

4 PLANNING POLICY

4.1 Introduction

This Chapter of the Environmental Impact Assessment Report (EIA Report) outlines the energy and planning policy framework for the proposed Ladyfield Renewable Energy Park (the Development).

This Chapter presents the existing and emerging local and national planning policy context applicable to the Development and relates these policies to individual sections set out within the technical chapters of the EIA Report. The reference to specific planning policies and guidance within other chapters ensures that there is full knowledge and understanding of planning related issues within the EIA Report.

Given that the Development is expected to exceed 50 MW and is classed as a Section 36 application, an Environmental Impact Assessment (EIA) Report has been undertaken in accordance with the Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017

¹⁰ referred to as 'the EIA Regulations'. The findings of the EIA are presented in the EIA Report and have informed the assessment of the Development against the relevant national and local energy and planning policy.

In the case of an application submitted to a Local Planning Authority (LPA) under the Town and Country Planning (Scotland) Act 1997, the relevant LPA's Local Development Plan (LDP) has primacy in the decision-making process, unless material considerations indicate otherwise. The following sections within this Chapter therefore set out the energy policy considered applicable to the Development, whilst also providing an overview of the LDP policies considered relevant to the Development.

This Chapter is structured as follows:

- UK Legislative Context;
- International Policy Context;
- UK Policy Context;
- Scottish Planning Policy and Guidance;
- Local Development Plans; and
- Summary.

4.2 UK Legislative Context

This section identifies the legislative context in which the Development will be considered.

4.2.1 *The Electricity Act 1989*

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In Scotland, onshore renewable energy developments that have capacity to generate over 50 MW require consent from the Scottish Ministers under the Electricity Act 1989 (the Electricity Act)¹¹. In such cases the relevant Local Planning Authority (LPA) is a statutory consultee in the development management process and procedures.

The provisions of Schedule 9 of the Electricity Act address the responsibility of the developer to do what they reasonably can to mitigate any potential effects of the Development on the natural beauty of the landscape or on any such flora, fauna, features, sites, buildings or objects. They

¹⁰ The Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017 [Online] <http://www.legislation.gov.uk/ssi/2017/101/contents/made> (Accessed 21/06/2021)

¹¹ Electricity Act 1989 [Online] Available at: <https://www.legislation.gov.uk/ukpga/1989/29/contents> Accessed 17/03/2022)

set out a number of features to which regard must be had. While they do not require the features to be retained intact, the effects of the Development on them are required to be assessed.

The above duty under Schedule 9 is applicable only to an electricity generation license holder, or person authorised by an exemption, and Ministers. In the case of the Applicant, they are neither a license holder or exempted person. This point was tested before the Courts in the North Lowther Energy Initiative ruling¹² where Lord Eric stated that *"the obligation to mitigate under schedule 9 paragraph 3(1)(b) applies only to license holders or persons authorised by an exemption"*.

4.2.3 Town and Country Planning (Scotland) Act 1997

The principal planning statute in Scotland applicable to the planning application for the Development is the Town and Country Planning Act (Scotland) 1997 ('the Planning Act') as amended by The Planning etc. (Scotland) Act 2006 and now the Planning (Scotland) Act 2019.

Section 25 of the Planning Act states that:

"Where, in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material considerations indicate otherwise".

Section 37(2) of the Planning Act states that:

In dealing with an application made to a planning authority for planning permission *"the authority shall have regard to the provisions of the development plan, so far as material to the application, and to any other material considerations"*.

Accordingly, the planning authority will determine the application having regard to the relevant aspects of the statutory LDP and any other relevant material considerations. The forthcoming sections set out the relevant LDP policies and other material considerations at a local and national level which will form the basis for the Council's determination.

4.2.4 Climate Change (Scotland) Act 2019

The Climate Change (Scotland) Act 2009 was amended by the Climate Change (Emissions Reduction Targets) (Scotland) Act 2019. The amendment increases the ambition of Scotland's emissions reduction targets to net zero by 2045 and revising interim and annual emissions reduction targets. The 2019 Act changes the 2009 target, which sets a target of 80% reduction in GHG emissions by 2050, to at least 100% lower than the baseline.

The 2019 Act also requires Scottish Ministers to, when publishing an infrastructure investment plan, publish an assessment of the extent to which investment in accordance with the plan is expected to contribute to the meeting of the emissions reduction targets. The Act amends the existing Climate Change (Scotland) Act 2009, which imposes duties on public bodies relating to climate change.

4.2.5 The Climate Change (Emissions Reduction Target) (Scotland) Act 2019

The Climate Change (Emissions Reduction Targets) (Scotland) Act 2019 requires that "The Scottish Ministers must ensure that the net Scottish emissions account for the net-zero emissions target year is at least 100% lower than the baseline (the target is known as the "net-zero emissions target")." The target year is 2045 and the Act also sets out challenging interim targets. It requires that:

"The Scottish Ministers must ensure that the net Scottish emissions account for the year—

(a) 2020 is at least 56% lower than the baseline,

(b) 2030 is at least 75% lower than the baseline, and

¹² Outer House, Court of Session, [2021] CSOH 104 [Online] Available at: https://www.scotcourts.gov.uk/docs/default-source/cos-general-docs/pdf-docs-for-opinions/2021csoh104.pdf?sfvrsn=80901229_1 (accessed 25/02/2022)

(c) 2040 is at least 90% lower than the baseline.”

It is important to note that these targets are minimum targets, they are not maximums or aspirations. The targets legally bind the Scottish Ministers and have been legislated to set the framework for Scotland’s response to the Climate Emergency.

Setting a carbon neutral, net-zero target by 2045 is ambitious and ahead of the rest of the United Kingdom’s target of 2050. The Government has set ambitious targets for reduction of carbon emissions. Projects, such as the Development, play a key role in meeting the Government’s climate targets. The Onshore Wind Policy Statement further discusses how the contribution will be related to climate targets and other sectors – see section 4.5.3 below.

In this context, the Development relates to the generation of electricity from renewable energy sources and comes as a direct response to national planning and energy policy objectives. It will contribute to the attainment of emissions reduction, renewable energy production and storage and electricity targets at both the Scottish and UK levels.

4.3 International Policy Context

In recent years, European, United Kingdom (UK) and Scottish Government policies have all placed greater focus on concerns about climate change and have set numerous targets to try and curtail the effects of greenhouse gas emissions. In turn, each tier of Government has developed intermediate targets, policies and actions designed to achieve said targets.

On 12 December 2015, 196 Parties to the UN Framework Convention on Climate Change (UNFCCC) adopted the Paris Agreement, a legally binding framework for an internationally coordinated effort to tackle climate change. The Paris Agreement’s key aim is to strengthen the global response to climate change by keeping a global temperature rise this century below 2 degrees Celsius above pre-industrial levels and to pursue efforts to limit the temperature increase even further to 1.5 degrees Celsius¹³. The UK is legally committed to the Paris Agreement through the Climate Change Act 2008.

The 26th UN Climate Change Conference of the Parties (COP26) in Glasgow on 31 October – 13 November 2021 (COP26) brought together world leaders from over 200 countries to seek agreement on the measures necessary to address the effects of climate change. The agreement reached determines the key actions that will be taken over the next decade to achieve further cuts to emissions of CO₂, with the aim of keeping the rise in global temperature to within 1.5°C.

COP26 ended with the Glasgow Climate Pact, a historic agreement incorporating the aim of limiting temperature rise to 1.5°C. All countries agreed to revisit and strengthen their current emissions targets to 2030, known as Nationally Determined Contributions (NDCs) in 2022. This will be combined with a yearly political roundtable to consider a global progress report and a Leaders summit in 2023.

The Paris Rulebook, the guidelines for how the Paris Agreement is delivered, was also put in place after six years of discussions. This will allow for the full delivery of the landmark accord, after agreement on a transparency process which will hold countries to account as they deliver on their targets. This includes Article 6, which establishes a robust framework for countries to exchange carbon credits through the UNFCCC.

COP27 was then held in Sharm el-Sheikh, Egypt, where 92 heads of state and an estimated 35,000 representatives, or delegates, of 190 countries attended to discuss and negotiate the global commitment to tackling climate change in the face of the current energy crisis. COP27 noted that global emissions remain at record high levels and the world is on track to warming well in excess of 2°C, with intensifying climate damages. COP27 also established new funding

¹³ UNFCCC 2018 Paris Agreement Overview [online] Available at: <https://unfccc.int/process-and-meetings/the-paris-agreement/what-is-the-paris-agreement> (Accessed 17/03/2023)

arrangements for assisting developing countries that are particularly vulnerable to the adverse effects of climate change to address impacts which cannot or have not been adapted to.

The Sharm El-Sheik Implementation Plan (the COP27 political decision) reaffirms that keeping global warming to 1.5°C will require a 43% reduction in global greenhouse gases (GHGs) by 2030 relative to 2019 levels. It actions the mitigation work programme agreed at COP26, which will focus on urgently scaling up mitigation ambition and implementation and the investment needed to unlock further mitigation action this decade. The Sharm El-Sheik Implementation Plan emphasises the urgent need for immediate sustained reductions in global greenhouse gas emissions by Parties across all applicable sectors, including through increase in low-emission and renewable energy, just energy transition partnerships and other cooperative actions.

4.4 UK Policy Context

In May 2019 the Committee on Climate Change published Net Zero – The UK’s Contribution to Stopping Global Warming¹⁴. This report responds to a request from the Governments of the UK, Wales and Scotland, asking the Committee to reassess the UK’s long-term emissions targets. The report recommends a new emissions target for the UK: net zero gases by 2050 and recommends a 2045 net-zero target for Scotland to reflect Scotland’s greater relative capacity to remove emissions than the UK as a whole. The Report highlights the falling cost of key renewable technologies, which is now generally comparable or lower cost than power from fossil fuels, while bringing significant co-benefits such as reduced air pollution.

On 27 June 2019, the Climate Change Act 2008 was amended to introduce a target for at least a 100% reduction in greenhouse gas emissions (compared to 1990 levels) in the UK¹⁵ by 2050. This ‘net zero’ target is likely to affect and increase future Government renewable and low carbon energy targets and create a more positive policy environment for renewable energy.

On the 25 June 2020 the Committee on Climate Change (the CCC) published the 2020 report to Parliament¹⁶, assessing progress in reducing UK emissions over the past year. The report highlights that although a limited number of steps have been taken over the past year to support the transition to a net-zero economy and improve the UK’s resilience to the impacts of climate change, much remains to be done. The report indicates that reaching net zero emissions in the UK will require all energy to be delivered to consumers in zero-carbon form, i.e. renewables and nuclear, bioenergy and fossil fuels combined with carbon capture and storage. The UK Government’s Net Zero Strategy - Build Back Greener (October 2021) (‘the Strategy’), published in advance of COP26, is the Westminster Government’s long-term plan for the transition to a low carbon economy. The Strategy highlights the significant progress made since 1990 in reducing greenhouse gas emissions from the power sector and introduces an ambitious commitment to ensure that all electricity comes from low carbon sources by 2035, subject to security of supply.

The Strategy calls for the accelerated deployment of low-cost renewable generation and states that a low-cost net zero electricity system is likely to be composed predominantly of wind and solar generation. The Strategy emphasises that the planning system will play an important role in supporting the deployment of renewable energy.

On 7th December 2020, the CCC released The Sixth Carbon Budget¹⁷ which updates intermediary targets for the UK’s progress to net zero:

¹⁴ Climate Change Committee (2019). Net Zero – The UK’s contribution to stopping global warming [Online]. Available at: <https://www.theccc.org.uk/publication/net-zero-the-uks-contribution-to-stopping-global-warming/> (Accessed 17/03/2023).

¹⁵ UK Government (2019) The Climate Change Act 2008 (2050 Target Amendment) Order 2019 (2019 No. 1056) [Online] Available at: <http://www.legislation.gov.uk/uksi/2019/1056/made> (Accessed 17/03/2023)

¹⁶ The CCC (2020) Reducing UK emissions: 2020 Progress Report to Parliament [online] Available at: <https://www.theccc.org.uk/publication/reducing-uk-emissions-2020-progress-report-to-parliament/#key-findings> (Accessed 17/03/2023)

¹⁷ The CCC (2020) *The Sixth Carbon Budget: The UK’s path to Net Zero* [Online] Available at: <https://www.theccc.org.uk/publication/sixth-carbon-budget/> (Accessed 23/03/2023)

"Our recommended pathway requires a 78% reduction in UK territorial emissions between 1990 and 2035. In effect, it brings forward the UK's previous 80% target by nearly 15 years. There is no clearer indication of the increased ambition implied by the Net Zero target than this".

These targets must be considered as a factor in the determination of applications for viable wind energy and storage projects. In establishing intermediary targets towards net zero, the context exists for Local Authorities and national Government to recognise the action that must be taken sooner rather than later. As concluded in the Sixth Carbon Budget:

"The implication of this path is clear: the utmost focus is required from government over the next ten years. If policy is not scaled up across every sector; if business is not encouraged to invest; if the people of the UK are not engaged in this challenge – the UK will not deliver Net Zero by 2050".

The 2022 CCC Progress Report to Parliament¹⁸ was published in June 2022 with regards to Climate Change. UK emissions are noted to have risen by 4% in 2021 compared with 2020 as the economy began to recover from the COVID-19 pandemic and the CCC Report states that there remains significant opportunity to reduce UK fossil fuel consumption with deployment of renewable sources helping to improve energy efficiency levels. It is also noted that there has been significant progress in the transition to renewables, with emissions in Scotland in particular, noted as having fallen by 50% between 2000 and 2020. However, the CCC report once again acknowledges potential barriers to low-carbon generation at scale, including in the planning and consenting regime, which should be addressed urgently to enable the low carbon transition.

4.5 Scottish Planning Policy and Guidance

4.5.1 The National Planning Policy Framework (NPF4)

Scotland 2045 – Our Fourth National Planning Framework¹⁹ was initially published for consultation on 10th November 2021 and was formally adopted on the 13th of February 2023. The consultation period ended 31st March 2022 and following this, NPF4 was laid before the Scottish parliament on 8th November 2022, along with an explanatory report and delivery programme. The latter states that "Planning will play a crucial leadership role by co-ordinating and choreographing the activities and decisions required. Stakeholder and community engagement will be needed to both inform and contribute to the programme as it evolves and to support delivery on the ground. This will help to address delivery risks and identify opportunities for innovation".

Planning Minister Tom Arthur said: "The window of opportunity to act to reduce emissions and adapt to already locked-in changes is narrowing. Our statutory and moral obligation to tackle climate change means change is necessary and urgent.

"This final version of the framework makes clear that we won't compromise on climate change. It also clarifies what is to be delivered, and how. And it is now clear through the weighting to be applied to different policies, that the climate and nature crises are the priority.

"It is timely that we have tabled final proposals during COP27, as we set out to do when Glasgow hosted COP26 last year. This shows that Scotland's ambition and commitment to delivering on international calls for action are unwavering.

"There is now a clear expectation of the role that planning must play in delivering the expansion of renewable energy needed to realise the just transition from reliance on fossil fuels.

"This framework creates the foundation upon which to build the fairer, greener Scotland we want to see for the benefit of future generations."

¹⁸ Committee on Climate Change (2022) 2022 Progress Report to Parliament [Online] Available at: [2022 Progress Report to Parliament - Climate Change Committee \(theccc.org.uk\)](https://www.theccc.org.uk/2022/03/23/2022-progress-report-to-parliament/) (Accessed 23/03/2023)

¹⁹ Scottish Government (2023) *National Planning Framework 4* [Online] Available at: <https://www.gov.scot/publications/national-planning-framework-4/pages/1/> (Accessed 23/03/2023)

The final draft of NPF4 was discussed by the Scottish Parliament before being subject to a vote in the chamber. Now adopted and published by the Scottish ministers, NPF4, amongst other things, aims to manage land-use and development in the long-term public interest.

The adopted NPF4 has been published and divided into 2 parts:

- Part 1 sets out an overarching spatial strategy for Scotland in the future and sets out proposed national developments that support the spatial strategy.
- Part 2 sets out policies for the development and use of land which are to be applied in the preparations of local development plans, local place plans; masterplans and briefs; and for determining the range of planning consents.

Part 1 of the NPF4 states that “We have already taken significant steps towards decarbonising energy and land use, but choices need to be made about how we can make sustainable use of our natural assets”.

Part 1 deals with National Developments. Of the 18 identified, number 3 deals with strategic renewable electricity generation and transmission infrastructure. This national development supports renewable electricity generation, repowering, and expansion of the electricity grid. It recognises that a large increase in electricity generation from renewable resources is “fundamental” to achieving a net zero economy in Scotland.

Part 2 of the NPF4 sets out the National Planning Policies required to achieve a net zero, nature positive Scotland. It outlines how the planning system must be re-balanced to ensure that climate change and nature recovery are the primary guiding principles for all plans and decisions.

Policy 1: Tackling the Climate and Nature Crisis states that when considering all development proposals “*significant weight* will be given to the *global climate and nature crises*”.

The intention of Policy 2: Climate Mitigation and Adaption is to encourage, promote and facilitate development projects that minimise emissions and adapt to current and future impacts of climate change. Renewable energy developments will be at the forefront when aiming to achieve the aims of this policy.

Policy 11: Energy illustrates how support will be given to Development proposals for all forms of renewable, low-carbon and zero emissions technologies. This includes the development of wind farms - including extending and expanding windfarms - and battery storage developments.

Policy 11 recognises that Scotland’s energy sector has a significant role to play in reducing carbon emissions and contributing to a green, fair and a resilient economic recovery. The policy also notes that Local Development Plans (‘LDPs’) should seek to realise their area’s full potential for electricity and heat from renewable, low carbon and zero emission sources by identifying a range of opportunities for energy development.

The proposed text of Policy 11 also notes that grid capacity should not be a limiting factor in the deployment of renewable energy development. Additionally, if cumulative impacts are considered or impact any nature associated with a proposed development, significant weight will be given to the Development’s ability to contribute to renewable energy generation targets and on greenhouse gas emissions reductions targets.

Policy 1 states that when considering all development proposals “significant weight will be given to the global climate and nature crises”.

Policy 2 seeks to encourage, promote and facilitate development projects that minimise emissions and adapt to current and future impacts of climate change. Renewable energy developments will be at the forefront when aiming to achieve the aims of this policy. Development proposals which support adaptation to climate change will be supported.

Policy 3 seeks to protect biodiversity, reverse biodiversity loss, deliver positive effects from development and strengthen nature networks. The policy ensures that LDPs protect, conserve, restore and enhance biodiversity and promote nature recovery and nature restoration. Proposals

will be required to contribute to the enhancement of Biodiversity, including by restoring degraded habitats and building and strengthening nature networks. Adverse impacts, including cumulative impacts, of development proposals on the natural environment will be minimised through careful planning and design, taking into account the need to reverse biodiversity loss.

Policy 4 aims to protect, restore and enhance natural assets making best use of nature-based solutions by ensuring natural places are enhanced or restored and by managing natural places in a sustainable way that maintains and grows their essential benefits and services. Policy 4 requires developments to carefully assess the impact on the natural environment and protect local nature conservation sites, designated landscape areas and protected species.

Policy 5 aims to protect carbon-rich soils, restore peatlands and minimise disturbance to soils from developments. It also states that development on peatland, carbon-rich soils and priority peatland will be supported for the generation of energy from renewable sources that optimises the contribution of the area to greenhouse have emissions reduction targets.

Policy 6 aims to protect and expand forests, woodland and trees. Developments should identify and protect existing woodland areas and the potential for any enhancement or expansion in order to avoid habitat fragmentation and improve ecological connectivity which will aid in helping to support and expand nature networks.

Policy 7 recognises that developments should support the sustainable management of the historic environment and should identify, protect and enhance valued historic assets and places. Policy 7 also notes that developments should recognise the social, environmental and economic value of the historic environment, to our economy and cultural identity and that proposals should also be informed by national policy and guidance on managing change in the historic environment.

Policy 8 encourages and facilitates compact urban growth and use the land around our towns and cities sustainably. It states that the development should be compatible with the surrounding established countryside and landscape character, should be of an appropriate scale, massing and external appearance, and uses materials that minimise visual impact on the green belt as far as possible and should have no significant long-term impacts on the environmental quality of the green belt.

Policy 11 aims to encourage, promote and facilitate all forms of renewable energy development onshore and offshore, including energy generation, storage, new and replacement transmission and distribution infrastructure and emerging low-carbon and zero emissions technologies including hydrogen and carbon capture utilisation and storage (CCUS). In line with Policy 11, Developments should consider an area's full potential for electricity and heat from renewable, low carbon and zero emission sources by identifying a range of opportunities for energy development.

Policy 19 states that Developments should encourage, promote and facilitate development that supports decarbonised solutions to heat and cooling demand and ensure adaptation to more extreme temperatures.

Now that the NPF4 is fully adopted and published, NPF3 and SPP have been superseded.

4.5.2 A stronger and more resilient Scotland: The Programme for Government 2022 to 2023

In September 2022, the Scottish Government published 'A Stronger and More Resilient Scotland' the programme for Government for 2022-23, which sets out the actions the Government will take in the forthcoming year. The Programme reiterates the continuous support for renewable energy. The development of renewable energy presents an immense opportunity for Scotland to lead by example, ensuring that progress towards net zero is environmentally and economically beneficial.

If consented, the Development has the potential to make a meaningful contribution to the Government's objectives for reducing emissions, by increasing the widespread deployment of the

renewables industry; encouraging further onshore wind development, as well as encouraging investment in renewable energy, to achieve sustainable economic growth.

4.5.3 Onshore Wind Policy Statement 2022

The Ministerial Foreword to the Onshore Wind Policy Statement 2022 recognises that onshore wind remains vital to Scotland's future energy mix and that more will be needed in order to progress legally binding net-zero targets.

The policy statement sets out that Scotland's electricity demand will at least double within the next two decades and that developing more onshore wind could create 17,000 jobs and £27.8 billion in GVA for the country's economy. The Scottish Government acknowledges that the next decade will see a substantial increase in demand for electricity to support net zero delivery across all sectors. The CCC has suggested electricity demand could double over this period. There will therefore need to be a substantial increase in installed capacity across all renewable technologies, including onshore wind.

The statement sets an overall ambition of 20 GW of installed onshore wind capacity in Scotland by 2030.

Other issues such as community benefit, shared ownership, and the need for financial mechanisms to promote deployment are covered in Chapter 1 of the Onshore Wind Policy Statement (OWPS).

The OWPS examines the ambition for delivering targets and current levels of deployment and what can be expected to be required by 2030 to achieve Net Zero. At the present time there is approximately 8.4 GW of installed onshore wind capacity within Scotland, part of 14.1 GW deployed across the whole of the UK. In terms of the development pipeline, there is approximately 9.7 GW of capacity either in planning or awaiting construction, with 0.43 GW under construction.

The CCC has estimated that the UK will require a total capacity of 25 to 30 GW of onshore wind by 2050 to meet Net Zero, in effect doubling the current level of deployment in the UK.

The Scottish Government is therefore seeking views on an ambition that an additional 8 to 12 GW of onshore wind capacity should be installed in Scotland by 2030 to help achieve Net Zero commitments.

With regard to landscape and visual issues, the OWPS acknowledges that whilst cherished landscapes are a key part of the natural and cultural heritage and should be afforded protection, it is also important to recognise that climate change and Net-Zero ambitions require decisive action. This will result in a Change in how Scotland looks, and it will be necessary to consider how significant volumes of onshore wind generation can be deployed over the next decade to help meet the legal obligations. This deployment is likely to comprise of modern efficient turbines which maximises the generation possible at each site, including the use of taller turbines.

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.

The Scottish Government also expects all onshore wind developments in Scotland to support our national and local supply chains, capitalising on the opportunity to secure significant increases in local content, increase our skilled workforce, see greater diversity and for our energy sector to continue to boost our local economies. As onshore wind is deployed at greater volume over the coming decade, we must collectively maximise the economic, social and environmental benefits in a way that meets the needs of Scottish citizens and our future generations.

4.5.5 Scotland's Draft Energy Strategy and Just Transition Plan

Scotland's Draft Energy Strategy and Just Transition Plan²⁰ sets out the Scottish Government's vision for the future energy system in Scotland, to 2030 and beyond. It explicitly details the priorities for an integrated system-wide approach that considers both the use and supply of energy for heat, power and transport. The Energy Strategy is designed to strengthen the development of local energy, protect and empower consumers, and support Scotland's climate change ambitions while tackling poor energy provision.

The Energy Strategy notes that storage is a strategically important issue, with real potential benefits for Scotland. Storage plays a critical role in helping businesses and communities in areas where the network capacity is limited or weak as having reserve or stand-by power available can protect against temporary losses of supply.

The Strategy also recognises that wind power is one of the lowest cost forms of electricity and the Scottish Government is clear that this is where we should focus - reducing costs in the long term and addressing vulnerability to future energy cost crises.

The strategy looks to achieve the targets set out by significantly scaling up renewable energy production, securing continued and increased investment in the net zero energy economy and by delivering a fairer, more secure energy system that is no longer reliant on volatile international commodity markets and delivers lower costs for consumers.

Scotland already has 13.4 Gigawatts of renewable electricity generation capacity. The strategy aims to deliver at least 20 Gigawatts of additional low-cost renewable electricity capacity by 2030, which could generate the equivalent of about 50% of Scotland's current total energy demand.

For key sectors, such as onshore wind, the strategy aims to increase electricity generation from 8.78 GW, as of June 2022, to over 20 GW by 2030, which is more than double our existing capacity.

Achieving this vision for Scotland's will be a national endeavour and will require a collective effort at local and national levels across government, industry, and our communities.

4.5.7 Planning Advice Notes and Specific Advice Sheets

Planning Advice Notes (PANs) and Specific Advice Sheets set out detailed advice from the Scottish Government in relation to a number of planning issues. Relevant PANs and Specific Advice Sheets relevant to the Development are summarised in Table 4.1 below.

Table 4.1: Relevant PANs and Specific Advice Notes

Title	Summary of Document
PAN 1/2013 Environmental Impact Assessment ²¹	Provides information on the role local authorities and consultees play as part of the EIA process, and how the EIA can inform development management.
PAN 51 Planning, Environmental Protection and Regulation (Revised 2006) ²²	Details the role of the planning system in relation to the environmental protection regimes.
PAN 60 (2000) Planning for Natural Heritage ²³	Advises developers on the importance of discussing their proposals with the planning authority and NatureScot

²⁰ Scottish Government (2021) - Draft Energy Strategy and Just Transition Plan [Online]. Available at: <https://www.gov.scot/publications/draft-energy-strategy-transition-plan/> (Accessed 13/06/2023)

²¹ Scottish Government (2013) PAN 1/2013: Environmental Impact Assessment [Online] Available at: <https://www.gov.scot/publications/planning-advice-note-1-2013-environmental-impact-assessment/> (Accessed 30/03/2023)

²² Scottish Government (2006) PAN 51: Planning, Environmental Protection and Regulation [Online] Available at: <https://www.gov.scot/publications/planning-advice-note-pan-51-revised-2006-planning-environmental-protection/> (Accessed 30/03/2023)

²³ Scottish Government (2000) *Planning for Natural Heritage: PAN 60* [Online] Available at: <https://www2.gov.scot/Publications/2000/08/pan60-root/pan60> (Accessed 30/03/2023)

Title	Summary of Document
	(formerly known as Scottish Natural Heritage) and use of the EIA process to identify the environmental effects of development proposals and seek to prevent, reduce and offset any adverse effects in ecology and biodiversity.
PAN 61 (2001) Sustainable Urban Drainage Systems ²⁴	Good practice drainage guidance.
PAN 68 (2003) Design Statements ²⁵	This PAN covers the importance of design statements, and provides flexible guidance on their preparation, structure, and content. The PAN also outlines the principles underpinning the production of design statements, as expected by the Scottish Government.
PAN 73 (2005) Rural Diversification ²⁶	This PAN promotes sustainable diversification and economic development of rural communities.
Transport Assessment and Implementation: A Guide (2005) ²⁷	This document provides a best practice guide to help identify and deal with likely transport impacts.
PAN 75 (2005) Planning for Transport ²⁸	The objective of PAN 75 is to integrate development plans and transport strategies to optimise opportunities for sustainable development and create successful transport outcomes.
PAN 3/2010 Community Engagement ²⁹	This document provides advice on how to engage with local communities through the planning process.
PAN 2/2011 Planning and Archaeology ³⁰	The PAN is intended to inform local authorities and other organisations of how to process any archaeological scope of works within the planning process.
Online Planning Advice on Flood Risk (2015) ³¹	Provides advice on the role of the planning system and the assessment and management of flood risk.
Online Renewables Planning Advice - On Shore Wind Turbines (updated 2014) ³²	This Specific Advice Sheet provides an overview of the use of the carbon calculator in estimating the carbon savings resulting from wind farm developments. NB: Please note that this Specific Advice Sheet pre-dates the NPF4, so areas covered therein in relation to 'spatial framework', 'spatial planning' and 'areas of search' are no longer relevant.

²⁴ Scottish Government (2001) *PAN 61: Planning and Sustainable Urban Drainage* [Online] Available at: <https://www2.gov.scot/Publications/2001/07/pan61> (Accessed 30/03/2023)

²⁵ Scottish Government (2003) *PAN 68: Design Statement* [Online] Available at: <https://www.gov.scot/publications/planning-advice-note-68-design-statements/> (Accessed 30/03/2023)

²⁶ Scottish Government (2005) *PAN 73: Rural Diversification* [Online]. Available at: <https://www.gov.scot/publications/rural-diversification-planning-advice/> (Accessed 30/03/2023)

²⁷ The Scottish Government (2005). *Transport Assessment and Implementation: A Guide* [Online]. Available at: http://www.renfrewshire.gov.uk/media/1920/Transport-Assessment-and-Implementation-A-Guide/pdf/transport_assessment.pdf?m=1459521044997 (Accessed 30/03/2023)

²⁸ Scottish Government (2005) *PAN 75: Planning for Transport* [Online] Available at: <https://www.gov.scot/publications/planning-advice-note-pan-75-planning-transport/> (Accessed 30/03/2023))

²⁹ Scottish Government (2010) *PAN 3/2010: Community Engagement* [Online] Available at: <https://www.gov.scot/publications/planning-advice-note-3-2010-community-engagement/> (Accessed 30/03/2023)

³⁰ Scottish Government (2011) *PAN 2/2011: Planning and Archaeology* [Online] Available at: <https://www.gov.scot/publications/pan-2-2011-planning-archaeology/> (Accessed 30/03/2023)

³¹ Scottish Government (2015) *Flood Risk: Planning Advice* [Online] Available at: <https://www.gov.scot/publications/flood-risk-planning-advice/> (Accessed 30/03/2023)

³² Scottish Government (2014) *Onshore Wind Turbines: Planning Advice* [Online] Available at: <https://www.gov.scot/publications/onshore-wind-turbines-planning-advice/> (Accessed 30/03/2023)

4.6 Local Development Plan and Related Guidance

This Section reviews the key local planning policies, outlined within Argyll and Bute Council Development Plan, that are applicable to the Site and the Development.

4.6.1 The Local Development Plan

In the case of S36 Applications, the LDP does not have primacy in the decision-making process as the adoption of NPF4, resulted in the framework becoming part of the statutory development plan under the provision of Section 24 of the Town and Country Planning (Scotland) Act 1997, giving it increased status and NPF4 now has a stronger role in the planning decision process.

Nonetheless, it forms a basis of the statutory consultation response by the host LPA – Argyll and Bute Council. The LDP also forms a material consideration. Therefore, regard has been given to the relevant policies contained within the LDP. Argyll and Bute Council is the local planning authority; therefore, the Local Development Plan framework comprises of the following:

- The Argyll and Bute Local Development Plan ('the ABLDP'), Written Statement and Proposals Mapping, adopted 2015; and
- Argyll and Bute Council Supplementary Planning Guidance ('SPG') adopted 2016;
- Argyll and Bute Council SPG 2, adopted 2016.

The Council's Renewable Energy Action Plan of 2010³³ set out the vision that: "Argyll and Bute will be at the heart of renewable energy development in Scotland by taking full advantage of its unique and significant mix of indigenous renewable resources and maximising the opportunities for sustainable economic growth for the benefit of its communities and Scotland.". The ABLDP and the accompanying SPG have sustainability and protection of the environment as key policy influences, whilst also encouraging renewable energy development in appropriate locations.

Argyll and Bute Local Development Plan, 2015 (ABLP)

4.6.1.1 Overview

The ABLDP was adopted by the Council on 26th March 2015 and provides a comprehensive spatial framework and settlement strategy for how the Council wants to see Argyll and Bute develop to 2024 and beyond, excluding the area of Argyll and Bute covered by the Loch Lomond and Trossachs National Park (LLTNP) which has its own development plan. The ABLDP reflects the general requirements and principles of the NPF4, with overarching goals for combating climate change and transferring to a low carbon economy.

The ABLDP was set to be replaced in 2020 by the ABLDP 2³⁴. The ABLDP2 was submitted for examination on 25 January 2022 with the examiners report being published to the Scottish Government Planning and Environmental Appeals Division website on the 13th June 2023.

Following the report of examination, Argyll and Bute Council will be required to modify ABLDP2 in line with the recommendations made out in the reports examination and the now adopted NPF4.

Until such time, the current plan for the area remains the ABLDP, the Development has been assessed against the policies contained within it as is the case for all development within the Argyll and Bute area, until such a time as the ABLDP is formally superseded.

Consideration has been given to the relevant policies contained within the ABLDP during the design of the Development. Assessment of the Development against the relevant ABLDP policies and supplementary guidance is set out in Section 7 of the accompanying Planning Statement. Where the Proposed Development may be considered to conflict with any policies noted within

³³ Argyll and Bute Council (2010) The Renewable Energy Action Plan [Online] Available at: <https://www.argyll-bute.gov.uk/planning-and-environment/renewable-energy-action-plan> (Accessed 30/03/2023)

³⁴ Argyll and Bute Council (2022) Local Development Plan 2 [Online] Available at: <https://www.argyll-bute.gov.uk/ldp2> (Accessed 30/03/2023)

the Local Development Plan or any Supplementary Guidance, the Development should then be considered against the policies outlined in NPF4 which holds primacy over Local Development Plans.

4.6.1.2 ABLDP – Written Statement

The following policies have been considered of particular relevance to the Development. Some of these policies have been summarised, or where directly quoted are shown in italics. For full policy wording please refer to ABLDP – Written Statement. Policies are listed in the order they appear within the Written Statement.

4.6.1.3 Policy LDP STRAT 1 – Sustainable Development

Policy STRAT 1 aims to ensure that all development proposals demonstrate that sustainable development principles have been taken into account, which will be used by the planning authority in deciding whether or not to grant planning permission. These principles include maximising the opportunity for local community benefit; conserving and enhancing the natural built environment; respecting the landscape character of the area and the setting and character of settlements; and avoid having significant adverse effects on land, air and water environment.

4.6.1.4 Policy LDP DM1 – Development within the Development Management Zone

Policy LDP DM1 states that the Council will encourage development within very sensitive Countryside only for certain categories of development, including developments relating to renewable energy.

4.6.1.5 Policy LDP 3 – Supporting the Protection, Conservation and Enhancement of our Environment

Policy LDP 3 states that the Council will assess applications for planning permission with the aim of protecting, conserving, and where possible enhancing the built, human and natural environment.

4.6.1.6 Policy LDP 5 – Supporting the Sustainable Growth of our Economy

Policy LDP 5 states that the Council will support the development of new industry and business which helps to deliver sustainable economic growth throughout the Argyll and Bute area, including taking full account of the economic benefits of any proposed development. Policy LDP 5 states that the Council will give particular priority to new business and industry development in our business allocations, established business and industry areas and economically fragile areas.

4.6.1.7 Policy LDP 6 – Supporting the Sustainable Growth of Renewables

Policy LDP 6 states that 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 significant adverse effects, whether individual or cumulative, including on local communities, natural and historic environments, landscape character and visual amenity, and that the proposals would be compatible with adjacent land uses.

All applications for wind turbine developments will be assessed against the following criteria:

- Net economic impact, including local and community socio-economic benefits such as employment, associated business and supply chain opportunities;
- The scale of contribution to renewable energy generation targets; Effect on greenhouse gas emissions;
- Cumulative impacts arising from all the considerations below;
- Impacts on communities and individual dwellings, including visual impact, residential amenity, noise and shadow flicker;
- Landscape and visual impacts, including effects on wild land;
- Effects on the natural heritage, including birds;
- Impacts on carbon rich soils, 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;
- The need for conditions relating to the decommissioning of developments, including ancillary infrastructure, and site restoration;
- Opportunities for energy storage; and
- The need for a robust planning obligation to ensure that operators achieve site restoration.

4.6.1.8 Policy LDP 10 – Maximising our Resources and Reducing Our Consumption

Policy LDP 10 states that the Council will support all development proposals that seek to maximise resources and reduce consumption where these accord with the conditions set out in the ABLDP.

4.6.1.9 Policy LDP 11 – Improving our Connectivity and Infrastructure

Policy LDP 11 states that the Council will support all development proposals that seek to maintain and improve internal and external connectivity and make best use of existing infrastructure by ensuring that rights of way and public access are safeguarded, standards for drainage are applied, and that an appropriate standard of access is delivered to serve the development.

4.6.2 Supplementary Planning Guidance (2016)

In addition to the statutory development plan policies listed above, the following SPG documents are designed to inform and support the deployment of the ABLDP policies and provide additional, more detailed information to support individual policy content contained within the main Written Statement:

- ABLDP: Supplementary Guidance (2016)³⁵; and
- ABLDP: Supplementary Guidance 2 (2016)³⁶.

Rather than develop single SPG documents addressing individual topics, the Council has created two SPG documents, which are split into different chapters by policy topic. SPG policies considered of direct relevance to the Development are listed below under their respective headings. A brief description of the policy aim is provided, for full wording please refer to the SPG documents.

4.6.2.1 Natural Environment

SG LDP ENV 1 Development Impact on Habitats, Species and our Biodiversity: This policy provides additional detail to Policy LDP 3 supporting the Protection, Conservation and Enhancement of our Environment of the ABLDP. As noted within the policy explanation itself “*the aim of this SG is to give stronger protection, and where appropriate seek enhancement, to habitats and species, even when they are not associated with specifically designated nature conservation sites*”;

SG LDP ENV 4 Development Impact on Sites of Special Scientific Interest (SSSIs) and National Nature Reserves: This policy provides additional detail to Policy LDP 3 supporting the Protection Conservation and Enhancement of our Environment of the ABLDP. As noted within the policy

³⁵ Argyll and Bute Council (2016) Supplementary Guidance [Online] Available at: <https://www.argyll-bute.gov.uk/planning-and-environment/local-development-plan> (Accessed 05/04/2023)

³⁶ Argyll and Bute Council (2016) Supplementary Guidance 2 [Online] Available at: <https://www.argyll-bute.gov.uk/planning-and-environment/local-development-plan> (Accessed 05/04/2023)

wording "Argyll and Bute is an exceptionally important area for nature with international and national sites being designated. Protection is afforded at a national level through Site of Special Scientific Interest (SSSI) designations. Overlaying these designations, however, is protection now offered to some of these sites that are considered to be of European significance. These are known as Special Areas of Conservation (SAC) under the Habitats Directive and Special Protection Areas (SPA) under the Birds Directive. Collectively these are known as Natura 2000 sites."

SG LDP ENV 6 Development Impact on Trees / Woodland: This policy provides additional detail to Policy LDP 3 supporting the Protection Conservation and Enhancement of our Environment of the ABLDP. As noted within the policy wording, the Council will ensure "through the development management process that adequate provision is made for the preservation of and where appropriate the planting of new woodland/trees, including compensatory planting and management agreements.";

SG LDP ENV 7 Water Quality and the Environment: This policy provides additional detail to Policy LDP 3 supporting the Protection Conservation and Enhancement of our Environment of the ABLDP. As noted within the policy wording "the water environment including surface waters, waterbodies, groundwater, coastal and estuarine waters is sensitive to development" and the Council therefore are required to assess the potential impacts of new development upon the water environment;

SG LDP ENV 9 Development Impact on Areas of Wild Land: This policy provides additional detail to Policy LDP 3 supporting the Protection Conservation and Enhancement of our Environment of the ABLDP. As noted within the policy wording, the Council will "resist development proposals where it is determined that the proposal would significantly diminish the wild character of a Wild Land Area, as identified on the 2014 SNH map of wild land areas, unless it is clearly demonstrated that these adverse effects can be substantially overcome by siting, design or other mitigation."

SG LDP ENV 10 Geodiversity: This policy provides additional detail to Policy LDP 3 supporting the Protection Conservation and Enhancement of our Environment of the ABLDP. As noted within the policy wording "Geological diversity is an important natural factor underpinning biological, cultural and landscape diversity and therefore an important parameter to be considered in the assessment, protection, conservation, management and use of natural areas of Argyll and Bute";

SG LDP ENV 11 Protection of Soil and Peat Resources: This policy provides additional detail to Policy LDP 3 supporting the Protection Conservation and Enhancement of our Environment of the ABLDP. As noted within the policy wording "Argyll and Bute Council will only support development where appropriate measures are taken to maintain soil resources and functions to an extent that is considered relevant and proportionate to the scale of the development".

4.6.2.2 Landscape and Design

SG LDP ENV 12 – Development Impact on National Scenic Areas (NSAs): This policy provides additional detail to Policy LDP 3 supporting the Protection Conservation and Enhancement of our Environment of the ABLDP. As noted within the policy wording "Argyll and Bute Council will resist any development in, or affecting, National Scenic Areas that would have an adverse effect on the integrity of the area, or that would undermine the Special Qualities* of the area unless it is adequately demonstrated that any significant adverse effects on the landscape quality for which the area has been designated are clearly outweighed by social, environmental or economic benefits of national importance";

SG LDP ENV 13 – Development Impact on Areas of Panoramic Quality (APQs): This policy provides additional detail to Policy LDP 3 supporting the Protection Conservation and Enhancement of our Environment of the ABLDP. As noted within the policy wording, the aim of the policy is to "provide locally important landscapes in Argyll and Bute, with adequate protection against damaging development that would diminish their very high scenic value.";

SG LDP ENV 14 Landscape: This policy provides additional detail to Policy LDP 3 supporting the Protection Conservation and Enhancement of our Environment of the ABLDP. As noted within the

policy wording *"outwith National Scenic Areas and Areas of Panoramic Quality, Argyll and Bute Council will consider landscape impact when assessing development proposals"*. Development proposals will only be acceptable if their social, economic and environmental benefits are clear and that appropriate mitigation is provided, if required;

4.6.2.3 Historic Environment and Archaeology

SG LDP ENV 15 Development Impact on Historic Gardens and Designed Landscapes: This policy provides additional detail to Policy LDP 3 supporting the Protection Conservation and Enhancement of our Environment, of the ABLDP. As noted within the policy wording "Argyll and Bute enjoys a wealth of historic gardens and designed landscapes. They are an important part of the area's history, character and scenery and add greatly to the enjoyment of the countryside and settlements" and it is therefore important to protect these assets;

SG LDP ENV 16(a) Development Impact on Listed Buildings: This policy provides additional detail to Policy LDP 3 supporting the Protection Conservation and Enhancement of our Environment, of the ABLDP. As noted within the policy wording "The aim of this policy is to preserve Listed Buildings, or their setting, or any features of special architectural or historic interest which they possess in accordance with current guidance and legislation" and therefore, development proposals should assess the potential impact of the development upon such assets;

SG LDP ENV 19 Development Impact on Scheduled Ancient Monuments: This policy provides additional detail to Policy LDP 3 supporting the Protection Conservation and Enhancement of our Environment, of the ABLDP. As noted within the policy wording "There will be a presumption in favour of retaining, protecting and preserving Scheduled Monuments and the integrity of their settings" and therefore, it is important for development proposals to consider the potential impact upon such assets;

SG LDP ENV 20 Development Impact on Sites of Archaeological Importance: This policy provides additional detail to Policy LDP 3 supporting the Protection Conservation and Enhancement of our Environment of the ABLDP. As noted within the policy wording "Argyll and Bute contain a wide variety of archaeological features ranging from prehistoric features such as ancient forts and duns, early Christian chapels, mediaeval castles and recent industrial archaeology. Some such as the Kilmartin Glen may be of potential World Heritage site status, while others are of national or more local importance." It is therefore important for development proposals to consider the impact of the proposal upon such assets;

4.6.2.4 Resources and Consumption

SG LDP SERV 6 Private Water Supplies and Waste Conservation: This policy provides additional detail to Policy LDP 10 - Maximising our Resources and Reducing our Consumption of the ABLD. The policy wording states that *"Care must also be taken that new development will not have an adverse impact on existing private water supplies and water quality (see SG LDP ENV 7). This approach will reinforce the delivery and maintenance of effective and high standards of water supply services"*;

4.6.2.5 Addressing Climate Change

SG LDP SERV 7 Flooding and Land Erosion – The Risk Framework for Development: This policy provides additional detail to Policy LDP 10 - Maximising our Resources and Reducing our Consumption of the ABLDP. As noted within the policy wording *"Flood Risk Assessments, Drainage Impact Assessments*, or land Erosion Risk Appraisals shall accompany development applications when required by the Planning Authority, or in consultation with the Scottish Environment Protection Agency (SEPA)"*. Overall, development proposals should consider the potential impact of the development upon the water environment and surrounding land.

4.6.2.6 Transport (Including Core Paths)

SG LDP TRAN 1 – Access to the Outdoors: This policy provides additional detail to Policy LDP 11 – Improving our Connectivity and Infrastructure of the ABLDP. As noted within the policy wording

“Statutory access rights under the Land Reform (Scotland) Act 2003 apply to most land and inland water in Scotland, underpinning opportunities for outdoor recreation” and therefore, planning authorities are required to consider access requirements when determining planning applications;

SG LDP TRAN 4 New and Existing, Public Roads and Private Access Regimes: This policy provides additional detail to Policy LDP 11 – Improving our Connectivity and Infrastructure of the ABLDP. As noted within the policy wording “acceptance of development utilising new and existing public roads, private roads and private access regimes is subject to road safety and street design issues being addressed” amongst other points.

4.6.3 Supplementary Guidance 2 (2016)

4.6.3.1 Renewable Energy

As noted within the introduction, “this Supplementary Guidance provides further detail on the factors which the Council will take into consideration when determining applications for renewable energy related development. It is intended to support Policy LDP 6 – Supporting the Sustainable Growth of Renewables of the Argyll and Bute Local Development Plan”. As a result, this section of Supplementary Guidance 2 can be considered specifically relevant to the Development.

The Renewable Energy Supplementary Guidance 2 provides a spatial framework for wind energy development within Argyll and Bute, in line with ABLDP Policy LDP 6.

4.7 Summary

This Chapter has identified the relevant energy, and national and local planning policy framework relevant to the Development.

The policies and plans listed above reflect the current direction of the UK and Scottish Governments, and Argyll and Bute Council, policy relating to onshore wind farm development and energy storage. These policies and plans indicate continuous support for onshore wind and sustainable growth of the industry.

A separate Planning Statement, and Design and Access Statement, which does not form part of this EIA Report, discuss and assess the Development in greater detail and provides a conclusion on the acceptability of the Development.