Battery Energy Storage System (BESS) along with associated infrastructure known as Ladyfield Renewable Energy Park (hereafter referred to as 'the Proposed Development') in the Argyll and Bute Council (ABC) administrative area.
- 1.1.2 As the Proposed Development has a generating capacity in excess of 50 megawatts (MW), consent is required from Scottish Ministers under Section 36 of the Electricity Act 1989 ('the 1989 Act'). In addition, a request is being made by the Applicant that planning permission is deemed to be granted under Section 57(2) of the Town and Country Planning (Scotland) Act 1997, as amended ('the 1997 Act').
- 1.1.3 The application for consent is accompanied by an Environmental Impact Assessment Report (EIA Report) which presents the findings of an EIA undertaken in accordance with the Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017 ('the EIA Regulations'). The EIA Report presents information on the identification and assessment of the likely significant environmental effects of the Proposed Development.
- 1.1.4 This Planning Statement makes various cross references to information contained in the EIA Report and presents an assessment of the Proposed Development against relevant policy with due regard given to the provisions of the statutory Development Plan, now made up of National Planning Framework 4 and the Local Development Plan for the Argyll and Bute (ABC) area, and other relevant material considerations.
- 1.1.5 This Planning Statement also considers the potential benefits and harm which may arise and concludes as to the overall acceptability of the Proposed Development in relation to the new planning policy framework and relevant material considerations.

1.2 The Applicant

- 1.2.1 The Applicant is Ladyfield Renewable Energy Park Ltd, a wholly owned subsidiary of Ridge Clean Energy Ltd (RCE), a well-funded, UK-based clean energy company whose team have developed, constructed and operated clean energy projects in the UK since 2003.
- 1.2.2 Working in partnership with landowners and local communities, RCE's team identifies and develops new projects to supply clean energy to UK homes, businesses, and other power consumers. The RCE team have a wealth of experience with community engagement support and have created a range of local initiatives in small towns and villages that focus on improving community value. Their work was instrumental in helping Inspire Inveraray raise money to purchase and restore the Inveraray Pier.

1.3 Site Location and Description

- 1.3.1 The application site is located approximately 3 km north of Loch Shira and approximately 4.7 km north of Inveraray and covers approximately 790 hectares (ha) of land.
- 1.3.2 The topography of the site and immediate vicinity is complex and largely consists of existing commercial forestry and rural upland farmland. The site varies in elevation ranging from approximately 100m Above Ordnance Datum (AOD) in the west of the site, to approximately 470m AOD in the east of the site. There are a number of notable hilltops bordering the site including Stuc Scardan which borders the eastern boundary; however, there are no notable summits located within the site.

- 1.3.3 The site has several watercourses running through it, with the primary watercourse being the River Aray, running from north to south within, and adjacent to, the western extent of the site boundary. The remaining watercourses within the site, including Allt Sheileachan in the north and Allt a' Mhadaidh in the centre of the site are all tributaries of the River Aray and are likely to flow westwards down the slopes contained within the site. In addition to watercourses, Lochan a' Mhadaidh partially enters the site in the east.
- 1.3.4 Inveraray is the closest settlement to the site, approximately 4.7 km to the south. There are some residential properties situated nearby the site, largely located intermittently within Glen Aray along the A819 to the west of the site, and within Glen Shira to the east of the site.

1.4 The Proposed Development

- 1.4.1 The Proposed Development is described in detail in Chapter 2 (Development Description) of the EIA Report. In summary, it will comprise:
- > Up to 13 wind turbines, each up to a maximum tip height of 180m. The overall installed capacity of the wind energy element of the proposal would be approximately 58.5 MW;
 - > Access tracks;
 - > Foundations supporting each wind turbine;
 - > Substation and control building;
 - > Battery Energy Storage System (41.4 MW);
 - > Anemometer mast;
 - > Extension of one borrow pit;
 - > Forestry felling of approximately 79.3 hectares (of which 71.6 would be advanced from later phases in the Long Term Felling Plan (LTFP));
 - > Temporary laydown areas;
 - > Two temporary construction compounds; and
 - > Ancillary infrastructure.
- 1.4.2 The expected operational life of the Proposed Development is 40 years from the date of commissioning.
- 1.4.3 The grid connection would be routed through existing forest tracks and within the A819, to a new substation on the transmission system located at Creag Dubh, approximately 3km to the north of the site's northern boundary, on the western side of the A819. The grid connection does not form part of this Application, and is subject to a future application subject to the Proposed Development receiving planning consent. However, the grid route is considered proportionately in the accompanying EIA Report.
- ## **1.5 The Statutory Framework**
- 1.5.1 An application under section 36 of the 1989 Act for consent for the construction of an electricity generating station whose capacity exceeds 50MW is significantly different from an application for planning permission for a similar station whose capacity is less than 50MW.
- 1.5.2 Section 25 of the 1997 Act does not apply to the determination of applications under section 36 of the 1989 Act as confirmed in the case of William Grant & Sons Distillers Ltd v Scottish Ministers [2012] CSOH 98 (paragraphs 17 and 18).
- 1.5.3 In addition, there are potentially certain environmental duties in relation to Preservation of Amenity and Fisheries Provisions in Schedule 9, paragraph 3 that are likely to apply.

- 1.5.4 The Applicant does not hold a generation licence and therefore the statutory duties set out in paragraph 3 of Schedule 9 to the 1989 Act do not currently apply to the Applicant when formulating proposals for consent under section 36 of the 1989 Act. The Applicant has however, through the EIA process, had full regard to the matters set out in paragraph 3(1)(a) of Schedule 9.
- 1.5.5 The EIA Report identifies how various factors were taken into account in the formulation of the application. In addition, each EIA Chapter includes assessment of the likely significant effects and also, where appropriate, the identification of appropriate mitigation. This includes both embedded mitigation which is integral to the design and also active specific measures which have been identified.
- 1.5.6 The Scottish Ministers are obliged to consider whether the Applicant has provided sufficient information to enable them to address their duties under sub-paragraph 3(1)(a) of Schedule 9 to the 1989 Act. The duty on the Ministers is to have regard to the matters specified in Schedule 9. Schedule 9 is not a development management test.
- 1.5.7 In considering the overall statutory and regulatory framework within which the Proposed Development should be assessed, the statutory Development Plan is a material consideration which should be taken into account in the round with all other relevant considerations. It is important to note however, that section 25 of the 1997 Act is not engaged as there is no 'primacy' of the Development Plan in an application made under the 1989 Act.

1.6 Scope & Structure of Planning Statement

- 1.6.1 The planning policy framework has changed significantly in the last few months, in particular with the approval of the National Planning Framework 4 (NPF4), the publication of a new Onshore Wind Policy Statement and the Draft Energy Strategy and Just Transition Plan.
- 1.6.2 This Planning Statement addresses these new policy documents and provides an assessment of the Proposed Development against relevant new policy provisions and the new make-up of the statutory Development Plan. The appraisal highlights policy differences with the outgoing national planning policy and where there are incompatibilities between new national planning policies and those of the Argyll and Bute Local Development Plan.
- 1.6.3 This Planning Statement is structured as follows:
- > **Chapter 2** sets out the up-to-date position with regard to the renewable energy policy and emissions reduction legislative framework and includes reference to the new Onshore Wind Policy Statement and the Scottish Government's Draft Energy Strategy and Just Transition Plan;
 - > **Chapter 3** appraises the Proposed Development against the relevant provisions of NPF4;
 - > **Chapter 4** appraises the Proposed Development against the relevant provisions of the Local Development Plan and related guidance;
 - > **Chapter 5** sets out a summary of the benefits of the Proposed Development; and
 - > **Chapter 6** presents overall conclusions.

2. The Renewable Energy Policy & Legislative Framework

2.1 Introduction

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

2.2 International Commitments

The Paris Agreement (2016)

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

United Nations - International Panel on Climate Change

- 2.2.4 The Intergovernmental Panel on Climate Change (IPCC) is the United Nations Body for assessing the science related to climate change.
- 2.2.5 The IPCC prepares comprehensive assessment reports about the state of scientific, technical and socio-economic knowledge on climate change, its impacts and future risks and options for reducing the rate at which climate change is taking place. IPCC reports are commissioned by the worlds' Governments and are an agreed basis for COP¹ negotiations.
- 2.2.6 The IPCC's Special Report on Warming of 1.5°C, published in 2018, was a key piece of evidence for the CCC's recommendation to the UK Government for a 2050 net zero greenhouse gas emission target. The IPCC's reports since 2018 have provided an up-to-date estimate of how close global temperatures are to 1.5°C of warming above pre-industrial levels and the remaining volume of global cumulative carbon dioxide that could be emitted to be consistent with keeping global warming below any particular threshold (such as the 1.5°C and 2°C levels referred to in the Paris Agreement).
- 2.2.7 The IPCC's 6th Assessment Report was published in March 2023. The Summary for Policymakers Report (page 10) states that it is likely that warming will exceed 1.5°C during the 21st Century and make it harder to limit warming 2°C. It states (page 12):
"Continued greenhouse gas emissions will lead to increasing global warming, with the best estimate of reaching 1.5°C in the near term in considered scenarios and modelled pathways. Every increment of global warming will intensify multiple and concurrent hazards (high confidence). Deep, rapid and sustained reductions in greenhouse gas emissions would lead to a discernible slowdown in global warming within around two decades, and also to discernible changes in atmospheric composition within a few years (high confidence)".
- 2.2.8 Page 24 of the report states *"There is a rapidly closing window of opportunity to secure a liveable and sustainable future for all (very high confidence)".*

United Nations Statement, July 2023

- 2.2.9 The UN issued a statement on 27 July 2023 with regard to increasing global temperatures. The UN Secretary General Antonio Guterres stated that it was *"virtually certain that July 2023 will be the warmest on record"*.
- 2.2.10 The Secretary General stated *"Climate change is here. It is terrifying. And it is just the beginning. The era of global warming has ended, and the era of global boiling has arrived."*
- 2.2.11 The statement refers to climate conditions in the month of July 2023 as being remarkable and unprecedented, and that there is virtual certainty that the month of July as a whole will become the warmest July on record and the warmest month on record. In addition, the statement sets out that ocean temperatures are at their highest ever level recorded for this time of year [July].
- 2.2.12 The statement also refers to the net zero goal and the Secretary General stated: *"The need for new national emissions targets from G20 members and urged all countries to push to reach net zero emissions by mid-century."*

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

2.3 UK Climate Change & Energy Legislation & Policy

The Climate Emergency

2.3.1 A critical part of the response to the challenge of climate change was the Climate Emergency which was declared by the Scottish parliament in April 2019 and by the UK Parliament in May 2020. The declaration of climate emergency needs to be viewed in the context in which it was declared (advice from the CCC) and in response to commitments under the Paris Agreement and what followed from it as a result of the declaration (new emissions reduction law).

The Climate Change Act 2008 & Carbon Budgets

2.3.2 The Climate Change Act 2008 (the 2008 Act) provides a system of carbon budgeting. Under the 2008 Act, the UK committed to a net reduction in GHG emissions by 2050 of 80% against the 1990 baseline. In June 2019, secondary legislation was passed that extended that target to at least 100% against the 1990 baseline by 2050, with Scotland committing to net zero by 2045.

2.3.3 The 2008 Act also established the CCC which advises the UK Government on emissions targets and reports to Parliament on progress made in reducing GHG emissions.

2.3.4 The CCC has produced six four-yearly carbon budgets, covering 2008 – 2037. These carbon budgets represent a progressive limitation on the total quantity of GHG emissions to be emitted over the five-year period as summarised in **Table 2.1** below.

2.3.5 These legally binding ‘carbon budgets’ act as stepping-stones toward the 2050 target. The CCC advises on the appropriate level of each carbon budget and once accepted by Government, the respective budgets are legislated by Parliament. All six carbon budgets have been put into law and run up to 2037.

Table 2.1: Carbon Budgets and Progress²

Budget	Carbon budget level	Reduction below 1990 levels	Met?
1 st carbon budget (2008 – 2012)	3,018 MtCO _{2e}	25%	Yes
2 nd carbon budget (2013 – 2017)	2,782 MtCO _{2e}	31%	Yes
3 rd carbon budget (2018 – 2022)	2,544 MtCO _{2e}	37% by 2020	On Track
4 th carbon budget (2023 – 2027)	1,950 MtCO _{2e}	51% by 2025	Off Track
5 th carbon budget (2028 – 2032)	1,725 MtCO _{2e}	57% by 2030	Off Track
6 th carbon budget (2033 – 2037)	965 MtCO _{2e}	78% by 2035	Off Track
Net Zero Target	100%	By 2050	

2.3.6 The Sixth Carbon Budget (CB6) requires a reduction in UK greenhouse gas emissions of 78% by 2035 relative to 1990 levels.

² Source: CCC (2022).

- 2.3.7 Page 23 of CB6 refers to the devolved nations and sets out that UK climate targets cannot be met without strong policy action across Scotland, Wales and Northern Ireland. Key points from CB6 include:
- > UK climate targets cannot be met without strong policy action in Scotland.
 - > The CCC is clear in setting out that new demand for electricity will mean that electricity demand will rise 50% to 2035 and doubling or even trebling by 2050.
 - > CB6 needs to be met and that will need more and faster deployment of renewable energy developments than has happened in the past.
 - > The related 'Methodology Report' from the CCC advice, states that in all scenarios for the carbon budget and looking ahead to 2050, the CCC sees new onshore wind generation being deployed by 2050. They set out that their modelling reflects this by almost doubling onshore wind capacity to 20-30 GW in all scenarios by 2050.

2.3.8 Following the Sixth Carbon Budget, the UK Government announced on 20 April 2021 that it would set the world's most ambitious climate change target into law (by the Carbon Budget Order 2021³) to reduce emissions by 78% by 2035 compared to 1990 levels. This effectively brings forward the UK's previous commitment of an 80% reduction by 2050 by 15 years.

The UK Energy White Paper (December 2020)

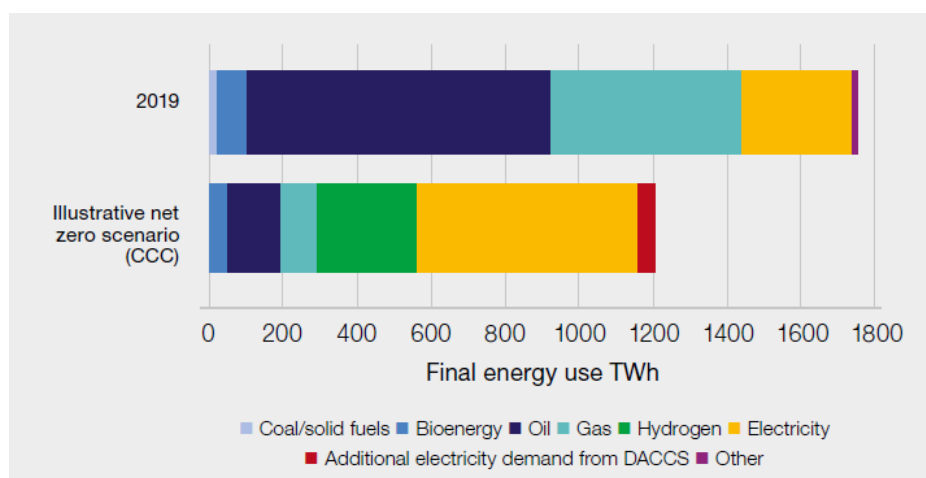
2.3.9 The Energy White Paper 'Powering our Net Zero Future' was published on 14 December 2020 represents a sea change in UK policy and highlights the importance of renewable electricity.

2.3.10 It sets out that "electricity is a key enabler for the transition away from fossil fuels and decarbonising the economy cost-effectively by 2050". A key objective is to "accelerate the deployment of clean electricity generation through the 2020s" (page 38).

2.3.11 Electricity demand is forecast to double out to 2050, which will "require a four-fold increase in clean electricity generation with the decarbonisation of electricity increasingly underpinning the delivery of our net zero target" (page 42).

2.3.12 This anticipated growth of renewable electricity is illustrated in the graph below – **Figure 2.1**.

Figure 2.1: Illustrative UK Final Energy Use in 2050⁴



³ The Order sets the carbon budget for the 2033-2037 budgetary period at 965 million tonnes of carbon dioxide equivalent. The net UK carbon account is defined in section 27 of the Climate Change Act 2008.

⁴ Source: Energy White Paper page 9 (2020).

2.3.13 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).

The UK Net Zero Strategy (October 2021)

2.3.14 The UK Government published the Net Zero strategy in October 2021. This set out policies and proposals for keeping in the UK on track in relation to carbon budgets and the UK's nationally determined contribution (NDC)⁵ and establishes the long-term pathway to net zero by 2050.

2.3.15 The Net Zero Strategy sets out the Government's plans for reducing emissions from each sector of the UK economy, related to carbon budget and to the eventual target of net zero by 2050. The Strategy has been submitted to the United Nations Framework Convention on Climate (UNFCCC) as the UK's second long-term low greenhouse gas emission development strategy under the Paris Agreement.

2.3.16 Page 19 addresses the power sector and sets out that the power system will be fully decarbonised by 2035.

2.3.17 Key policies are set out including that by 2030 there will be some 40GW of offshore wind with *“more onshore, solar and other renewables”*. The strategy also builds on the UK Government's 'Ten Point Plan' *“with our vision to create new jobs in net zero Industries as we meet our climate target.”* (page 40).

2.3.18 It is notable that in terms of power, the Strategy references the Energy White Paper (2020) which set out the goal of a fully decarbonised and low-cost power system by 2050. It adds that CB6 represents *“a very significant increase in the pace of power sector decarbonisation, coupled with increased demand due to the accelerated action in other sectors dependent on low-carbon electricity”*. (page 98). It adds:

“although the Energy White Paper envisaged achieving an overwhelmingly decarbonised power system during the 2030s, we have since increased our ambition further. By 2035 all our electricity will need to come from low carbon sources, subject to security of supply, bringing forward the Government's commitment to a fully decarbonised power system by 15 years, whilst meeting at 40-60% increase in demand”.

2.3.19 The Strategy also sets out that the Government will be supporting sustained deployment of low-carbon generation (page 103), in this regards it states that there will need to continue to drive rapid deployment of renewables.

The British Energy Security Strategy (April 2022)

2.3.20 The British Energy Security Strategy was published by the UK Government on 7 April 2022. The Strategy focuses on energy supply and states that in the future nuclear will have an expanded role and that renewables have an important role: the foreword states *inter alia*:

“this government will reverse decades of myopia, and make the big call to lead again in a technology the UK was the first to pioneer, by investing massively in nuclear power.

Accelerating the transition away from oil and gas then depends critically on how quickly we can roll out new renewables.

The growing proportion of our electricity coming from renewables reduces our exposure to volatile fossil fuel markets. Indeed, without the renewables we are putting on the grid today,

⁵ Every country that signed up to the Paris Agreement (2015) set out a target known as a nationally determined contribution for reducing greenhouse gas emissions by around 2030. For the UK the target was a 68% reduction on 1990 levels by 2030.

and the green levies that support them, energy bills would be higher than they are now. But now we need to be bolder in removing the red tape that holds back new clean energy developments and exploit the potential of all renewable technologies.”

- 2.3.21 Reducing Scotland’s and the wider UK’s dependency on hydrocarbons has important security of supply, electricity cost and fuel poverty avoidance benefits. Those actions already urgently required in the fight against climate change are now required more urgently for global political stability and insulation against dependencies on rogue nation states.

Powering up Britain

- 2.3.22 On 30 March 2023 the UK Government (Department for Energy Security and Net Zero) published ‘Power Up Britain’ which comprises a series of documents including an Energy Security Plan, Carbon Budget Delivery Plan (CBDP) and Net Zero Growth Plan.
- 2.3.23 The CBDP is the means by which the UK Government satisfies Section 14 of the Climate Change Act 2008 to publish proposals and policies for enabling Carbon Budgets 4, 5 and 6 to be met. The CBDP was published in response to the High Court ruling⁶ that the Government’s 2021 Net Zero Strategy did not comply with the Climate Change Act. The Government has therefore had to provide a firmer public commitment to its plans, which has resulted in some changes in approach and ambition.
- 2.3.24 The Energy Security Plan sets out the steps that the UK Government is taking to ensure that the UK is more energy independent, secure and resilient. It builds upon the British Energy Security Strategy and the Net Zero Strategy. The report sets out that the Government is aiming for a doubling of Britain’s electricity generation capacity by the late 2030s in line with the aim to fully decarbonise the power sector by 2035, subject to security of supply.
- 2.3.25 The introduction of the Net Zero Growth Plan states:

“Energy Security and Net Zero are two sides of the same coin. The energy transition and net zero are among the greatest opportunities facing this country and we are committed to ensuring that the UK takes advantage of its early mover status. Global action to mitigate climate change is essential to long term prosperity...”

CCC – Report to Parliament 2023

- 2.3.26 The CCC published its report to Parliament ‘Progress in Reducing Emissions’ in June 2023. It sets out (page 13) that despite the UK Government having issued the CBDP, *“policy development continues to be too slow and our assessment of the CBDP has raised new concerns. Despite new detail from Government, our confidence in the UK meeting its medium-term targets has decreased in the past year”*.
- 2.3.27 The CCC adds that:
- “At COP26, the UK made stretching 2030 commitments in its Nationally Determined Contribution (NDC) – now only 7 years away. To achieve the NDC goal of at least a 68% fall in territorial emissions from 1990 levels, the rate of emissions reduction outside the power sector must almost quadruple. Continued delays in policy development and implementation mean that the NDCs achievement is increasingly challenging”*.
- 2.3.28 Key messages include (page 14 and 15):
- > A lack of urgency – the CCC note that the net zero target was legislated in 2019 but there remains a lack of urgency over its delivery. It states *“the net zero transition is scheduled to take around three decades, but to do so requires a sustained high intensity of action.*

⁶ The High Court ruled in July 2022 (*R (Friends of the Earth & Others) v Secretary of State for Business, Energy and Industrial Strategy* [2022] EWHC 1841) that the UK Government’s Net Zero Strategy unlawful as it did not meet its obligations under the Climate Change Act 2008 to clearly evaluate how the Government intended to achieve its Carbon Budgets.

This is required all the more, due to the slow start to policy development so far. Pace should be prioritised over perfection”.

- > Planning policy needs radical reform to support net zero – the CCC state that in this regard that: *“In a range of areas, there is now a danger that the rapid deployment of infrastructure required by the Net Zero transition is stymied or delayed by restrictive planning rules. The planning system must have an overarching requirement that all planning decisions must be taken given full regard to the imperative of Net Zero*

2.4 Climate Change & Renewable Energy Policy: Scotland

The Climate Emergency

- 2.4.1 Scottish First Minister Nicola Sturgeon declared a "Climate Emergency" in her speech to the SNP Conference in April 2019. Furthermore, Climate Change Secretary Roseanna Cunningham made a statement on 14 May to the Scottish Parliament on the 'Global Climate Emergency' and stated:

"There is a global climate emergency. The evidence is irrefutable. The science is clear and people have been clear: they expect action. The Intergovernmental Panel on Climate Change issued a stark warning last year the world must act now or by 2030 it will be too late to limit warming to 1.5 degrees.

We acted immediately with amendments to our Climate Change Bill to set a 2045 target for net zero emissions - as we said we'd do. If agreed by Parliament, these will be the most stringent legislative targets anywhere in the world and Scotland's contribution to climate change will end, definitively, within a generation. The CCC was clear that this will be enormously challenging...."

- 2.4.2 The key issue in relation to these statements is that they acknowledge the very pressing need to achieve radical change and that by 2030 it will be too late to limit warming to 1.5 degrees. The Scottish Government therefore acted on the Climate Emergency in 2019 by bringing in legislation.
- 2.4.3 Furthermore, the declaration of the emergency is not simply a political declaration, it is now the key priority of Government at all levels. Indeed, defining the issue as an emergency is a reflection of both the seriousness of climate change, its potential effects and the need for urgent action to cut carbon dioxide and other GHG emissions.
- 2.4.4 The scale of the challenge presented by the new targets for net zero within the timescale adopted by the Scottish Government on the advice of the CCC is considerable, especially given the requirements for decarbonisation of heat and transport – this will require very substantial increases in renewable electricity generation by 2030.

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

- 2.4.5 Against this severe backdrop, the Scottish Government has set legal obligations to decarbonise and reduce emissions. Most notably, the Scottish Government has a statutory target to achieve “net zero” by 2045, with interim targets of 75% by 2030 and 90% by 2040, further supported by annual targets. It is clear that to have any hope of achieving the net zero target, much needs to happen by 2030.
- 2.4.6 When it was enacted, the Climate Change (Scotland) Act 2009 set world leading greenhouse gas emissions reduction targets, including a target to reduce emissions by 80% by 2050. However, the Climate Change (Emissions Reduction Targets) (Scotland) Act 2019 amends the 2009 Act and sets even more ambitious targets.

- 2.4.7 The 75% target required to be met by 2030 is especially challenging⁷. Indeed, when the matter was proceeding through Parliament, it was the Scottish Parliament that increased the requirement from a 70 to 75% reduction by 2030. This acts upon the declaration of the Climate Emergency and recognises the urgent response that is required.
- 2.4.8 The Scottish Government publishes an annual report that sets out whether each annual emissions reduction target has been met. **Table 2.2** below sets out the annual targets for every year to Net Zero. The report for the 2019 target year was published in June 2021. The report states that the 'GHG Account' reduced by only 51.5% between the baseline period and 2019. As noted, the 2019 Act specifies a 55% reduction over the same period – therefore the targets for 2018 and 2019 were not met.
- 2.4.9 The Scottish GHG Statistics for 2020 were released in June 2022. These show that the GHG account reduced by some 58.7% between the baseline period and 2020. However according to the report⁸, the drop in emissions between 2019 and 2020 was mainly down to lower emissions from domestic transport, international flights and shipping and energy supply. All other sectors demonstrated modest reductions over this period, except the housing sector.
- 2.4.10 Coronavirus restrictions were responsible for the large drop in emissions from transport, while residential emissions increased by 0.1 MtCO₂e as more people worked from home during the pandemic. The Scottish Cabinet Secretary for Net Zero, Energy and Transport Michael Matheson made a Statement⁹ to the Scottish Parliament on 07 June 2022 on the release of the latest statistics. In the Statement he commented as follows:
- “Nonetheless, the most significant changes are in the transport sector and are associated with the temporary measures taken in response to the Covid-19 pandemic. We must be prepared for these figures to substantially rebound in 2021. There can be no satisfaction taken in emissions reductions resulting from the health, economic and social harms of the pandemic.”* (emphasis added)
- 2.4.11 The Scottish GHG Statistics for 2021 were released in June 2023¹⁰. The 2009 Act (as amended) required that GHG emissions reduce by 51.1% between the baseline period and 2021¹¹. GHG emission reduced by 49.9% therefore the interim target for 2021 was not achieved.

⁷ As set out in this Statement (paragraph 6.10), none of the five scenarios modelled by the CCC – even its most optimistic and stretching – suggests Scotland is close to achieving the 75% emissions reduction by 2030.

⁸ Scottish Government. Official Statistics, Scottish Greenhouse Gas Statistics 2020, (June 2022).

⁹ Ministerial Statement to Scottish Parliament by Cabinet Secretary for Net Zero, Energy and Transport on 07 June 2022, 'Greenhouse gas emission statistics 2020'.

¹⁰ Scottish Government. Official Statistics, Scottish Greenhouse Gas Statistics 2021, (June 2023). The publication explains that the target figures have been revised since 2022 to incorporate methodological improvements and new data.

¹¹ Note this is a revised target in line with the Climate Change (Scotland) Act 2009 (Interim target) Amendment Regulations 2023. These Regulations adjust the annual target figures for 2021 to 2029. The reason for the change is based on advice from the CCC regarding international carbon reporting practice.

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

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

2.4.12 The targets set out in the above Table clearly illustrate the speed and scale of change that is required, essentially prior to 2030. This also demonstrates that up to 2020 the annual percentage reduction that was required was 1% but this then increases each year from 2020 to 2030. This is the level of change that is required to achieve the 2030 target.

2.4.13 This means the trajectory, in terms of the scale and pace of action to reduce carbon dioxide emissions, is steeper than before and the 2020s is a critical decade.

2.4.14 It is no exaggeration to say that there is a 'mountain to climb' to meet Scotland's 75% target for 2030. The CCC modelled five scenarios in CB6 and in none – even its most optimistic – is Scotland close to achieving a 75% emissions reduction by 2030: "*Scotland's 75% target for 2030 will be extremely challenging to meet, even if Scotland gets on track for net zero by 2045, Our balance net zero pathway for the UK would not meet Scotland's 2030 target – reaching a 64% reduction by 2030 – while our most stretching tail winds scenario reaches a 69% reduction*" (CB6, page 229).

The Scottish Energy Strategy (2017)

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

- 2.4.16 The SES refers to “*Renewable and Low Carbon Solutions*” as a strategic priority (page 41) and states “*we will continue to champion and explore the potential of Scotland’s huge renewable energy resource, its ability to meet our local and national heat, transport and electricity needs – helping to achieve our ambitious emissions reduction targets*”.
- 2.4.17 The SES sets out what is termed the “opportunity” for onshore wind and there is explicit recognition that onshore wind is amongst the lowest cost forms of power generation. It is also recognised as “*a vital component of the huge industrial opportunity that renewables creates for Scotland*”.
- 2.4.18 The SES sets out the Government’s clear position on onshore wind namely:

“*our energy and climate change goals mean that onshore wind must continue to play a vital role in Scotland’s future – helping to decarbonise our electricity, heat and transport systems, boosting our economy, and meeting local and national demand.*”
- 2.4.19 The SES goes on to cross refer to further detail in relation to onshore wind as contained within the Onshore Wind Policy Statement (OWPS, 2017) which was published alongside the SES. The SES therefore, in addition to setting new stretching renewable energy and electricity targets, gives unequivocal strong policy support for the further development of onshore wind.

2.5 The Onshore Wind Policy Statement (2022)

- 2.5.1 The Scottish Government published an updated Onshore Wind Policy Statement (OWPS) on 21 December 2022. It replaces the version published in November 2017.
- 2.5.2 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*”.
- 2.5.3 The Foreword states that onshore wind has the ability to be deployed quickly, is good value for consumers and is also widely supported by the public. The Minister further states that:

“*This Statement, which is the culmination of an extensive consultative process with industry, our statutory consultees and the public, sets an overall ambition of 20 GW of installed onshore wind capacity in Scotland by 2030.*
- “*While imperative to meet our net zero targets it is also vital that this ambition is delivered in a way that is fully aligned with, and continues to enhance, our rich natural heritage and native flora and fauna, and supports our actions to address the nature crisis and the climate crisis*”.
- 2.5.4 The OWPS is structured on the basis of eight chapters which contain a mix of policy guidance and also technical information. Key content of relevance to the Proposed Development is referenced below.

Renewable Energy Generation & Greenhouse Gas Emission Targets

- 2.5.5 Chapter 1 “Ambitions and Aspirations” (page 5) refers to current deployment of onshore wind in Scotland and states:
- "We must now go further and faster than before. We expect the next decade to see a substantial increase in demand for electricity to support net zero delivery across all sectors, including heat, transport and industrial processes."*
- 2.5.6 It is explained that National Grid's Future Energy Scenarios 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.
- 2.5.7 Paragraph 1.1.4 states “our aim is to maintain the supportive policy and regulatory framework which will enable us to increase that deployment”.
- 2.5.8 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 2.3**.

Table 2.3: 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	

- 2.5.9 Within the table, the figure of 4.56 GW 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.
- 2.5.10 There is also a figure of some 5.53 GW as representing projects that are within the planning system; but again, the footnote makes it clear that not all projects will receive consent.

- 2.5.11 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.
- 2.5.12 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".
- 2.5.13 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.
- 2.5.14 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".*
- 2.5.15 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".
- 2.5.16 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".*
- 2.5.17 Paragraph 2.4.2 states that *"onshore wind will play a crucial role in delivering our legally binding climate change targets".*
- 2.5.18 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.
- 2.5.19 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 policy position.

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

- 2.5.20 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.
- 2.5.21 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*".
- 2.5.22 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.
- 2.5.23 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."*
- 2.5.24 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.
- 2.5.25 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

- 2.5.26 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.
- 2.5.27 Landscape and Visual Amenity is addressed at Section 3.6 in Chapter 3 of the OWPS with direct cross references to NPF4. Paragraph 3.6.1 states (original emphasis):
- "Meeting our climate targets will require a rapid transformation across all sectors of our economy and society. This means ensuring the right development happens in the right place. Meeting the ambition of a minimum installed capacity of 20 GW of onshore wind in Scotland by 2030 will require taller and more efficient turbines. This will change the landscape."* (original emphasis)
- 2.5.28 As referenced below, NPF4 policy expressly recognises that significant landscape and visual impacts are to be expected and the OWPS emphasises that as a result there will be changes in Scotland’s landscape.
- 2.5.29 Paragraph 3.6.2 of the OWPS, in cross-referencing NPF4, makes it clear that outside of National Parks and National Scenic Areas *"the criteria for assessing proposals have been updated, including stronger weight being afforded to the contribution of the development to the climate emergency, as well as community benefits"*.
- 2.5.30 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.
- 2.5.31 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 conclude no more than relative sensitivities.
- 2.5.32 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
- 2.5.33 Chapter 8 of the OWPS deals with ‘Onshore Wind, Energy Systems and Regulation’. Section 8.2 refers to network planning and delivery and states:
- "Delivering our ambition of 20GW of onshore wind by 2030 will create demands on our electricity infrastructure. New developments will need to connect quickly to Scotland’s distribution and transmission networks. Networks must be able to invest quickly and ahead of need in order to ensure swift and efficient connections for onshore wind developments"*.
- 2.5.34 The Proposed Development would, if approved, contribute to the 2030 target.

2.5.35 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

2.5.36 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)

2.5.37 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...*”.

2.5.38 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.

2.6 The Draft Energy Strategy and Just Transition Plan

2.6.1 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.

2.6.2 The consultation period ended in April 2023. As a draft document it can only be afforded limited weight. The draft document is however consistent with the adopted policy set out in the OWPS and NPF4 and the identification of the 2020s as a crucial decade for the large-scale delivery of renewable energy projects supporting urgent transition to net zero.

2.6.3 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.”

- 2.6.4 The Foreword adds that the draft Strategy sets out key ambitions for Scotland's energy future including:
- > More than 20 GW of additional renewable electricity on and offshore by 2030.
 - > 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 energy production.
- 2.6.5 The draft Strategy states (page 7, Executive Summary) that the vision for Scotland's energy system is:
- "That by 2045 Scotland will have a flourishing, climate friendly energy system that delivers affordable, resilient and clean energy supplies for Scotland's households, communities and business. This will deliver maximum benefit for Scotland, enabling us to achieve a wider climate and environmental ambitions, drive the development of a wellbeing economy and deliver a just transition for our workers, businesses, communities and regions.*
- In order to deliver that vision, this Strategy sets out clear policy positions and a route map of actions with a focus out to 2030".*
- 2.6.6 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....."*
- 2.6.7 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.
- 2.7 Conclusions on the Renewable Energy Policy & Legislative Framework**
- 2.7.1 The Applicant's position is that the Proposed Development is strongly supported by the current renewable energy policy and legislative framework.
- 2.7.2 The trajectory, in terms of the scale and pace of action required to reduce emissions, grows ever steeper than before and it is essential that rapid progress is made through the 2020s. The rate of emission reductions must increase otherwise the legally binding target of an interim 75% reduction of GHG emissions by 2030 will not be met.
- 2.7.3 It is clear from the UK Energy White Paper and the forecasts by the CCC that electricity demand is expected to grow substantially (scenarios vary but potentially by a factor of three or four) as carbon intensive sources of energy are displaced by electrification of other industry sectors, particularly heat and transport. The CCC's most recent Progress Report (2023) makes it clear that confidence in the UK meeting its legally binding emission reduction targets has decreased in the past year planning decisions must be taken given full regard to the imperative of Net Zero.

- 2.7.4 Decisions through the planning system must be responsive to this position. Decision makers can do this by affording substantial weight to the energy policy objectives and statutory targets articulated above, in the planning balance.
- 2.7.5 In the most recent renewable energy policy documents referred to, there is a consistent and what might be termed a 'green thread' which ties a number of related policy matters together: namely the urgent challenge of Net Zero and the need to substantially increase renewable capacity, notably onshore wind.
- 2.7.6 Overall, the Draft Energy Strategy forms part of the new policy approach alongside the new OWPS and the approved NPF4. These documents confirm 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.

3. Appraisal against NPF4

3.1 Programme and Procedure

- 3.1.1 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.
- 3.1.2 NPF4 came into force at 9am on 13 February 2023.
- 3.1.3 A Chief Planner's Letter was issued on 8th February 2023 entitled 'Transitional Arrangements for National Planning Framework 4'. It contains advice intended to support consistency in decision making ahead of new style LDPs being in place.
- 3.1.4 The Letter confirms with regard to the Development Plan that from 13th February, NPF3 and SPP will no longer represent Scottish Ministers' planning policy and should not form the basis for or be a consideration to be taken into account when determining planning applications.

3.2 Development Management

- 3.2.1 For the purposes of Section 36 decision making, acknowledging that Section 25 of the 1997 Act is not engaged, NPF4 is a significant material consideration in the overall decision-making process.
- 3.2.2 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; and
 - > Any Local Development Plan (LDP).
- 3.2.3 Therefore, the statutory Development Plan covering the application site consists of NPF4 and the Argyll and Bute LDP (2015) and related Supplementary Guidance (2016).
- 3.2.4 The publication of NPF4 coincided with the implementation of certain parts of the Planning (Scotland) Act 2019 (the 2019 Act). A key provision is that in the event of any incompatibility between a provision of NPF4 and a provision of an LDP, then whichever of them is the later in date will prevail. That will include where a LDP is silent on an issue that is now provided for in NPF4.
- 3.2.5 In this case, the LDP was adopted in 2015. It makes no mention of Net Zero and contains some policies which have aspects that are now incompatible with national policy in NPF4, and this will further reduce the weight to be afforded to this element of the Development Plan. This is examined further below.
- 3.2.6 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."*
- 3.2.7 In terms of emerging LDPs prepared prior to the adoption and publication of NPF4, the Chief Planner's Letter of 8th February states that it may be that there are opportunities to reconcile identified inconsistencies with NPF4 through the Examination process. In this case, the emerging Argyll & Bute LDP has concluded its Examination but is not expected to be adopted until later in 2023.

3.2.8 The Letter of 8th February also states with regard to Supplementary Guidance associated with LDP's which were in force before 12th February 2023 (the date on which Section 13 of the 2019 Act comes into force) that they will continue to be in force and be part of the Development Plan.

3.3 How NPF4 is to be used

3.3.1 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."

3.3.2 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 Goals¹². NPF4 includes a long-term spatial strategy to 2045."

3.3.3 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 Plan¹³ (IIP).

3.3.4 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.

3.3.5 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"*.

3.4 The National Spatial Strategy – Delivery of Sustainable Places

3.4.1 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."

3.4.2 The principles are stated as playing a key role in delivering the United Nation's Sustainable Development Goals and the Scottish Government's National Performance Framework¹⁴.

3.4.3 The Spatial Strategy is aimed at supporting the delivery of:

¹² 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'.

¹³ 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.

¹⁴ The Scottish Government National Performance Framework sets out 'National Outcomes' and measures progress against a range of economic, social and environmental 'National Indicators'.

- > '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".

3.4.4 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."

3.4.5 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).

3.4.6 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."

3.4.7 Six National Developments (NDs) support the delivery of sustainable places, one being 'Strategic Renewable Electricity Generation and Transmission Infrastructure'.

3.4.8 A summary description of this ND 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".

3.4.9 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."

3.4.10 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.

3.5 National Developments

Overview

3.5.1 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".

3.5.2 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".

3.5.3 Annex B of NPF4 sets out the various NDs 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”

3.5.4 Page 103 of NPF4 describes ND3 and it states:

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

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

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

3.5.5 The location for ND3 is set out as being all of Scotland and in terms of need it is described as:

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

3.5.6 Reference is made to the designation and classes of development which would qualify as ND3, and it states in this regard:

"A development contributing to ‘Strategic Renewable Electricity Generation and Transmission’ in the location described, within one or more of the Classes of Development described below and that is of a scale or type that would otherwise have been classified as ‘major’ by ‘The Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009’, is designated a national development:

(a) on and off shore electricity generation, including electricity storage, from renewables exceeding 50 megawatts capacity; (emphasis added)

(b) new and/or replacement upgraded on and offshore high voltage electricity transmission lines, cables and interconnectors of 132kv or more; and

(c) new and/or upgraded Infrastructure directly supporting on and offshore high voltage electricity lines, cables and interconnectors including converter stations, switching stations and substations."

- 3.5.7 As regards the Proposed Development, having an installed capacity of over 50MW, it satisfies and exceeds the threshold set for a ND therefore it would have national development status. The Proposed Development is of national importance for the delivery of the National Spatial Strategy.
- 3.5.8 The Strategy requires a “*large and rapid increase*” in electricity generation from renewables and the National Spatial Strategy makes it clear (NPF4, page 6) that “*we must make significant progress*” by 2030.
- 3.5.9 The Proposed Development would provide renewable generation that would make a meaningful contribution to targets within this key timescale and that is a very important consideration.

3.6 National Planning Policy

- 3.6.1 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.

- 3.6.2 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”.

- 3.6.3 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 6: Forestry, Woodland and Trees;
- > Policy 7: Historic Assets and Places; and
- > Policy 11: Energy.

- 3.6.4 These policies are addressed below.

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

“It is important to bear in mind NPF4 must be read and applied as a whole. The intent of each of the 33 policies is set out in NPF4 and can be used to guide decision making.

Conflicts between policies are to be expected. Factors for and against development will be weighed up in the balance of planning judgement."

3.6.6 The Letter adds:

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

3.7 NPF4 Policy 1: Tackling the Climate and Nature Crisis

Policy 1 & Principles

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

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

3.7.3 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. Significant weight should therefore be attributed to the Proposed Development given it would be consistent with the intent of Policy 1 and would help attain its outcome of Net Zero.

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

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

3.7.5 This statement from the Chief Planner confirms that the decision maker must apply significant weight, but it is for the decision maker to decide if it is for or against the proposal.

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

The application of Policy 1

3.7.7 Given the nature of the Proposed Development it would make a valuable contribution in relation to targets. It will directly further the policy intent and outcomes of Policy 1 and should be afforded significant weight in terms of tackling the climate and nature crises. The specific emission and carbon saving benefits are set out below in the context of NPF4 Policy 11 which requires the contribution that a development would make to targets to be taken into account.

3.7.8 Furthermore, as explained below with reference to NPF4 Policy 3, biodiversity enhancement measures are proposed as part of the Proposed Development.

3.8 NPF4 Policy 11: Energy

Policy 11 & Principles

3.8.1 For the consideration of wind energy development and battery storage, 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."

3.8.2 Policy Outcomes are identified as: *"expansion of renewable, low carbon and zero emission technologies"*.

3.8.3 Policy 11 is as follows:

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

- 4. 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”.

3.8.4 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, would help further.

3.8.5 The wording of Policy 11 Paragraph (a)(i) makes it clear that the policy supports new wind farms.

Differences with Scottish Planning Policy

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

3.8.7 The spatial and development management topic provisions within Policy 11 largely reflect those of the former 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 the policy is one, as noted of “general support”. This is a fundamental shift away from the previous Spatial Framework approach;
- > the statement that significant landscape and visual impacts are “to be expected” i.e. they are to be treated as normal, and an understood and tolerable outcome of the policy objective, and that “localised” landscape and visual impacts are “generally” acceptable, 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.

The application of Policy 11

- 3.8.8 **Paragraph c) of Policy 11** requires socio-economic benefits to be maximised, rather than just taken into account.
- 3.8.9 The Proposed Development would support jobs during construction and during operation across the Scottish economy. Overall, the socio-economic effects of the capital investment to the economy would be beneficial (short term during construction, long term during operation).
- 3.8.10 Chapter 15 of the EIA Report addresses socio-economic effects, which should be referred to for its detail.
- 3.8.11 In summary, it is estimated that the Proposed Development would have a construction cost of approximately £85.8 million.
- 3.8.12 The assessment estimates that, of these construction costs, regional expenditure would be 12% (in this case Argyll and Bute); national expenditure would be 36% (Scotland); and UK expenditure would be 47%. The remaining 53% of construction costs will be spent outwith the UK.
- 3.8.13 On this basis, it is estimated that, during the construction phase, the Proposed Development will be worth approximately £40.3 million to the UK economy. Of that approximately £30.1 million is expected to be spent within Scotland (national) and £10.3 million is expected to be spent within Argyll and Bute (regional).
- 3.8.14 The Proposed Development will bring positive, short-term, direct, indirect and induced effects to the national and regional area, through the expenditure on capital costs.
- 3.8.15 It is anticipated that a temporary workforce of an average of 30 people will be employed during the 24-month construction period. Calculated by 'job years', one individual working for 12 months would result in 1 job year; therefore, 30 individuals working during the 24-month construction period represents 60 job years.
- 3.8.16 There would also be positive knock on effects from the direct employment during the construction and development of the Proposed Development as employees spend a proportion of their salaries in the wider economy, creating indirect benefits.
- 3.8.17 The applicant aims to maximise local and community socio-economic benefits where possible. Local sourcing of equipment is preferred whenever possible, although this procurement will be subject to tendering and may be constrained by the specialist nature of some of the equipment. Local contractors will be encouraged to tender for construction, operation and maintenance work, wherever possible, to ensure maximum benefit to local communities.
- 3.8.18 In terms of the operational period, overall, the operation of the Proposed Development will bring long-term, beneficial, direct, indirect and induced effects to the area, through the increase in employment and business opportunities.
- 3.8.19 The Proposed Development will have both direct and indirect beneficial effects on employment during operation. The Applicant will employ a specialist Operations Team to manage all aspects of operations including the grid contracts, electricity sales, maintenance, health and safety and habitat management. As well as the Project and Site Managers, there will be a requirement for the following services:
- > High Voltage (HV) Contractor;
 - > Wind Turbine Maintenance Contractor;
 - > Building Services Contractor;

- > Statutory Inspections;
- > Civils Maintenance (e.g., roads, crane pads, buildings and snow clearance); and
- > Health, Safety, Environmental Risk Assessments.

- 3.8.20 To ensure a quick response to any on-site issues, it is preferable that many of these roles will be fulfilled by local companies.
- 3.8.21 For the Proposed Development, annual operational expenditure (OPEX) is expected to be in the region of £3.5 million per annum. Of this total spend, the assessment estimates that some 42% will be spent in the local area, which would include business rates and land agreements with the local landowners, as well as a proportion of the maintenance costs. 87% of the total operation and maintenance expenditure will likely be within the UK.
- 3.8.22 In addition, the Proposed Development will contribute £5,000 per MW installed capacity to a Community Benefit Fund. Based on an assumed installed capacity of 58.5 MW, this will result in an annual value of approximately £292,500 per year. With a 40-year operational period, this will provide approximately £11.7 million in community benefit.
- 3.8.23 This funding would be in addition to community work the Applicant has already undertaken regarding the Inveraray Pier (developing a fundraising plan and support with grant funding), warm spaces initiative, Inveraray Community Hall and other community projects. Reference should be made to the accompanying Pre-Application Consultation report for further details.
- 3.8.24 **Paragraph d) of Policy 11** states that development proposals that impact on international and national designations “*will be assessed in relation to Policy 4*”. Policy 4 also deals with impacts in relation to local landscape designations. Therefore, the matter of the impacts of the Proposed Development in relation to such designations is examined further below with specific regard to the provisions of Policy 4.
- 3.8.25 **Paragraph e) of Policy 11** states that project design and mitigation “will demonstrate how” impacts are addressed. These are listed in the quotation of the policy above and are addressed in turn below.

Impacts on Communities and Individual Dwellings – Residential Visual Amenity

- 3.8.26 As set out in the EIA Report Chapter 6 (Landscape and Visual Impact Assessment (LVIA)), careful consideration has been given to the visual effects of the Proposed Development from settlements and individual dwellings.
- 3.8.27 In addition, a detailed Residential Visual Amenity Assessment (RVAA) has been undertaken and is contained in Technical Appendix A6.4 of the EIA Report.
- 3.8.28 The RVAA considers how the change in view resulting from the presence of the proposed wind turbines would impact upon the visual component of residential amenity (as distinct from other aspects such as noise, or shadow flicker) of nearby properties and whether the predicted impacts would affect living conditions.
- 3.8.29 It should be recognised that such an assessment is not concerned with the qualitative change in a view per se, but with whether the change in view would result in effects upon amenity at the property, such that the living conditions would be rendered unsatisfactory, which would not be in the public interest.
- 3.8.30 The RVAA identifies 12 existing and consented residential properties between 1 km and 2 km of the Proposed Development. Residents of all 12 properties have potential views of the Proposed Development and a detailed assessment is set out in the RVAA.
- 3.8.31 The visual effect of the Proposed Development on all 12 properties would be significant. The magnitude of change on eleven properties would be high, while there would be a medium-low magnitude of change on another.

- 3.8.32 The conclusion of the assessment is that there are four properties which have the potential to reach the Residential Visual Amenity Threshold such that the planning system may be interested in the resulting visual effects. Two of these properties are existing, namely Property 1: Ladyfield Farm and Property 4: North Tullich. The two remaining properties have planning permission but are not yet built, namely Property 2: Ladyfield Farm Future Baseline – Replacement Dwelling and Property 3: Ladyfield Farm Future baseline – Barn Conversion.
- 3.8.33 All of these properties are financially involved with the Proposed Development. Even if they did reach the Residential Visual Amenity Threshold and the question of amenity impact became a planning issue, on balance (including the position with regard to financial involvement) the impacts are considered to be acceptable.

Noise and Shadow Flicker

- 3.8.34 Noise is addressed in Chapter 12 (Noise) of the EIA Report. The assessment concludes that operational noise levels from the proposed turbines would not be significant. The selection of the final turbine to be installed at the site would be made on the basis of enabling the relevant noise limits to be achieved at surrounding properties.
- 3.8.35 Shadow flicker is addressed in Chapter 17 (Other Issues) of the EIA Report. The assessment states that there are predicted significant shadow flicker effects at three of the nine assessed receptors, therefore industry standard mitigation measures (controlling the source of the impact) have been recommended to reduce effects to below the recommended threshold (of 30 minutes per day or 30 hours per year) such that they would not be significant. Mitigation can be secured by way of a standard planning condition.
- 3.8.36 Overall, taking the matters of visual impact, noise and shadow flicker together, it is considered that there are no unacceptable impacts arising in relation to residential properties.

Landscape and Visual Considerations

- 3.8.37 Before examining the landscape and visual effects of the Proposed Development, 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 the former SPP and there is a very clear steer that significant effects are to be expected, and where localised and/or subject to appropriate design mitigation, they should generally be acceptable.

Design Considerations & Design Statement

- 3.8.38 In terms of the design approach, reference should be made to Chapter 3 (Site Selection and Design) of the EIA Report and the Design and Access Statement. These explain the overall design strategy for the Proposed Development. It describes the need to respond to environmental and technical constraints, particularly landscape and visual, and hydrological, ecological, ornithological, wind yield and ground condition considerations, as information is gathered through the EIA process.
- 3.8.39 Potential landscape and visual effects have been a key consideration in the iterative design process and have played an important role in shaping the final layout of the Proposed Development. A key principle in the evolution of the layout was to remove the southernmost turbines in order to reduce visibility from the sensitive locations of Dun na Cuaiche, Inveraray Castle and the settlement of Inveraray which are of particular importance in cultural heritage terms.
- 3.8.40 The iterative design focused on improving layout composition and removing or minimising turbine visibility in key views from these sensitive locations as well as from Loch Awe to the north and Loch Fyne to the south. Consideration was also given to the potential effects on residential visual amenity in Glen Aray and the importance of keeping a separation from properties in this area.

3.8.41 Landscape and visual issues have been considered alongside other environmental and technical issues to ensure a balanced solution.

Landscape Character

3.8.42 The assessment of effects on landscape character found that significant effects, during the construction and operational phases will arise within parts of five of the Landscape Character Types (LCTs) / Landscape Character Units (LCUs) that occur in the LVIA Study Area. These significant effects will extend out to a radius of approximately 4km to the west, 5km to the north, 9km to the east, 3km to the south-east and 9km to the south-west. The effect of the Proposed Development on all other LCTs and LCUs during construction and operation has been assessed as not significant.

Landscape Designations

3.8.43 The LVIA explains that the Proposed Development will have a significant effect on parts of the local landscape designation of the North Argyll Area of Panoramic Quality (APQ) with effects extending approximately 4km to the north and 9km to the east, 3km to the south-east and 9km to the south-west.

3.8.44 A detailed assessment of the effects on the special qualities of the Loch Lomond and the Trossachs National Park found that the Proposed Development will not give rise to any significant effects. Similarly, the detailed assessment of the effects on the perceptual responses experienced in the Ben Lui Wild Land Area also found that there will be no significant effects.

Visual Effects

3.8.45 The assessment of landscape and visual effects is informed by a series of viewpoints that represent visibility from LCTs, landscape designations and principal visual receptors around the LVIA study area. These include points of specific importance such as recognised viewpoints, designated landscapes, settlements and routes. The LVIA addresses the likely visibility of the Proposed Development in detail in relation to key visual receptors, including:

- > Residents, including views from isolated properties, or defined settlements;
- > Road users (including tourists); and
- > Those engaged in recreational activities (e.g. hill walkers and cyclists).

3.8.46 The assessment of effects on views as set out in the LVIA is informed by a series of agreed viewpoints that were selected to represent visibility from a range of receptors throughout the LVIA study area.

3.8.47 The assessment has found that significant effects would occur during the construction and operational phases at six of the 19 viewpoints. The viewpoints significantly affected during the construction and operational phases all lie within a 10km radius of the Proposed Development and will mostly be affected owing to either their close proximity to the construction works and operation of the Proposed Development, or their greater sensitivity. There are a number of viewpoints within the 10km area which will not be significantly affected and all viewpoints beyond this range will also not be significantly affected as a result of the proposal.

3.8.48 In respect of the principal visual receptors, the LVIA explains that road-users (A819) will be significantly affected during the construction and operational phases. This effect will extend along an approximate 3km section of the road that lies closest to the Proposed Development, at a minimum range of approximately 1.5km. There will also be significant effects from localised parts of the settlement of Loch Awe and sections of the Inveraray core paths where open and full views of the Proposed Development would occur.

Aviation Lighting

- 3.8.49 A detailed assessment of the night-time effects of the aviation lighting associated with the Proposed Development has been carried out and is presented in Appendix A6.5 of the EIA Report. Of the four representative viewpoints assessed, two were found to undergo significant effects as a result of the aviation lighting on night-time views. This assessment considers a pronounced worst case scenario, without the dimming of lights to 200 cd and without the potential mitigation of using directional lighting. This finding relates principally to the elevation of the turbines relative to the closest visual receptors, whereby the difference ensures that the vertical angle is low enough to reduce the intensity of the lights to an especially small proportion of the full intensity.

Cumulative Effects

- 3.8.50 The assessment of cumulative effects on landscape character has found that the effect of the Development on all LCTs and LCUs that occur in the Study Area will be not significant in respect of Scenario 1 and significant in respect of Scenario 2 in the localised parts of three LCUs. The assessment of the cumulative effects on visual amenity has found that significant cumulative effects will occur at two of the 19 viewpoints in respect of Cumulative Scenarios 1 and 2. The viewpoints which will undergo significant cumulative effects lie within 5 to 9 km of the Development, making the effects relatively localised.

Public Access

- 3.8.51 The LVIA has addressed visual amenity considerations in relation to public access and recreation as referred to above in the context of NPF4 Policy 11. Whilst there would be some visibility of the Proposed Development from some walking and recreational routes, these are not considered to be unacceptable.
- 3.8.52 In addition, no issues would arise in terms of any access route being obstructed either in the construction or operational period of the Proposed Development. It should be noted that the access tracks would be open for public access during the operational phase.

Aviation, Defence Interests and Telecommunications

- 3.8.53 Chapter 17 (Other Issues) of the EIA Report addresses aviation, defence and telecommunications. The assessment was undertaken in relation to the potential effects of the Proposed Development on existing and planned military and civil aviation activities, including those resulting from impacts to radar.
- 3.8.54 The assessment concludes that following the installation of aviation lighting for low flying, no significant effects are anticipated as a result of the Proposed Development on aviation receptors.
- 3.8.55 The assessment explains that the Proposed Development is not anticipated to have any effects on telecommunications infrastructure, links or utilities, subject to the Applicant ensuring best practice construction methods are followed. There are no fixed communication links operating across proposed turbine locations. Therefore, the Proposed Development will not interfere with telecommunications and electromagnetic signals. Effects on television reception are unlikely, and technical solutions are readily available as suitable mitigation measures should unexpected adverse effects arise.

Impacts on Road Traffic and Trunk Roads

- 3.8.56 Chapter 13 of the EIA Report addresses traffic and transportation. The assessment explains that wind turbine components will be transported as abnormal loads from Corpach Harbour, in Corpach. The majority of materials required for construction will be transported via the:
- > A85(T) between Taynult and Clifton, Crianlarich;

- > A83(T) near Inveraray; and
- > A819.

- 3.8.57 It is assumed that most construction traffic will approach the site from either the north or south of the A819 via the A85(T) and the A83(T) as detailed above. The main potential transportation impacts would be associated with the movement of heavy goods vehicles (HGVs), light goods vehicles (LGVs), and cars to and from the site during the construction phase. In addition, abnormal load vehicles (ALVs) will use the preferred route from the Port of Entry via the A82(T) southbound towards the site.
- 3.8.58 The increase in overall traffic flow and HGV flow has not identified any potential significant effects on sensitive receptors along the access route. Nevertheless, mitigation measures are proposed in relation to pedestrian amenity and severance in order to ensure any potential disruption to these effects is sufficiently minimised. Appropriate mitigation measures would be adopted in a Traffic Management Plan (TMP) to be secured by way of a planning condition. With the implementation of the above measure the residual effect on pedestrian amenity and severance is not significant.
- 3.8.59 The TMP will be developed in agreement with Council and Transport Scotland detailing the exact measures to be implemented during construction of the Development.

Historic Environment

- 3.8.60 Chapter 9 of the EIA Report considers the archaeological and historic environment value of the site and assesses the potential both for direct and setting effects on archaeological features and heritage assets resulting from the construction and operation of the Proposed Development.
- 3.8.61 The assessment deals with the potential for direct impact on heritage assets and also in particular, examines the potential effects in relation to the setting of heritage assets. Effects in relation to the historic environment are further examined below in terms of NPF4 Policy 7 (Historic Assets and Places).
- 3.8.62 Overall, the assessment concludes that there would be no significant adverse effects in relation to heritage assets.

Hydrology, the Water Environment and Flood Risk

- 3.8.63 Chapter 10 (Hydrology and Hydrogeology) of the EIA Report assesses the potential impacts of the Proposed Development on hydrology and hydrogeology. Chapter 11 addresses geology, soils and peat.
- 3.8.64 The assessments cover potential impacts on surface watercourses, groundwater, water abstractions, designated receptors and flood risk within the local area. Potential impacts to peat, including peat slide risk, are also assessed.
- 3.8.65 No significant effects are predicted in relation to hydrology and hydrogeology matters. In terms of peat a key design objective was to ensure that infrastructure was located in areas with no greater than 1.0m of peat and where active peat is not present, which was largely achieved although the assessment explains that encroachment by infrastructure into deeper areas was not totally avoided in the case of the access tracks. In areas where access tracks encroached on deeper peat, floating tracks are proposed in order to minimise the effects on deep peat.
- 3.8.66 The adoption of best practice for storage and re-use of peat on site as well as drainage measures will be developed throughout the construction period to include robust peat management and a monitoring programme.

- 3.8.67 In addition to best practice mitigation and other specific mitigation included in the Technical Appendices of the EIA Report, peatland restoration is proposed with details included in the Outline Biodiversity Enhancement Management Plan (OBEMP) and Outline Peat Management Plan (oPMP).
- 3.8.68 The assessment explains that implementation of the proposed mitigation measures and undertaking the construction works in accordance with best practice will ensure that there are no significant residual effects on geology, soils and peat from the Proposed Development.

Biodiversity

Ornithology

- 3.8.69 Chapter 7 of the EIA Report assesses the potential significant effects on important ornithological features (IOFs) associated with the construction, operation and decommissioning of the Proposed Development.
- 3.8.70 Based on survey results IOFs were taken forward for assessment, due to identified potential for significant effects from the Proposed Development in relation to black grouse, golden eagle, merlin and greenshank. It was also concluded that prior to further assessment as part of the Habitats Regulations Appraisal (HRA) process, a likely significant effect could not be discounted for the Glen Etive & Glen Fyne Special Protection Area (SPA), designated for its breeding population of golden eagle, which is adjacent to the east and north site boundaries.
- 3.8.71 The development's design iteration process identified at an early stage the potential for IOFs to be disturbed during construction, and so efforts were made to avoid locating infrastructure close to important habitats.
- 3.8.72 Unmitigated, a disturbance effect of moderate significance was predicted for the black grouse and greenshank Natural Heritage Zone (NHZ) 14 populations. A Breeding Bird Protection Plan (BBPB) is proposed which would ensure reasonable measures are taken to avoid the destruction or disturbance of any nest site, with additional species-specific temporal and spatial restrictions around black grouse leks and feeding greenshank lochs required to reduce the level of significance to minor adverse.
- 3.8.73 Operational effects (displacement, collision risk and lighting) were considered for each IOF. Again, the design iteration process took these into consideration, thereby minimising risks. Unmitigated, a displacement effect of moderate adverse significance was predicted for the NHZ 14 populations of black grouse and greenshank. Non-significant unmitigated effects were predicted for all other IOFs and effects. With habitat management as part of a Biodiversity Enhancement Management Plan offering improvements to breeding and foraging habitats away from wind turbines for all IOFs, the residual effects were no more than minor adverse and not significant.
- 3.8.74 No adverse effects on the integrity of the Glen Etive & Glen Fyne SPA were predicted as a result of the Proposed Development, when mitigation measures were taken into consideration.
- 3.8.75 Cumulative operational effects on black grouse and golden eagle were assessed for other projects at an NHZ 14 level. For golden eagle collisions, the cumulative level of significance was determined to be no more than minor adverse and not significant.
- 3.8.76 Similarly, there are no adverse effects predicted on the integrity of the Glen Etive & Glen Fyne SPA as a result of in-combination effects. For black grouse, a worst-case cumulative displacement scenario (assuming all projects become fully operational) would lead to a moderate adverse effect, but this is considered unlikely, particularly if habitat management and other forms of mitigation are implemented for other projects. The assessment concludes that the contribution of the Proposed Development towards the cumulative effect would be negligible, when habitat management is considered.

Ecology

- 3.8.77 Chapter 8 of the EIA Report addresses ecology the potential significant effects on important ecological features (IEFs) associated with the construction, operation and decommissioning of the Proposed Development.
- 3.8.78 IEFs taken forward for assessment, due to identified potential for significant effects from the Proposed Development were: blanket bog (including wet modified bog), wet heath, semi-natural broadleaved woodland and common and soprano pipistrelle bats.
- 3.8.79 The assessment explains that during construction, the likelihood of a significant effect on habitats or protected species would be significantly reduced by the embedded mitigation, in the form of a Construction Environmental Management Plan (CEMP), Species Protection Plan (SPP), Ecological Clerk of Works (EcoW) and a monitoring programme.
- 3.8.80 Assessed construction effects were therefore restricted to temporary and long-term loss of habitat only. For each habitat IEF, the extent of direct and indirect loss due to permanent and temporary infrastructure was considered to be no more than minor adverse and not significant at a local level. With the Habitat Management Plan (HMP) offering enhancement of bog, wet heath and semi-natural woodland habitats, the residual effects were considered to be minor beneficial for bog and wet heath, and negligible for semi-natural broadleaved woodland.
- 3.8.81 Operational effects were limited to impacts of potential collisions of pipistrelle bats with wind turbine blades. It is set out in the assessment that the risk of a significant effect was greatly reduced by the embedded mitigation in the form of a minimum 80m buffer from wind turbine blade tip to conifer plantation edge being applied; and feathering of turbines during the bat active period (April to October). Overall, a worst-case minor adverse effect on the common and soprano pipistrelle populations was predicted, which can be reduced to negligible due to the HMP providing enhanced roost opportunities in the form of bat boxes and woodland planting.

Balancing the Contribution of a Development and Conclusions on Policy 11

- 3.8.82 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.
- 3.8.83 The Proposed Development is considered to be acceptable in relation to all of Policy 11's environmental and technical topic criteria.
- 3.8.84 The second last paragraph **of 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.
- 3.8.85 The "contributions" are inextricably related to the scale of a proposed development and policy recognises that any identified impacts must be assessed in the context of these contributions.
- 3.8.86 In terms of contribution to targets, as a national development, the proposal would contribute as follows:
- > The combined electrical output capacity from the wind turbine generators within the Proposed Development is currently estimated to be up to 58.5 MW, with the exact capacity depending on the model and type of turbine selected. In addition, the BESS capacity is estimated at up to 41.4 MW.

- > The BESS would support the flexible operation of the National Grid and decarbonisation of electricity. The BESS also reduces the need to have extra capacity within the electricity generation sector to back-up wind farm generation and reduces the need to have further electricity generation elsewhere as storage allows the complete utilisation of wind energy by minimising losses associated with supply and demand. The battery storage aspect of the Proposed Development has the potential to facilitate the use of the electricity generated by the wind turbine generator aspect of the development during peak times, or when electricity would otherwise be generated by fossil fuel sources.
- > In terms of CO₂ savings the Proposed Development would be expected to result in a saving of 32,207 tonnes per annum¹⁵, through displacement of carbon-emitting generation.
- > The scale of the energy output and emissions savings are of national importance – a combined generating capacity of up to 99.9 MW.

3.9 NPF4 Policy 3: Biodiversity

Policy 3 & Principles

- 3.9.1 In summary, there are no unacceptable effects arising in relation to biodiversity matters, nor in relation to nature conservation designations which NPF4 **Policies 3 and 4** (the latter in terms of designations – see below) respectively address.
- 3.9.2 **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.
- 3.9.3 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.”*
- 3.9.4 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.
- 3.9.5 The letter from the Chief Planner issued on 8th February 2023 provides guidance on the application of new policy where specific supporting guidance / parameters for assessment are not yet available to aid assessments.
- 3.9.6 NPF4 Policy 3 Biodiversity is specifically recognised as one such policy area where final guidance is not yet available. The Chief Planner letter states:
- “recognising that currently there is not single accepted methodology for calculating and / or measuring biodiversity ‘enhancement’ – we have commissioned research to explore options for development a biodiversity metric or other tool, specifically for use in Scotland. There will be some proposals which will not give rise for opportunities to contribute to the enhancement*

¹⁵ Figure based on a Grid Mix basis. On a Fossil Fuel Mix basis, the savings would be approximately 71,949 tonnes of CO₂ per annum – as set out in Chapter 16 of the EIA Report.

of biodiversity, and it will be for the decision maker to take into account the policies in NPF4 as a whole, together with material considerations in each case". (underlining added)

The application of Policy 3

- 3.9.7 Notwithstanding the lack of policy guidance at the present time, in terms of environmental benefit, there will also be a permanent enhancement to the site area through the Applicant's proposed improvements to the natural habitat which are addressed in the proposed Outline Biodiversity Enhancement Management Plan (OBEMP).
- 3.9.8 The OBEMP has been prepared to deliver focussed habitat enhancement to benefit key ornithological and ecological features and a substantial biodiversity benefit compared to current conditions within the site, whilst taking into consideration ongoing forestry and estate activities and conservation programmes.
- 3.9.9 A final Biodiversity Enhancement Management Plan (BEMP) would be prepared by the Applicant and agreed with Argyll & Bute Council and NatureScot, in consultation with relevant landowners, prior to the commencement of the development's construction period. This will contain appropriate monitoring and management arrangements.
- 3.9.10 The aims set out in the OBEMP are as follows:
- > Maintain, restore and enhance the Annex I habitats (blanket bog and dwarf shrub heath) within the site.
 - > Maintain or increase the productivity of locally breeding golden eagles.
 - > Maintain or increase the local population of black grouse and increase connectivity between lek sites.
 - > Maintain or increase the local population of breeding greenshank.
 - > Enhance woodland habitats within the site to benefit protected species such as red squirrel, pine marten and bats.
 - > Provide an overall increase in biodiversity and increased resilience to flooding, wildfires and adverse effects of climate change within the site.
- 3.9.11 Each of the six aims summarised above have related objectives (described in the OBEMP) which define quantifiable targets to fulfil the aims, and act towards achieving an overall biodiversity gain. The objectives have associated specific prescriptions which detail the indicative management works to be implemented to achieve these aims and objectives.
- 3.9.12 The OBEMP also contains a biodiversity net gain (BNG) assessment on the basis of the SSER biodiversity toolkit. This has been used to quantify the biodiversity value of the site based upon the habitats present and to demonstrate that the Proposed Development would achieve biodiversity enhancements in accordance with NPF4 Policy 3 requirements.
- 3.9.13 In addition, as the best methods for evaluating biodiversity become better understood by the industry, it is possible that a newly developed and more appropriate BNG toolkit may be available by the time of the final BEMP, and if endorsed by the BMG, this may be used to undertake revised BNG calculations.
- 3.9.14 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.
- 3.9.15 It is also important to keep in mind that the greatest threat to biodiversity is climate change. The principal and essential benefit of the Proposed Development is a significant contribution of renewable energy, to facilitate the earliest possible decarbonisation of the energy system and the achievement of "net zero" no later than 2045, in accordance with the objectives of the

Climate Change (Scotland) Act 2009. The purpose of net zero is to protect biodiversity and the earlier it can be achieved, the greater the benefits to biodiversity.

3.10 NPF4 Policy 4: Natural Places

Policy 4 & Principles

3.10.1 **Policy 4, Paragraph c)** deals with national landscape designations and has a similar approach in relation to the former SPP in terms of how a proposal that affects a National Park or NSA should be addressed.

3.10.2 Policy 4, Paragraph d) deals with local landscape designations and contains a different policy approach to that which was contained within the former SPP. Policy 4 is as follows:

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

- > Development will not have significant adverse effects on the integrity of the area or the qualities for which it has been identified; or*
- > Any significant adverse effects on the integrity of the area are clearly outweighed by social, environmental or economic benefits of at least local importance”.*

3.10.3 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”.

3.10.4 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 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;*
- > 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”).*

The application of Policy 4

3.10.5 As explained above in the context of NPF4 Policy 11, the EIA Report also sets out an assessment of the effects of the Proposed Development in relation to local landscape designations.

3.10.6 There would not be any significant effects in relation to national level landscape designations. Whilst there would be some significant effects on the North Argyll APQ there would not be an adverse effect on the integrity of the designation. The Proposed Development is considered to be in accordance with Policy 4.

3.11 NPF4 Policy 5: Soils

Policy 5 & Principles

- 3.11.1 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 that was in SPP; however, a key difference is that renewable energy proposals are one of the types of development expressly envisaged to be acceptable in principle on peatlands (Paragraph c).

The application of Policy 5

- 3.11.2 Chapter 11 of the EIA Report assesses the potential impacts of the Proposed Development on geology, soils and peat.
- 3.11.3 In terms of peat and soils, that the disturbance of peat and soils as a result of the construction of the Proposed Development can be minimised and the peat deposits safeguarded. Peat is recognised as a high sensitivity resource.
- 3.11.4 As explained above with regard to NPF4 Policy 11, the Applicant has proposed an appropriate design, mitigation and restoration approach to peatland resources. Appropriate planning conditions can be attached to a grant of consent in relation to peatland and carbon rich soil matters.
- 3.11.5 The Proposed Development is considered to be in accordance with Policy 5.

3.12 NPF4 Policy 6: Forestry, Woodland and Trees

Policy 6 & Principles

- 3.12.1 The policy intent is to protect and expand forests, woodland and trees. It states that development proposals that enhance, expand and improve woodland and tree cover will be supported.
- 3.12.2 **Policy 6 Paragraph b)** states that “*development proposals will not be supported where they will result in:*”
- i. Any loss of ancient woodlands, ancient and veteran trees, or adverse impact on their ecological condition;*
 - ii. Adverse impacts on native woodlands, hedgerow and individual trees of high biodiversity value, or identified for protection in the Forestry and Woodland Strategy;*
 - iii. Fragmenting or severing woodland habitats, unless appropriate mitigation measures are identified and implemented in line with the mitigation hierarchy;*
 - iv. Conflict with Restocking Direction, Remedial Notice or Registered Notice to Comply issued by Scottish Forestry.”*
- 3.12.3 **Policy 6 Paragraph c)** states that:
- “Development proposals involving woodland removal will only be supported where they will achieve significant and clearly defined additional public benefits in accordance with relevant Scottish Government policy on woodland removal. Where woodland is removed, compensatory planting will most likely be expected to be delivered”.*

The application of Policy 6

- 3.12.4 Forestry is addressed in Chapter 14 of the EIA Report. The assessment states that a total of 79.3 ha of forestry will require to be felled to enable the construction and operation of the Proposed Development. Of this, 71.6 ha will be advanced felling, while the balance is felling which would take place within its planned felling phase.
- 3.12.5 Replanting will take place in areas not required for the Proposed Development's infrastructure. 49.5 ha of forest will be occupied by buffer zones including and around the Proposed Development's infrastructure.
- 3.12.6 As a result of the Proposed Development therefore there would be a net loss of stocked forest area of 48.7 ha. Compensatory planting therefore would be required on 48.7 ha in order to comply with the Scottish Government's Control of Woodland Removal Policy. The Applicant is committed to providing appropriate compensatory planting. The extent, location and composition of such planting to be agreed with Scottish Forestry, taking into account any revision to the felling and restocking plans prior to the commencement of construction of the Proposed Development.
- 3.12.7 Chapter 8 (Ecology) of the EIA Report refers to impacts upon semi-natural broadleaved woodland due to permanent and temporary habitat loss which would occur from the construction period into the operational period for the Proposed Development.
- 3.12.8 This includes Ancient Woodland Inventory (AWI) designated or woodland adjacent to AWI designated woodland. An estimated 0.0714 ha of direct habitat loss of broadleaved-leaved semi-natural woodland is predicted to occur due to clearing for a section of access track near Turbine 11 (0.06 ha being for permanent infrastructure, and 0.08 ha due to felling of adjacent trees for access).
- 3.12.9 The assessment states that a very small area of low quality broadleaved-leaved semi-natural woodland (0.05ha) adjacent to the main road and conifer plantation would be lost due to construction of the northern access route.
- 3.12.10 At the start point of the southern access route, an area of 0.15 ha of woodland included under the AWI would be permanently lost due to construction of a bell-mouth junction, with an additional 0.24 ha lost due to the requirement of a temporary working area. An additional 1.13 ha of broadleaf planting has been identified within the site to compensate for this loss.
- 3.12.11 Although relatively uncommon within the site, semi-natural woodland of ancient origin is more widespread in the local area, particularly along Glen Aray and Glen Shira. It should be noted that the condition of the AWI-classified woodland within the site is generally relatively poor, with some areas now conifer plantation. At the southern access point, the assessment explains that woodland is dominated by thin birch trees and the ground flora is relatively impoverished due to the presence of a historic metalled road in that location, now encroached by woodland. Within a local and regional context, no more than a low, long-term impact magnitude is therefore predicted.
- 3.12.12 Given the above considerations of sensitivity and magnitude, as well as condition of woodland, the effect of direct habitat loss on semi-natural broadleaved woodland is considered to be minor adverse and not significant in the context of the EIA.
- 3.12.13 Whilst there is some minor impact in relation to AWI woodland, the circumstances of condition and the minor level of impact are important considerations and overall, the Proposed Development is considered to be in accordance with Policy 6.

3.13 NPF4 Policy 7: Historic Assets and Places

Policy 7 & Principles

- 3.13.1 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).
- 3.13.2 The intent of the policy is to protect and enhance the historic environment, assets and places and to enable positive change. Key parts of the policy include the following:
- > **Paragraph c)** states that “*development proposals affecting the setting of a Listed Building should preserve its character, and its special architectural or historic interest*”.
 - > **Paragraph d)** states that “*development proposals in or affecting Conservation Areas will only be supported where the character and appearance of the Conservation Area and its setting is preserved or enhanced*”.
 - > **Paragraph h)** states that “*development proposals affecting Scheduled Monuments will only be supported where:*
 - 4) *direct impact on the Scheduled Monument are avoided;*
 - ii) *significant adverse impacts on the integrity of the setting of the Scheduled Monument are avoided; or*
 - iii) *exceptional circumstances have been demonstrated to justify the impact on a Scheduled Monument and its setting and impact on the monument or its setting have been minimised.*
 - > **Paragraph I)** states that “*development proposals affecting nationally important Gardens and Designed Landscapes will be supported where they protect, preserve or enhance their cultural significance, character and integrity and where proposals will not significantly impact on important views to, from and within the site or its setting*”.
 - > **Paragraph o)** states that “*non designated historic environment assets, places and their setting should be protected and preserved in situ wherever feasible. Where there is potential for non-designated buried archaeological remains to exist below a site, developers will provide an evaluation of the archaeological resource at an early stage so that planning authorities can assess impact*”.

The application of Policy 7

- 3.13.3 Again, cultural heritage is also addressed above in the context of NPF4 Policy 11. The assessment set out in Chapter 9 of the EIA Report has considered the presence of cultural heritage assets which may be affected by the Proposed Development. The potential effects on the identified assets, mitigation measures for protecting known heritage assets during construction, and the residual effect of the Proposed Development has all been considered.
- 3.13.4 Using the baseline information and industry standard methodologies, the assessment identified the potential for as yet unknown buried archaeological remains (i.e. loss of the archaeological resource) to be located within the site. There is a potential for those remains to be directly impacted during construction: on as yet unknown archaeological remains as their extent and cultural significance is currently unknown.
- 3.13.5 However, following the application of an appropriate scheme of archaeological mitigation (scope to be agreed in the context of planning conditions) the residual effect of these potential direct impacts would be reduced to negligible to minor adverse which is not significant for the purposes of EIA.
- 3.13.6 The setting assessment considered the possible effects of the Proposed Development on the cultural significance of heritage assets outside of the site boundary through a change in setting where that setting contributes to the asset’s cultural significance.

- 3.13.7 An initial list of 263 heritage assets was reduced to ten where a potentially likely significant effect was possible. These ten assets comprised:
- > the Inveraray Castle Garden and Designed Landscape;
 - > the Category A listed Inveraray Castle;
 - > a group of Category B and C listed buildings within the Inveraray Castle Policies;
 - > the Category A listed Carloon, Doocot;
 - > the Category A listed Watch Tower, Dun Na Cuaiche;
 - > the Category A listed St Conan's Church of Scotland;
 - > the Category B listed Society School, Glen Aray;
 - > the Category A listed Duncan Ban McIntyre Monument, Beacon Hill;
 - > the Ardanaiseig House Garden and Designed Landscape; and
 - > the Scheduled Caisteal Suidhe Cheannaidh, dun 470m NW of Achnacraobh.
- 3.13.8 Of these assets, the assessment identified a minor adverse effect on the cultural significance of the Inveraray Castle Garden and Designed Landscape, the Watch Tower Dun Na Cuaiche and Society School, Glen Aray which are not significant for the purposes of the EIA.
- 3.13.9 In the context of the NPF4 Policy 7h) test it is considered that the understanding, appreciation and experience of Scheduled Monuments would be adequately retained such that the integrity of setting would not be significantly adversely affected.
- 3.13.10 In the context of NPF4 Policy 7d) test it is considered that the Proposed Development would preserve the character and appearance of the Inveraray Conservation Area and its setting.
- 3.13.11 In the context of NPF4 Policy 7c) test it is considered that the Proposed Development would preserve the character, special architectural or historic interest of Listed Buildings.
- 3.13.12 All other assets were assessed as either receiving a negligible or no effect to their cultural significance from the Proposed Development. The Proposed Development is considered to be in accordance with Policy 7.

3.14 Conclusions on NPF4 Appraisal

- 3.14.1 The Proposed Development is considered to be acceptable in relation to all of Policy 11's environmental and technical topic criteria.
- 3.14.2 A key point within Policy 11 (Energy) is that any identified impacts have to be weighed against a development's specific contribution to meeting targets – which attracts significant weight.
- 3.14.3 Significant weight is *also* afforded in relation to Policy 1 (Tackling the climate and nature crises). This policy direction fundamentally alters the planning balance compared to the position that was set out in in NPF3 and SPP.
- 3.14.4 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.
- 3.14.5 The National Spatial Strategy set out in NPF4 is intended to support the delivery of three types of ‘place’ in Scotland, namely: Sustainable, Liveable and Productive places.

- 3.14.6 Eighteen National Developments are identified to support the strategy and they are to be “focus for delivery” (NPF4 page 4). National Development 3 (strategic renewable electricity generation and transmission infrastructure) is one of six National Developments which support the delivery of Sustainable Places.
- 3.14.7 Sustainable Places are primarily concerned with dealing with the climate crisis, and this issue is seen as a fundamental threat to the capacity of the natural environment to provide the services and amenities relied on, including clean air, water and food (NPF4, page 6).
- 3.14.8 In order to deliver Sustainable Places, NPF4 makes it clear that there must be significant progress in achieving net zero emissions by 2030 in order to hit the overall target of net zero by 2045.
- 3.14.9 Furthermore, it sets out that meeting the Government’s climate ambition will require a rapid transformation across all sectors of the economy and society and that this means ensuring “*the right development happens in the right place*”. (Page 7)
- 3.14.10 In a development management context, this is to be achieved by the application of NPF4 policies which are to be read as a whole. The policy appraisal contained in this Statement has demonstrated that the Proposed Development would accord with NPF4 when it is read as a whole, and as a consequence, the proposal is considered to be the right one in the right location and one which will contribute to Scotland being a Sustainable Place. The Proposed Development is one which is nationally important and could deliver renewable energy before the key target date of 2030 in terms of deployment of onshore wind and emissions reduction. These are matters which should be afforded significant weight.

4. Appraisal against the Local Development Plan

4.1 Introduction

4.1.1 The other elements of the statutory Development Plan covering the site comprise the following:-

- > The Argyll & Bute Local Development Plan (adopted March 2015) (LDP);
- > Supplementary Guidance 1 (March 2016); and
- > Supplementary Guidance 2 'Renewable Energy' (December 2016).

4.1.2 The LDP sets out the general planning policies for the Council area. A review is underway and consultation on the Proposed Plan (November 2019) was completed in January 2020. The Examination process has ended and adoption of 'LDP2' is expected in Autumn 2023.

4.2 The Local Development Plan (2015)

4.2.1 The LDP policies relevant to the Proposed Development are:

- > LDP STRAT 1 – 'Sustainable Development';
- > LDP DM1 – 'Development within the Development Management Zones';
- > LDP3 – 'Supporting the Protection, Conservation and Enhancement of our Environment';
- > LDP5 – 'Supporting the Sustainable Growth of our Economy';
- > LDP6 – 'Supporting the Sustainable Growth of Renewables'; and
- > LDP10 – 'Maximising our Resources and Reducing our Consumption';

4.2.2 LDP policies are supported by Supplementary Guidance 1 (SG1) and 2 (SG2) which provides a series of more detailed policy provisions to support primary policy (particularly in respect of Policy LDP3) and as such provides supporting policy detail behind protection of environmental resources, heritage assets, road improvements and other renewable energy forms.

LDP Policies: Summary Appraisal

4.2.3 **Policy STRAT 1** is an over-arching policy which sets the sustainable development principles which should influence decision making on land use, regeneration, transport and strategic transportation proposals. Policy provides that developers should seek to demonstrate that the sustainable development principles as set are demonstrated within their proposed development, including:

- A) Maximise the opportunity for local community benefit;
- B) Make efficient use of vacant and / or derelict land including appropriate buildings;
- C) Support existing communities and maximise the use of existing infrastructure and services;
- D) Maximise the opportunities for sustainable forms of design including minimising waste, reducing our carbon footprint and increasing energy efficiency;
- E) Avoid the use of locally important good quality agricultural land;

- F) Utilise public transport corridors and active travel networks;
- G) Avoid the loss of important recreational and amenity open space;
- H) Conserve and enhance the natural and built environment and avoid significant adverse impacts on biodiversity, natural and built heritage resources;
- I) Respect the landscape character of an area and the setting and character of settlements;
- J) Avoid places with significant risk of flooding, tidal inundation, coastal erosion or ground instability; and
- K) Avoid having significant adverse impact on land, air and water environment.

- 4.2.4 **Policy LDP DM1** establishes the acceptable scales of development in each of the development management zones as set by the LDP Proposals Map but importantly supports the delivery of renewable energy development.
- 4.2.5 **Policy LDP3** seeks to maintain and enhance the quality of the environment though the policy detail in LDP3 and associated policies within Supplementary Guidance. LDP3 provides that applications for planning permission will be assessed with *“the aim of protecting conserving and where possible enhancing the built, human and natural environment”*.
- 4.2.6 Proposals will not be supported where they do not meet these aims and where it *“has not been ascertained that it will avoid adverse effects, including cumulative effects, on the integrity or special qualities of international or nationally designated natural and built environment sites”*. Likewise, proposals that have significant adverse effects, including cumulative, on the special qualities or integrity of locally designated natural and built environment sites will not be supported.
- 4.2.7 **Policy LDP5** relates to Supporting the Sustainable Growth of the Economy with a view to supporting sustainable economic growth throughout the Council area. Further detail is provided within Supplementary Guidance with the main potential growth sectors including renewables.
- 4.2.8 **Policy LDP6** supports renewable energy developments where they are consistent with the principles of sustainable development where it can be demonstrated that there would be no unacceptable significant adverse effects, individually or cumulatively on communities, the environment, landscape character or visual amenity, and where proposals would be compatible with adjoining land uses.
- 4.2.9 Further information and detail on matters relating to the growth of renewables is provided within **Supplementary Guidance 2 entitled ‘Renewable Energy’**. It largely relates to the Spatial Framework approach to wind energy as set out in the now revoked SPP and is therefore incompatible with the spatial guidance now set out in Policy 11 of NPF4.
- 4.2.10 **Policy LDP 10** provides support for all development proposals which seek to maximise the area’s resources and reduce consumption where they accord with the following:
- > The settlement strategy;
 - > Sustainable Design principles;
 - > Minimising waste and / or contributing to recycling;
 - > Minimising the impact on the water environment both in terms of pollution and abstraction;
 - > Avoiding areas subject to flood risk or erosion;
 - > Minimising the impact on biodiversity and the natural environment;

- > Safeguarding our mineral resources and minimising the need for extraction;
- > Avoiding the loss of trees and woodland;
- > Contributing to renewable energy generation;
- > Avoiding the disturbance of carbon rich soils; and
- > Safeguarding our best agricultural land.

4.2.11 Overall, the approach within Policy LDP10 and the supporting LDP written statement seeks to address climate change by reducing emissions and refers to climate change targets relevant at the time of publication (in 2015). Paragraph 6.3.4 states that *“Achieving these targets will require coordinated action and a significant commitment to adapting the built environment to reduce energy and other resource consumption as well as providing a framework for the development and deployment of renewable electricity generation technologies*

4.3 Supplementary Guidance

4.3.1 The Supplementary Guidance 1 policies of relevance are summarised in **Table 4.1** below.

Table 4.1: Supplementary Guidance Policies (SG1) (March 1016)

ABC LDP SG Policy	Policy Summary
SG LDP ENV1	Additional detail to LDP3 guiding assessment of development impact on habitats, species and biodiversity. Requires habitat surveys and mitigation for national and local interest.
SG LDP ENV 2	Supports LDP3 in regard to protection of European designations with support not being given to development giving rise to adverse impact unless there is not alternative and there are imperative reasons of over-riding public interest.
SG LDP ENV 4	Policy with presumption against development which affects Sites of Special Scientific Interest (SSSIs) and National Nature Reserves (NNRs) unless the objectives of designation and overall integrity will not be compromised and/or any significant adverse effects on the qualities of designation are outweighed by social, environmental or economic benefits of national importance and no other less ecologically damaging locations can be reasonably utilised.
SG LDP ENV 6	Supports LDP 3 via presumption to protect trees, groups of trees and areas of woodland. Resisting development likely to have an adverse impact on trees and ensuring adequate provision is made for preservation and where appropriate planting of new including compensatory planning and management agreements.
SG LDP ENV 7	Supporting policy regarding water quality, providing protection for water quality and quantity alongside ecological status with a presumption against development that have a significant detrimental impact which cannot be satisfactorily mitigated to requirements of EU Water Framework Directive.
SG LDP ENV11	Policy presumption regarding protection of soil and peat resources with development only supported where appropriate measures are taken to maintain soil resources and functions relevant and proportionate to scale of development. Development with potential significant adverse effect on soil resources and functions or peat structure and function in terms of disturbance, degradation or erosion will not be supported unless it is demonstrated:

ABC LDP SG Policy	Policy Summary
	<ul style="list-style-type: none"> • Adverse effects are clearly outweighed by social, environmental or economic benefits of community wide importance arising from proposals, AND • A soil or peatland management plan is submitted which clearly demonstrates how unnecessary disturbance, degradation or erosion will be avoided and how any impacts will be mitigated as much as possible. Evidence of best practise in movement, storage, management and reinstatement of soils must be submitted with planning application.
SG LDP ENV12	Provides that ABC will resist any development in or affecting an NSA which would have adverse effect on integrity or would undermine its Special Qualities unless it can be demonstrated there is no significant adverse effects on the landscape quality for which it is designated, or that this is outweighed by social, environmental or economic benefits of national importance.
SG LDP ENV13	Resists development in or affected and Area of Panoramic Quality (APQ) where there will be significant adverse impact on character of the landscape unless it can be demonstrated that this is outweighed by social, economic or environmental benefits of community wide importance. Requires highest standards of design, siting, landscape and boundary treatment in all proposals with potential effect.
SG LDP ENV14	Landscape policy supporting LDP3 relating to areas outwith NSAs or APQs and provides that ABC will consider landscape impact and will resist development when its scale, location or design will have significant adverse impact on character unless it is demonstrated that effects are outweighed by social, economic or environmental benefits of community wide importance, and that the Council is satisfied that all possible mitigation has been incorporated into proposals.
SG LDP ENV15	Provides that where development would affect a heritage asset or its setting it will be expected that the impact is assessed and appropriate measures to protect and preserve the special asset proposed.
SG LDP ENV16a	Provides guidance on the assessment of proposals with an impact on Listed Buildings and their setting requiring detailed assessment and suitable mitigation / design to protect the integrity of the asset.
SG LDP ENV19	Presumption in favour of retaining, protecting and preserving Scheduled Monuments and the integrity of their settings. Proposals with and adverse impact will not be permitted unless there are exceptional circumstances.
SG LDP ENV20	Provides guidance on the assessment of proposals with an impact on Sites of Archaeological Importance, requiring appropriate assessment, mitigation and recording. Preservation in situ is preferred where possible. Requirement for detailed mitigation and consultation with West of Scotland Archaeology Service (WoSAS).
SG LDP TRAN4	Provides additional detail to Policy LDP11 on utilising new and existing public roads, private roads and private access solutions to development subject to road safety and design issues being satisfied and in appropriate circumstances.
SG LDP TRAN5	Provision that where development proposals will significantly increase vehicular or pedestrian traffic on substandard private or public approach roads, then developments will be required to contribute proportionately to improvements to an agree section of the network.

- 4.3.2 Whilst the above policies have also been taken into account, it is considered that the following are the most relevant policies with in the adopted LDP:
- > **Policy LDP DM1**, which supports the delivery of appropriate development in the countryside and very sensitive countryside zones, including renewable energy related development;
 - > **Policy STRAT1**, supporting sustainable development in appropriate locations;
 - > **Policy LDP6**, supporting the growth and delivery of renewable energy; and
 - > **Policy LDP10** which supports development that seeks to maximise the areas resources;
- 4.3.3 The Proposed Development is considered to be in accordance with these policies.
- 4.3.4 With regard to Supplementary Guidance 2 'Renewable Energy' this contains a Spatial Framework for onshore wind, prepared in accordance with the now revoked SPP and which is now therefore incompatible with the provisions of NPF4. The Supplementary Guidance also refers to LDP Policy LDP6 and references the Argyll and Bute Landscape Wind Energy Capacity Study. Given this position only limited weight should be attributed to Supplementary Guidance 2.
- ## 4.4 LDP2
- 4.4.1 As noted above, LDP2 is due for adoption later in 2023. LDP2 recognises the role the Council area has to deliver a mix of potential renewable energy generation opportunities to make a significant contribution towards meeting the Scottish Government targets on renewable energy generation. The main aim of new policy on renewable energy within LDP2 is to ensure than renewable energy generation projects are delivered in *“an all-round sustainable manner”*.
- 4.4.2 In LDP2, Policy 30 – 'The Sustainable Growth of Renewables' is the lead policy for renewable proposals. The policy is set out below (with amendments per the 'Proposed Argyll and Bute Local Development Plan Examination Report to Argyll and Bute Council – 9th June 2023' (many of the proposed amendments seek to bring the Proposed LDP2 in line with NPF4).
- 4.4.3 **LDP2 Policy 30** is as follows:
- “The Council will support renewable energy developments where these are consistent with the principles of sustainable development and it can be adequately demonstrated that there would be no unacceptable environmental effects, whether individual or cumulative, on local communities, natural and historic environments, landscape character and visual amenity, and that the proposals would be compatible with adjacent land uses.*
- Applications for all wind turbine developments will be assessed against the following criteria:*
- > *Impacts on communities and individual dwellings, including visual impact, residential amenity, noise and shadow flicker.*
 - > *Landscape and visual impacts.*
 - > *Effects on natural heritage, including birds.*
 - > *Impacts on carbon rich soils, using the carbon calculator.*
 - > *Public access, including impact on long distance walking and cycling routes and those scenic routes identified in the NPF.*

- > *Impacts on the historic environment, including scheduled monuments, listed buildings and their settings.*
- > *Impacts on tourism and recreation.*
- > *Impacts on aviation and defence interests and seismological recording.*
- > *Impacts on telecommunications and broadcasting installations, particularly ensuring that transmission links are not compromised.*
- > *Impacts on road traffic.*
- > *Impacts on adjacent trunk roads.*
- > *Effects on hydrology, the water environment and flood risk.*
- > *Impacts on trees, woods and forests.*
- > *Cumulative impacts arising from all of the considerations above.*

4.4.4 Although the criteria above refer to wind energy developments, the topics are all matters that are contained within NPF4 Policy 11 (Energy) (with the exception of tourism matters).

4.4.5 A summary of other relevant LDP2 policy is provided in **Table 4.2**.

Table 4.2: Summary of LDP2 Policy relevant to the Proposed Development

ABC LDP2 Policy	Policy Summary
Policy 02 – Outwith Settlement Areas	<p>Provides that outwith the defined settlement areas development will only be acceptable where it can be demonstrated that it accords with an allocation of the plan, or with parts A, B or C as set out, together with other relevant policies:</p> <p>A – Countryside Areas – within these areas there is a presumption in favour of sustainable development where it is of appropriate scale, design, siting and use for its countryside location. All developments will require LVIA unless they are infill, rounding off, redevelopment of clusters or previously developed sites.</p> <p>B – Remote Countryside Area – in these locations only specific categories of development on appropriate sites will be considered, these comprise:</p> <ul style="list-style-type: none"> i) Renewable energy related development ii) Telecommunications/digital or other infrastructure where specific location requirement has been demonstrated; iii) Development directly supporting existing agricultural units, aquaculture or other recognised countryside activity. <p>Subject to demonstrating (through EIA or EA and LVIA that there will be no adverse effect on environmental resources.</p> <p>C – refers to Helensburgh and Lomond Greenbelt areas only.</p>
Policy 04 – Sustainable Development	<p>Provides that developers should seek to demonstrate a range of sustainable development principles, which the planning authority will use in deciding whether or not to grant planning permission:</p> <ul style="list-style-type: none"> a) Maximise the opportunity for local community benefit; b) Make efficient use of vacant and/or derelict land including appropriate buildings; c) Support existing communities and maximise the use of existing infrastructure and services;

ABC LDP2 Policy	Policy Summary
	<ul style="list-style-type: none"> d) Maximise opportunities for sustainable forms of design...and increasing energy efficiency; e) Avoid the use of locally important good quality agricultural land; f) Utilise public transport corridors and active travel networks; g) Avoid the loss of important recreational and amenity open space; h) Conserve and enhance the natural and built environment and avoid significant adverse impacts on biodiversity, natural and built heritage resources; i) Respect the landscape character of an area and the setting and character of settlements; j) Avoid places with significant risk of flooding, tidal inundation, coastal erosion or ground instability; and k) Avoid having significant adverse impacts on land, air and water environment.
<p>Policy 08 – Sustainable Siting</p>	<p>Provides a list of principles that will be applied when assessing any proposal for development. The policy is aimed at built development but includes the following relevant provisions:</p> <ul style="list-style-type: none"> > Development should integrate into the landscape to minimise detrimental effects on the environment, hilltop skyline or ridgeline locations will be resisted; > Development on sloping sites should take account of topography to prevent significant excavation; > Siting should take account of character of the area; > Development should be sited within easy access of existing infrastructure and services.
<p>Policy 10 – Design: All Development</p>	<p>The design of any development must:</p> <ul style="list-style-type: none"> > Demonstrate an understanding of and appropriate response to the proposed site and wider context including consideration of character, and where applicable, urban grain; > Acknowledge the scale, mass and spirit of nearby buildings; > Incorporate existing and enhancing features where applicable; > Use appropriate proportions; > Use materials that are harmonious with the context; > Consider the embodied energy and durability of proposed materials.
<p>Policy 15 – Supporting the Protection, Conservation and Enhancement of Our Historic Built Environment</p>	<p>Proposals will not be acceptable where they fail to:</p> <ul style="list-style-type: none"> > Protect, preserve, conserve or enhance the established character of the historic built environment in terms of its location, scale, form, design or proposed use; or > Avoid any cumulative effect upon the integrity or special qualities of designated built environment sites. <p>Where there is significant uncertainty concerning the potential impact of a proposed development on a designated site, consideration will be given to the appropriate application of the precautionary principle.</p>

ABC LDP2 Policy	Policy Summary
Policy 16 – Listed Buildings	<p>Provides protection to listed buildings, their curtilage and wider setting and provides criteria which requires to be met in full. Pertains largely to proposals for development of or directly affecting listed buildings.</p> <p>As regards settings, the developer is expected to demonstrate to the planning authority’s satisfaction, that the effect of a proposed development has on a listed building, its curtilage and wider setting has been assessed and that measures will be taken to protect, conserve and where appropriate enhance the special interest of the asset. The use of appropriate access statements, design statements and conservation plans are expected to facilitate this assessment.</p>
Policy 19 – Scheduled Monuments	<p>Provides a presumption against development that does not retain, protect, conserve or enhance a Scheduled Monument and the integrity of its settings. Developments that have an adverse impact on Scheduled Monuments or their settings will not be permitted unless there are exceptional circumstances. New development on sites affecting the settings of scheduled monuments must respect their architectural, historic and other special qualities and conform to the national policies and guidance including but not limited to the ‘Related Documents’.</p> <p>The developer is expected to satisfactorily demonstrate to the planning authority that the effect of a proposed development on a scheduled monument and its wider setting has been assessed and that measures will be taken to protect, conserve and where appropriate enhance the special interest of the asset. The use of appropriate setting analysis, design statements, character appraisals and conservation plans are expected to facilitate this assessment.</p>
Policy 21 – Sites of Archaeological Importance	<p>Provides a presumption in favour of retaining, protecting, conserving and enhancing the existing archaeological heritage and any future discoveries found in Argyll & Bute. Provides requirements and mitigation which all apply when a proposed development would affect a site of archaeological significance. That includes consulting with West of Scotland Archaeology Service (WoSAS), providing an assessment of site importance, making provision for protection and preservation of archaeological deposits in situ, or satisfactorily recorded. Setting out proposed watching briefs and other mitigation measures.</p>
Policy 59 – Water Quality and the Environment	<p>Proposed for development that could affect the water environment will be assessed with regard to their potential impact on:</p> <ul style="list-style-type: none"> > Water quality and quantity, ecological status and flow rate; > Riparian habitats and wildlife; > Geomorphic processes; > Leisure and recreational facilities and users; > Economic activity. <p>Developments that may have a significant detrimental impact on the water environment will not be permitted unless it can be demonstrated that the impacts can be fully mitigated so as to ensure non-deterioration of waterbody status and the River Basin Management Plans covering the region.</p>

ABC LDP2 Policy	Policy Summary
Policy 61 – Sustainable Drainage Systems (SuDS)	Where appropriate developers should incorporate existing ponds, watercourses or wetlands as positive environmental features in development schemes. The Council will also required that canalisation or culverting, which can increase the risk of flooding and also greatly reduce the ecological and amenity value of watercourses are avoided wherever practicable and designed sensitively where unavoidable.
Policy 70 – Development Impact on National Scenic Areas (NSAs)	<p>The Council will resist any development in, or affecting NSAs that would have an adverse effect on the integrity of the area either individually or cumulatively, or that would undermine the special qualities of the areas unless it is adequately demonstrated that:</p> <ul style="list-style-type: none"> a) Any significant adverse effects on the landscape quality for which the areas has been designated are clearly outweighed by social, environmental or economic benefits of national importance; and b) The proposal is supported by an LVIA and has taken into account the content of any relevant Argyll and Bute Landscape Capacity Assessment.
Policy 71 – Development Impact on Local Landscape Areas (LLA)	<p>Provides that the Council will resist development in, or affecting a LLA where its scale, location or design will have a significant adverse impact on the character of the landscape. All development proposals in or affected a LLA must demonstrate:</p> <ul style="list-style-type: none"> a) Any significant adverse effects on the landscape quality for which the areas has been designated are clearly outweighed by social, economic or environmental benefits of community wide importance; b) The proposal is supported by an LVIA; and c) The location, scale, design, material and landscaping would be of a high standard and would safeguard or enhance the special qualities and character of the LLA.
Policy 73- Development Impact on Habitats, Species and Biodiversity.	<p>Provides that the Council will give full consideration to the legislation, policies and conservation objectives. The Council will seek to contribute to the delivery of the objectives and targets set by the Local Biodiversity Action Plan (LBAP) and the Scottish Biodiversity Strategy. Developers will be encouraged to incorporate safeguard and enhancement of existing site biodiversity wherever possible.</p> <p>Where evidence suggests that a habitat or species of international, national or local importance exists on a proposed development site or would be affected by a proposal the Council will require the Applicant to complete surveys and if necessary provide a mitigation plan.</p> <p>Developments which are likely to have an adverse effect on protected species and habitats will only be permitted where it can be justified in accordance with the relevant protected species legislation.</p>
Policy 74 – Development Impact on sites of international importance.	Development not directly connected with or necessary to the conservation management of a site covered by the Conservation (Natural Habitats etc) Regulations 1994 (as amended) and which is likely to have a significant effect on the site, will be subject to an Appropriate Assessment. Where it cannot be ascertained that the development would not adversely affect the integrity of the site will not be supported unless there is non alternative solution and there are imperative reasons of over-riding public interest.

ABC LDP2 Policy	Policy Summary
Policy 75 – Development Impact on Sites of Special Scientific Interest (SSSI) and National Nature Reserves	Development which effects these designations will only be permitted where it can be adequately demonstrated that either the proposed development will not compromise the natural feature or conservation objectives, or adversely affect the integrity of the site, or, there is a proven public interest and benefit where social, economic, environmental or safety considerations of national importance outweigh the ecological interest of the site and the need for the development cannot be met in other less ecologically damaging locations or by reasonable alternative means.
Policy 76 – Development Impact on Local Nature Conservation Sites (LNCS)	Provides that development that would have a significant effect on the integrity on the LNCS will not be supported unless the developer satisfactorily demonstrates that such effects are clearly outweighed by social, environmental or economic benefits of community wide importance, arising from the development proposals, and the council is satisfied that mitigation measures have been incorporated to minimise the adverse effects on the interests of the site.
Policy 77 – Forestry, Woodland and Trees	<p>Provides a strong presumption in favour of protecting woodland resources. Particular care will be taken to ensure that ancient semi-natural woodland, native or long-established woods, hedgerows and individual trees (including veteran trees) of high nature conservation value are safeguarded, conserved and where possible enhanced.</p> <p>Removal of woodland resources will only be permitted where it would achieve significant and clearly defined additional public benefits.</p> <p>Where woodland is removed adequate provision must be made for the planting of new woodland resources including compensatory planting. Mitigation will be required where a development proposal would sever or impair connectivity between important woodland habitats.</p>
Policy 79 – Protection of Soil and Peat Resources	<p>Development will only be supported where appropriate measures are taken to maintain soil resources and function to an extent that is considered relevant and proportionate to the scale of development.</p> <p>Development that would potentially have a significant adverse effect on soil resource and functions or peat structure and function in terms of disturbance, degradation or erosion will not be supported unless it is satisfactorily demonstrated that such adverse effects are clearly outweighed by social, environmental or economic benefits of community wide importance arising from the proposal, and, a soil or peatland management plan is submitted to demonstrate how unnecessary disturbance, degradation, erosion of peat and soils will be avoided and how impacts are to be mitigated.</p>
Policy 80 – Geodiversity	The Council will consider the geodiversity impact of development, those which would have a significant adverse effect on non-designated sites or local sites will not be supported unless it is demonstrated that effects are outweighed by social environmental or economic benefits of community wide importance and that appropriate mitigation can be secured.

4.4.6

Until such time as the LDP2 is formally adopted, LDP (2015) remains applicable. It is considered that the Proposed Development would be in accordance with the relevant LDP2 policies.

4.5 Conclusions on the LDP and related Guidance

- 4.5.1 The relevant development management considerations have been addressed above (Chapter 3) in the context of NPF4 Policy 11 and are not repeated with reference to the adopted LDP and LDP2.
- 4.5.2 It is considered that the effects arising from the Proposed Development would not be unacceptable in terms of relevant policies within the adopted LDP and LDP2.
- 4.5.3 Moreover, through considering the other relevant policies, including the advice contained in the Supplementary Guidance, it is considered that the Proposed Development accords with the adopted LDP when it is read as whole.
- 4.5.4 The renewable energy policy provisions of the adopted LDP are based on those of SPP. Insofar as there are other relevant policies within the LDP, they are considered to be generally consistent with those of NPF4. In addition, given the appraisal set out above in Chapter 3 in relation to the various environmental and technical topics of relevance to the Proposed Development, there would be no conflict with the terms of LDP policies. The Proposed Development is considered to be in accordance with the LDP.

5. Conclusions

5.1 The Electricity Act 1989

- 5.1.1 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.
- 5.1.2 The information that is contained within the individual topic sections of the EIA Report therefore enables Scottish Ministers to be satisfied that the obligations under Schedule 9 are met and that suitable mitigation has been identified. It is also considered that the detailed work undertaken in the formulation of the EIA overall has confirmed and provides confidence that the Proposed Development would be undertaken in an environmentally acceptable manner.

5.2 The Benefits of the Proposed Development: Summary

- 5.2.1 This section summarises the benefits that would arise from the Proposed Development.

Renewable Generation and Emissions Savings

- > With an overall installed capacity up to 58.5 MW of onshore wind and up to 41.4 MW of BESS, the Proposed Development would make a valuable and nationally important contribution to the attainment of the UK and Scottish Government policies of encouraging renewable energy developments; and in turn contribute to the achievement of UK and Scottish Government 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 Scottish Government has made it clear that onshore wind plays a vital and indeed “mission critical” role in the attainment of future targets in relation to helping to combat the crisis of global heating.
- > The earlier that steps towards decarbonisation are introduced, the greater their contribution to limiting climate change. The Proposed Development’s delivery of renewable capacity in the near term will have a disproportionately higher benefit than the same capacity delivered later.
- > The Proposed Development would be expected to result in a saving of 32,207 tonnes per annum¹⁶, through displacement of carbon-emitting generation.

Security of Supply

- > The British Energy Security Strategy has been referenced. It provides an increase to the requirements for both the scale and the urgency of delivery of new low carbon generation capacity, by refocussing the requirement for low-carbon power for reasons of national security of supply and affordability, as well as for decarbonisation.
- > With this context, the attractiveness of onshore wind, a proven technology which will deliver significant benefits to consumers through decarbonisation, security of supply and affordability this decade, becomes clear.

¹⁶ Figure based on a Grid Mix basis. On a Fossil Fuel Mix basis, the savings would be approximately 71,949 tonnes of CO₂ per annum – as set out in Chapter 16 of the EIA Report.

- > The development, if consented, would provide a valuable contribution to security of supply for the wider Argyll region, Scotland and for the wider Great Britain (GB) area. Consenting the development, would contribute to an adequate and dependable Scottish and GB generation mix, through enabling the generation of more low carbon power from indigenous and renewable resources, and would enable the development to make a significant contribution to Scottish and wider UK energy security and decarbonisation needs.

Economic & Community Socio-Economic Benefits

- > The Proposed Development would support jobs during construction and during operation across the Scottish economy. Overall, the socio-economic effects of the capital investment, employment and GVA to the economy would be beneficial (short term during construction, long term during operation). The proposed community benefit fund would deliver further socio-economic benefits.
- > Chapter 15 of the EIA Report addresses socio-economic effects and they have been set out in detail above in the context of NPF4 Policy 11.

Biodiversity

- > Various biodiversity enhancements are proposed and are described in Chapter 3 above.

5.3 The Climate Crisis & Renewable Energy Policy Framework

- 5.3.1 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.
- 5.3.2 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’ publication¹⁷. 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.
- 5.3.3 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 OWPS.
- 5.3.4 The nationally important 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 and very challenging ‘net zero’ targets and contribute to improving security of supply.

5.4 The Planning Balance

- 5.4.1 In the draft NPF4 and draft OWPS 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.

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

- 5.4.2 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 came into force on 13 February 2023. Both are up to date statements of Scottish Government policy, directly applicable to determination of this application. Both should be afforded very considerable weight in decision-making.
- 5.4.3 NPF4 and the OWPS are unambiguous as regards the policy imperative to combat climate change, the crucial role of further onshore wind in doing so, and the scale and urgency of onshore wind deployment required. As described in this Planning Statement:
- > The global climate emergency and the nature crisis are the foundations for the NPF4 Spatial Strategy as a whole. The twin global climate and nature crises are “*at the heart of our vision for a future Scotland*” so that “*the decisions we make today will be in the long-term interest of our country*”¹⁸. 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.
- 5.4.4 It is important to fully recognise both the scale and urgency of the challenge set out in these documents and the required response from decision-makers. NPF4 is clear that significant progress must be made by 2030 requiring, as set out in the OWPS, that “*we must now go further and faster than before. We expect the next decade to see a substantial increase in demand for electricity to support net zero delivery across all sectors, including heat, transport and industrial processes*”¹⁹.
- 5.4.5 Publication of the OWPS followed and cross-refers to NPF4 and, for the first time, sets an onshore wind target: a Scottish Government ambition for a minimum of 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***”²⁰ (original emphasis) in line with the NPF4.
- 5.4.6 By any measure, the identified need for delivery of this additional capacity is a massive challenge requiring an urgent and positive response. As noted above, unless projects are in the planning system now, there is a high likelihood is that they cannot contribute to this ambition before 2030. The ‘window’ until the key date of 2030 for Scottish Government targets is also getting narrower.
- 5.4.7 This change in policy is also seen in the designation of individual renewable development applications as National Developments. National Developments are significant developments of national importance that will help to deliver the spatial strategy. As the Statement of Need

¹⁸ NPF4, page 2.

¹⁹ OWPS 2022, paragraph 1.1.2.

²⁰ Energy Strategy and Just Transition Plan, page 55

for Strategic Renewable Electricity Generation and Transmission Infrastructure explains²¹ “A large and rapid increase in electricity generation from renewable sources will be essential for Scotland to meet its net zero emissions targets.”

5.4.8 The recognition of National Development relates to the attainment of Government renewable generation and emission reduction targets. Moreover, it relates to the importance of developing electricity supplies which are not dependent on volatile international markets and are located within the UK’s national boundaries. The urgency for an electricity system which is self-reliant and not reliant on fossil fuels is now enormous, in order to protect consumers from high and volatile energy prices. Moreover, such a system would reduce opportunities for destructive geopolitical intrusion into national electricity supplies and this matter has grown in importance in recent months.

5.4.9 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 (Energy) 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;

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

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

- > NPF4 Policy 11 confirms that significant landscape and visual impacts are to be expected for some forms of renewable energy. Scottish Government policy, which will form part of the Development Plan, is that where such impacts are localised and / or appropriate design mitigation has been applied, they will generally be considered to be acceptable. Notably, policy recognises that significant landscape and visual effects are inevitable and generally acceptable;
- > NPF4 Policy 4 provides in principle support for wind farm development in all locations with the exception of National Parks and NSAs, unless the conditions in NPF4 Policy 4 c) are met;
- > NPF4, Policy 4, Part d) specifically relates to a proposed development that may adversely affect the integrity of a local landscape designation. It provides that development will be supported where significant adverse effects on the integrity of the area are clearly outweighed by social, environmental or economic benefits of at least local importance.

²¹ NPF4, page 103.

- 5.4.10 The Applicant has gone to considerable lengths to ensure a satisfactory layout, design and composition for the Proposed Development has been implemented. In short, appropriate design mitigation has been applied. Potentially significant adverse landscape and visual effects resulting from the proposal have been addressed through an iterative design process and through effective pre-application stakeholder engagement (i.e. 'mitigation by design').
- 5.4.11 NPF4 and the OWPS require that the decision-maker must also identify and weigh the adverse effects of a proposed development. The way that decision makers can recognise the strengthening policy imperative, and the increased weight 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.
- 5.4.12 It is considered that this approach is very clearly reflected and articulated in NPF4 and the OWPS (subject to Scottish Government policy now expressly stating that significant weight will be given to the global climate and nature crises and a proposed development's contribution towards meeting targets). Moreover, Section 3.6 of the OWPS states that the criteria for assessing proposals (in NPF4) have been updated "*including stronger weight being afforded to the contribution of the development to the climate emergency*".
- 5.4.13 In considering the change to policy which has been introduced by NPF4, the conclusions of the Reporter in his supplementary Inquiry Report in relation to the Sanquhar II²² Section 36 Wind Farm development are informative. At paragraph 4.5 of the Report (Overall Conclusions) the Reporter stated:
- "in paragraph 8.50 of my original report I found that, at the time of writing "...I do not consider that at this present time there has been a tangible shift in policy of a scale or nature which would be capable of being pivotal..." having reviewed the terms of NPF and the OWPS, I now consider that a tangible shift in planning policy has been made at the national level. In my view it is likely that this shift may be sufficient to result in some wind farm proposals, which would previously have been refused under the former policy regime, to potentially now be granted consent."* (emphasis added)
- 5.4.14 Furthermore, in the Shepherds Rig²³ Section 36 case, the Reporters considered the implications of NPF4 and the OWPS and at paragraph 3.14 of the Supplementary Report the Reporters stated:
- "Taking into account all of the above, we recognise the urgent policy imperative in the OWPS and NPF to deliver additional installed wind farm capacity. **These recently published policy statements demonstrate a significant strengthening of policy support for renewable energy development, to which the proposal would make an obvious contribution.** In our original report, we found that the significant effects on the area's recreational resources should be given significant weight, to the extent that they outweighed the aims of delivering renewable energy. In the updated policy context, we find that the proposal's obvious contribution to renewable energy targets causes the benefits as a whole to now clearly outweigh the significant landscape and visual effects."* (emphasis added)
- 5.4.15 It is accepted that each individual application needs to be considered on its respective merits, however it is evident from these two very recent Section 36 decisions, that the Reporters have recognised that there has been a material and tangible shift in planning policy support for onshore wind development.

²² Sanquhar II, Section 36 Decision dated 31 August 2023, Supplementary Report of Inquiry dated 20 February 2023 (Case Reference WIN-170-2006).

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

5.4.16 In this case, the Proposed Development is one of national importance 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.

5.4.17 The effects of the Proposed Development, including how relevant effects listed in NPF4 Policy 11 Paragraph (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 proposal, significant weight must be placed on its nationally important contribution to renewable energy generation and greenhouse gas emissions reduction targets.

5.5 Overall Conclusion

5.5.1 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 that would result clearly outweigh its limited adverse effects.

5.5.2 The up-to-date policy set out in NPF4 and the OWPS and the policy being consulted upon in the draft Energy Strategy provide strong and increased support for the grant of consent for the Proposed Development.

5.5.3 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 insofar as that is a relevant matter in a Section 36 application.

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