

Lochluichart Wind Farm Extension II - Extension of Implementation timescale Planning Statement:

**Application under s.42 Town & Country Planning (Scotland) Act
1997 (as amended)**

October 2025



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1. Introduction

1.1 Introduction

- 1.1.1 This Planning Statement has been prepared by David Bell Planning Ltd on behalf of Bluebell Wind Farm Limited ("the Applicant") in support of an application made to The Highland Council ("THC") under Section 42 of the Town & Country Planning (Scotland) Act 1997 as amended ("the 1997 Act") in relation to the Lochluichart Extension II Wind Farm Redesign ("the Development"). The Development was approved under planning reference 21/02985/FUL granted by THC on 30th January 2023 (the "PP").
- 1.1.2 The extant planning permission is for a five-turbine development with a maximum tip height of 149.9 metre (m), and associated infrastructure. The application was supported by an Environmental Impact Assessment (EIA) originally submitted in June 2021 as an amendment to a previous consent (2020 – 19/01284/FUL) for a five-turbine development of up to 133 m.
- 1.1.3 The Applicant has submitted applications to discharge five conditions on the existing PP, a further 22 conditions await submission for discharge. In addition the Applicant submitted a Section 64 Non-Material Variation (NMV) request to THC in June 2023 related to elements exceeding the 50 m micro-siting allowance which was submitted in tandem with discharge of Condition 7. The NMVs comprised:
- > Realignment of the western access track spur, which connects the existing main access track to turbines T7, and T8;
- 1.1.4 Relocation of the turning head to the north of T8, required as a consequence of T8's relocation (which in itself remained within the 50 m micro-siting allowance, as outline in the tandem submission under Condition 7). The NMV was approved by THC in August 2023 and amends the approval of 21/02895/FUL. The condition discharges have not been determined at this time, and further discussion with THC on next steps to move these decisions forward would be welcomed.
- 1.1.5 For consistency across applications, the varied layout approved by the non-material variation to permission 21/02895/FUL is provided with this application.
- 1.1.6 The 2023 PP was approved with an operational lifespan of 40 years. This s42 application relates to Condition 27 of the PP, which sets a 'Time Limit for the Implementation of this Planning Permission', requiring that development must commence no later than three years from the date of the decision notice, after which the permission will lapse. The key date for commencement of development is therefore currently 'by the 30th January 2026'.
- 1.1.7 The Applicant is seeking to extend the implementation period by a further five years, with a targeted commencement of development by 30th January 2028.
- 1.1.8 No further changes to the approved PP are proposed.
- 1.1.9 A five-year extension is consistent with other s42 extensions within the Applicants portfolio (e.g. Sallachy WF), and with other s42 extensions within THC area, and ensures flexibility on grid delivery which forms a critical driving element on wind farm construction and which is currently subject to a level of flex and change as a result of NESO grid reform allocations. A five year time period for implementation is also standard practise for s37 / deemed planning permission for grid transmission applications and as such would ensure further alignment with the emerging consent for the grid connection for the wind farm project to Corriemoillie substation.
- 1.1.10 In summary, the need for the proposed time extension arises, directly as a result of the need to align with the section 37 consent for the 33 kV overhead line (OHL) connection to Corriemoillie Substation, which is being progressed by SSEN, mindful of potential further slippage and seeking to minimise the need for further variations.

Scope of Section 42 Application

- 1.1.11 An application under Section 42 is an application to develop land without compliance with conditions previously attached. Section 42(2) states that the planning authority should consider only the question of the conditions subject to which planning permission should be granted, and that the planning authority may decide that planning permission should be granted subject to conditions differing from that subject to which the previous permission was granted.
- 1.1.12 Scottish Government Planning Circular 3/2022 – Development Management Procedures states at Annex H (para 5): *“In determining a Section 42 application, authorities may consider only the issue of the conditions to be attached to any resulting permission. However, in some cases this does not preclude the consideration of the overall effect of granting a new planning permission, primarily where the previous permission has since lapsed or is incapable of being implemented.”*
- 1.1.13 In this situation, no changes to the Development are proposed. The PP remains extant and capable of implementation. There have been limited material changes in circumstance or policy since the PP was granted and as such there is no need to re-evaluate the principle of the Development.
- 1.1.14 Few statutory requirements concern the contents of a Section 42 application, but the Applicant understands that it would assist THC in its deliberations to have certain information before it.
- 1.1.15 This Planning Statement covers updates to planning policy since the date of the PP. It sets out the background to the application, and addresses the specific variation sought by the Applicant. The Statement identifies relevant policy considerations that must be taken into account in the determination of this application (including an assessment of the Development against current planning policy) and it concludes that the application should be supported. The Applicant suggests proposed wording for the varied condition below, as required by regulation.
- 1.1.16 Updated technical assessments are also provided to assist THC by way of supporting information to the application. At the time the PP application was made in 2021, it was accompanied by an Environmental Impact Assessment (EIA) Report, prepared in accordance with the Town & Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017. In April 2022 Further Environmental Information (FEI) was submitted in response to feedback from statutory consultees.
- 1.1.17 Up to date assessments of relevant environmental impacts of the Development due to the time that has passed since the PP EIA Report was prepared, support this s42 application. Reference to the various environmental matters is contained within a separate Supporting Environmental Impact Report (“SEIR”) prepared by SLR, which is submitted with this application. Reference should be made to the SEIR itself for full detail in this regard, but we note that it confirms there are no changes to the predicted environmental impacts of the Development. For clarity, no review of environmental impacts is relevant to the proposed change in condition set out in this Section 42 application as the change is for an extension to the time limit of commencement of development only, and no differences to the physical, consented scheme are proposed.

1.2 The Legislative and Policy Position

The Development Plan

- 1.2.1 This application is to be considered in accordance with the 1997 Act. Section 25 of the 1997 Act states: *“Where in making any determination under the Planning Acts, regard is to be had to the Development Plan, the determination is, unless material considerations indicate otherwise, to be made in accordance with that plan...”*
- 1.2.2 The Development Plan in force at the time of this Application comprises National Planning Framework 4 (“NPF4”) and the Local Development Plan (“LDP”, comprising the Highland-

wide LDP (2012) Plan ("HwLDP"), the West Highlands & Islands LDP (2019) ("WHILDP") and relevant Supplementary Guidance ("SG"), namely the Onshore Wind Energy SG (2016) and its associated Addendum (2017) (the "OWESG"). All LDP documents remain unchanged from the time the PP was granted so the Development continues to comply with them. No assessment against the LDP documents is required in relation to this Application, other than to the extent there is a conflict between the LDP documents and NPF4.

- 1.2.3 NPF4 and other material considerations since the PP was granted are assessed at Section 3, below.

Circular 4/1998 – The use of Conditions in Planning Permissions

- 1.2.4 Scottish Government Planning Circular 4/1998 - The use of conditions in Planning Permissions sets out Scottish Government policy on the use of conditions in planning permissions. It states that planning conditions should only be imposed when they meet all of the following six tests. That is that they are:

- > Necessary;
- > Relevant to planning;
- > Relevant to the development to be permitted;
- > Enforceable;
- > Precise;
- > Reasonable in all other respects.

- 1.2.5 The variation sought in this Application is compliant with these policy tests now and in the future.

2. The Proposed Variations to Planning Conditions & Request for Extension of Time

2.1 Introduction

2.1.1 This Chapter sets out the recommended variation to planning condition 27 attached to the PP and the reasons for the variations sought.

2.2 Condition 27 – Time Limit for the Implementation of this Planning Permission

2.2.1 The Applicant seeks to extend the time period allowed for implementation of the consent by amending Condition 27 via a section 42 application.

2.2.2 Should THC approve the amendment sought in this application, the Applicant requests that THC exercise its powers under Section 58(1)(b) of the 1997 Act to specify in a planning condition that:

- > (a) the implementation period will run from the date the Section 42 planning permission is granted (rather than continuing to run from the date of the PP).

2.2.3 As such, the Applicant seeks to amend the wording of Condition 27 to:

“The development to which this planning permission relates must commence no later than ~~three~~ five years of the date of this decision notice. If development has not commenced within this period, then this planning permission shall lapse;”

2.2.4 The Applicant proposes to deliver the development by the 30th January 2028. However development is tied to the delivery of the grid connection tie in to the Corriemoillie Substation – currently being progressed by SSEN, and subject to section 37 consent being approved. The extension of the time period for implementation by a further five years allows sufficient and realistic flexibility such that the delivery timescales should be achievable even if further grid delivery slippage occurs.

Procedural Context

2.2.5 Scottish Government Planning Circular 3/2022: Development Management Procedures (October 2022) states at para 10, Annex G:

“Even where such [a Section 42] application does not relate specifically to conditions on duration or time periods for subsequent approvals or actions, the planning authority and the applicant will nevertheless want to give consideration as to whether conditions in these regards need to be amended due, for example, to the passage of time since the earlier permission was granted”.

2.2.6 A successful Section 42 application will result in the issue of a new, separate consent for the same Development, subject to an amended condition to extend the time period for implementation (in this case). Such a new consent must comply with the current rules under Section 58 of the 1997 Act, which require all planning permissions granted after October 2022 to be subject to a condition specifying an implementation deadline – the purpose of the application. The proposed amendment conforms with this approach seeking to replicate the approach to enable a further period for implementation.

2.2.7 No further amendments to conditions are proposed, and an assessment of effects is provided within the SEIR to demonstrate that no further changes are required to conditions as the

effect of the extension to the implementation period does not give rise to additional effects above those already agreed and assessed.

Policy Considerations

- 2.2.8 In determining an appropriate implementation deadline, Section 58(1)(b) of the 1997 Act requires the relevant planning authority to have regard to the Development Plan and any other material considerations.
- 2.2.9 The Development was determined to comply with local planning policy at the time it was granted. There has been no change to relevant parts of local planning policy (the HwLDP (2012), WHILDP (2019) or the Highland Council Onshore Wind Guidance) since the PP, so ongoing accordance with those elements of the Development Plan can be assumed.
- 2.2.10 Since the PP was granted, the Development Plan has expanded to incorporate NPF4 (2023). Policy 11(a) (Energy) of NPF4 states:
- “Development proposals for all forms of renewable, low-carbon and zero emissions technologies will be supported. These include: i. wind farms including repowering, extending, expanding and extending the life of existing wind farms;”.*
- 2.2.11 Prolonging the implementation period for proposals would support this aim.
- 2.2.12 In addition, Policy 11 (g) of NPF4 states: *“Grid capacity should not constrain renewable energy development.”* The reason for the s 42 application is to ensure grid capacity is available by the time the wind farm is ready to export electricity. Refusing an extension to the implementation period would be tantamount to allowing grid capacity to constrain development.

Appropriate Implementation Period

- 2.2.13 Circular 3/2022 clarifies (at para 8, Annex G) that:
- “Whether an alternative time period is appropriate will depend on the particular circumstances of the Development. Relevant considerations might include:*
- > The scale and complexity of the Development;*
 - > Any information about the anticipated phasing of the Development provided with the application;*
 - > The anticipated timing of infrastructure or other works required to enable the Development; and*
 - > Prevailing economic conditions, including any impacts these might have on relevant supply chains”.*
- 2.2.14 As explained above, the timing of infrastructure works for the grid connection is the primary reason for seeking to extend the period for commencement of development.
- 2.2.15 Scottish Government Planning Circular 4/1998 is a material consideration in determining an appropriate implementation period. It states (at para 2):
- “Planning conditions should only be imposed where they are: necessary, relevant to planning, relevant to the development to be permitted, enforceable, precise, reasonable in all other respects.”*
- 2.2.16 Annex A to Circular 4/1998 specifically deals with the renewal of permissions before expiry of time-limits (at para 52):
- “Developers who delay the start of development are likely to want their permission renewed, as the time-limit for implementation approaches. [...] As a general rule, such applications should be refused only where:*

- a. there has been some material change in planning circumstances since the original permission was granted (eg a change in some relevant planning policy for the area, or in relevant road considerations or the issue by the Government of a new planning policy which is material to the renewal application);*
- b. there is likely to be continued failure to begin the development, and this will contribute unacceptably to uncertainty about the future pattern of development in the area; or*
- c. the application is premature because the permission still has a reasonable time to run.”*

2.2.17 None of the above circumstances apply to the Development or the Section 42 application and there are no other indications that an extension to the implementation deadline for the Development should be refused.

2.2.18 Refusing to allow more time to commence development would fail the reasonableness test set out in Circular 4/1998, being contrary to the aims of NPF4 Policy 11 and given that extending the implementation period would not increase the overall timescales or result in more adverse environmental impacts – the same development programme as previously envisaged would continue to apply but it would simply start later to fall in line with grid connection dates and availability of optimal infrastructure. It is not reasonable to expect the delivery of the wind farm significantly in advance of grid connection dates in light of the scale of expenditure and the rapidly changing nature of the technology and lifespan thereof.

3. Updated Policy Appraisal

3.1 Introduction

- 3.1.1 As set out above, there is no basis for reviewing the principle of the Development, which has been established. The PP remains extant and capable of implementation and there have been no material changes in circumstance.
- 3.1.2 There has also been no change in the LDP since the PP was granted. The amendments to condition sought in this Section 42 application relate to the mechanics of delivering the Development rather than its policy basis. In the circumstances, there is no requirement to consider the HwLDP, WHILDP or the OWESG. The Planning Statement submitted in support of the PP application and THC's Report of Handling remain relevant.
- 3.1.3 The only significant policy change since the PP was issued was the adoption of NPF 4, which now forms part of the Development Plan. The Chief Planner's Letter of 8th February 2023 provides advice in relation to applying NPF4 policy.
- "It is recognised that it may take some time for planning authorities and stakeholders to get to grips with the NPF4 policies, and in particular the interface with individual LDP policies. As outlined above, in the event of any incompatibility between the provision of NPF and the provision of an LDP, whichever of them is the later in date is to prevail. Provisions that are contradictory or in conflict would be likely to be considered incompatible".*
- 3.1.4 There are no incompatibilities between the LDP and NPF 4 but NPF 4 does emphasise the growing importance of addressing the climate and nature emergencies through planning. The amendment sought in this Section 42 application would facilitate the delivery of the Development and help achieve the policy objectives of NPF 4.
- 3.1.5 A summary appraisal of the Development against NPF4 follows.

3.2 National Planning Framework 4

- 3.2.1 A key point in this statement is that the climate emergency and nature crisis are expressly stated as forming the foundations of the national spatial strategy. Recognising that tackling climate change and the nature crises is an overriding imperative which is key to the outcomes of almost all policies within NPF4.
- 3.2.2 The most relevant NPF 4 policies for the consideration of this Section 42 application are:
- > Policy 1: Tackling the climate and nature crises;
 - > Policy 3: Biodiversity; and
 - > Policy 11: Energy.
- 3.2.3 Of these, NPF4 Policy 11 (Energy) is considered to be the lead policy given the operation and purpose of the Development. Thereafter Policy 1 is referenced to highlight the underlying and overarching principle of addressing the climate and nature crises through applying significant weight to proposals which seek to address these critical issues. Policy 3 (Biodiversity) is important given the emphasis NPF4 places on delivering biodiversity enhancement within all major development.

NPF4 Policy 11 (Energy)

Policy 11 & Principles

- 3.2.4 For the consideration of renewable energy proposals, Policy 11 'Energy' (page 53) is the lead policy. Policy 11's intent is set out as:

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

- 3.2.5 The **intent and desired outcome** of the policy is expressly clear – the growth of renewable energy, through encouragement, promotion and facilitation, all of which the Development will help to deliver in providing green energy from organic renewable resources.
- 3.2.6 NPF4 Policy 11 directs that *“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”*.
- 3.2.7 The wording of Policy 11 Paragraph (a)(iv) makes it clear that the policy supports the Development as consented, subject to amended conditions.

The application of Policy 11

- 3.2.8 A full assessment against the relevant criteria of Policy 11 is not relevant to the section 42 application. Key aspects where there is difference between the LDP and NPF4 or where greater emphasis is now provided in policy are referenced below for completeness.
- > Policy 11 (a) provides support *“for all forms of renewable low carbons and zero emissions technologies..”* including in part (i) *“wind farms including repowering, extending, expanding and extending the life of existing wind farms”*.
 - > Part (c) places greater emphasis than previous policy on community socio-economic benefits. The Applicant has maximised the net economic impact and has a commitment to maximise local employment, associated business and supply chain opportunities. Chapter 6 of the 2021 EIA Report considered the socio-economic benefits from the Development (these were also confirmed in the 2019 EIA Report and the 2019 SI). The socio-economic benefits associated within the Proposed Development are summarised as:
 - £31.68 million Capital Expenditure (CAPEX), supporting local employment through construction and related activities; and
 - Short-term beneficial effects through increased employment opportunities in the local and regional economies.
- 3.2.9 The Development will also provide opportunities for local, regional and Scottish suppliers in various sectors, including civil engineering, project management and installation services. Additionally, during the construction phase, it is expected that the local workforce will benefit from skills development and employment retention.
- 3.2.10 In line with the Scottish Government’s Good Practice Principles for Community Benefits from Onshore Renewable Developments (2019) the Development will provide £5,000 per MW in annual community benefit, equal to around £120,000 annually or £4.8 million over the 40 years lifetime. In addition the Applicant has prepared a response to the THC policies on Community Wealth Building published after the extant PP. This is provided in Appendix 6.1 of the SEIR.
- 3.2.11 The proposed extension to the implementation period is not expected to change any of these accepted assessments.

Policy 1 – Tackling the Climate and Nature Crises

- 3.2.12 The intent of Policy 1 is *“to encourage, promote and facilitate development that addresses the global climate emergency and nature crisis”*.

- 3.2.13 **Policy 1** directs decision makers that “*when considering all development proposals significant weight will be given to the global climate and nature crises.*”
- 3.2.14 Significant weight should therefore be attributed to the Development which provides renewable electricity to the grid and is consistent with the intent of Policy 1 and would make a positive contribution by helping to attain its outcome of net zero.
- 3.2.15 A further important point is the need to recognise that the greatest threat to biodiversity is climate change.
- 3.2.16 The Reporter’s comments on this particular policy in the Sanquhar II Wind Farm Inquiry Report¹ are informative. At paragraph 2.48 of the Supplementary Report, the Reporter addresses NPF4 Policy 1 and states that:
- “tackling the nature crisis is required to be given significant weight alongside the climate crisis. There is no indication that one strand should be given greater priority over the other. That does not necessarily mean that an individual proposal must be shown to respond to both crises in equal measure, however. The two matters are also inextricably linked, with the nature crisis being, in part, exacerbated by climate change.”*
- Policy 3 – Biodiversity**
- 3.2.17 **Policy 3** requires developments to wherever feasible, provide nature-based solutions that have been integrated and made best use of and for significant biodiversity enhancements to be provided.
- 3.2.18 It should be noted that Policy 3 does not provide any guidance on how ‘significant enhancements’ will be measured and assessed, simply referring to “*best practice assessment methods*”.
- 3.2.19 The **letter from the Chief Planner issued on 08 February 2023** refers to the application of new policy where specific supporting guidance / parameters for assessment are not yet available to aid assessments.
- 3.2.20 The Scottish Government also published ‘**Draft Planning Guidance: Biodiversity**’ in November 2023. Paragraph 1.1 states that it:
- “Sets out the Scottish Minister’s expectations for implementing NPF4 policies which support the cross cutting NPF4 outcome ‘improving biodiversity.’”*
- 3.2.21 The guidance addresses development planning and, in terms of development proposals, references ‘core principles.’ At Paragraph 3.1 the guidance states that these principles can be followed when designing developments so that nature and nature recovery are an integral part of any proposal. Section 3.2 of the guidance states:
- “Applying these principles will not only help to secure biodiversity enhancements, they can also help to deliver wider policy objectives including for green and blue infrastructure, open space, nature based solutions, nature networks and 30 x 30. Development proposals which follow these steps are also much more likely to result in more pleasant and enriching places to live, work and spend time.”*
- 3.2.22 THC Supplementary Guidance on Biodiversity (Biodiversity Enhancement Planning Guidance adopted May 2024) also sets out guidance on expectations for biodiversity enhancement and delivery mechanisms and approaches. This is new guidance since the grant of existing planning permission; however the consented approach delivers significant enhancement and falls in line with recommendations.

¹ Sanquhar II Wind Farm, Section 36 Decision dated 31 August 2023, Supplementary Report of Inquiry dated 20 February 2023 (Case Reference WIN-170-2006) and Scottish Ministers’ Decision dated 31 August 2023.

The application of Policy 3

- 3.2.23 No significant ecological or ornithological residual effects were predicted within the EIA Reports in 2021 or the 2022 FEIR. Given that there are no changes to the Development layout and design, and updated surveys had identified no material change to the baseline (see SEIR Section 10) and the assessment of no likely significant effects is unchanged.
- 3.2.24 It is calculated that the Development will result in a loss of 10.3 ha of blanket bog and wet heath habitat. 5.6 ha of the habitat is considered to be of low quality as it comprises poor quality plantation forestry on top of blanket bog / wet heath habitat.
- 3.2.25 A Forestry Compensation Planting Plan (FCPP) was submitted to THC in 2024 (Appendix 10.3 of the SEIR) in order to seek discharge of Condition 16. The compensatory planting requirement is 6.11 ha. The draft FCPP includes an area for compensatory planting of approximately 23 ha which also incorporates 0.25 ha of compensatory planting for the grid connection. The area will be planted with mainly native broadleaved species contributing to biodiversity enhancements by offsetting habitat loss (including forest and bog/heath habitats) resulting from the Development.
- 3.2.26 As required by Condition 15 of the current consent, the Applicant will prepare a HMP which will outline further biodiversity enhancement and mitigation measures, building on the findings of site surveys and taking cognisance of policy requirements. The following initial aims have been identified for inclusion in the HMP:
- > Enhance the biodiversity and structure of forest habitats within the vicinity of the site;
 - > Increase the quality and extent of bog habitats within the site boundary;
 - > Improve available resources for wild fauna within the site; and
 - > Minimise negative impacts on birds (particularly black grouse, divers and golden eagle).
- These enhancement measures will be subject to further review and refinement during the detailed development of the HMP prior to submission for discharge. The final plan will provide detailed site-specific actions to ensure that biodiversity enhancement is effectively delivered and managed relative to the ecological priorities of the area.
- 3.2.27 The HMP is conditioned and no variation to this requirement is sought, the retention of the condition and the approach outlined above to delivering the HMP is considered consistent with the provisions of NPF4, Policy 3.

Other NPF Policy

- 3.2.28 A range of other topic policies are contained within NPF4 which provide more specific guidance on key environmental considerations as are required to be considered in the key criteria of NPF4 Policy 11 as referenced above. The Applicant is confident that the proposed amendments to condition are consistent with NPF4 policy as relevant and the SEIR provides more detail to this effect. It is important to note that an assessment against NPF4 requires proposals to be assessed against the policies of the Plan (NPF4 and the relevant Local Development Plan) as a whole, and not in isolation. It is considered that the Proposed variation accords with the Development Plan in that regard.

3.3 The Climate Change and Renewable Energy Policy Framework: Summary

- 3.3.1 It is considered that the Development is very strongly supported by the climate change and renewable energy policy, legislative framework and demands in energy predicted by the Climate Change Committee.
- 3.3.2 Key points from the renewable energy policy framework post the grant of consent for Lochluichart Wind Farm Extension II Redesign include:

- > The UK Government by way of the Department for Energy Security and Net Zero issued a Statement on 08 July 2024 which stated the new Government policy to double UK onshore wind capacity from its current level of approximately 15 GW to a planned capacity of 30 GW by 2030;
- > In their 2024 Progress in Reducing Emissions in Scotland report, the Climate Change Committee stated that Scotland has missed its annual emission reduction targets eight times and in the years since 2018 where data is available, Scotland has only met its emissions reduction target once (during COVID lockdown). Emissions must reduce rapidly to meet the legally binding target of net zero by 2045.

The Scottish Government's Onshore Wind Policy Statement ("OWPS") 2022 confirms "*A minimum installed capacity of 20 GW of onshore wind in Scotland by 2030 [...] to support the rapid decarbonisation of our energy system, and the sectors which depend upon it, as well as aligning with a just transition to net zero whilst other technologies reach maturity*"; and

- > The OWPS states that further deployment of onshore wind is "*mission critical for meeting our climate targets*". (page 49)

3.3.3 Decisions through the planning and wider consenting system must be responsive to this policy and target framework and as noted, NPF4 Policy 11 (Energy) requires decision makers to give significant weight to a development's contribution to targets when considering the impacts of a proposal. Decision makers therefore have to apply significant weight to the energy policy objectives articulated above, in the planning balance. The delivery of consented development to meet net zero is key.

3.4 Conclusions

3.4.1 The proposed variation would lead to a development which as noted, is in substance and character, identical to that which was permitted in 2023. As evidenced by the findings of the submitted supporting SEIR, the proposed variations would result in no change to previously reported significant environmental effects.

3.4.2 It is considered that the introduction of NPF4 and the updated Scottish Government and indeed UK Government energy policy position since 2023, proactively provides greater support than that which prevailed when the original development was approved and granted planning permission.

3.4.3 The Development is consistent with all relevant Development Plan policy when considered as a whole and would result in the safeguarding and delivery of this key renewable generation for delivery to grid to meet net zero.

4. Conclusions

4.1 Conclusions

- 4.1.1 This document has provided a clear statement on the purpose and approach to the Development – a Section 42 application to regulate condition 27 to enable an extension of time for implementation in line with the grid connection consenting and delivery programme.
- 4.1.2 For the reasons set out above and in the SEIR, the changes sought in this Section 42 application comply with the current statutory Development Plan and there are no material considerations indicating that consent should be refused. The Developer intends to construct the approved project and is still able to do so under the extant planning permission and is addressing details to discharge remaining conditions in tandem with this application. There are no wider project implications arising from the proposed changes. The Developer would welcome the restatement of all other conditions attached to the planning permission within an issue of a new consent to reflect the proposed implementation extension.

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