Planning Policy

Introduction

4.1 This chapter outlines the main policies that are relevant to the proposed scheme.

4.2 Section 25 and 37(2) of the Town & Country Planning (Scotland) Act 1997 (as amended) require that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise.

4.3 A principal material consideration is Scottish Planning Policy (SPP). The HwLDP was adopted in 2012, and in terms of Scottish Planning Policy is considered to be out of date. The presumption in favour of sustainable development set out in the SPP is therefore engaged which means that any planning harm identified as arising has to *'significantly and demonstrably'* outweigh the scheme benefits of what is an inherently sustainable form of development, namely the generation of renewable energy.

4.4 The most relevant policies in the Development Plan are reported in this chapter, together with a reference to where the assessment information relating to the policies can be found in the EIA Report. To maintain the objectivity of the EIA, this chapter does not present an analysis of whether the proposed scheme complies with the Development Plan policies. This assessment has been undertaken in a separate planning statement which accompanies the application. The accompanying Planning Statement weighs the material benefits of the proposed scheme against its environmental effects in the context of the relevant planning policy framework, and reaches conclusions on the acceptability of the proposed development.

4.5 This chapter focuses on the dominant or primary policies that are most relevant to the proposed scheme, for example, the key policies on renewable energy and landscape and visual effects. Other topic-based policies in the plans are dealt with either in the planning statement and where appropriate in the baseline sections of the specialist EIA Report chapters.

4.6 This chapter also provides information on the other material policy considerations, including national policy and planning advice, relevant to the proposed scheme.

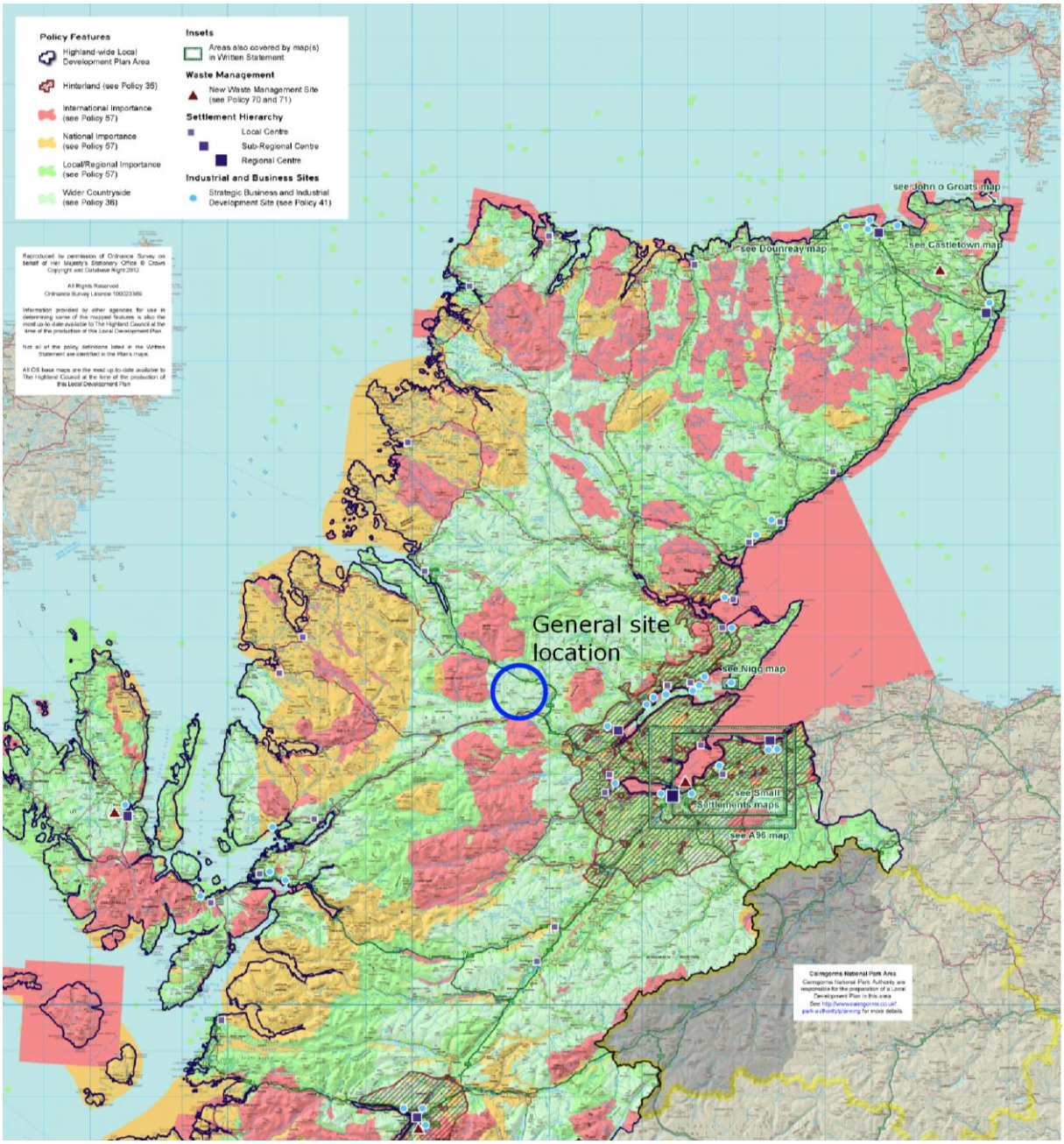
Development Plan Policies

4.7 The Development Plan comprises the Highland-wide Local Development Plan 2012 (HwLDP) and the Ross and Cromarty East Local Plan (as continuing in force, July 2015), together with Supplementary Guidance including the Onshore Wind Energy Supplementary Guidance (2016).

Highland-wide Local Development Plan 2012

4.8 The adopted Local Development Plan proposals map is reproduced at **Figure 4.1** below.

Figure 4.0: Local Development Plan proposals map with site location highlighted



4.9 The key HwLDP policy relevant to wind energy developments is Policy 67. This policy states:

Policy 67 Renewable Energy Developments

Renewable energy development proposals should be well related to the source of the primary renewable resources that are needed for their operation. The Council will also consider:

- *the contribution of the proposed development towards meeting renewable energy generation targets; and*
- *any positive or negative effects it is likely to have on the local and national economy;*

and will assess proposals against other policies of the development plan, the Highland Renewable Energy Strategy and Planning Guidelines and have regard to any other material considerations, including proposals able to demonstrate significant benefits including by making effective use of existing and proposed infrastructure or facilities.

Subject to balancing with these considerations and taking into account any mitigation measures to be included, the Council will support proposals where it is satisfied that they are located, sited and designed such that they will not be significantly detrimental overall, either individually or cumulatively with other developments (see Glossary), having regard in particular to any significant effects on the following:

- *natural, built and cultural heritage features;*
- *species and habitats;*
- *visual impact and impact on the landscape character of the surrounding area (the design and location of the proposal should reflect the scale and character of the landscape and seek to minimise landscape and visual impact, subject to any other considerations);*
- *amenity at sensitive locations, including residential properties, work places and recognised visitor sites (in or outwith a settlement boundary);*
- *the safety and amenity of any regularly occupied buildings and the grounds that they occupy- having regard to visual intrusion or the likely effect of noise generation and, in the case of wind energy proposals, ice throw in winter conditions, shadow flicker or shadow throw;*
- *ground water, surface water (including water supply), aquatic ecosystems and fisheries;*
- *the safe use of airport, defence or emergency service operations, including flight activity, navigation and surveillance systems and associated infrastructure, or on aircraft flight paths or MoD low-flying areas;*
- *other communications installations or the quality of radio or TV reception;*
- *the amenity of users of any Core Path or other established public access for walking, cycling or horse riding;*

- *tourism and recreation interests;*
- *land and water based traffic and transport interests.*

Proposals for the extension of existing renewable energy facilities will be assessed against the same criteria and material considerations as apply to proposals for new facilities.

In all cases, if consent is granted, the Council will approve appropriate conditions (along with a legal agreement/obligation under section 75 of the Town and Country Planning (Scotland) Act 1997, as amended, where necessary), relating to the removal of the development and associated equipment and to the restoration of the site, whenever the consent expires, other than in circumstances where fresh consent has been secured to extend the life of the project, or the project ceases to operate for a specific period.

The Onshore Wind Energy Supplementary Guidance will replace parts of the Highland Renewable Energy Strategy. It will identify: areas to be afforded protection from windfarms; other areas with constraints; and broad areas of search for windfarms. It will set out criteria for the consideration of proposals. It will ensure that developers are aware of the key constraints to such development and encourage them to take those constraints into account at the outset of the preparation of proposals. It will seek to steer proposals, especially those for larger windfarms, away from the most constrained areas and ideally towards the least constrained areas and areas of particular opportunity. It will also set out criteria which will apply to the consideration of proposals irrespective of size and where they are located, enabling proposals to be considered on their merits. It will seek submission as part of the planning application of key information required for the assessment of proposals and provide certainty for all concerned about how applications will be considered by the Council.

4.10 It should be noted that following the adoption of the HwLDP in 2012 the Onshore Wind Energy Supplementary Guidance was adopted in November 2016, with an addendum in December 2017. This replaced the Highland Renewable Energy Strategy and Planning Guidelines referred to in Policy 67.

4.11 In addition to the polices outlined above, the following polices are relevant and have been taken into consideration as appropriate within this EIA Report.

Policy 55 Peat and Soils

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

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

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

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

Policy 57 Natural, Built and Cultural Heritage

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

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

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

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

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

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

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

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

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

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

4.12 Paragraph 215 of SPP supersedes Appendix 2 of the HwLDP given that the LDP is out of date. This paragraph states that 'In areas of wild land, development may be appropriate in some circumstances. Further consideration will be required to demonstrate that any significant effects on the qualities of these areas can be substantially overcome by siting, design or other mitigation.' The Proposed Development site is not within an area of Wild Land.

Policy 58 Protected Species

Where there is good reason to believe that a protected species may be present on site or may be affected by a proposed development, we will require a survey to be carried out to establish any such presence and if necessary a mitigation plan to avoid or minimise any impacts on the species, before determining the application.

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

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

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

- *There is no other satisfactory solution; and*
- *The development is required in the interests of public health or public safety.*

This will include but is not limited to avoiding adverse effects, individually and/or cumulatively, on the populations of the following priority protected bird species:

- *Species listed in Annex 1 of the EC Birds Directive;*
- *Regularly occurring migratory species listed in Annex II of the Birds Directive;*
- *Species listed in Schedule 1 of the Wildlife and Countryside Act 1981 as amended;*
- *Birds of conservation concern.*

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

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

Policy 61 Landscape

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

Note: The principles and justification underpinning the Council's approach to sustainable developments are contained in the supplementary guidance: 'Sustainable Design'. The key principles underlying this guidance are set out in Policy 28: Sustainable Design.

4.13 The provisions of Policy 61 should fit with the provisions of Policy 67 which provides more specific context for wind energy developments.

Policy 63 – Water Environment

The Council will support proposals for development that do not compromise the objectives of the Water Framework Directive (2000/60/EC), aimed at the protection and improvement of Scotland's water environment. In assessing proposals, the Council will take into account the River Basin Management Plan for the Scotland River Basin District and associated Area Management Plans and supporting information on opportunities for improvements and constraints. (see Figure 8).

Policy 66 – Surface Water Drainage

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

Policy 72 Pollution

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

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

Major Developments and developments that are subject of Environmental Impact Assessment will be expected to follow a robust project environmental management process, following the approach set out in the Council's Guidance

Note 'Construction Environmental Management Process for Large Scale Projects' or a similar approach.

Ross and Cromarty East Local Plan, 2007

4.14 Several sections of the plan and policies remain in force until replaced by a new Local Development Plan. Primarily these relate to settlement areas and their immediate surroundings. There are no extant relevant policies in relation to the proposed development site or renewable energy generation in general. Consequently, it is considered that the proposed development would not conflict with the remaining policies of this Local Plan.

Supplementary Planning Guidance

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

4.15 The adopted Supplementary Guidance (SG) documents for Onshore Wind Energy combines the 2016 guidance with a more recent 'Part 2b' addendum adopted in December 2017 (a landscape sensitivity appraisal for the 'Black Isle, Surrounding Hills and Moray Firth Coast area' and for the 'Caithness area'). The Proposed Development site is not located within one of the areas covered in the December 2017 addendum, and thus the contents of that part of the SG are not relevant.

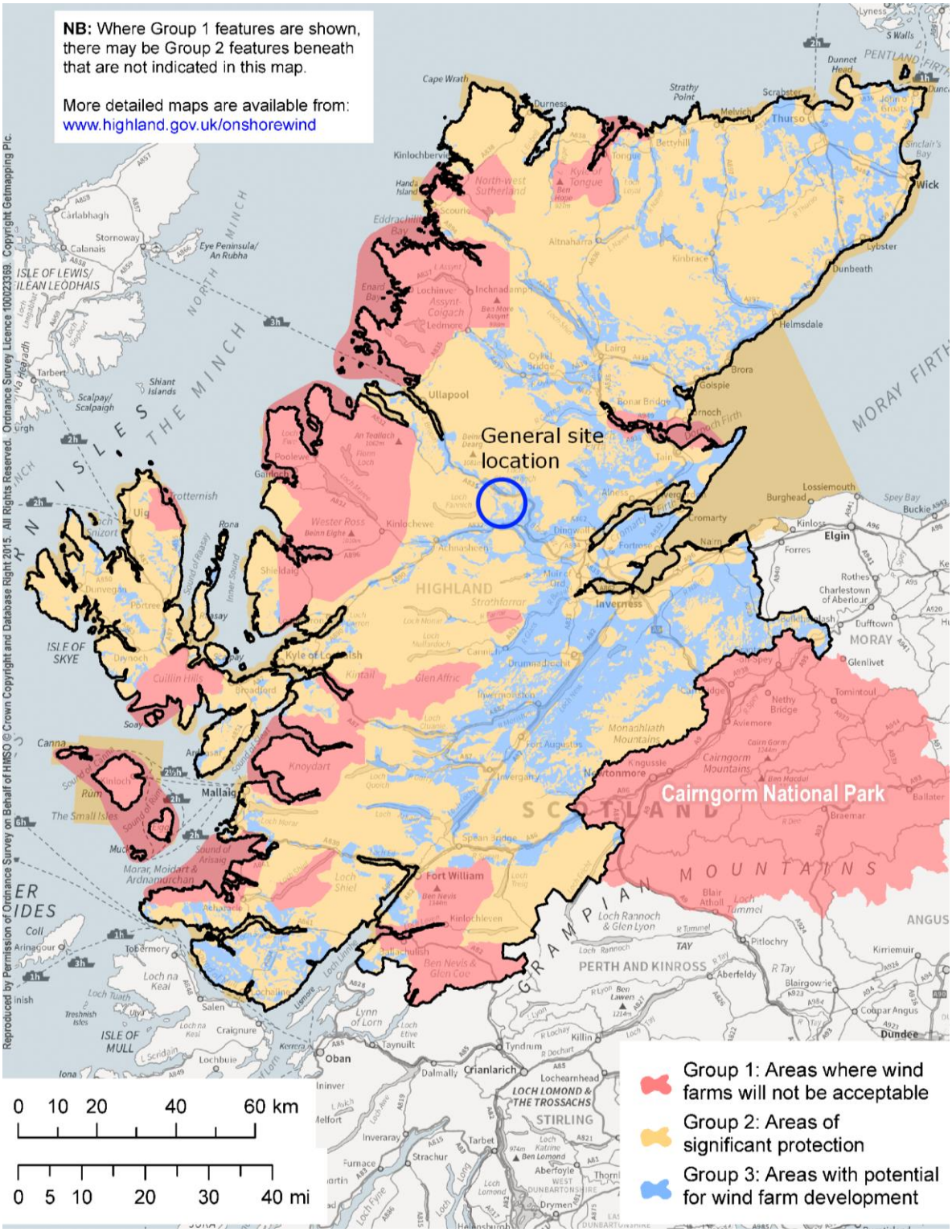
4.16 The guidance sets out how Highland Council will manage onshore wind energy development proposals, and where relevant it *'sets out key features, aspects or issues related to the topics contained in the Guidance.'* The SG applies to individual turbines with a height of 50m to blade tip and above, and to more than one turbine with a height of 30m to blade tip or above.

4.17 In accordance with Scottish Planning Policy (see the following section), the SG provides a spatial framework for wind energy developments comprising three groups. These are:

- Group 1: Areas where windfarms will not be acceptable;
- Group 2: Areas of significant protection;
- Group 3: Areas with potential for wind farm development.

4.18 As illustrated in **Figure 4.2**, the proposed development site comprises a combination of Group 2 and Group 3 land. The more sensitive Group 2 land is identified as such primarily due to the peat resource in this location. An assessment of the potential effects that the proposed development would have on peat is included in Chapter 13, including the technical appendices as appropriate.

Figure 4.1: Spatial Framework for Onshore Wind Energy, August 2016, map extract with site location highlighted



4.19 In terms of wind farm design and landscape and visual effects, the SG sets out ten criteria against which proposals will be assessed. The SG notes at paragraph 4.17 that *'The criteria do not set absolute requirements but seek to ensure that developers are aware of key constraints to development.'* The criteria are as follows:

- Relationship between key settlements/key locations and wider landscape respected.
- Key Gateway locations and routes are respected.
- Valued natural and cultural landmarks are respected.
- The amenity of key recreational routes and ways is respected.
- The amenity of transport routes is respected.
- The existing pattern of Wind Energy Development is respected.
- The need for separation between developments and/ or clusters is respected.
- The perception of landscape scale and distance is respected.
- Landscape setting of nearby wind energy developments is respected.
- Distinctiveness of Landscape character is respected.

Other Material Considerations

Scottish Planning Policy

4.20 The latest version of Scottish Planning Policy (SPP) was published in June 2014. The purpose and status of the national policy is set out in the preface of the document. Paragraph (iii) of the preface states that '*the content of SPP is a material consideration that carries significant weight, although it is for the decision maker to determine the appropriate weight to be afforded to it in each case*.'

4.21 The SPP sets out a new sustainable development 'Policy Principle' at paragraph 27, which states: 'This SPP introduces a presumption in favour of development that contributes to sustainable development.'

4.22 Paragraph 28 goes on to state that 'The planning system should support economically, environmentally and socially sustainable places by enabling development that balances the costs and benefits of a proposal over the longer term. The aim is to achieve the right development in the right place; it is not to allow development at any cost.'

4.23 The SPP confirms the importance of having an up to date development plan and also states that a review of development plans must be undertaken every 5 years. The Highland Wide Local Development Plan (2012) predates the SPP whilst THC Onshore Wind Guidance (2016) postdates the SPP.

4.24 In such circumstances, SPP paragraph 33 confirms:

'Where relevant policies in a development plan are out-of-date or the plan does not contain policies relevant to the proposal, then the presumption in favour of development that contributes to sustainable development will be a significant material consideration. Decision-makers should also take into account any adverse impacts which would significantly and demonstrably outweigh the benefits when assessed against the wider policies in this SPP. The same principle should be applied where a development plan is more than five years old'.

4.25 The SPP presumption in favour of sustainable development is therefore engaged in this case and the 'test' set out in paragraph 33 of SPP applies: namely, any *'adverse impacts which would significantly and demonstrably outweigh the benefits when assessed against the wider policies in this SPP'*. It should be noted that the SPP test is not a simple planning balance – any planning harm has to *'significantly and demonstrably'* outweigh scheme benefits.

4.26 Paragraph 152 clarifies that planning must facilitate the transition to a low carbon economy and help to deliver the aims of the Emissions Reduction Targets 2013-2027.

4.27 Paragraph 154 states that the planning system should 'support the transformational change to a low carbon economy, consistent with national objectives and targets, including deriving:

- 30% of overall energy demand from renewable sources by 2020;
- 11% of heat demand from renewable sources by 2020; and
- the equivalent of 100% of electricity demand from renewable sources by 2020'.

4.28 Paragraph 154 goes on to state that the planning system 'should support the development of a diverse range of electricity generation from renewable energy technologies – including the expansion of renewable energy generation capacity'.

4.29 In order to achieve this, paragraph 155 states that development plans 'should seek to ensure an area's full potential for electricity and heat from renewable sources is achieved, in line with national climate change targets, giving due regard to relevant environmental, community and cumulative impact considerations.'

4.30 Paragraph 161 states that: 'Planning authorities should set out in the development plan a spatial framework identifying those areas that are likely to be most appropriate for onshore wind farms as a guide for developers and communities, following the approach set out in **Table 4.1**.

Table 4.1: Spatial Frameworks

<table>
<tr><td colspan="3">Group 1: Areas where wind farms will not be acceptable:
National Parks and National Scenic Areas.</td></tr>
<tr><td colspan="3">Group 2: Areas of significant protection:
Recognising the need for significant protection, in these areas wind farms may be appropriate in some circumstances. Further consideration will be required to demonstrate that any significant effects on the qualities of these areas can be substantially overcome by siting, design or other mitigation.</td></tr>
<tr><td>National and international designations:

World Heritage Sites;
Natura 2000 and Ramsar sites;
Sites of Special Scientific Interest;
National Nature Reserves;
Sites identified in the Inventory of Gardens and Designed Landscapes;
Sites identified in the Inventory of Historic Battlefields.</td><td>Other nationally important mapped environmental interests:

Areas of wild land as shown on the 2014 SNH map of wild land areas;

Carbon rich soils, deep peat and priority peatland habitat.</td><td>Community separation for consideration of visual impact:

an area not exceeding 2km around cities, towns and villages identified on the local development plan with an identified settlement envelope or edge. The extent of the area will be determined by the planning authority based on landform and other features which restrict views out from the settlement.</td></tr>
<tr><td colspan="3">Group 3: Areas with potential for wind farm development
Beyond groups 1 and 2, wind farms are likely to be acceptable, subject to detailed consideration against identified policy criteria.’</td></tr>
</table>

4.31 The proposed scheme does not lie within or close to any Group 1 area. The proposed scheme does not lie within or near any of the national or international designations listed within the Group 2 part of the table, or any area of wild land.

4.32 According to the 2016 Scottish Natural Heritage peat mapping data, the large majority of the site does is within either a Class 1 or Class 2 carbon rich soil or priority peatland habitat area.

4.33 In terms of the community separation column of the Group 2 part of the table, there are no settlements identified within the Local Development Plan within 2km of any of the proposed wind turbines.

4.34 The site can therefore be categorised as lying within a Group 2 area as per **Table 4.1** of SPP set out above, where *‘wind farms may be appropriate in some circumstances’.*

4.35 In terms of development management, paragraph 169 of SPP states that: 'Proposals for energy infrastructure developments should always take account of spatial frameworks for wind farms and heat maps where these are relevant. Considerations will vary relative to the scale of the proposal and area characteristics but are likely to include:'

4.36 Nineteen criteria are then set out, which cover both the potential benefits as well as the potential adverse environmental effects of wind farm schemes. These criteria are listed below, together with a cross reference to where relevant information on each issue can be found in the EIA Report:

- net economic impact, including local and community Socio-Economic benefits such as employment, associated business and supply chain opportunities;
    - See Chapter Sixteen: Socio-Economic;
- the scale of contribution to Renewable Energy generation targets;
    - see Chapter One: Introduction;
- effect on greenhouse gas emissions;
    - see Chapter Five and **Appendix 5.A**;
- cumulative impacts – planning authorities should be clear about the likely cumulative impacts arising from all of the considerations below recognising that in some areas the cumulative impact of existing and consented energy development may limit the capacity for further development;
    - see the cumulative section of each Chapter;
- impacts on communities and individual dwellings, including Visual impact, Residential Amenity, Noise and Shadow Flicker;
    - see Chapter Nine: Landscape and Visual, and **Appendix 9.A**; Chapter Eight: Noise and Chapter Fifteen: Shadow Flicker and Safety;
- Landscape and Visual impacts, including effects on Wild Land;
    - see Chapter Nine: Landscape and Visual. The site does not lie within the vicinity of any wild land area;
- effects on the Natural Heritage, including Birds;
    - see Chapter Eleven: Ecology and Twelve: Ornithology;
- impacts on Carbon rich soils, using the Carbon Calculator;
    - see Chapter Thirteen: Hydrology and Hydrogeology and **Appendix 5.A**;
- public access, including impact on long distance walking and cycling routes and scenic routes identified in the NPF;

    - see Chapter Six: Socio-Economic and Section of Chapter Nine: Landscape and Visual;
- impacts on the Historic Environment, including scheduled monuments, listed buildings and their settings;
    - see Chapter Thirteen: Cultural Heritage;
- impacts on Tourism and Recreation;
    - see Chapter Six: Socio-Economics;
- impacts on Aviation and Defence interests;
    - see Chapter Fifteen: Infrastructure;
- impacts on Telecommunications and broadcasting installations, particularly ensuring that transmission links are not compromised;
    - see Chapter Fifteen: Infrastructure;
- impacts on Road Traffic;
    - see Chapter Seven: Traffic and Transport;
- impacts on adjacent trunk roads;
    - see Chapter Seven: Traffic and Transport;
- effects on Hydrology, the water environment and flood risk;
    - see Chapter Thirteen: Hydrology and Hydrogeology;
- the need for conditions relating to the decommissioning of developments, including ancillary infrastructure, and site restoration;
    - see chapter Three: Project Description;
- opportunities for battery/energy storage;
    - see chapter Three: Project Description;
- the need for a robust planning obligation to ensure that operators achieve site restoration.
    - See chapter Three: Project Description.

The National Planning Framework 3

4.37 National Planning Framework 3 (NPF3) was also published in June 2014. NPF3 is a long term strategy for Scotland and is the spatial expression of the Government's Economic Strategy and plans for development and investment in infrastructure

4.38 High level support for renewables is provided through the 'vision' for Scotland which is set out at paragraph 1.2 and aims to create the following:

- A successful, sustainable place – 'we have a growing low carbon economy which provides opportunities…;'
- A low carbon place - 'we have seized the opportunities arising from our ambition to be a world leader in low carbon generation, both onshore and offshore…;'

4.39 Paragraph 3.7 of the NPF3 states that onshore wind is '…recognised as an opportunity to improve the long term resilience of rural communities'.

4.40 Paragraph 3.8 states that the Scottish Government's aim is to meet at least 30% of overall energy demand from renewables by 2020. This includes generating the equivalent of at least 100% of gross electricity consumption from renewables, with an interim target of 50% by 2015

4.41 Paragraph 3.9 also states: 'Our Electricity Policy Statement sets out how our energy targets will be met. We are making good progress in diversifying Scotland's energy generation capacity, and lowering the carbon emissions associated with it, but more action is needed. Maintaining security of supplies and addressing fuel poverty remain key objectives.'

4.42 Paragraph 3.23 then goes onto state: 'Onshore wind will continue to make a significant contribution to diversification of energy supplies. We do not wish to see wind farm development in our National Parks and National Scenic Areas. Scottish Planning Policy sets out the required approach to spatial frameworks which will guide new wind energy development to appropriate locations, taking into account important features including wild land.'

The Chief Planner letter to all heads of planning (November 2015)

4.43 A letter was sent by the Scottish Government Planning and Architecture Division to all Heads of Planning entitled *'Energy Targets and Scottish Planning Policy'* on 11 November 2015.

4.44 The letter notes that despite some changes to UK policy, the Scottish Government's policy remains unchanged and that it 'supports new onshore renewable energy developments, including onshore wind farms and particularly community owned and shared ownership schemes.' Importantly, it adds that 'this policy support continues in the situation where renewable energy targets have been reached.'

4.45 In the letter, the Chief Planner re-emphasises that the Scottish Government's SPP (2014) and Electricity Generation Policy Statement (2013) set out the Scottish Government's current position on onshore wind farms. With regard to the 100% of gross electricity consumption from renewables target by 2020, it adds that the target is a statement of intent and that it is known that Scotland has the potential resource to deliver and exceed it. The letter adds that there is no cap on the support for renewable energy development, including onshore wind once the target has been reached.

Renewable energy and climate change policy

4.46 There are a number of renewable energy and climate change policy agreements, directives and documents which form part of the policy context

and other material considerations for the proposed wind farm scheme. The following section focuses on the more important and recent elements of this policy context.

COP21 UN Paris Agreement

4.47 The Paris Agreement (adopted in December 2015) sets out (at page 2) that the accord *'emphasises with serious concern'* the need to hold the increase in global average temperature to *'well below 2^{0}C' above pre-industrial levels and to pursue efforts to limit the temperature increase to 1.5^{0}C'*. In order to achieve this long term temperature target, the text states *'parties aim to reach global peaking of greenhouse gas emissions as soon as possible.'*

Climate Change (Scotland) Act 2009

4.48 The Climate Change (Scotland) Act 2009 set a target of reducing greenhouse gas emissions by at least 80% by 2050, with an interim target of reducing emissions by at least 42% by 2020. Section 44 of the 2009 Act places a duty on public bodies to act in the best way to contribute to the delivery of emissions targets as set out in the Act, and to help deliver the Scottish Government's climate change adaption programme.

EU Renewable Energy Directive 2009/28/EC

4.49 The EU Renewable Energy Directive on the promotion of the use of energy from renewable sources set ambitious targets for all member states. The Directive introduced the requirement for 20% of all energy used (electricity, heat, and transport) to come from renewable sources by 2020, split between the member states. *The national target for the UK set out in the Directive is for 15% of all energy use to come from renewable sources by 2020.*

4.50 The EU Renewables Tracking Roadmap issued in 2014 ranked the UK 26th out of the 28 member states on progress towards the 2020 renewable energy targets. The report stated that the UK only just achieved the interim target of 4% renewable energy for 2011/2012 and the UK was categorised as one of six countries expected not to achieve its 2020 target.

4.51 At the end of 2016, renewable energy accounted for 8.9 % of energy consumption in the UK[1]. The UK legally binding target of 15% of energy to come from renewables by 2020 therefore remains as an important challenge.

4.52 In announcing the decision to end the financial support for wind farms through the Renewables Obligation the DECC Energy Secretary emphasised that the UK was making good progress against the Renewable Energy Directive 2020 target. In June 2015, however, the EU issued a Renewable Energy Progress Report which indicated that there was a danger that the UK target would be missed because of difficulties in achieving the required contribution from heating and transport and delays in developing new nuclear and tidal power.

[1] https://www.gov.uk/government/statistics/renewable-sources-of-energy-chapter-6-digest-of-united-kingdom-energy-statistics-dukes#history Table 6.7 accessed 3rd April 2018

2020 Routemap for Renewable Energy in Scotland

4.53 In 2011 the Scottish Government issued a Routemap for Renewable Energy which included a *target of 30% of Scotland's energy to be provided by renewables by 2020.* Since 2011, the 2020 Routemap has been updated on several occasions with the most recent update in September 2015. The report provided statistics on the deployment of renewables and provides sectoral updates. Page 13 states that '*onshore wind has a pivotal role in delivering our 2020 renewables targets*'.

4.54 The Scottish Government's indicative figures[2] show that in 2015 approximately 17.8% of energy in Scotland was provided by renewables.

Electricity Generation Policy Statement 2013

4.55 In June 2013, the Scottish Government published an Electricity Generation Policy Statement. The Statement encapsulates a number of relevant targets and requirements, including:

- delivering the equivalent of at least 100% of gross electricity consumption from renewables by 2020;
- ensuring a largely decarbonised electricity system by 2030;
- enabling local and community ownership of over 500MW of renewable energy by 2020; and
- providing interconnection and transmission upgrades to support the projected growth of renewable energy.

4.56 The Policy statement discusses the way in which Scotland currently generates electricity and examines the changes which will be necessary to meet the Scottish Government's electricity generation target. Paragraph 107 states: '*Achieving the 100% target will require Scottish installed generation capacity to almost double over the 10 year period to 2020 – with wind (offshore and onshore) playing a critical role*'.

4.57 In 2016, renewable sources generated 54% of gross electricity consumption according to the Scottish Government's Energy Statistics for Scotland summary[3] issued in September 2017. Whilst progress has been made against the 100% target, there remains a sizeable percentage still to be achieved by 2020.

Renewable Energy Audit Scotland Report

4.58 In September 2013, Audit Scotland published a report entitled Renewable Energy. The Report highlighted at paragraph 41 that '*meeting the renewable electricity target by 2020 relies on the continued expansion of wind technology*'.

[2] http://www.gov.scot/Resource/0052/00525187.pdf accessed 3rd April 2018
[3] http://www.gov.scot/Resource/0052/00525187.pdf accessed 3rd April 2018

4.59 To meet the 2020 target, the Report stated that the Scottish Government estimates that renewable energy projects with a total installed capacity of up to 16GW are needed.

4.60 Data as at June 2017 show that Scotland had 9.5 GW of installed renewable electricity generation capacity, with an additional 11.7 GW of capacity either under construction or consented, the majority of which are wind projects. This does not mean that the 16GW target has already been met, however. The ending of the Renewables Obligation support, and absence of a new fiscal support mechanism, such as Contracts for Difference will make it difficult to secure the remaining 6.5 GW of installed capacity by the 2020 target date.

Energy in Scotland Report 2018

4.61 In June 2016, the Scottish Government issued the latest Energy in Scotland report. On page 57 of the report the following is stated:

'The Scottish Government recognises that there are a number of factors which mean that not all the projects consented will progress to commissioning, and the renewable electricity target remains challenging.'

4.62 At page 167 of the report it is highlighted that:

*'In 2016, the low carbon and renewable energy economy supported **49,000 jobs** in Scotland.'*

4.63 On the subsequent page of the report it is noted that

*'Indirect low carbon and renewable energy economy activity in Scotland in 2016 supported **25,000 jobs**.*

This accounted for 12.5% of the total UK employment in this sector (higher than population share). It also generated £11 billion in turnover, 14.2% of the total UK turnover in this sector (again higher than population share).'

Scottish Climate Change Plan, February 2018

4.64 The Third Report on Proposals and Policies 2018-2032 was published in February 2018. The plan is 'the Scottish Government's third report on proposals and policies for meeting its climate change targets. It sets out how Scotland can deliver its target of 66% emissions reductions, relative to the baseline, for the period 2018–2032.'

4.65 With regard to electricity the plan states that:

'In 2032, Scotland's electricity system will be largely decarbonised. The system will be powered by a high penetration of renewables, with security of supply and system resilience aided by a range of flexible and responsive technologies. Emissions are expected to fall by 28% (0.8MtCO2e) over the period covered by this Plan'.

Scottish Energy Strategy, December 2017

4.66 The Scottish Energy Strategy was adopted in December 2017. The Strategy confirms that 'Scotland's long term climate change targets will require the near complete decarbonisation of our energy system by 2050, with renewable energy meeting a significant share of our needs'. (Section 3, page 33)

4.67 In terms of onshore wind energy generation, page 44 states:

'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.

That means continuing to support development in the right places, and – increasingly – the extension and replacement of existing sites with new and larger turbines, all based on an appropriate, case by case assessment of their effects and impacts.

It means continuing to provide a route to market for that power – in ways which reduce and ultimately eliminate any additional costs for consumers.

And it means developers and communities working together and continuing to strike the right balance between environmental impacts, local support, benefit, and – where possible – economic benefits deriving from community ownership.

This can be done in a way which is compatible with Scotland's magnificent landscapes, including our areas of wild land. This means that the relevant planning and consenting processes will remain vitally important. A major review of the Scottish planning system is well under way and will continue as now to fully reflect the important role of renewable energy and energy infrastructure, in the right places'.

Onshore Wind Policy Statement, December 2017

4.68 The Onshore Wind Policy Statement accompanied the draft Energy Strategy and was adopted in December 2017.

4.69 Paragraph 2 states that 'The Scottish Government is determined to influence, enable and deliver a clean and integrated energy system, delivering reliable supplies at an affordable cost. Onshore wind, a mature and established technology, is now amongst the lowest cost forms of generating electricity, renewable or otherwise. We expect onshore wind to remain at the heart of a clean, reliable and low carbon energy future in Scotland.'

4.70 Paragraph 4 continues that 'This means that Scotland will continue to need more onshore wind development and capacity, in locations across our landscapes where it can be accommodated.'

4.71 Chapter 5 is concerned with ensuring protection for residents and the environment. Paragraphs 74 to 77 state:

'The Scottish Government believes that our ambitious renewable energy goals are very much in the interests of Scotland's citizens and environment. We also believe that developments can and must strike the right balance between utilising Scotland's significant renewable energy resources whilst protecting our finest scenic landscapes and natural heritage.

The Wind Farm Impacts Study Report, published in 2015, was the first of its kind in the world and presented the findings of a two-year study involving a wide-range of interest groups. Since its publication, the Scottish Government has taken a number of actions to address the recommendations contained in the report.

The Scottish Government continues to believe that the draft Peatland Policy Statement and the Carbon Calculator support and add value to wind farm design and to the consenting process. However, we will continue to monitor their design, effectiveness and value in the future, and welcome the role and contributions that our stakeholders can play in this process.

We understand too that wild land remains an important issue for many stakeholders. The Scottish Government, through its planning policy and frameworks, continues to deliver significant protection for wild land areas, while avoiding a blanket restriction. We believe that this remains the right approach, and are determined to maintain what we believe is a strong track record on balancing environmental protection with our ambitious renewable energy goals.'

Other Planning Advice

Planning Advice Notes

4.72 Planning Advice Notes supplement the national level Scottish Planning Policy and provide additional technical advice. PANs are material considerations for renewable energy projects as they help to define the methodology for the assessment process and they are referred to within the specialist chapters. The following PANs are identified as relevant to the proposed development:

- PAN 1/2013: Environmental Impact Assessment (August 2013);
- PAN 2/2011 Planning and Archaeology (July 2011);
- PAN 1/2011 Planning and Noise (March 2011);
- PAN 60 Planning for Natural Heritage (January 2008);
- PAN 3 Community Engagement (August 2010);
- PAN 79 Water and Drainage (September 2006) (under consolidation);
- PAN 61 Planning and Sustainable Urban Drainage Systems (July 2001) (under consolidation).

On-Line Policy Subject- Renewable Energy, May 2014

4.73 The Scottish Government introduced new online renewables advice in February 2011 which has been regularly updated since then. This Online Policy advice takes the form of web-based renewables advice notes and has replaced Planning Advice Note (PAN) 45: Renewable Technologies and PAN45: Annex 2: Spatial Frameworks and Supplementary Guidance for Wind Farms.

4.74 The most recent specific advice note regarding onshore wind turbines was published in May 2014.

4.75 The advice note identifies the typical planning considerations in determining onshore wind turbines including:

- Landscape Impact;
- Impacts on Wildlife and Habitat, Ecosystems and Biodiversity;
- Shadow Flicker, Noise, Ice Throw and Electro-Magnetic Interference;
- Aviation;
- Road Traffic Impacts;
- Cumulative Impacts; and
- Decommissioning

4.76 It is not considered appropriate to discuss each significant element of the On-line Policy Subject on Onshore Wind Turbines in this policy chapter. **Table 4.2** below identifies the key issues contained in the On-line Policy Subject on Onshore Wind Turbines, and the chapters of this ES that describe a response.

Table 4.2: Key considerations from the On-line Policy Subject on Onshore Wind Turbines

Typical Considerations in Determining Planning Applications for Onshore Wind Turbines	Response
Landscape Impact	Chapter Nine – Landscape and Visual
Landscape Assessment	Chapter Nine – Landscape and Visual
Impacts on Wildlife and Habitat, Ecosystems and Habitats	Chapter Eleven Ecology and Chapter Twelve Ornithology
Shadow flicker	Chapter Fourteen – Shadow Flicker and Safety
Noise	Chapter Eight – Noise
Electro-magnetic interference	Chapter Fifteen – Infrastructure
Safety aspects	Chapter Fourteen – Shadow Flicker and Safety
Separation Distances	Chapter Nine – Landscape and Visual
Aviation Matters	Chapter Fifteen – Infrastructure
Historic Environment Impacts	Chapter Ten – Cultural Heritage
Road Traffic Impacts	Chapter Seven – Transport and Access
Cumulative Impacts	Chapters Nine – Landscape and Visual
Good Practice During Construction	Chapter Three – Project Description
Decommissioning	Chapters Three – Project Description