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## **Watten Wind Farm**

Planning and Renewable Energy Statement

August 2023

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# Executive Summary

The UK and Scottish Governments have declared a climate emergency and set ambitious climate change targets with a Net-Zero CO<sub>2</sub> target for 2045 in Scotland and an interim target of 75% reduction in emissions by 2030.

EDF Energy Renewables Limited ('the Applicant') is seeking consent from the Scottish Ministers under the terms of Section 36 of the Electricity Act 1989 and deemed planning permission under the terms of the Town and Country Planning (Scotland) Act 1997, to construct and operate the Watten Wind Farm and Battery Energy Storage System (BESS) (the Proposed Development) in The Highland Council (THC) local authority area of Scotland.

The Proposed Development Area is located in Caithness, in the Scottish Highlands on land to the east of Halsary Windfarm, approximately 3 km south-west of Watten village, see Figure 1: Location Plan.

The Proposed Development will comprise up to seven turbines, each with a maximum height of 220 m to blade tip when vertical. Based on the candidate turbine model, the combined generating capacity of the turbines will be approximately 47.6 megawatts (MW). The Proposed development includes battery energy storage provision with an output capacity of up to 20 MW. The combined generating and output capacity of the Proposed Development is therefore 67.6 MW. The associated infrastructure will include an access from the A9 through the existing Halsary Windfarm.

Any proposal to construct or operate a power generation scheme with a capacity in excess of 50 MW in Scotland requires Scottish Ministers' consent under Section 36 of the Electricity Act 1989 (the 1989 Act). The Applicant is therefore submitting an application for the Proposed Development under the requirements of Section 36 of the 1989 Act.

Schedule 9 of the 1989 Act places on the Applicant, as a licence holder, a duty to "*have regard to the desirability of preserving the natural beauty of the countryside, of conserving flora, fauna and geological and physiological features of special interest and of protecting sites, buildings and objects of architectural, historic or archaeological interest*". Schedule 9 also places a duty on the Applicant to do what it "*reasonably can to mitigate any effect which the proposals would have on the natural beauty of the countryside or on any such flora, fauna, features, sites, buildings or objects*". Finally, Schedule 9 imposes duties on the Applicant, in so far as is possible, to avoid injuries on fisheries and fish.

Under the Electricity Works (Environmental Impact Assessment) (Scotland) (EIA) Regulations 2017 (as amended) (the EIA Regulations), the Scottish Ministers are required to consider whether any proposal for a wind farm is likely to have a significant effect on the environment. The Applicant has undertaken an Environmental Impact Assessment (EIA) and produced its findings in the EIA Report (EIAR). The EIAR informs readers of the nature of the Proposed Development, likely significant environmental effects and measures proposed to protect the environment during site preparation, construction, operation and decommissioning.

Allied to a significant wind resource in THC area, onshore wind continues to be the most cost-effective form of delivering renewable energy. The Proposed Development Area has been predominantly selected for its potential to generate energy from wind turbines. Additional to this, the challenge is to meet the Scottish Government targets within a context of Government support mechanisms for onshore wind.

The energy generation estimated for the Proposed Development is the result of an iterative design process which culminated in an overall positive impact by optimising the scale of the turbines whilst continuing to respect the environmental constraints of the Proposed Development Area. In maximising the turbine rotor diameters (swept area) the resultant efficiency, economics and commerciality of the scheme would enable the Applicant to reduce the cost of energy from the Proposed Development, giving a positive benefit to consumers in terms of electricity cost.

The Proposed Development would also contribute to the ability of the UK to generate its own energy thus reducing the need to import energy and making the country more self-sufficient.

In line with national planning policy contained within National Planning Framework 4 (NPF4) (policy 11c)), the Applicant has sought to maximise the net economic impact of the Proposed Development. This includes a commitment to offering £5,000 per installed MW of turbine capacity per year, index linked, in community benefit funding for the local area. This is equal to £235,000 annually, and £8.2 million over the 35-year lifespan of the Proposed Development (not including indexation) based on the candidate turbine.

The potential for effects on a wide variety of environmental factors have been considered through the EIA process. Where identified, the significant adverse environmental effects of the Proposed Development have been mitigated, as far as reasonably possible, through an extensive process of design iteration. The Proposed Development includes mitigation and enhancements relating to habitat, peatland restoration, ornithology and public access. The mitigation and enhancement measures will ensure that the Proposed Development is delivered in an appropriate manner which would benefit the environment in a wide variety of ways.

The Proposed Development is for a commercial scale renewable energy development which would deliver clean energy to the national grid at a low cost to the consumer whilst increasing our energy security and decreasing our reliance on and exposure to foreign energy imports. If the issue of the climate emergency is to be addressed then developments such as the Proposed Development must come forward and, subject to environmental considerations, be consented to meet the need for clean energy at a reasonable cost. The Proposed Development is considered to be an important and strategic opportunity to contribute to the Scottish Government's ambitious targets for renewable energy and will comply with the policy direction in the recently published NPF4 and Onshore Wind Policy Statement. It would make a valuable contribution to the fight against climate change. The potential of the Proposed Development Area has been maximised whilst respecting the environmental constraints and sensitivities of the Proposed Development Area and the surrounding area. The conclusions of the EIAR show the Proposed Development for which consent is sought is considered to be acceptable in land use and policy terms.

# 1. Introduction

- 1.1.1. Scotland's current climate change targets are amongst the most ambitious in Europe. The Scottish Government declared a climate emergency in May 2019 and passed the Climate Change (Emissions Reductions Targets) (Scotland) Act 2019, which amends the Climate Change (Scotland) Act 2009. This sets a target for a 100% reduction in greenhouse gas (GHG) emissions by 2045<sup>1</sup>, there is also an interim target of 75% reduction in GHG emissions by 2030.
- 1.1.2. In December 2022 The Scottish Government published the Onshore Wind Policy Statement (OWPS 2022). OWPS2022 notes that Scotland has currently an installed capacity of 8.7 GW, and sets a minimum target for an operational capacity of 20 GW from onshore wind by 2030. Chapter 1 of the OWPS 2022 contains specific acknowledgement of the need for the further speedy deployment of onshore wind. It states "*We must now go further and faster than before. We expect the next decade to see a substantial increase in demand for electricity to support net zero delivery across all sectors, including heat, transport, and industrial processes*".
- 1.1.3. THC declared a climate and ecological emergency in May 2019 and adopted the following position on climate change:  
  
*"Highland Council recognises the serious and accelerating changes to the world caused by climate change and therefore declares a climate and ecological emergency."*
- 1.1.4. Key to achieving the net zero goals is the decarbonisation of many sectors of the economy and in order to make a contribution to the net zero goals the generation of renewable, non-polluting electricity needs to be increased. A significant contribution to the decarbonisation of the energy section will be achieved through the development of onshore wind farms.
- 1.1.5. EDF Energy Renewables Limited (The Applicant) fully supports the fight against climate change and proposes to develop Watten Wind Farm (the Proposed Development) in THC administrative area. This would be a renewable energy solution which responds to the need to meet national and international climate change targets. The Proposed Development would be able to regulate output and provide clean power to people's homes when they need it most. As well as contributing to targets for renewable energy, the Proposed Development would provide opportunities for community investment and create further employment opportunities in the local area as a result of the proposed community ownership.
- 1.1.6. The Proposed Development Area is located within THC administrative area and comprises up to seven wind turbines, and additional battery energy storage (BESS) provision, with associated infrastructure.
- 1.1.7. The Proposed Development Area is located in Caithness, Scottish Highlands on land to the east of Halsary Windfarm, approximately 3 km south-west of Watten village.
- 1.1.8. The Proposed Development Area lies within a generally flat, gently undulating and generally smooth landform. The Proposed Development Area is currently a very sparsely settled landscape and settlement today takes the form of dispersed crofts, farms and estate buildings. Vehicular tracks within the wider area are used mainly to provide access for deer stalking and to fishing lochs and peat cuttings.
- 1.1.9. The application boundary for the Proposed Development is shown on Figure 1. The application boundary covers the area shown on Figure 2 and an aerial photograph of the Proposed Development is shown on Figure 3 showing the terrain and land use of the Proposed Development Area and the immediate surrounding area.

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<sup>1</sup> Commonly abbreviated to net zero

Available online from: <https://www.netzeronation.scot/about/campaigns/scotland-is-taking-action> [Accessed 08/08/2023]

- 1.1.10. The Proposed Development is a generating station with an export capacity exceeding 50 MW, and therefore constitutes Schedule 2 development as provided for by the Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017 (the EIA Regulations).
- 1.1.11. Natural Power Consultants Limited (Natural Power) has been appointed to undertake an EIA to determine and evaluate the potential effects of the Proposed Development. The results of the EIA are presented in the EIAR which is submitted as part of the application. This Planning and Renewable Energy Statement (PRES) is also being submitted in respect of the supporting documentation to the application. This PRES should be read in conjunction with the EIAR.

## 1.1. Purpose of this Planning and Renewable Energy Statement

- 1.1.12. The application for the Proposed Development is submitted to the Scottish Ministers under Section 36 of the Electricity Act 1989 (the 1989 Act). The Applicant, by way of the Section 36 process, requests that the Scottish Ministers issue a Section 36 Consent in respect of the Proposed Development, together with a Direction under Section 57(2) of the Town and Country Planning (Scotland) Act 1997 as amended (the 1997 Act) that planning permission is deemed to be granted for the Proposed Development. This PRES sets out the background and policy and planning considerations relevant to the Proposed Development. It is structured as follows:
- Chapter 1 includes the introduction to the PRES, provides the framework for decision-making and provides background information on the Applicant.
  - Chapter 2 provides a brief description of the Proposed Development.
  - Chapter 3 sets out the key benefits of the Proposed Development.
  - Chapter 4 outlines the statutory framework for the consideration of the application for the Proposed Development.
  - Chapter 5 sets out the renewable energy framework and includes information in relation to the climate emergency declared by both the Scottish Government and THC and details the key renewable energy policies.
  - Chapter 6 outlines the renewable energy targets set in law and the progress towards the targets in Scotland.
  - Chapter 7 details the relevant planning policy, including national policy, and the Development Plan.
  - Chapter 8 provides an assessment against the relevant policy set out in Chapter 7.
  - Chapter 9 provides the conclusions of the PRES.

## 1.2. Statutory Framework

- 1.1.13. The application for the Proposed Development requires to be made under Section 36 of the 1989 Act because the installed capacity would exceed 50 MW. The way in which decision-making is to be considered under the 1989 Act is considered in Chapter 4 of this document.

## 1.3. The Applicant

- 1.1.14. EDF-ER is part of one of the world's largest electricity companies and is a joint venture between EDF Energy Renewables Limited Group (EDF's global renewable business) and EDF Energy (EDF's UK generation business). EDF-ER hold a generation licence.
- 1.1.15. EDF-ER is one of the UK and Ireland's leading renewable energy companies, specialising in wind power, solar and battery storage technology. Through a dynamic team of more than 400 people, EDF-ER develop, build, operate and maintain renewable technologies throughout their lifetime and have over 25 years' experience in delivering renewable energy generation.

- 1.1.16. The EDF-ER team has successfully completed approximately 1 GW of projects with a further 5 GW of projects in development. EDF-ER has an operational portfolio of 37 wind farms, including two offshore wind farms, as well as two battery storage units.
- 1.1.17. EDF-ER believes in the importance of working closely with the local communities and strives to benefit the local community by providing support, such as creating new jobs, boosting the local economy, and providing direct community investment through community funds.



## 2. The Proposed Development

- 2.1.1 In respect to a significant wind resource availability in the Highland locale, onshore wind continues to be the optimal form of renewable energy and the Proposed Development Area has been predominantly selected for its potential to generate energy from wind turbines in an environmentally acceptable manner. Additional to this, the challenge is to meet the Scottish Government targets within a context of Government support mechanisms for onshore wind.

### 2.1. Site Selection Rationale

- 2.1.2 Chapter 4: Site Selection and Design Evolution, of the EIAR sets out the approach to site selection across Scotland and in respect of the Proposed Development in particular. The Design and Access Statement (DAS) also contains information on the site design evolution process.
- 2.1.3 The Applicant has a portfolio of sites across Scotland which have been investigated over time for wind energy potential. The feasibility studies allow the assessment of individual sites for potential to accommodate a range of development solutions and the outcomes result in some sites that are not progressed beyond the feasibility stage whilst others progress to in-depth assessment and application. Sites receiving the necessary consents are then progressed to construction and operation. Desk-based feasibility studies and site visits to the area of the Proposed Development were undertaken at an early stage. Results indicated that the Proposed Development Area would be a technically and environmentally appropriate location to develop a wind farm.
- 2.1.4 To progress the proposed Watten Wind Farm development, the design process sought to have a layout that maximised the output of renewable energy whilst limiting the potential for environmental impacts during construction, operation and decommissioning. Factors influencing the suitability of the layout included the following:
- The wind resource of the site;
  - The wind speed and quality of wind flow;
  - The separation distance to inhabited buildings;
  - The willingness of the land owner;
  - The lack of designated landscapes within and in the vicinity of the site;
  - The potential to locate infrastructure outwith designated areas;
  - The proximity of the Proposed Development to the grid; and
  - The potential to use existing infrastructure associated with Halsary Windfarm .

### 2.2. The Proposed Development Area

- 2.1.5 The Proposed Development is situated in the Scottish Highlands on land to the east of Halsary Wind Farm and approximately 3 km to the south-west of the settlement of Watten. The access route to site for Heavy Goods Vehicles (HGV) and Light Goods Vehicles (LGV) will be via the A9 past the Halsary Wind Farm. The route then progresses north along the A9 to the existing site access of Halsary Wind Farm, through Halsary Wind Farm to the Proposed Development Area, situated to the east of Halsary Wind Farm.
- 2.1.6 The Proposed Development Area is centred on Ordnance Survey (OS) grid reference 320769E, 951676N and covers an area of approximately 509 hectares (ha).
- 2.1.7 The Proposed Development Area comprises low lying and gently undulating acidic grassland, conifer plantation and bog habitat. The majority of the Proposed Development Area is located within the South and West Caithness sub-unit of the Sweeping Moorland and Flows Landscape Character Type (LCT), with a small part of the northern and

eastern side being located within the Farmed Lowland Plain LCT. As such, the Proposed Development Area forms a transitional landscape that displays characteristics of both LCTs.

## 2.3. Surrounding Area

2.1.8 The Proposed Development Area is in an area which is generally low lying and gentle undulating. There are areas of conifer plantation and a number of lochs and areas of moorland. It is a sparsely settled landscape and settlement today takes the form of dispersed crofts, farms and estate buildings. Vehicular tracks within the wider area are used mainly to provide access for deer stalking and to fishing lochs and peat cuttings.

### 2.3.1. Environmental Designations

2.1.9 Two designated sites overlap slightly within the Proposed Development Area; Caithness and Sutherland Peatlands Special Area of Conservation (SAC) and Shielton Peatlands Site of Special Scientific Interest (SSSI).

2.1.10 There are a number of environmental designations within 5 km of the Proposed Development. Details of these designations and their citations can be found in the relevant technical chapters of the EIAR. The following designations are located within 5 km of the Proposed Development Area:

- Loch Watten SPA and SSSI 2.5 km from the Proposed Development Area;
- River Thurso SAC 4.1 km from the Proposed Development Area; and
- Blar nam Faoileag SSSI 4.2 km from the Proposed Development Area.

2.1.11 A nomination for World Heritage Site (WHS) status for Scotland's Flow Country was submitted in February 2023 to the UNESCO, to recognise the global importance of its peatland ecosystem and associated biodiversity. A decision on the nomination bid is expected to be made in summer 2024. The Proposed Development Area overlaps with the proposed boundary of the Flow Country WHS which covers 187,026 ha of land, encompassing the Caithness and Sutherland SAC and SSSI and peatland habitat beyond (This can be seen in the EIAR Figure 7.1). Existing designated sites within the WHS boundaries make up 73% of the area, with much of the remaining recognised as Wild Land Areas (WLAs), Special Landscape Areas (SLAs) and National Scenic Areas (NSAs); containing the areas of the blanket bog landscape in the most natural condition or are functionally important and provide protection. The implications of being on the World Heritage List are that properties have 'Outstanding Universal Value' (OUV), which is defined in terms as three pillars for natural sites: criteria, integrity and protection and management. All three must be met before a site can be inscribed on the list. The Statement of Outstanding Universal Value (SOUV) details these three requirements and is summarised in the following brief synthesis:

*'The Flow Country property is the most outstanding example of a blanket bog ecosystem in the world. With its intricate network of pools, hummocks and ridges, the bog stretches across some c. 190,000 hectares of northern mainland Scotland, with the property boundary comprising seven discrete, but adjacent areas. The underlying peat has been accumulating for the past 9,000 years and the bog displays a remarkable range of features resulting from the climatic, altitudinal, geological and geomorphological gradients found across the region. Alongside the extensive record of peat accumulation that The Flow Country contains, and the store of carbon this represents, the ecological processes that result in peat formation continue to sequester carbon on a very large scale.*

*The Flow Country blanket bog also provides a globally significant natural habitat for an internationally important assemblage of specialist biodiversity. The area supports a unique and distinctive assemblage of birds, with a combination of arctic-alpine, temperate and continental species not found anywhere else in the world. This is a result of the site's location and the diversity of blanket bog habitats it contains, combined with the patchwork of connected farming and coastal landscape elements within the wider setting.*

*Protection for The Flow Country is provided through international and national designations, as well as national and local planning policies, and there is scope for future expansion of the site through restoration of adjacent degraded*

*blanket bog. The area is also considered to be the type-locality for the description of blanket bog and so represents a significant research and educational resource.'*

- 2.1.12 There is a cluster of four areas listed on the Ancient Woodland Inventory within 5 km of the Proposed Development Area. These consist of one larger (3.8 ha) and three smaller (up to 0.3 ha) areas surrounding Strath Burn, with the closest area just over 2 km from the Proposed Development Area.

### 2.3.2. Cumulative

- 2.1.13 The EIAR, Technical Appendix A6.2 identifies the locations of other relevant large wind farm developments (operational, under construction, consented and in the consenting process). Within approximately 10 km of the Proposed Development these developments comprise:

- Achairn Wind Turbines;
- Achlachan Wind Farm;
- Achlachan 2 Wind Farm;
- Bad a Cheo Wind Farm;
- Bilbster Wind Turbines;
- Camster Wind Farm;
- Camster II Wind Farm;
- Causymire Wind Farm;
- Cogle Moss Wind Farm;
- Golticlay Wind Farm;
- Halsary Wind Farm;
- Rumster Forest Wind Farm;
- Tacher Wind Farm;
- Weathegar Wind Farm; and
- Weathegar 2 Wind Farm.

- 2.1.14 The potential for cumulative effects with these developments, and others where it is appropriate to do so, has been assessed throughout the EIAR, as described in each of the technical chapters.

## 2.4. The Proposed Development

- 2.1.15 The Proposed Development is described in detail in the EIAR at Chapter 5: Project Description. It is summarised here for ease of reference.

### 2.4.1. Turbines and Energy Storage

- 2.1.16 The application is for a wind farm comprising of up to seven wind turbines with a blade tip of up to 220 m (based on a 6.8 megawatt (MW) candidate turbine), giving approximately 47.6 MW and battery energy storage system (BESS) compound with a maximum capacity of 20 MW. Therefore, the Proposed Development has a total generating capacity of 67.6 MW. The Proposed Development comprises the following main elements:

- Up to seven turbines up to 220 m to tip height each with
  - turbine foundations;
  - external transformer housing; and
  - crane hardstandings and erection areas;
- Onsite substation, control building and compound;

- BESS;
- Forestry felling and replanting; and
- Habitat Management;

2.1.17 Connection of the Proposed Development to the national grid will be subject to a separate application.

## 2.4.2. Infrastructure

2.1.18 The associated infrastructure will include:

- Upgraded and new access tracks; including watercourse crossings;
- Underground electricity cables connecting infrastructure within the proposed development area;
- Temporary construction and storage compounds, laydown areas and ancillary infrastructure including cable crossing points;
- Site signage;
- Temporary construction gatehouse; and
- Waste water and surface drainage.

## 2.4.3. Micro-siting

2.1.19 Although the layout of the Proposed Development has been the subject of detailed consideration in the design process to date, there remains the potential for the precise locations to be altered at the construction stage. A micro-siting allowance of up to 50 m in all directions is being sought in respect of all turbines and associated infrastructure. This micro-siting allowance has been assessed in the EIA and is presented in the technical assessments contained in the EIAR. .

## 2.5. Lifetime of the Proposed Development

2.1.20 The lifetime of the Proposed Development is envisaged to be 35 years from the date of final commissioning to commencement of decommissioning. Consent is sought for this period.

## 2.6. Mitigation and Enhancement

2.1.21 The Proposed Development includes mitigation and enhancement. This is set out in the EIAR in so far as it is relevant to the technical specialism of each chapter.

2.1.22 The mitigation includes best practice methods and principles applied to the Proposed Development as a whole (generic measures) as well as site-specific mitigation measures applied to individual locations (specific measures). The relevant mitigation is a mixture of inbuilt mitigation for example the buffering of water courses for all works other than where tracks cross water courses, and mitigation which would be undertaken during the construction and operation of the Proposed Development, for example undertaking pre-construction surveys for various species. The EIAR sets out the required mitigation within the technical chapters. Where required, mitigation would be secured by planning conditions.

2.1.23 The Proposed Development also includes enhancement which is set out in the Outline Biodiversity and Environmental Management Plan (OBEMP). It is expected that the OBEMP will be referenced in a planning condition, as part of any consent, It is expected that the condition would require the preparation of a Biodiversity Management Plan (BEMP) which is in accordance with the OBEMP and which would be approved in writing by the Planning Authority in consultation with Nature Scot. The consent would require that the BEMP is complied with The

overall goal of the BEMP is to restore and enhance the ecological value of wetland and riparian habitats which will benefit local wader and raptor populations and biodiversity in general.

- 2.1.24 The OBEMP (EIAR Technical Appendix A7.6) for the Proposed Development proposes measures which would provide enhancements to biodiversity in addition to their role in mitigating for impacts that may occur as a result of the Proposed Development's construction, operation or decommissioning. The Scottish and Southern Energy Renewables (SSER) Biodiversity Net Gain toolkit has been used to quantify the biodiversity value of habitats with the Proposed Development Area and demonstrates net positive enhancements for biodiversity following implementation of the BEMP.
- 2.1.25 Details of the proposed biodiversity enhancement is set out on the EIAR at Chapters 7: Ecology, 8: Ornithology and 9: Hydrology, Geology and Hydrogeology. The following provides a summary of the key measures.
- 2.1.26 Riparian planting will be implemented which will consist of low-density planting of native broadleaved species along watercourses where the peat depth is less than 0.5 m. Riparian planting of this type is considered to benefit biodiversity in a number of ways:
- Provision of features that could be used by otter and other species as shelter along watercourses that are currently open and lack such suitable habitat;
  - Provision of commuting corridors along watercourses, enhancing habitat connectivity;
  - Shading of watercourses, aiding temperature regulation of watercourses and improving aquatic health;
  - Visual screening of the watercourse to avoid impacts on salmonids resulting from visual disturbance from moving turbine blades;
  - Increase of botanical diversity through planting of a range of native species, decreasing homogeneity of habitat types; and
  - Improvement to water quality through reduction in bank erosion, flooding risk and diffuse pollutants.
- 2.1.27 Drain blocking will form the basis of peatland restoration associated with the Proposed Development. Blocking drainage channels encourages water retention, and thereby allows blanket bog species to recolonise, which would in turn provide improved habitats for breeding waders and raptor prey. This will provide an enhancement to biodiversity.
- 2.1.28 The Habitat Management Plan (HMP) which forms part of the OBEMP would seek to provide additional mitigation and enhancement measures to habitats that would be beneficial for all Important Ornithological Features (IOF). The main features of the OBEMP that would benefit IOFs are:
- Improvements to habitats within the HMP area used by roosting and foraging hen harrier would aim to increase the quality of roost sites and abundance of prey species away from the risk of collisions with turbines. This measure would help limit adverse effects associated with a loss of foraging habitat due to displacement around turbines;
  - Improvements to habitats within the HMP area used by foraging merlin would aim to improve merlin foraging habitat away from the proposed turbine locations;
  - Restoration and management to improve blanket bog and wet heath habitat to provide improved habitats for breeding waders (especially curlew) and raptor prey, and therefore potentially encourage raptors to forage within the management areas; and
  - Management of grazing so that a diverse sward and shrub level can be created, thereby providing suitable nesting habitat for waders, grouse and potentially raptors including merlin, away from turbines.
- 2.1.29 The maintenance and restoration of peat habitats prevents the loss of carbon to the atmosphere and actively sequesters carbon, important factors in controlling climate change, and helps to improve water quality and ameliorate flood events in surrounding watercourses.

2.1.30 Without the overall capital investment associated with the Proposed Development, these improvement works would not be taken forward, and these measures will make a positive contribution to tackling the nature crisis in Scotland.

## 3. Benefits of the Development

- 3.1.1 The Proposed Development would result in a wide range of valuable benefits, beyond those that are physically part of the Proposed Development. These are set out in the EIAR and are summarised in this chapter of the PRES.
- 3.1.2 In preparing the application for the Proposed Development the Applicant has ensured, through extensive consultation with local communities and stakeholders, that the Proposed Development maximises net economic impact. The Applicant has been led by the feedback and needs of the local communities in developing a bespoke community benefit package expected to be worth over £8.2 million over the lifetime of the Proposed Development (excluding indexation).

### 3.1. Renewable Energy Generation

- 3.1.3 The Scottish Government is committed to the long-term decarbonisation of electricity generation. The Climate Change (Emissions Reduction Targets) (Scotland) Act 2019 amends the Climate Change Act 2009 by setting legally binding targets of net-zero greenhouse gas emissions by 2045. Scotland will not only have to meet the net-zero target for 2045, but also have to reduce emissions (relative to 1990 levels) by 56% by 2020, 75% by 2030 and 90% by 2040. These are currently some of the most ambitious statutory targets in the world.
- 3.1.4 These targets remain challenging – however, if consented, the Proposed Development would make an important contribution to Scotland’s ambition to reach net zero by 2045 and reduce emissions.
- 3.1.5 The Proposed Development would comprise up to seven turbines with a maximum blade tip height of 220 m with a combined rated output of around 47.6 MW. An additional 20 MW of BESS is also included in the Application. The Proposed Development would generate enough electricity to meet the average annual domestic needs of over 28,926<sup>[1]</sup> average UK households (based on average electricity consumption per household in the UK, quoted by the Department of Business, Energy and Industrial Strategy, of 3,748 kWh per year, 2021<sup>[2]</sup>).
- 3.1.6 The Proposed Development would contribute towards international and national targets for the generation of renewable energy and reduction in greenhouse gas emissions. This would help to deliver new renewable energy capacity which is needed to help the UK and Scottish Government meet its climate goals, address the climate change emergency and provide low-carbon power that will assist in the reduction of consumer bills.

### 3.2. Capital Expenditure Associated with the Development

- 3.1.7 Chapter 15: Socioeconomics, Recreation and Tourism, of the EIAR, sets out the anticipated capital expenditure and employment levels associated with the Proposed Development during construction and operation.

#### 3.2.1. Construction

- 3.1.8 In terms of development and construction impact, Proposed Development, there is potential for £8.5 million to benefit the local economy and £26.8 million to benefit the regional economy. Applying industry assumptions provides an

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<sup>[1]</sup> Installed capacity (wind turbines only, BESS not included = 47,6 MW) x number of hours in a year x BEIS’s long term average load factor for (onshore + offshore) wind. Divide the total by average electricity consumption per household in the UK.

$$47.6 \text{ MW} \times 8760 \text{ (hours per year)} = 416,976 \text{ MWh/p.a.}$$

$$416,976 \times 0.26 = 108,414 \text{ MWh.}$$

$$108,414,000 \text{ kWh} / 3,748 \text{ kWh} = 28,926 \text{ households}$$

<sup>[2]</sup> Wind Energy Statistics Explained, RenewableUK, Available at: <https://www.renewableuk.com/page/UKWEDEExplained/Statistics-Explained.htm> [Accessed 14/07/2023]

estimate on the level of development and construction employment at the regional for the Proposed Development as 204.8 jobs contributing £12.6 million in Gross Value Added (GVA). At the local level, the development construction phase of the Proposed Development could sustain up to 63.6 jobs and contribute £3.9 million in GVA.

### 3.2.2. Operation

- 3.1.9 The operation and maintenance phase of the Proposed Development is expected to generate beneficial economic impacts. Applying the data from the RenewableUK research to the Proposed Development, an estimate of the total operations and maintenance phase equals approximately £2.8 million. Of this, £1.2 million could benefit the local economy and £1.7 million could be injected into the regional economy on an annual basis. Applying the industry assumptions gives the level of operational employment at the regional level for the Proposed Development as 13.6 jobs, contributing £710,707 GVA per annum. At the local level, the operation and maintenance phase of the Proposed Development is expected to sustain 9.8 jobs, contributing £513,650 in GVA per annum. The EIAR does not consider decommissioning but it is expected that the decommissioning phase of the Proposed Development would generate employment and GVA at both regional and local levels.

## 3.3. Community Benefit

### 3.3.1. Community Benefit & Investment

- 3.1.10 If consent is forthcoming for the Proposed Development, the Applicant would establish a local community benefit fund when the wind farm becomes operational. The fund value would be in line with the recommended Scottish Government guidance, which is currently £5,000 per MW installed capacity each year for the lifetime of the wind farm. Based on the current proposed layout, this would equate to a fund of more than £235,000 per year and would be index-linked.
- 3.1.11 The fund would be designed in consultation with the community to meet specific local objectives. For example, it could be used to support fuel poverty initiatives, educational opportunities and/or access and recreational projects. The fund would be administered locally at arms' length from EDF-ER in line with Scottish Government guidance.
- 3.1.12 The Applicant supports the principle of community investment in their wind farms and will engage with local community groups on the community benefit fund. The Applicant is committed to offering shared ownership as part of the Proposed Development. the way in which this can be done will be progressed once there is consent for the Proposed Development.

## 3.4. Carbon Saving

- 3.1.13 During operation, the Proposed Development would contribute to a positive effect on local, Scottish, UK and global air quality, by avoiding emissions due to the generation of electricity by burning fossil fuels. A carbon assessment (contained in Technical Appendix A9.6 of the EIAR) has been undertaken to estimate the potential savings in carbon dioxide (CO<sub>2</sub>) emissions by the Proposed Development replacing other electricity sources. The Proposed Development has a carbon payback time of approximately 1.4 years over a fossil fuel grid mix of electricity. This would positively contribute to meeting Scotland's targets for reducing greenhouse gas emissions.

## 3.5. Bio-diversity Enhancement

- 3.1.14 In line with NPF4, the OWPS, and the Scottish Biodiversity Strategy to 2045, consideration has been given to how the Proposed Development can deliver significant enhancements to biodiversity over its lifetime. This is described in section 2.6 of this PRES and is not repeated here.



3.1.15 The OBEMP (Technical Appendix A7.6) for the Proposed Development proposes measures which would provide enhancements to biodiversity in addition to their role in mitigating for impacts that may occur as a result of the Proposed Development's construction, operation or decommissioning. A Bio-diversity Net Gain (BNG) toolkit has been used to quantify the biodiversity value of habitats with the Proposed Development Area and demonstrates net positive enhancements for biodiversity following implementation of the BEMP.

## 4. Statutory Framework

- 4.1.1 The Applicant is a licensed electricity generator in terms of the Electricity Act 1989. As a consequence of this, the Applicant is obliged when formulating relevant proposals to have regard to the duties imposed upon it by Schedule 9(3)(1)(a). In formulating proposals the Applicant shall have “specific regard to the desirability of preserving natural beauty, of conserving flora, fauna and geological or physiographical features or special interest in protecting sites, buildings and objects of architectural, historic or archaeological interest.” In terms of sub-paragraph (b), the Applicant is under a duty to do what it reasonably can to mitigate any effect which the proposals would have on the natural beauty of the countryside or on any such flora, fauna, features, sites, buildings or objects. In addition, Schedule 9 also imposes duties to avoid impact on fisheries and fish where possible.
- 4.1.2 The Applicant has fulfilled all these duties by undertaking the project formulation as reported in the EIAR accompanying the application. The EIA process encompasses consideration of all the matters set out in Schedule 9(3)(1)(a). Indeed, the EIA process has a broader topic range than that contained in the sub-paragraph. Furthermore, where significant effects are found as part of the EIA process, appropriate mitigation is proposed. The EIAR accompanying the application sets out in detail how the Applicant has approached the design of the scheme and how very careful consideration has been given throughout that process to the matters that are listed in sub-paragraph (1)(a). In the circumstances, the Applicant has fulfilled the statutory requirements of Schedule 9.
- 4.1.3 In addition, Schedule 9 also imposes duties upon the Scottish Ministers when determining Section 36 applications. They are obliged to have regard to desirability of the matters mentioned in paragraph (a) of sub-paragraph (1) and must also have regard to the extent to which the Applicant has complied with their duties to mitigate any effects on those resources. Again, the Scottish Ministers can be satisfied that the EIA process has been undertaken appropriately and addresses these matters comprehensively.
- 4.1.4 In addition to the above processes, the fact that the Proposed Development is Schedule 2 development requires the Applicant to undertake an EIA and also to report the outcome of that process through the EIAR. The Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017 set out the legal requirements of the process.
- 4.1.5 As part of the process, the Applicant has applied for a Scoping Opinion in terms of Regulation 12 and have provided an EIAR which complies with the requirements of Regulation 5. Regulation 5 also incorporates further information requirements as set out in Schedule 4. The EIAR has set out in detail how compliance with these provisions has been considered and achieved. In addition, the EIAR has included measures to avoid, prevent and reduce identified effects and also offset certain significant effects. It has also identified where it may be appropriate for further monitoring to be undertaken.
- 4.1.6 The EIA Regulations also impose duties upon the Scottish Ministers in the context of their decision making. The Ministers have to assess whether the information that has been provided is adequate and if necessary, request further information. In terms of decision making, Regulation 21 sets out an extensive list of matters which the Scottish Ministers have to undertake during the decision making process. The list includes reference to the obligations of the Scottish Ministers in terms of Regulation 4 to examine the information (Regulation 4(1)(c)) and also to reach a reasoned conclusion on the significant effects of the Proposed Development on the environment (Regulation 4(1)(d)).
- 4.1.7 The EIAR demonstrates the Applicant’s compliance with the requirements both set out in Schedule 9 and also in terms of the EIA Regulations.
- 4.1.8 In terms of determinations under Section 36, there are no specific statutory presumptions that apply. As identified above, there are considerations which have to be taken into account and dealt with both in terms of Schedule 9 and under the EIA Regulations. In that context, Section 36 decision making incorporates consideration of a wide policy framework which will include elements of National Energy Policy, National Planning Policy and Guidance. The

Development Plan does not enjoy primacy in consideration of a Section 36 application as it would for a planning application, The Development Plan is a relevant consideration in the decision-making process and weight may be given to it by the decision-makers as they consider appropriate.

- 4.1.9 The EIAR demonstrates the Applicant's compliance with the requirements both set out in Schedule 9 and in terms of the EIA Regulations.

## 5. Renewable Energy Framework

### 5.1. Introduction

- 5.1.1 The Proposed Development is the subject of an application under Section 36 of the 1989 Act, therefore, it must be recognised that it is progressed in an environment where the need for renewable energy is becoming increasingly important in addressing important global issues associated with climate change and energy supply. The framework of international agreements, legally binding targets and renewable energy policy is the foundation upon which national (UK and Scottish) energy policy is based.
- 5.1.2 The context set out in this PRES is a relevant consideration in the determination of the application. It is a consideration which should attract significant weight in the decision-making balance. This chapter of the PRES first acknowledges that both the Scottish Government and THC have declared a climate emergency and what their position on that is.

### 5.2. Climate Emergency

- 5.1.3 In May 2019, the Scottish Government declared a climate emergency. At the same time, in Westminster, the Environment Secretary acknowledged a climate change emergency. In a speech to the Scottish Parliament the Climate Change Secretary stated:

*“The Climate Change Committee has been stark in saying that the proposed new targets will require “a fundamental change from the current piecemeal approach that focuses on specific actions in some sectors to an explicitly economy wide approach”. To deliver the transformational change that is required, we need structural changes across the board: to our planning, procurement, and financial policies, processes and assessments. And as I’ve already said, that is exactly what we will do.”.*

- 5.1.4 The Climate Change Secretary went onto say that:

*“subject to the passage of the Planning Bill at stage 3, the next National Planning Framework and review of the Scottish Planning Policy will include considerable focus on how the planning system can support our climate change goals.”.*

The speech to parliament highlighted the advice received by the Scottish Government from the UK Climate Change Committee (CCC), emphasising that this advice was being taken forward via amendments to the Climate Change Bill.

#### 5.2.1. Highland Council Climate Emergency - Carbon CLEVER

- 5.1.5 THC are committed to a carbon neutral Inverness and a low carbon Highlands by 2025.

*“By 2025, the Highlands will be a region where its residents and visitors can move around easily by low carbon and sustainable forms of transport. The region is well connected both in terms of transport links and through digital connectivity. Buildings across the region will have been energy renovated, and new buildings are energy efficient. The growing majority of buildings in rural areas will be heated by renewable sources. Electricity will be generated from a range of renewable sources, and excess energy can be transmitted to surrounding regions through smart grids, or stored efficiently. Land and resources across the Highlands are utilised for optimal economic, social, and environmental gains. Communities across the region are engaged, are highly active, more healthy and empowered.”.*

- 5.1.6 Being carbon neutral has two important elements:

- Reducing carbon emissions, and
- Offsetting those emissions which it is not feasible or practical to reduce.

- 5.1.7 Offsetting can be achieved by exporting renewable energy and, for example, planting woodland. The resulting aim is for net emissions to be zero or less. To achieve this, projects will be implemented which work towards the following goals:
- Carbon emission reduction;
  - Lead by example;
  - Engagement with others;
  - Value for money;
  - Economic benefits; and
  - Raising awareness and promote behaviour change.

### 5.3. Energy Policy

- 5.1.8 The UK and Scottish Governments have developed a suite of comprehensive policies which are broadly supportive of renewable energy and the Scottish Government is particularly supportive of onshore wind. The following documents are considered to be the most relevant to the consideration of this application:

- The Scottish Energy Strategy 2017;
- The UK Government Energy White Paper '*Powering our Net Zero Future*' (December 2020);
- Scottish Energy Strategy Position Statement (March 2021);
- UK Government Net Zero Strategy (October 2021);
- The Scottish Onshore Wind Energy Policy Statement 2022; and
- The Draft Energy Strategy and Just Transition Plan 2023 (DES&JTP).

- 5.1.9 The key parts of these documents are considered in the following text.

#### 5.3.1. UK Policy

##### 5.3.1.1. The Energy White Paper December 2020

- 5.1.10 On 13<sup>th</sup> December 2020, the UK Government published its Energy White Paper, *Powering our Net Zero Future*, this document sets out current thinking on the way in which the UK should work towards meeting its Net Zero targets by 2050. It not only advises that retiring fossil fuel generation capacity will need to be replaced but presents modelling which suggests that overall demand could double by 2050. It notes that this would require a four-fold increase in clean electricity generation with decarbonisation of electricity increasingly underpinning the delivery of the Net Zero target.

- 5.1.11 Page 4 of the Energy White Paper sets out three key themes as follows:

- Transform energy;
- Green recovery; and
- Fair deal for consumers.

- 5.1.12 It is clear that the UK Government was looking for a transformation to the delivery of renewable energy which, at the time of the White Paper, was identified to form part of a green recovery post-COVID and deliver fair prices for the consumers of energy. Page 9 of the document is clear on what decarbonisation of the energy system means, stating "*Decarbonising the energy system over the next thirty years means replacing – as far as it possible to do so – fossil fuels with clean technologies such as renewables, nuclear and hydrogen.*".

5.1.13 The document looks at what needs to be achieved in terms of clean electricity production in order to reach Net Zero and Figure 1.4 on page 9 summarises the situation clearly, it is as follows:

Source: Energy Trends Table 1.2; CCC Net Zero Report

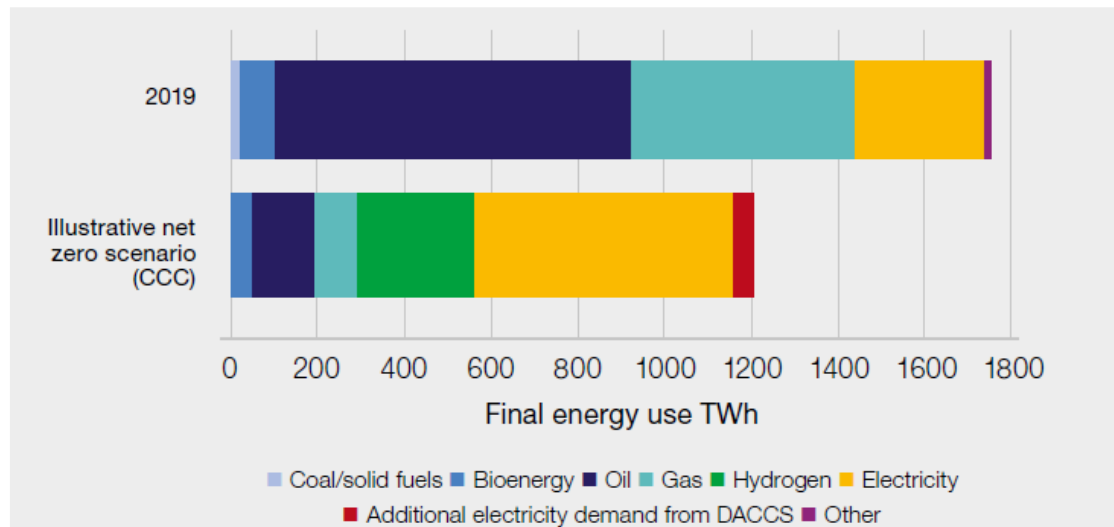


Figure 5.1: Illustrative UK Final Energy User in 2050

5.1.14 Page 10 of the Energy White Paper is clear that clean electricity is key to reaching Net Zero – it states, “Clean electricity will become the predominant form of energy, entailing a potential doubling of electricity demand and consequently a fourfold increase in low-carbon electricity generation.”

5.1.15 Chapter 2 of the Energy White Paper outlines the UK Government’s goal in relation to power. It states, “Electricity is a key enabler for the transition away from fossil fuels and decarbonising the economy cost-effectively by 2050.” To do this the UK Government will:

- “Accelerate the deployment of clean electricity generation through the 2020s.
- Invest £1 billion in the UK’s energy innovation programme to develop the technologies of the future such as advanced nuclear and clean hydrogen.
- Ensure that the transformation of the electricity system supports UK jobs and new business opportunities, at home and abroad.”

5.1.16 Page 43 of the document is clear on the expected role of wind farm developments as a key generator of low-cost clean energy. It advises that while the UK Government “are not planning for any specific technology solution, we can discern some key characteristics of the future generation mix. A low-cost, net zero consistent system is likely to be composed predominantly of wind and solar.”

5.1.17 The document is clear that onshore wind is part of the overall solution stating that: “Onshore wind and solar will be key building blocks of the future generation mix, along with offshore wind...We will need sustained growth in the capacity of these sectors in the next decade to ensure that we are on a pathway that allows us to meet net zero emissions”.

### 5.3.1.2. UK Government Net Zero Strategy 2021

5.1.18 In October 2021 the UK Government published their Net Zero Strategy. The document set out for the first time how the UK Government intends to halve UK emissions in little over a decade, and to eliminate them by 2050. The Climate Change Committee has advised that “it is an achievable, affordable plan that will bring jobs, investment and wider benefits to the UK”.

5.1.19 In considering power the document advises that *“the net zero economy will be underpinned by cheap, clean electricity made in Britain. A clean, reliable power system is the foundation of a productive net zero economy as we electrify other sectors.”*

5.1.20 It is clear from the document that onshore wind and other forms of renewable energy generation are part of the solution. It is also clear that storage measures to help smooth out future price hikes are to be deployed.

### 5.3.2. Scottish Policy

5.1.21 Tackling climate change is a devolved matter and therefore the Scottish Government has a responsibility to set policy to ensure compliance with targets set at EU and UK level. The Scottish Government are responsible for their climate change and planning policy. The following text sets out the current Scottish policy relevant to the consideration of the application for the Proposed Development.

5.1.22 In December 2017, the Scottish Government published two energy policy documents, comprising the following:

- The Scottish Energy Strategy *‘The Future of Energy in Scotland’*; and
- The Onshore Wind Policy Statement.

5.1.23 At the time, these policy documents, together, represented the Scottish Government’s intended energy and climate change strategy for the period to 2050. In 2021 the Scottish Government published the Scotland Energy Strategy Position Statement and in January 2023 the Scottish Government published the Scottish Energy Strategy and Just Transition Plan. In December 2022 the Scottish Government published the OWPS 2022. Further information in respect of these documents is contained in the following text.

#### 5.3.2.3. Scottish Energy Strategy

##### 5.3.2.3.1. Scottish Energy Strategy 2017

5.1.24 The Scottish Government published its Scottish Energy Strategy (SES 2017) in December 2017. The SES 2017 set out a vision for a strong and sustainable low carbon economy. SES 2017 described the Scottish Government’s vision for the future energy system in Scotland beyond 2020 looking forward until 2050.

5.1.25 The SES 2017 was designed to provide a long-term vision to guide detailed energy policy decisions over the coming decades. It set out the priorities for an integrated system-wide approach that considers both the use and the supply of energy for heat, power and transport. It contained six energy priorities including increasing renewable energy production and increasing flexibility, efficiency and resilience of the energy system.

5.1.26 The SES 2017 advised that for Scotland to meet the domestic and international climate change targets, the Scottish Government will set a new 2030 ‘all-energy’ target for the equivalent of 50% of Scotland’s heat, transport and electricity consumption to be supplied from renewable sources. It advised that it has a vision for:

*“a flourishing, competitive local and national energy sector, delivering secure, affordable, clean energy for Scotland’s households, communities and businesses.”*

5.1.27 The SES 2017 set two new targets for the Scottish energy system by 2030. These were:

*“The equivalent of 50% of the energy for Scotland’s heat, transport and electricity consumption to be supplied from renewable sources; and*

*An increase by 30% in the productivity of energy use across the Scottish economy.”*

5.1.28 Reaching 50% in the 13 years from the publication of the SES 2017 would be challenging, despite the progress being made, and the SES 2017 acknowledged this.

- 5.1.29 Renewable and low carbon solutions are identified as one of six energy priorities around which the 2050 vision is built. The document advised that the Scottish Government “*will continue to champion and explore the potential of Scotland’s huge renewable energy resource, and its ability to meet our local and national heat, transport and electricity.*”
- 5.1.30 The SES 2017 advised that “*changes to how we store energy across the system, and particularly in terms of electricity and heat, could have a profoundly important bearing on our low carbon future.*” The Proposed Development includes the provision of battery energy storage which is considered to be a benefit.
- 5.1.31 Under the heading of Renewable Energy SES 2017 it is clear that the Scottish long term climate change targets will require the near complete decarbonisation “*of the Scottish energy system by 2050 and that renewable energy is anticipated to meet a significant share of this*”.
- 5.1.32 In the section on Onshore Wind, SES 2017 advised that at that time “*onshore wind is now amongst the lowest cost forms of power generation of any kind and is a vital component of the huge industrial opportunity that renewables create for Scotland*”. This remains the case. Onshore wind was identified, in 2017, as being required to play a vital role in the future of Scotland, helping to decarbonise electricity, boosting the economy and meeting demand. The SES 2017 noted that in order to achieve the targets means developers and communities working together and striking the right balance between environmental impacts, local support, benefit and where possible economic benefits deriving from community ownership.

#### 5.3.2.3.2. Scotland’s Energy Strategy Position Statement

- 5.1.33 The Scottish Government published Scotland’s Energy Strategy Position Statement (SESPS) in March 2021 which provided an overview of the Scottish Government’s key priorities for the short to medium-term in ensuring a green economic recovery, whilst remaining aligned to Net Zero ambitions, in the lead up to COP 26.
- 5.1.34 SESPS provided an overview of the Scottish Government’s policies in relation to energy. It was clear, at the time, that the Scottish Government would remain guided by the key principles set out in the SES and the SESPS reinforced “*the importance the Scottish Government attaches to supporting the energy sector in our journey towards net zero, thus ensuring a green, fair and resilient recovery for the Scottish economy*”.
- 5.1.35 The Ministerial Foreword referenced the challenge of COVID 19 which, it stated, had created an economic crisis and noted that the Climate Emergency “*has continued unabated*”. The Foreword stated that “*in this context, the need for a just transition to net zero greenhouse gas emissions by 2045, in a manner that supports sustainable economic growth and jobs in Scotland, is greater than ever*”.
- 5.1.36 The report made reference to Scotland’s ambitious and world-leading legislative framework for emissions reduction and “*a particularly challenging interim target for 2030*”. This is the ambitious target of achieving a 75% reduction in greenhouse gas emissions by 2030 in advance of Net Zero by 2045.
- 5.1.37 The summary of the SESPS was clear that the current SES remains in place until any further Energy Strategy refresh is adopted by Ministers. The SES remains in place at the time of writing this PRES.
- 5.1.38 Section 5 of the SESPS considered ‘a green economic recovery’ and stated that creating green jobs was, at the time, at the heart of the Scottish Government’s plans for a green economic recovery.
- 5.1.39 Onshore renewables was specifically considered in Section 8, of the SESPS where it stated that “*the continued growth of Scotland’s renewable energy industry is fundamental to enable us to achieve our ambition of creating sustainable jobs as we transition to net zero*”. It added that “*the Scottish Government is committed to supporting the increase of onshore wind in the right places to help meet the target of net zero. In 2019, onshore wind investment in Scotland generated over £2 billion in turnover and directly supported approximately 2,900 full time equivalent jobs across the country*”.



5.1.40 If the UK is to meet its Net Zero targets, then there needs to be a fundamental shift away from the use of fossil fuels to generate power for sectors such as transport and heat. The shift away from the use of fossil fuels must be replaced by renewable energy and electricity generated from renewable forms is a fundamental part of the solution. The generation of renewable electricity is key to the decarbonisation of a wide number of sectors. The progress towards meeting the renewable energy targets is considered to be a key relevant consideration in the determination of the application for the Proposed Development.

### 5.3.2.3.3. Draft Energy Strategy and Just Transition Plan- Delivering a Fair and Secure Zero Carbon Energy System for Scotland

5.1.41 On January 10<sup>th</sup>, 2023, a route map to secure Scotland's fastest possible fair and just transition away from fossil fuels towards a fair and secure zero carbon energy system for Scotland, was published for consultation. The DES&JTP sets out a plan for Scotland's renewables revolution to be accelerated as North Sea basin resources decline. The document is a consultative draft and as such should only be attached limited weight in the decision-making process.

5.1.42 The Ministerial foreword is clear that now more than ever there is a need for energy security. It reinforces the importance of acting now to deliver on the net zero targets. It states:

*"The imperative is clear: in this decisive decade, we must deliver an energy system that meets the challenge of becoming a net zero nation by 2045, supplies safe and secure energy for all, generates economic opportunities, and build a just transition."*

5.1.43 The DES&JTP is clear that the situation in Ukraine, which has resulted in volatility in the global energy supply market, has heightened the need for domestic energy generation and security. It is also very clear that there is a need to reduce fuel poverty and to ensure that energy is available to consumers at a reasonable price. The foreword sets out key ambitions for Scotland's Energy Future, and identifies 10 which include the following that are relevant to the Proposed Development:

- More than 20 GW of additional renewable electricity on and offshore by 2030;
- Increased contributions from solar and other technologies to the energy mix;
- Generation of surplus electricity, enabling export of electricity to support decarbonisation across Europe;
- Energy security through development of own resources and additional storage; and
- Just transition by maintaining or increasing employment in Scotland's energy production sector against a decline in North Sea production.

5.1.44 Onshore wind is covered at 3.1.2 and energy storage is covered at 5.1 of the DES&JTP. This refers to the OWPS 2022 and reaffirms key statements and headlines made in that document. The Applicant is clear that they are also committed to maximising the contribution that energy storage can make to a just, inclusive, transition to net zero.

5.1.45 Published as part of the DES&JTP is a Just Transition Plan for the energy sector. This details the support being provided to grow Scotland's highly skilled energy workforce, increase jobs in energy generation and the supply chain, while enabling communities and businesses to prosper.

5.1.46 The DES&JTP advises that analysis shows the number of low carbon production jobs is estimated to rise from 19,000 in 2019 to 77,000 by 2050 as the result of a just energy transition, meaning there will be many more jobs in energy production in 2050 than there are now. It is estimated that the Proposed Development would result in 204.8 jobs regionally and 63.6 locally during construction. During the operational phase, it is estimated that, the Proposed Development would generate 13.6 jobs regionally and 9.8 locally.

The Proposed Development has been designed to operate in the current and emerging market conditions and, as such, will contribute positively towards reaching the targets set out in the DES&JTP.

### 5.3.2.4. Onshore Wind Policy Statement 2022

- 5.1.47 The Scottish Government published the OWPS 2022 on the 21<sup>st</sup> December 2022. As a document, it dovetails with NPF4 (which is considered in this document in Chapter 7) and there are specific references within the OWPS 2022 which link the two documents. To some degree the OWPS 2022 explains some of the context for the policies that are contained in NPF4. In considering the issues relating to the Proposed Development, it is submitted that the two documents should be read together.
- 5.1.48 The key headline in the OWPS 2022 is the identification in Scottish Government Policy that we need to “*go further and faster than before*” along with the inclusion in policy of the “*minimum installed capacity of 20GW*” ambition for onshore wind in Scotland by 2030.
- 5.1.49 The following text considers the weight that should be attached to the climate emergency in the decision-making process. It then considers the elements of the OWPS 2022 that are relevant to the Proposed Development and makes cross reference to Section 7.2 of this PRES in respect of NPF4 as it is considered appropriate.
- 5.1.50 The key policies set out in OWPS 2022 are focused on the change of ambition and the formal agreement to the higher minimum target by 2030. The text in this section, of the PRES, identifies a range of matters, relevant to the consideration of the application within the OWPS 2022.

#### 5.3.2.4.1. Weight to be Attached to the Climate Emergency

- 5.1.51 The Ministerial Foreword of the OWPS 2022 provides important context to the subsequent emergence of the ambition to achieve a minimum of 20GW onshore wind by 2030. The Cabinet Secretary acknowledges the specific contribution that onshore wind can make to meeting climate change objectives and the transition towards a net zero society.
- 5.1.52 The Cabinet Secretary’s foreword, paragraph two, identifies the issues caused to security of energy supply by the invasion of Ukraine. The Ukraine invasion has resulted in serious concerns about the extent to which Scotland’s current energy system can meet demands for energy. The second aspect raised in respect of the invasion of Ukraine is the consequence for energy prices. This is one of the key contributors to the current cost of living crisis and is counter intuitive when considered in the context of the long-standing policy of providing consumers with affordable energy sources.
- 5.1.53 The Ministerial Foreword demonstrates how price competitive onshore wind is, paragraph 11 is clear that onshore wind is “*good value for consumers*” and it can therefore make a contribution to an energy future which seeks to provide greater price certainty for consumers whilst also providing additional generation which can help to meet the future security of supply.
- 5.1.54 The Ministerial Foreword is also clear that it is not onshore wind at any cost, paragraph 13 is clear that the ambition needs to be delivered in a way which continues to enhance Scotland’s rich natural heritage and native flora and fauna and supports actions to address the nature crisis and the climate crisis.
- 5.1.55 The OWPS 2022 sets a specific renewable target which itself relates to the legally binding energy generation targets which are themselves referenced in Policy 11 of NPF4. To date, the focus of the justification for most renewable energy projects has been in relation to climate change and emissions reduction with links made to the legally binding targets which are set out in The Climate Change (Emissions Reduction Targets) (Scotland) Act 2019. This link is a clear change and one which should carry material weight in the decision-making process.
- 5.1.56 Chapter 1 of the OWPS 2022 contains specific acknowledgement of the need for the further speedy deployment of onshore wind. It states “*We must now go further and faster than before. We expect the next decade to see a substantial increase in demand for electricity to support net zero delivery across all sectors, including heat, transport, and industrial processes*”. As a result of this policy ambition there is a need for a minimum installed capacity of 20 GW by 2030. If that ambition is to be achieved, consents need to be granted in early course to allow deployment as

quickly as possible. Schemes consented now are likely to be delivered in 2025/2026 and an increase in deployment has to occur now. The Proposed Development has a grid connection date of 2027 and it is clear that, if consented, it could actively contribute towards the 2030 targets.

#### 5.3.2.4.2. Environmental Considerations

5.1.57 Chapter 3 of the OWPS 2022 is entitled Environmental Considerations; Achieving Balance and Maximising Benefits, this is clear that it is all about balance. The following text considers what the OWPS 2022 says in respect of landscape and biodiversity in the order in which they are covered in that document.

##### 5.3.2.4.2.1. Biodiversity

5.1.58 Paragraph 3.5.6 refers to the role in which onshore wind can play in addressing the biodiversity crisis. It states:

*“the resolution of the balance between its [onshore wind] deployment and biodiversity interests requires careful discussion and planning at a local level. As the rate of onshore wind deployment increases in the coming years, we see a great opportunity for wind energy developments to further contribute significantly to our biodiversity ambition. By proactively managing intact habitats and the species they support, restoring degraded areas and improving connectivity between nature-rich areas, onshore wind projects will contribute to our climate change targets and help address the biodiversity crisis.”*

5.1.59 It is clear in the OWPS 2022 that there is an expectation that onshore wind farm development has a role to play in addressing the nature crisis and to contributing to biodiversity improvements. Annex one of the OWPS 2022 contains an example of biodiversity enhancement related to habitat management and peatland restoration. It is also clear that there is work in progress in the form of the Scottish Biodiversity Strategy and the way in which the aspiration of the OWPS 2022 in respect of biodiversity can be achieved.

##### 5.3.2.4.2.2. Landscape

5.1.60 The OWPS 2022 Chapter 3 includes a section which covers landscape and visual matters. In paragraph 3.6.1 there is acknowledgement of the need for taller and more efficient turbines and the recognition that these will inevitably change the landscape. It states:

*“Meeting our climate targets will require a rapid transformation across all sectors of our economy and society. This means ensuring the right development happens in the right place. Meeting the ambition of a minimum installed capacity of 20 GW of onshore wind in Scotland by 2030 will require taller and more efficient turbines. This will change the landscape.”*

5.1.61 Emphasis as per the OWPS 2022.

5.1.62 Paragraph 3.6.2 of the OWPS 2017 states:

*“Outside of these areas [National Parks and National Scenic Areas (NSA)], the criteria for assessing proposals have been updated, including stronger weight being afforded to the contribution of the development to the climate emergency, as well as community benefits.”*

5.1.63 This must be seen as a clear acknowledgement, from the Scottish Government, that in order to achieve the 2030 targets, a higher level of landscape and visual impact will need to be accepted, this expressly includes landscape change. It is clear that there is a need to accept change to the landscape and that increased weight should be given to the contribution of the development to the climate emergency as well as community benefits in considering the decision-making balance.

5.1.64 It is submitted that the OWPS 2022 provides a positive framework for considering the landscape and visual effects of wind farm proposals.

### 5.3.2.4.2.3. Other Environmental Matters

- 5.1.65 It is submitted that in terms of Chapter 3, the application material has dealt with all the environmental matters raised in the OWPS 2022. With the exception of landscape and visual matters no adverse significant effects, subject to mitigation being implemented, have been identified during the EIA.

### 5.3.2.4.2.4. Benefits to Local Communities and Financial Mechanisms

- 5.1.66 Chapter 4 of the OWPS 2022 devotes attention to benefits to local communities and financial mechanisms. While neither shared ownership nor the delivery of monetary community benefits are material to the consideration of the application for deemed planning permission it is important to recognise the benefits which such arrangements bring to the local area.

## 5.4. Renewable Energy Policy Conclusions

- 5.1.67 The international, UK and Scottish contexts set a framework of ambitious targets associated with climate change including those for renewable energy and Net Zero emissions. If these targets are to be met, and the economy is to decarbonise, then the need for generation of renewable energy is critical, without renewable energy it will not be possible to achieve the targets.
- 5.1.68 Scotland offers the potential for renewable energy opportunities which can be home grown and provide economic benefits which can help to ensure that the Scottish economy becomes more resilient and less reliant on traditional carbon-based fuels. Onshore wind farm developments, such as the Proposed Development, has the ability to play a leading role in this.
- 5.1.69 In the last two years or so there have been a number of examples of Reporters recognising the weight to be attached to renewable energy. In the case of Crystal Rig IV which was issued in March 2021 (Ref WIN-140-8 March 2021) the Reporter's Report is clear that the proposed development, in that case, *"attracts support from recent developments in response to the declaration of a Climate Emergency, particularly the enactment of The Climate Change (Emissions Reduction Targets) (Scotland) Act 2019."*
- 5.1.70 The Scottish Ministers' decision in the case of Crystal Rig IV is clear that *"The seriousness of climate change, its potential effects and the need to cut carbon dioxide emissions, remain a priority for the Scottish Ministers."* Going on to advise that the Scottish Ministers consider that documents including the SES and the Climate Change (Emissions Reduction Targets) (Scotland) Act 2019, are significant considerations which strongly support the decision to grant consent and deemed planning permission.
- 5.1.71 In the recent decision of the Scottish Ministers for a Section 36 application, Kennoxhead Wind Farm Extension (Reference ECU 00003263, 20 February 2023) (circa 50 MW), the decision letter advised as follows:  
*"The seriousness of climate change, its potential effects and the need to cut carbon dioxide emissions, remain a priority of the Scottish Ministers. The Climate Change (Emissions Reduction Targets) (Scotland) Act 2019 introduced a target of net zero greenhouse gas emissions by 2045 at the latest. Scotland will also have to reduce emissions by at least 75% by 2030 and 90% by 2040. Scotland's Climate Change Plan 2018-2032 sets out the road map for achieving those targets and has set the goal of 50% of Scotland's energy need to be met by renewable energy by 2030. The Climate Change Plan Update ("CPPu") was published in December 2020 and sets out the Scottish Government's approach to deliver a green recovery and pathway to deliver world leading climate change targets."*
- 5.1.72 The Proposed Development offers an opportunity to contribute to both meeting the climate change emergency and the nature crisis in a relatively short timeframe, and in a key decade for Scotland to address climate change.

## 6. Renewable Energy Targets

- 6.1.1 This chapter of the PRES outlines the targets set in law for both the UK and Scottish Governments, in respect of renewable energy targets, and sets out the progress towards the targets in Scotland.
- 6.1.2 Through policy, the UK and Scottish Governments have set very clear and ambitious legally binding targets for renewable energy and GHG emissions. These targets, and progress against these targets, are important relevant considerations in the decision-making process for the application.
- 6.1.3 The Proposed Development could make an important contribution to renewable energy targets, in particular it could assist in meeting targets before 2030.
- 6.1.4 On 11<sup>th</sup> June 2019, Theresa May, the then Prime Minister, announced that the UK Government would bring forward legislation which would make the Net Zero target law. On 27<sup>th</sup> June 2019, the UK passed legislation to end its part in global warming by 2050 through the reduction in greenhouse gasses by at least 100%. The amendment to the Climate Change Act 2008 makes this legally binding.
- 6.1.5 Paul Wheelhouse, the then Minister for Energy, Connectivity and the Islands, in his Ministerial Foreword in the Annual Energy Statement 2019 made it clear, in the context of Scotland's net zero target by 2045 "*we [Scotland] have the most stringent statutory targets in the world*". The Committee on Climate Change 2020 is clear in its executive summary that although "*Net Zero has been adopted as a key goal of the Government ..... we are not making adequate progress in preparing for climate change*".
- 6.1.6 The Climate Change Act 2008 as amended by the Climate Change Act 2008 (2050 Target Amendment) Order 2019 and the Climate Change (Scotland) Act 2009 as amended by the Climate Change (Emissions Reduction Targets) (Scotland) Act set the UK and Scottish targets for reaching Net Zero. These acts and targets are covered in the following text.

### 6.1. UK and Scottish Renewable Energy Targets

#### 6.1.1. The Climate Change Act 2008 as amended by the Climate Change Act 2008(2050 Target Amendment) Order 2019

- 6.1.7 The Climate Change Act 2008 (the 2008 Act) became law on 26<sup>th</sup> November 2008. Scotland is a partner in delivering the UK emissions reduction target set out in the 2008 Act.
- 6.1.8 Two key aims underpin the 2008 Act, these are:
- To improve carbon management and help the transition towards a low carbon economy in the UK; and
  - To demonstrate strong UK leadership internationally.
- 6.1.9 The 2008 Act introduced for the first time a legally binding framework to tackle the challenges of climate change. It set legally binding targets for the UK to reduce carbon dioxide emissions by 80% by 2050 relative to 1990 levels. Energy generated from renewable sources was identified as a key component for meeting the challenge of reducing carbon emissions and the fight against climate change.
- 6.1.10 The 2008 Act was amended in 2019 by the Climate Change Act 2008 (2050 Target Amendment) Order 2019 to include revised targets. These included a reduction in GHGs of at least 100% from 1990 levels by 2050. The key aims were not altered.

## 6.1.2. The Climate Change (Emissions Reduction Targets) Scotland Act 2019

- 6.1.11 The Climate Change (Emissions Reduction Targets) Scotland Act 2019 was passed by the Scottish Parliament in 2019. It amended the Climate Change (Scotland) Act 2009 and sets targets to reduce Scotland's emissions of all GHG to net-zero by 2045 at the latest, with interim targets for reductions of at least 56% by 2020, 75% by 2030, 90% by 2040.
- 6.1.12 The target of net-zero emissions by 2045, five years ahead of the UK, is, the Scottish Government state, firmly based on what the independent Committee on Climate Change (CCC) advise is the limit of what can currently be achieved. Progress towards the targets is measured against 1990 levels of carbon dioxide, methane and nitrous oxide and 1995 levels of hydrofluorocarbons, perfluorocarbons, sulphur hexafluoride and nitrogen trifluoride.

## 6.2. Progress to the Scottish Renewable Energy & Greenhouse Gas Targets

- 6.1.13 The electricity sector has been a focus for change in climate change policy and Governments have set increasingly ambitious targets for electricity generation by means which do not produce carbon dioxide (a recognised GHG). In Scotland, whilst the electricity sector is largely decarbonised, it is recognised going into the future that additional electricity generation capacity is required as ambitious targets to decarbonise the heat and transport sectors are set. The current targets that are set for a reduction in GHG emissions are as follows:
- 100% reduction in GHG emissions to Net Zero by 2045.
  - Interim targets for GHG emission reductions:
    - 75% by 2030
    - 90% by 2040
- 6.1.14 Interim annual targets which are contained in the Climate Change (Emissions Reductions Targets) Scotland) Act 2019 are set out in Appendix 2 of this PRES. It is clear that Scotland has set very ambitious targets to reach Net Zero and there is a lot of work to be done to achieve these targets. In particular, the need to reach the 2030 target is critical if there is to be a chance of reaching the 2045 target. Renewable energy generation is critical to moving forward and part of that must be the development of onshore wind given its ability to be deployed within the timescale required to deliver the 2030 interim target.

### 6.2.1. Progress Towards Renewable Energy Targets

- 6.1.15 The Scottish Government had a long-standing target to generate the equivalent of 100% of gross energy consumption in Scotland from renewable sources by 2020. This is a target that was not achieved.
- 6.1.16 The SES 2017 contained a target for 50% energy from renewable sources by 2030 which it advised may require in the region of 17 GW of installed renewables capacity by 2030 ((SES page 34). This is considered to be a less ambitious target than more recent targets, the most up to date of which is contained on the OWPS 2022. The OWPS 2022 target of 20 GW of onshore wind by 2030 is considered to be the most relevant policy target for the Proposed Development.
- 6.1.17 Figures released in the Energy Statistics for Scotland (June 2023) show that as of March 2023, 14.2 GW of renewable electricity installed capacity in Scotland. They also show that 87.8% of all electricity generated in 2021 in Scotland was from low carbon sources<sup>2</sup>.
- 6.1.18 Figure 6.1 is an extract from the Energy Statistics for Scotland Q1 2023 figures which clearly shows the position in respect of the key targets.

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<sup>2</sup> Available online from: <https://www.gov.scot/publications/energy-statistics-for-scotland-q1-2023/> [Accessed 08/08/2023]

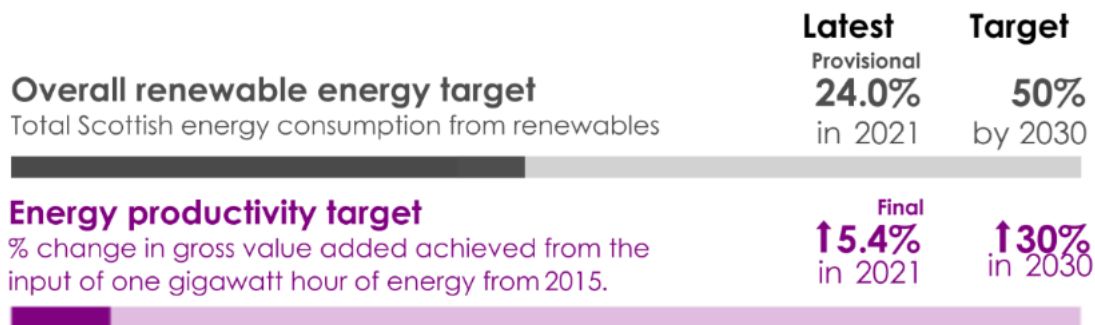


Figure 6.1: Latest progress towards energy targets

## 6.2.2. Progress Towards Greenhouse Gas Emissions Targets

6.1.19 With regards to progress in reducing emissions in Scotland 2022, the Report to Parliament Climate Change Committee, December 2022 advises that:

*“On the basis of the latest greenhouse gas (GHG) inventory, emissions in 2020 fell by 12% from 2019 to 40.6 MtCO<sub>2</sub>e and by 51% since 1990. On the ‘GHG Account’ basis, on which performance against the legislated targets is assessed, emissions were 59% lower than in 1990 and the 2020 interim target of 56% was achieved. The fall in emissions in 2020 was largely due to travel restrictions during the COVID 19 pandemic, without which it is unlikely the target would have been met. The annual targets in the 2020s will be much harder to achieve as emissions rebound.”*

6.1.20 It goes on to state:

*“There is now a significant risk of Scotland failing to meet its annual targets in the 2020s and the interim 2030 target.”*

6.1.21 The evidence is clear that in the early stages of these challenging targets, Scotland is not achieving what is required to reach the overall Net Zero target. We need to do more. It is understood that renewable energy production is not the sole answer to this, but it is part of the solution, and the Proposed Development provides a way to contribute to the targets being met. The targets as they ramp up will become more and more challenging to meet if the early targets are not fulfilled.

6.1.22 The Proposed Development would have a maximum installed capacity of just under 67 MW, which would make an important contribution to Scottish Government targets on renewable energy and carbon emission reductions.

6.1.23 The targets are challenging, and the Proposed Development seeks to meet these objectives whilst also ensuring it is acceptable in terms of environmental impact and residential amenity considerations. The impacts of the Proposed Development are considered in the EIAR and summarised in Chapter 8 of this PRES.

## 6.2.3. Progress Towards Onshore Wind Targets

6.1.24 The OWPS 2022 sets a target of a minimum installed capacity of 20 GW of onshore wind in Scotland by 2030. It further advises that Scotland has 8.7 GW of installed onshore wind capacity. The first consents for commercial onshore wind farms were issued in 1994 so it has taken nearly 30 years to move from the first consented commercial onshore wind farm to less than 10 GW of installed capacity – the challenge of moving from the current situation to 20 GW of installed capacity for onshore wind in less than seven years is clear.

6.1.25 The OWPS 2022 advises that there is some 5.53 GW of potential capacity which is in planning or consenting and 1.17 GW under construction. It must be remembered that not all of the schemes in 5.53 GW of potential capacity will be consented and not all of the projects consented will be constructed for a variety of reasons including the fact that some projects are no longer viable, not all will have grid connection dates before 2030 and some are constrained by Eskdalemuir to name but a few reasons.

#### 6.2.4. Proposed Development contribution to targets and national policy objectives

6.1.26 The proposed turbines would have a combined rated output of around 47.6 MW. A battery energy storage system would also be installed with a capacity of up to 20 MW giving a total capacity for the Proposed Development of just under 67.6 MW. The prospective electricity generation from the proposed wind turbines equates to the annual power consumed by up to approximately 29,000 average Scottish households. The Proposed Development would provide a flexible balance of fully renewable electricity to meet the demands of the National Grid.

6.1.27 The proposed turbines which would be installed at the Proposed Development seek to optimise the energy return by implementing infrastructure with a higher rated energy capacity. Such equipment can only achieve their predicted energy capacity by accommodating a larger rotor (swept area) and, consequently, higher turbine heights. However, the optimisation of the turbines has only been possible through a thorough assessment of the Proposed Development on the environmental impacts and constraints.

6.1.28 In the case of Blarghour (reference WIN-130-4 October 2021) the Scottish Minister's decision letter stated that:

*"The proposed development makes a significant contribution towards meeting greenhouse gas emission and renewable electricity targets. The proposed Development will have a generating capacity of up to 57.8 MW based on current technology. The deployment of this amount of renewable energy produced in Scotland is entirely consistent with the Scottish Government's policy on the promotion of renewable energy and its target date for net-zero emissions of all greenhouse gases by 2045."*

The Proposed Development would contribute 10 MW more than the Blarghour to the energy targets.

### 6.3. Target Conclusions

6.1.29 Significant weight should be attached to the strong support of the Scottish Government for the development of renewable energy, and onshore wind energy as part of that. The agreed grid connection dates mean that the Proposed Development could be constructed and operational by 2030 and so provide a valuable contribution to the 2030 interim targets. The Proposed Development draws considerable support from the policy material discussed in this chapter and Chapter 5 of this PRES. In particular, it would make a meaningful contribution towards targets for renewable energy before 2030 as it has a grid connection date of 2027.

6.1.30 The Government policy which is set out in Chapter 5 of this PRES culminates in the targets which have been set in respect of GHG emissions and Net Zero. For the purposes of this application, it is the Scottish targets that should be the focus. These targets are set in law and should attract significant weight in the decision-making process for this application.

6.1.31 The Proposed Development would make a valuable contribution to the Scottish targets, and this should be afforded significant weight in the decision-making process.



## 7. Planning Policy and Guidance

### 7.1. Introduction

- 7.1.1 This chapter of the PRES sets out details of the relevant planning policy when considering the application for the Proposed Development. It first considers the Development Plan and then other relevant Scottish Planning Guidance. This chapter does not provide an assessment against the policies, rather it identifies the policy, which the Proposed Development is then assessed against in Chapter 8. The Development Plan comprises the NPF4 and the Local Development Plan. Where the Local Development Plan has been adopted prior to the adoption and publication of NPF4, as is the case in this situation, the legislation (Town and Country Planning (Scotland) Act 1997 as amended section 24(3)) is clear that in the event of any incompatibility between a provision of NPF4 and a provision of the Local Development Plan the provision of NPF4 is to prevail.

### 7.2. National Planning Framework 4

- 7.1.2 NPF4 was laid before the Scottish Parliament on the 8<sup>th</sup> November 2022 for approval. NPF4 received final approval from the Scottish Parliament on the 11<sup>th</sup> January 2023 and was adopted by the Scottish Ministers on the 13<sup>th</sup> February 2023. NPF4 superseded both National Planning Framework 3 (NPF3) and Scottish Planning Policy (SPP) on 13<sup>th</sup> February 2023 and now forms a part of the statutory Development Plan. NPF4 provides a spatial strategy and policy direction contained within a single document; and as a consequence, NPF4 will assume a greater role in decisions taken within the planning system. In presenting the document to the Scottish Parliament the Minister for Public Finance, Planning and Community Wealth, Tom Arthur MSP, was clear on the importance of the document. He said:

*“It has been suggested that the fourth national planning framework represents the biggest change to our approach to planning in Scotland in 75 years. Indeed, NPF4 marks a turning point for planning: it is not a general policy update; it is about change and planning with courage and determination to make some of the difficult decisions that may lie ahead.*

*We have had the 75th anniversary of the Town and Country Planning (Scotland) Act 1947, which gave birth to our modern planning system. NPF4 is the biggest change that we have seen to our planning system since then, and it will change the wellbeing of our people, our businesses, our places and our communities. It will help to make Scotland a fairer, greener and more prosperous country. I hope that members will vote to approve it. In doing so, they will give a resounding statement from Scotland's Parliament about how we embrace change and plan places for the future.”*

- 7.1.3 In the context of the Proposed Development, which is subject to an application submitted under Section 36 of the Electricity Act 1989, the Development Plan does not have primacy (as explained in Chapter 4 of this document). That said, the weight to be attached to NPF4 as a material consideration is considered to be substantial given its recent approval by the Scottish Parliament, its detailed focus on renewables and other relevant topics, and given its very recent adoption.
- 7.1.4 Under Section 13(2)(3) of the Planning (Scotland) Act 2019, where there is any inconsistency between the Highland wide Local development Plan 2012 with NPF4, the latter should prevail as the most recent document.
- 7.1.5 As stated by the Minister in his concluding remarks during the debate on NPF4 in the Scottish Parliament on 13<sup>th</sup> January 2023 NPF4 2022 represents a significant change in the planning system.
- 7.1.6 The presumption in favour of development that contributes to sustainable development does not feature in NPF4. However, NPF4 contains stronger and much clearer spatial strategy and policy support about the weight that should be given to addressing the climate emergency and nature crisis when assessing applications. In the case of

Clashindarroch the first inquiry into the proposed development was held prior to the addition of NPF4. Following the inquiry the Reporter recommended that the proposed development be refused consent on landscape and visual grounds. The Inquiry was reopened following the adoption of NPF4 and the Reporter revised her recommendation and recommended that consent be granted for the proposed development. In their decision the Scottish Ministers found that although the proposed development would have a significant landscape and visual effect that development was acceptable. The decision letter states:

*“the proposed Development will have significant adverse landscape and visual effects (including some on views from houses and on visitors to Tap o’ Noth), however the Scottish Ministers find that these negative impacts on the natural environment are acceptable in the context of the net economic benefits and significant renewable energy benefits, in support of climate change mitigation, that would arise if the proposed Development were deployed.”*

7.1.7 This is clear evidence of the revised balance which is to be struck between the benefits and impacts of renewable energy as a result of NPF4.

7.1.8 NPF4 removes the Spatial Framework for Onshore Wind Farms (Spatial Framework) and replaces it with a strategic spatial strategy which clearly supports onshore wind electricity generation and associated grid infrastructure throughout Scotland. Policy 11 is clear that that wind farms in NSAs and National Parks will not be supported. Outwith these areas, NPF4 states that proposals for all forms of renewable energy, including onshore wind farms *“will be supported”*. Applications will instead only be required to be considered against detailed policy factors.

### 7.2.1. NPF4 Part 1: A National Spatial Strategy for Scotland 2045

7.1.9 Part 1 of NPF4 sets out the national spatial strategy and regional spatial priorities for different parts of Scotland. There are six spatial principles identified which will influence all plans and decisions, comprising:

- Just transition;
- Conserving and recycling assets;
- Local living;
- Compact urban growth;
- Rebalanced development; and
- Rural revitalisation.

7.1.10 Application of these spatial principles will support the planning and delivery of:

- Sustainable Places – where we reduce emissions, restore and better connect biodiversity;
- Liveable Places – where we can all live better, healthier lives; and
- Productive Places – where we have a greener, fairer and more inclusive wellbeing economy.

7.1.11 The commentary on ‘Sustainable Places’ is the most relevant section of NPF4 Part 1 to this application. The commentary on page 6 notes the legislative basis for Scotland’s net-zero greenhouse gas emissions target by 2045 and notes that *“we must make significant progress towards this by 2030”*.

7.1.12 On page 7 it goes on to note that *“every decision on our future development must contribute to make Scotland a more sustainable place”*. There is encouragement for the expansion of renewable energy generation as well as a statement that *“to respond to the global biodiversity crisis, nature recovery must be at the heart of future places”*.

7.1.13 Six national developments are identified on page 7 which will help deliver sustainable places, one of which includes ‘Strategic Renewable Electricity Generation and Transmission Infrastructure’ which *“supports electricity generation and associated grid infrastructure throughout Scotland, providing employment opportunities for community benefit, helping to reduce emissions and improve security of supply”* (emphasis added).

7.1.14 Page 8 of NPF4 sets out ‘Cross-cutting Outcome and Policy Links’ with regard to reducing GHG emissions. It states:

*"The global climate emergency and the nature crisis have formed the foundations for the spatial strategy as a whole. The regional priorities share opportunities and challenges for reducing emissions and adapting to the long-term impacts of climate change, in a way which protects and enhances our natural environment."*

- 7.1.15 It then goes on to note that the nature crisis and the global climate emergency underpin the spatial strategy as a whole within the 'Improving Biodiversity' outcome and policy link.
- 7.1.16 These policy links clarify how NPF4 will help achieve the stated Outcomes through reference to relevant policies and summary commentary on each. The most relevant policies to the Proposed Development are discussed later in this statement.
- 7.1.17 Commentary on the National Spatial Strategy in Part 1 of NPF4 is supported by commentary on five Regional Spatial Strategies, each of which will contribute in their own different ways to achievement of the National Spatial Strategy. The Proposed Development is located within the 'North and West Coast and Islands – North' Regional Area, shown indicatively in the map on page 24 of NPF4. The priorities note that *"this part of Scotland can continue to make a strong contribution towards meeting our ambition for a net zero and nature positive country"*.
- 7.1.18 National Development 3 'Strategic Renewable Energy Generation and Transmission Infrastructure' is identified as one of 18 National Developments that will support delivery of the spatial strategy for the North Regional Area.

## 7.2.2. NPF4 Part 2: National Planning Policy

Part 2 of NPF4 sets out 33 national planning policies, under the headings of:

- Sustainable Places;
- Liveable Places; and
- Productive Places.

- 7.1.19 Annex B (page 97) of NPF4 sets out that 18 National Developments have been identified. These are described as *"significant developments of national importance that will help to deliver the spatial strategy... National development status does not grant planning permission for the development and all relevant consents are required"*.

- 7.1.20 It adds that:

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

- 7.1.21 Annex B sets out the Statements of Need for all 18 - National Developments. It explains that these are significant developments of national importance that will help to deliver the Spatial Strategy. It states on page 99 that:

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

- 7.1.22 Page 103 of NPF4 describes National Development 3, stating:

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

*A large and rapid increase in electricity generation from renewable sources will be essential for Scotland to meet its net zero emissions targets. Certain types of renewable electricity generation will also be required, which will include energy storage technology and capacity, to provide the vital services, including flexible response, that a zero carbon network will require. Generation is for domestic consumption as well as for export to the UK and beyond, with new*

capacity helping to decarbonise heat, transport and industrial energy demand. This has the potential to support jobs and business investment, with wider economic benefits.

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

7.1.23 Under the commentary on 'Need', NPF4 states that "Additional electricity generation from renewables and electricity transmission capacity of scale is fundamental to achieving a net zero economy..." (emphasis added).

7.1.24 The location for this National Development is set out as being all of Scotland and in terms of need it is described as:  
*"Additional electricity generation from renewables and electricity transmission capacity of scale is fundamental to achieving a net zero economy and supports improved network resilience in rural and island areas."*

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

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

*(A) on and off shore electricity generation, including electricity storage, from renewables exceeding 50 megawatts capacity;*

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

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

7.1.26 The Proposed Development exceeds the 50 MW threshold set for a National Development and would therefore have National Development status as per these provisions of NPF4.

7.1.27 While not every National Development will be granted permission, the fact that the Proposed Development falls within this category is a significant starting point in any policy assessment. NPF4 clearly recognises the need for these developments which are considered to be of such a scale that they are "fundamental" to the achievement of Scotland's net zero emissions targets. When this National Development status is combined with the requirement for decision makers to give "significant weight" to the renewable energy benefits of a scheme, a compelling case for granting consent emerges.

7.1.28 Page 98 of NPF4 states that with regard to Local Development Plans, the focus should be on land allocation through the spatial strategy and interpreting national policy in a local context. It states:

*"There is no need for LDPs to replicate policies within NPF4, but authorities can add further detail including local specific policies should they consider to be a need to do so, based on the area's individual characteristics."*

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

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

7.1.30 Most of the policies of relevance to the Proposed Development are set out under the Sustainable Places heading, which considers tackling the climate and nature crises. For each policy, NPF4 provides commentary on Policy Intent and Policy Outcomes and then discusses implications of the policy for Local Development Plans. Following the policy wording, NPF4 then sets out statements on Policy Impact and cross references to other Key Policy Connections.

7.1.31 In terms of 'Sustainable Places', relevant policies for the Proposed Development include the following:

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

7.1.32 These policies are considered in more detail in the following text. The assessment of the Proposed Development against each policy is contained in Chapter 8.

### 7.2.3. National Planning Policies

#### 7.2.3.1. Policy 11 – Energy

7.1.33 Policy 11 is the most relevant to the Proposed Development and is considered to be the lead policy for the consideration of the application. 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.”*

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

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

7.1.36 The following text sets out the elements of the policy which need to be considered in the context of the Proposed Development.

##### 7.2.3.1.1. Location

7.1.37 The first part of Policy 11 states (inter alia):

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

- i. wind farms including repowering, extending, expanding and extending the life of existing wind farms;*
- iii. energy storage, such as battery storage and pumped storage hydro;*
- vii. Proposals including co-location of these technologies.*

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

### 7.2.3.1.2. Socio Economic Benefit

- 7.1.38 NPF4 Policy 11c) details that "*proposals will only be supported where they maximise net economic impact, including local and community socio-economic benefits such as employment, associated business and supply chain opportunities*".

### 7.2.3.1.3. National and international designations

- 7.1.39 NPF4 Policy 11d) advises that development proposals that impact on international or national designations will be assessed in relation to Policy 4.

### 7.2.3.1.4. Impacts to be Addressed

- 7.1.40 Policy 11(e) requires that a proposed development, through its design and mitigation, demonstrates how a number of impacts are addressed by the development. These matters are as follows:

*i. impacts on communities and individual dwellings, including, residential amenity, visual impact, noise and shadow flicker;*

*ii. significant landscape and visual impacts, recognising that such impacts are to be expected for some forms of renewable energy. Where impacts are localised and/ or appropriate design mitigation has been applied, they will generally be considered to be acceptable;*

*iii. public access, including impact on long distance walking and cycling routes and scenic routes;*

*iv. impacts on aviation and defence interests including seismological recording;*

*v. impacts on telecommunications and broadcasting installations, particularly ensuring that transmission links are not compromised;*

*vi. impacts on road traffic and on adjacent trunk roads, including during construction;*

*vii. impacts on historic environment;*

*viii. effects on hydrology, the water environment and flood risk;*

*ix. biodiversity including impacts on birds; x. impacts on trees, woods and forests;*

*xi. proposals for the decommissioning of developments, including ancillary infrastructure, and site restoration;*

*xii. the quality of site restoration plans including the measures in place to safeguard or guarantee availability of finances to effectively implement those plans; and*

*xiii. cumulative impacts*".

- 7.1.41 The way in which the Proposed Development responds to these matters is set out in Chapter 8 of this document.

- 7.1.42 Policy 11, part e) also incorporates a paragraph which is important in considering the acceptability of wind farm proposals. At the end of part e) there is the following statement, "*In considering these impacts, significant weight will be placed on the contribution of the proposal to renewable energy generation targets and on greenhouse gas emissions reduction targets.*"

### 7.2.3.2. Policy 1 – Tackling the Climate and Nature Crises

- 7.1.43 Policy 1 states significant weight will be given to the global climate and nature crises. The intention of the policy is to "*encourage, promote and facilitate development that addresses the global climate emergency and nature crises*". The Policy Outcomes are "*Zero carbon, nature positive places*".

- 7.1.44 This policy applies to all forms of development and not just renewable energy proposals. The reference to the need to give ‘significant weight’ to the global climate and nature crises in this overarching policy aligns with Policy 11 and shows the seriousness with which Ministers are treating these issues. In the Explanatory Report accompanying NPF4, and in response to comments from consultees, it is noted in the table on page 73 that Policy 1 “*gives significant weight to the global climate crisis in order to ensure that it is recognised as a priority in all plans and decisions*” (emphasis added).
- 7.1.45 In the context of this policy, it is important to recognise that the benefits of the Proposed Development go beyond just renewable energy generation.

#### 7.2.3.3. Policy 3 – Biodiversity

- 7.1.46 The Policy Intent of Policy 3 is “*to protect biodiversity, reverse biodiversity loss, deliver positive benefits from development and strengthen nature networks*”. The Policy Outcomes is stated as “*Biodiversity is enhanced and better connected including through strengthened nature networks and nature-based solutions*”.
- 7.1.47 The policy sets out a range of criteria that vary depending upon the scale and type of development proposed. Part (a) applies to all scales of development and states that proposals will contribute to the enhancement of biodiversity including, inter alia, restoring degraded habitats and building and strengthening nature networks and the connections between them.
- 7.1.48 Part (b) relates to national or major development or for development that requires an Environmental Impact Assessment. This part of Policy 3 states that proposals will only be supported where they will conserve, restore and enhance biodiversity “*so that they are in a demonstrably better state than without intervention*”. Part (b) continues and sets five criteria that proposals will be expected to meet.

#### 7.2.3.4. Policy 4 – Natural Places

- 7.1.49 This policy sets the basis for assessing applications that affect European natural heritage designations such as SPAs as well as proposals affecting National Parks and NSAs and also local level natural heritage and landscape designations. The Policy Intent is to “*protect, restore and enhance natural assets making best use of nature-based solutions*”.
- 7.1.50 There are two Policy Outcomes, including (i) “*Natural Places are protected and restored*” and (ii) “*Natural assets are managed in a sustainable way that maintains and grows their essential benefits and services*”.
- 7.1.51 Part a) of Policy 4 advises that development proposals which would have an unacceptable impact on the natural environment will not be supported.
- 7.1.52 Part f) of Policy 4 is relevant to species protected by legislation. It states:  
*“Development proposals that are likely to have an adverse effect on species protected by legislation will only be supported where the proposal meets the relevant statutory tests. If there is reasonable evidence to suggest that a protected species is present on a site or may be affected by a proposed development, steps must be taken to establish its presence. The level of protection required by legislation must be factored into the planning and design of development, and potential impacts must be fully considered prior to the determination of any application.”.*

#### 7.2.3.5. Policy 5 – Soils

- 7.1.53 The Intent of Policy 5 is to “*protect carbon-rich soils, restore peatlands and minimise disturbance to soils from development*”. The Policy Outcomes include “*valued soils are protected and restored*”.
- 7.1.54 Part (c)(ii) of the policy notes that proposals for the generation of energy from renewable sources are one of the identified land uses potentially permitted on areas of peatland, carbon-rich soils and priority peatland.

7.1.55 Part (d) of this policy notes the requirements for a detailed site-specific assessment to help understand the presence of peat and carbon-rich soils on site and to enable the likely effects of a development proposal on these resources. It continues that this should inform careful project design and that impacts should first be avoided and then minimised through best practice.

#### 7.2.3.6. Policy 6 - Forestry, Woodland and Trees

7.1.56 This policy seeks to protect and expand forests, woodland and trees.

7.1.57 Part b) of the policy provides a set of criteria which would result in a development not being supported. These include the loss of ancient woodland and trees, adverse impact on native woodland and hedgerows which have a high biodiversity value, fragmentation of woodland habitats and conflict with restocking directions.

#### 7.2.3.7. Policy 7 – Historic Assets and Places

7.1.58 This policy seeks to protect and enhance historic environment assets and places and to enable positive change as a catalyst for the regeneration of places.

#### 7.2.3.8. Policy 13 – Sustainable Transport

7.1.59 The policy intent seeks to promote all modes of sustainable transport. Paragraph a promotes the improvement, provision or enhancement of public transport and multi modal hubs, whilst sub paragraph i) supports provision of vehicle charging infrastructure which is powered by renewable energy.

#### 7.2.3.9. Policy 22 – Flood Risk and Water Management

7.1.60 The policy seeks to strengthen resilience to flood risk by promoting avoidance as a first principle and reducing the vulnerability of existing and future development to flooding.

#### 7.2.3.10. Policy 23 – Health and Safety

7.1.61 The policy seeks to promote development and in particular only provides policy support to development that will not be detrimental to air quality and will not introduce unacceptable noise issues.

#### 7.2.3.11. Part 3 – Annexes

7.1.62 The final element to NPF4 is contained within Part 3 of the document and provide a suite of Annexes which give the inter-relationship of NPF4 and a range of supplementary policy direction throughout Scotland. NPF4 Part 3 considered appropriate to highlight the synergies and cross policy support provided in all documents. This element of the document provides the justification for the strategies and policies within NPF4, provides a narrative on the National through Developments Statements of Need and set out how the Scottish Government will implement the strategies and policies contained in the document.

7.1.63 Annex A – highlights the key role NPF4 will play in a key role in supporting the delivery of Scotland's national outcomes and the United Nations Sustainable Development Goals.



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7.1.64 Annex B – highlights each of the identified development of National Importance and provides a Statement of Need for each of the identified developments.

7.1.65 National Development Project No 3. Strategic Renewable Electricity Generation and Transmission Infrastructure highlights

*“A large and rapid increase in electricity generation from renewable sources will be essential for Scotland to meet its net zero emissions targets. Certain types of renewable electricity generation will also be required, which will include energy storage technology and capacity, to provide the vital services, including flexible response, that a zero-carbon network will require.”*

7.1.66 The capacity in excess of 50 MW being a development of National Significance is further re-iterated.

7.1.67 Annex C – Spatial Planning Priorities – North and West Coast and Islands states that the area has significant opportunities to assist with the desire to significantly reduce greenhouse gas emissions, and to achieve this goal more onshore and offshore renewable energy generation will be needed. Realisation of capitalising this natural asset is also anticipated to bring unprecedented opportunities to strengthen local economies, build community wealth and secure long-term sustainability.

7.1.68 Annex D – re-iterates the Six Qualities of Successful Places.

7.1.69 Annex E – Minimum All-Tenure Housing Land Requirement is not applicable to the Proposed Development

7.1.70 Annex F - Glossary of definitions and Annex G Acronyms are for information only

**7.2.4. Conclusion**

7.1.71 NPF4 is an important consideration which must be afforded significant weight in the decision-making balance as the most up to date position on planning policy of the Scottish Government. However, it does not negate the need for a proposed development to be considered in the context of the Electricity Act 1989 which requires that the applicant has regard to a number of criteria. NPF4 is clear that, in promoting the growth of renewable energy and associated infrastructure, the new developments being proposed are subject to a process of transparency on the choice of location of the new development and the potential impacts are understood.

7.1.72 The Spatial Strategy of NPF4 sets out that decisions being taken through the planning system are required to consider the long-term public interest, with steps to be taken to address the potential impacts on climate change and reduction of GHG as aims of national significance.

7.1.73 The Spatial Priorities therefore are intended to address the impacts of climate change and GHG reduction in order to deliver the aim of sustainable places through the planning system.

7.1.74 The policy direction contained with NPF4 is clear in its unambiguous support for the expansion of renewable energy of all forms. We are in a global climate emergency and NPF4 leaves us in no uncertainty that significant weight should be applied to National Developments that will contribute to alleviating it. Specifically, Policy 11 of NPF4 supports renewable energy development. It is clear that the Scottish Government expects that the potential of a development to contribute to meeting emissions targets should be afforded significant weight in the decision-making process. The scale of the Proposed Development, approximately 47.6 MW of generation plus energy storage of up to 20 MW, would be a valuable and meaningful contribution to Scotland's renewable energy and greenhouse gas targets.

### 7.3. The Local Development Plan

7.1.75 The Proposed Development is located within the administrative area of THC. The Local Development Plan for the Proposed Development comprises the Highland-wide Local Development Plan (HwLDP) and its associated Supplementary Guidance and the Caithness and Sutherland Local Development Plan 2018 (CaSPlan). THC has updated the Supplementary Guidance by way of an updated version of the Spatial Framework mapping, to reflect the underlying constraints features as of 2020. This has been done by area and the Proposed Development is located in the Caithness and Sutherland area.

#### 7.3.1. Highland-wide Local Development Plan 2015

7.1.76 THC adopted the HwLDP in April 2012. This plan contains general development policies for the whole of the THC area. The HwLDP is complemented by Onshore Wind Energy Supplementary Guidance adopted in November 2016 and an Addendum Supplementary Guidance "Part 2b" adopted in December 2017. The CaSPlan is part of the Local Development Plan and should be read alongside the HwLDP.

7.1.77 The policy contained in the HwLDP, in respect of renewable energy, is therefore considered to be relevant, noting that the weight to be attached to it is reduced as it pre-dates NPF4.

7.1.78 The key HwLDP policy for the Proposed Development is Policy 67 – Renewable Energy Developments, which states that:

*"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.”*

- 7.1.79 The matters which are raised in Policy 67 are considered in Table 7.1 of this PRES. The only matter which is not covered is the impact of the Proposed Development on tourism. Tourism has been specifically dropped from NPF4, in the context of renewable energy, and therefore it is considered that there is no requirement to consider the matter further.
- 7.1.80 It is also important to note that Policy 67 of the HwLDP does not include the need to afford significant weight to the contribution of a proposed renewable energy development to contribute to renewable energy generation targets nor to GHG emissions reduction targets.
- 7.1.81 It is important to note that the design of the Proposed Development has evolved through identifying constraints and minimising impacts and key to this is how the Proposed Development will fit within the landscape. It is considered the Proposed Development could be accommodated within the landscape and it is located in an area where wind

farm development is an established component of views. It is acknowledged there are predicted to be significant visual effects however these are localised and there are no significant effects predicted on national landscape designations. The landscape and visual impacts of the Proposed Development, identified in the EIAR, at Chapter 6: Landscape and Visual, are considered to be localised.

7.1.82 The ‘*Highland Renewable Energy Strategy*’ referred to in Policy 67, was removed as a material consideration in August 2016 by the Planning, Development and Infrastructure Committee.

7.1.83 The remaining policies of the HwLDP which are also considered potentially relevant to the Proposed Development are set out in Table 7.1.

**Table 7.1: Highland wide Local Development Plan 2012 Policies**

<b>Policy</b>	<b>Policy direction (in summary)</b>
Policy 28 Sustainable Design	Proposed developments will be assessed in relation to the promotion of social, economic and environmental wellbeing.
Policy 55 Peat and Soils	Proposals should demonstrate how they have avoided unnecessary disturbance, degradation or erosion of peat and soils and provide a peat management plan if necessary, to demonstrate how effects have been minimised and mitigated.
Policy 57 Natural, Built and Cultural Heritage	Assessment of proposals on Natural Built and Cultural Heritage features will take into account the level of importance and type of heritage features (international, national or local/regional), the form and scale of the proposed Development and any effect on the Natural Built and Cultural Heritage feature and its setting.
Policy 58 Protected Species	Where there is a possibility that protected species may be present on site or affected by a proposal, survey works and assessment are required to establish any such presence and if necessary a mitigation plan to avoid or minimise any impacts on the species would be needed.
Policy 59 Other Important Species	Sets out other legislation and nature conservation site designations which could be affected by a proposal.
Policy 60 Other Important Habitats	Sets out other Important Habitats and Article 10 Features to ensure their protection by any development proposal.
Policy 61 Landscape	Proposed 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 includes consideration of appropriate scale, form, pattern and construction materials, as well as the potential cumulative effect of developments where this may be an issue. Measures of enhancement are encouraged.
Policy 63 Water Environment	Proposals should not compromise the Water Framework Directive (2000/60/EC) in line with the River Basin Management Plan for the Scotland River Basin District and associated Area Management Plan.
Policy 64 Flood Risk	Development proposals should avoid areas susceptible to flood and promote sustainable flood management.
Policy 66 Surface Water Drainage	

Policy	Policy direction (in summary)
	Proposals must be drained by Sustainable Drainage Systems in accordance with The SuDs Manual (CIRCA C697), the Sewers for Scotland Manual 2nd Edition and Planning Advice note 69: Planning and Building Standards Advice on Flooding.
Policy 72 Pollution	Proposals that may result in significant pollution such as noise, air, water, and light will only be approved where a detailed assessment report is provided to show how pollution can be appropriately avoided and if necessary mitigated. Major Developments and developments that are subject of Environmental Impact Assessment will be expected to follow a robust project environmental management process.
Policy 77 Public Access	Where major development is being proposed the developer must submit an Access plan showing access to the development during construction and after completion.

### 7.3.2. Onshore Wind Energy Supplementary Guidance (2017)

- 7.1.84 Adopted Supplementary Guidance forms part of the Local Development Plan. The relevant Supplementary Guidance pertaining to the Proposed Development is the Onshore Wind Energy Supplementary Guidance (amended 2017) (OWESG). The OWESG was adopted in November 2016. The OWESG sets out a range of matters that THC will consider when determining wind farm applications including landscape, aviation interests, roads, peat, and tourism. The OWESG contains a spatial framework for onshore wind energy development. Given the removal of spatial frameworks from NPF4, it is not considered relevant to review the location of the Proposed Development Area in the context of the spatial framework contained in the OWESG.
- 7.1.85 The OWESG contains an Addendum SG 'Part 2b' (December 2017). Part 2b contains two landscape sensitivity appraisals for Black Isle, Surrounding Hills and Moray Firth Coast and Caithness. The Proposed Development Area is situated within the Caithness study area. The Caithness Landscape Character Area Map identifies that the Proposed Development Area is situated within Landscape Character Area CT4 Sweeping Moorland and Flows. The landscape sensitivity appraisal for Caithness appraises Landscape Character Area CT4 and considers its potential strategic capacity. This is discussed further in Chapter 6: Landscape and Visual Impact Assessment, of the EIAR.
- 7.1.86 The OWESG sets out key development plan considerations as follows:
- Siting and Design of Wind Turbines and Wind Farms;
  - Landscape and Visual Effects;
  - Safety and Amenity at Sensitive Locations;
  - Safety of Airport, Defence and Emergency Service Operations;
  - Operational Efficiency of Other Communications;
  - Operational Efficiency of Wind Energy Developments;
  - The Natural and Historic Environment;
  - The Water Environment;
  - Peat;
  - Trees and Woodland;
  - Tourism and Recreation;
  - Public Access;
  - Traffic and Transport Interests;

- Electricity and Gas Infrastructure;
- Noise Assessment;
- Mitigation;
- Construction Environmental Management Plans;
- Restoration Bonds; and
- Repowering.

With the exception of tourism these are all matters which have been identified in the context of NPF4 and considered in Chapter 8 of this document.

### 7.3.3. Caithness and Sutherland Local Development Plan 2018

- 7.1.87 On 31 August 2018 CaSPlan was formally adopted by THC and is constituted as part of the Local Development Plan.
- 7.1.88 The CasPlan wishes to maximise *“opportunities arising from offshore renewables and oil and gas, particularly within the Area for Energy Business Expansion in the north east.”*
- 7.1.89 Paragraph 53 of CasPlan states *“Investment in renewable energy generation in North Highland is not only helping to meet Council and national climate change targets but it has also delivered economic benefits for the area. Onshore wind energy has grown significantly over recent years, particularly in the south and north-east of the Plan area.”*
- 7.1.90 Paragraph 82 continues by stating *“The area has a substantial renewable energy resource, with onshore wind and hydro energy sectors well established and offshore marine energy developments currently emerging.”*
- 7.1.91 CaSPlan does not contain any policy which is directly relevant to wind farm applications.

## 7.4. Scottish Government Planning Guidance

- 7.1.92 The Scottish Government provides advice and guidance for planning applications which has relevance to wind farm development. This guidance is for planning applications and covers many of the issues that have been identified in the context of renewable energy policy, the Local Development Plan and NPF4 and is, therefore, not set out in this PRES.

### 7.4.1. Historic Environment Scotland Policy Statement

- 7.1.93 The HESPS contains Scottish Ministers’ policies and provides direction for Historic Environment Scotland and related policy frameworks. HESPS is a policy statement directing decision-making that affects the historic environment. It is non-statutory, which means that it is not required to be followed as a matter of law or statute. It is relevant to a wide range of decision-making at national and local levels. It is a relevant consideration for planning proposals that might affect the historic environment.
- 7.1.94 HESPS sets out a number of policies and core principles which set out Historic Environment Scotland’s understanding of how the historic environment should be managed and how to apply these principles. The principles contained in the document are the fundamental ideas that underpin desirable and positive outcomes for the historic environment. The principles are the basis for the policies outlined in the document and the policies describe how the principles should be implemented.

## 8. Assessment

- 8.1.1 The decision-making framework is clear that the decision maker in the case of this Section 36 application should have regard to a number of matters. These are as follows:
- Climate change and renewable energy policy;
  - Contribution to renewable energy targets;
  - Spatial policy for wind farm development; and
  - Environmental criteria.
- 8.1.2 Chapter 5 of this PRES has set out the relevant climate change and renewable energy policy and the weight that should be attached to such matters in the decision-making process. That is not repeated here other than to note that significant weight should be attached to such policy in the decision-making process.
- 8.1.3 The contribution of the Proposed Development to renewable energy targets has been considered in Chapter 6 of this PRES. It is noted that significant weight should be attached to the renewable energy targets and the contribution of the Proposed Development to such targets. The conclusions of Chapter 6 are not repeated here.
- 8.1.4 Chapter 7 of the PRES provides details of planning policy for framework. As noted in Chapter 7 of this PRES there are a number of criteria which require to be considered in respect of wind farm applications. The response to each of these criteria is set out in this chapter of the PRES.

### 8.1. Policy Assessment

- 8.1.5 This section provides an assessment of the Proposed Development against the relevant policy. It follows the policies of NPF4 rather than the HwLDP as NPF4 post-dates the HwLDP. It is considered that the matters which are raised in NPF4 cover the matters which are raised in the HwLDP. This text first considers the requirements of NPF 4 policy 11 before considering the remaining relevant policies in NPF 4.

#### 8.1.1. Policy 11 Energy

##### 8.1.1.1. Location

- 8.1.6 The Proposed Development is a wind farm of up to seven turbines and BESS, which once developed will add to the renewable energy capacity of Scotland. The Proposed Development is a National Development, as defined in NPF4, which is considered to be acceptable in principle. The Proposed Development is not in a National Park or NSA. It is therefore concluded, given the Spatial Strategies and Policy emphasis within NPF4, that there is support in principle for the Proposed Development.
- 8.1.7 NPF4 Policy 11, part d) requires that development proposals which impact on international or national designations are assessed in relation to Policy 4. The EIA carried out on the Proposed Development assessed the impact upon adjacent SPA/SAC/Ramsar/SSSI and other SPAs and SACs in the wider area (The EIAR Chapters 7 and 8). The Proposed Development Area includes a small area of the Caithness and Sutherland SAC and Shielton Peatlands SSSI due to oversail, the footprint of the Proposed Development does not overlap with these areas, and no works would be undertaken in the SAC or SSSI.
- 8.1.8 Chapter 8, of the EIAR, Ornithology, advises that no adverse effects on the integrity of the Caithness and Sutherland Peatlands SPA and Ramsar site, or the East Caithness Cliffs SPA were predicted as a result of the Proposed Development, when mitigation measures were taken into consideration.

- 8.1.9 The EIA concludes that the Proposed Development would not have a significant effect on an international or national designation and therefore Policy 4 is not engaged. The location of the Proposed Development is considered to be acceptable in principle.
- 8.1.10 The Proposed Development Area is not within the application boundary for the Flow Country proposed WHS. There is no policy which precludes the development of a wind farm in a WHS. The World Heritage Site Project Combined Consultation Response 2022 document contains the feedback and responses to the two consultations undertaken in respect of the proposed Flow Country World Heritage Site boundary and its draft management plan, in spring and summer of 2022 respectively. This document advises that landscape values are not part of the Outstanding Universal Values (OUVs) of the proposed WHS. It goes on to state that “*the WHS, should it be designated, will not unduly preclude the further deployment of onshore wind as long as there are no negative impacts on OUV.*”.
- 8.1.11 An EIA has been undertaken and the EIAR is submitted as part of the application for the Proposed Development. The way in which peatland would be improved is clearly set out in the EIAR and summarised in this PRES. This includes an OBEMP, and an outline Peat Management Plan (PMP), both of which would be finalised and approved by THC in consultation with others, should consent for the Proposed Development be forthcoming.
- 8.1.12 It is submitted that as an application stage WHS very limited weight should be attached to the Flow Country in the decision-making process. It is concluded that the potential WHS designation provides no reason for the refusal of the application.

#### 8.1.1.2. Socio-Economic Benefit

- 8.1.13 Chapter 15 of the EIAR sets out the anticipated capital expenditure and employment levels associated with the Proposed Development during construction, operation and decommissioning.

##### 8.1.1.2.1. Construction

- 8.1.14 If the application is successful, The Applicant contracting strategy encourages packages of work on the construction of the wind farm to be made available to local suppliers and contractors.
- 8.1.15 In terms of development and construction impact, Proposed Development, there is potential for £8.5 million to benefit the local economy and £26.8 million to benefit the regional economy. Applying industry assumptions provides an estimate on the level of development and construction employment at the regional for the Proposed Development as 204.8 jobs contributing £12.6 million in Gross Value Added (GVA). At the local level, the development construction phase of the Proposed Development could sustain up to 63.6 jobs and contribute £3.9 million in GVA.

##### 8.1.1.2.2. Operation

- 8.1.16 The operation and maintenance phase of the Proposed Development is expected to generate beneficial economic impacts. Applying the data from the RenewableUK research to the Proposed Development, an estimate of the total operations and maintenance phase equals approximately £2.8 million. Of this, £1.2 million could benefit the local economy and £1.7 million could be injected into the regional economy on an annual basis. Applying the industry assumptions gives the level of operational employment at the regional level for the Proposed Development as 13.6 jobs, contributing £710,707 GVA per annum. At the local level, the operation and maintenance phase of the Proposed Development is expected to sustain 9.8 jobs, contributing £513,650 in GVA per annum.

#### 8.1.1.3. Community Benefit

- 8.1.17 The Applicant supports the principle of community investment in their wind farms and would welcome engagement with the local community on this. It is expected that a Community Benefit Fund will be in place which contributes £5,000 annually per MW over the lifetime of the wind farm. The Applicant is happy to work with the local community



to ensure that any desire for local investment in the Proposed Development is developed as far as reasonably possible. It is expected that the way in which this would be done is a matter which would be discussed post consent.

EIAR Chapter 15: Socio economics, Recreation and Tourism, clearly sets out the way in which net economic benefits of the Proposed Development have been maximised. This is in keeping with Policy 11c) of NPF4.

#### **8.1.1.4. Matters to be Addressed**

- 8.1.18 Table 8.1 considers the criteria which are relevant considerations for wind farm development which are contained in Policy 11(e) of NPF4. This draws on the EIAR submitted as part of the application. This demonstrates that the matters referred in Schedule 9 of the 1989 Act have been considered by the Applicant. This chapter of the PRES considers the technical tests for the Proposed Development and for ease of reference they are ordered as per the criteria set out in Policy 11 e).

Table 8.1: Matters to be addressed in Policy 11 e)

Reference	Matter	Response
e) i.	Impacts on communities and individual dwellings, including, residential amenity, visual impact, noise and shadow flicker;	<p><b>Residential Visual Amenity</b></p> <p>A Residential Visual Amenity Assessment (RVAA) has been undertaken and is contained in the EIAR as Technical Appendix A6.9. Twenty-four properties were identified within 3 km from the Proposed Development, one of the properties considered in the RVAA was identified as receiving an effect to the extent that the Proposed Development would be overbearing and result in it being an unattractive place to live. This is Property 1: Shielton which is financially involved with the project. This property is currently uninhabited and it has been agreed, in writing, with the landowner that it will not be inhabited during the operation of the Proposed Development.</p> <p><b>Settlements</b></p> <p>The EIAR Chapter 6 Landscape and Visual, advises that the visual effects of the Proposed Development on a total of 17 settlements, within 15 km of the Proposed Development were assessed.</p> <p>Four of the settlements (Watten, North Watten, Bylbster Mains and Spittal) were assessed as receiving a significant effect at as a result of the Proposed Development. This is due to their proximity to the Proposed Development and in some cases elevated views. In some cases, screening would be formed by forestry.</p> <p><b>Noise</b></p> <p>The Proposed Development construction activities would be undertaken during typical working hours; 8am to 7pm Monday to Friday and 8am to 1pm on Saturdays. It is expected that this would be secured by a planning condition. Nevertheless, a range of good practice measures would be detailed in the Construction and Environmental Management Plan (CEMP) and employed to minimise noise impacts.</p> <p>Chapter 14: Noise of the EIAR advises that the noise assessment has been undertaken in accordance with ETSU-R-97 and current good practice. ETSU-R-97 provides a robust basis for determining acceptable noise limits for wind farm developments. Consequently, the test applied to operational noise is whether or not the calculated wind farm noise levels at nearby noise sensitive properties would be below the noise limits derived in accordance with ETSU R 97.</p> <p>Chapter 14: Noise of the EIAR advises that the predicted wind turbine noise immission levels from the Proposed Development are below the site specific noise levels under all conditions and at all Noise Assessment Locations (NAL) during both daytime and night time periods. Initially, a minor exceedance (0.3 dB) of the daytime limit was predicted at NAL1 at 6 ms<sup>-1</sup> for a limited range of wind directions. The predictions presented in Table 14.7 of the EIAR are based</p>

Reference	Matter	Response
		<p>on the assumption that the minor exceedance would be mitigated through the application of mode management. It is concluded that there would be no significant noise effects as a result of the Proposed Development.</p> <p>Noise would be the subject of conditions attached to any deemed planning consent for the Proposed Development. these are detailed in Technical Appendix 14.1 of the EIAR.</p> <p><b>Shadow Flicker</b></p> <p>In relation to shadow flicker, modelling has shown one receptor location to be potentially in exceedance of the recommended limits, however a scheme to satisfactorily alleviate the incidence of shadow flicker at any affected premises lawfully in existence at the date of this permission will be agreed with the LPA prior to commissioning.</p> <p><b>Private Water Supplies (PWS)</b></p> <p>Chapter 9: Hydrology, Geology and Hydrogeology, of the EIAR, advises that there are nine properties hydrologically connected to the Proposed Development. These properties were contacted by letter questionnaires on to confirm if their property was supplied by a PWS and to gather information on details of the source and supply. Of the nine questionnaires sent, responses were received for four properties, all of which confirmed their property was supplied by Scottish Water Mains. No additional PWS were identified and no further assessment was considered necessary.</p>
e) ii.	Significant landscape and visual impacts, recognising that such impacts are to be expected for some forms of renewable energy. Where impacts are localised and/or appropriate design mitigation has been applied, they will generally be considered to be acceptable	<p>Chapter 9: Landscape and Visual, of the EIAR identifies a significant effect on two LCT. These are Sweeping Moorland and Flows LCT; and Farmed Lowland Plain LCT. The Sweeping Moorland and Flows is the host LCT for the Proposed Development. These are considered to be localised effects.</p> <p>The proposed Development is not located in any landscape designation. Chapter 9: Landscape and Visual, of the EIAR considers the impact of the Proposed Development of a number of designated sites out with the Proposed Development Area. These include the Causeymire – Knockfin Flows and East Halladale Flows Wild Land Areas (WLAs). The effect on the Flow Country and Berridale Coast Special Landscape Area is assessed as significant within 15 km.</p> <p>Chapter 6: Landscape and Visual, of the EIAR has considered 20 viewpoints as part of the assessment of visual effects of the Proposed Development. Of the selected viewpoints a total of nine viewpoints, located between 3.4 and 14.5 km from the Proposed Development Area would experience significant visual impacts as a result of the Proposed Development. These viewpoints have high and medium sensitivity due to the viewpoint locations being representative of the views from residential properties, roads, Core Paths and hill summits.</p>

Reference	Matter	Response
		<p>The remaining 11 viewpoints located between 4.1 and 27.4 km, were all assessed as receiving a not significant effect. From these locations, the proposed turbines would occupy a small part of the overall view from each viewpoint due to a combination of factors including screening by landform and forestry, distance, and in some cases where the receptor is assessed as having a low magnitude of change.</p> <p>These are considered to be localised impacts. In the context of the recent Achany decision (Reference ECU00001930) the Scottish Ministers acknowledged the proposed development would “<i>have some significant landscape and visual impacts but overall these would remain relatively localised with the majority of significant effects occurring within 10km of the proposed Development and none at a distance greater than 12.5 km.</i>”</p> <p>Chapter 9: Landscape and Visual, of the EIAR, concludes that the scale and characteristics of the receiving landscape is considered appropriate to accommodate the type of development proposed. Significant effects have been identified although these are localised given the scale and size of the Proposed Development. They are considered to be the scale of significant effects that would be expected from any commercial wind farm.</p> <p>The landscape and visual impacts of the Proposed Development are considered to be localised and therefore are considered to be acceptable in accordance with NPF4.</p>
e) iii.	Public access, including impact on long distance walking and cycling routes and scenic routes	<p>Chapter 9: Landscape and Visual, of the EIAR, considers a number of walking and cycling routes. It identifies eight route receptors/as being significantly effected by the Proposed Development. this is largely due to the proximity of the Proposed Development to the route. The following were predicted to receive a significant effect:</p> <ul style="list-style-type: none"> <li>• Roads - A9, A882 and B874; and ;</li> <li>• Core Paths 60 Ben Dorrey, 64 Achnarras Quarry, 65 The Old Quarry, 105 Achavanich and Munsary and 158 Watten Roadside Link to Loch Watten.</li> </ul> <p>The remaining route receptors considered were assessed as not receiving a significant effect. This is due to a combination of the extent of the route that would receive visibility of the Proposed Development, screening effects from landform and woodland, and distance.</p>
e) iv.	Impacts on aviation and defence interests including seismological recording;	<p>Chapter 13: Aviation and Telecommunications, of the EIAR, advises that the Proposed Development would infringe the Minimum Sector Altitude associated with aviation operations at Wick John O'Groats Airport, which is located approximately 14.5 km east of the nearest wind turbine. This means the Minimum Obstacle Clearance Altitude will not be maintained in the Proposed Development's/airspace's current design. This is due to the overall altitude of the</p>

Reference	Matter	Response
		<p>Proposed Development. Consultation with Wick John O'Groats Airport is ongoing to identify whether an airspace change is achievable to accommodate the Proposed Development. It is expected that any required mitigation would be the subject of a condition on the consent. Crane operations will be considered within this change.</p> <p>Aviation lighting will be a requirement, and a lighting scheme should be established post-consent. The Proposed Development will have to be marked on the associated aviation chart.</p>
e) v.	Impacts on telecommunications and broadcasting installations, particularly ensuring that transmission links are not compromised;	Chapter 13: Aviation and Telecommunications, of the EIAR, advises that Mitigation will be required to address a concern which has been raised by the Joint Radio Company in respect of a single communication link. This mitigation will be secured by way of a condition.
e) vi.	Impacts on road traffic and on adjacent trunk roads, including during construction	<p>The traffic and transport assessment has assessed the traffic impacts associated with the Proposed Development. The assessment considered a worst-case scenario and assumes all stone would need to be imported onto site and all foundation concrete would need to be brought to site in ready mix lorries.</p> <p>In addition, the traffic impacts associated with the abnormal load deliveries were also assessed. An Abnormal Load Access Assessment, including swept path analysis at particular pinch points was also prepared demonstrating the viability of the proposed abnormal load route and is included as an appendix to this chapter.</p> <p>The assessment concludes that, with the incorporation of suitable mitigation measures secured through a Construction and Traffic Management Plan, there will be no significant traffic effects associated with the Proposed Development.</p>
e) vii	Impacts on historic environment	<p>Chapter 10: Cultural Heritage, of the EIAR, concludes that there would be no direct or indirect physical impacts upon known heritage assets during the construction phase of the Proposed Development, and accidental impacts are considered unlikely.</p> <p>The Inner Study Area (ISA) for cultural heritage is considered to hold archaeological potential for hitherto unknown archaeological remains, particularly in the eastern part of the ISA proposed for habitat Management Unit B: Grassland Enhancement for Waders. There also remains a potential for palaeoenvironmental/archaeological remains to be exposed as a result of the removal of peat during the construction phase.</p> <p>A programme of mitigation shall be agreed with THC Historic Environment Team to offset any potential direct effects on unknown heritage assets which may exist within the cultural heritage Inner Study Area, to include potential impacts</p>

Reference	Matter	Response
		<p>upon or beneath peat. Following agreement of these works, No Residual Effects are anticipated upon potential heritage assets within this area. This mitigation would be secured by a condition should consent be forthcoming.</p> <p>In respect of the setting of heritage assets, residual operational effects of Minor Adverse significance which are Not Significant are predicted upon four Scheduled Monuments: SM90056/PiC297 Grey Cairns of Camster (only if/when intervening plantation is harvested), SM13632 Carn A' Chladha, broch, SM13634 Bail A' Chairn, broch, and SM721 Scouthal Burn, Chapel and The Clow.</p>
e) viii	Effects on hydrology, the water environment and flood risk;	Chapter 9: Hydrology, Geology and Hydrogeology, of the EIAR, considers the likely significant effects on hydrology, geology and hydrogeology associated with the construction, operation and decommissioning of the Proposed Development. Following the implementation of mitigation measures, it is concluded that the residual effects on hydrology, geology and hydrogeology are not considered to be significant in the context of the EIA Regulations.
e) ix.	Biodiversity including impacts on birds;	<p>The potential impact of the Proposed Development on biodiversity is considered in the EIAR, Chapter 8 considers ornithology and Chapter 7 considers ecology. The Proposed Development has been designed to minimise impacts on important habitats, peatland and protected species as far as practicable. This has been achieved through embedded mitigation and the iterative design process.</p> <p><b>Ecology</b></p> <p>Chapter 7: Ecology, of the EIAR, advises that a number of Important Ecological Features (IEFs) were taken forward to the assessment stage of the EIA, these were: blanket bog, wet modified bog and high collision risk bat species (common pipistrelle, soprano pipistrelle and Nathusius' pipistrelle).</p> <p>Assessment of potential effects and their significance were determined through consideration of the sensitivity of the feature and the magnitude of change.</p> <p>The most tangible effect during construction of the Proposed Development on blanket bog and wet modified bog would be direct habitat loss due to the construction of infrastructure, in addition to some indirect drainage effects. The assessment concluded that there would be a Minor adverse and Not Significant effect on blanket bog and wet modified bog.</p> <p>The effect of collision risk on populations of bat species was assessed by reviewing activity level recorded, population vulnerability and Site risk level in line with relevant guidance; all three high collision risk species recorded were calculated to have an overall collision risk assessment score of Low to Medium (based on median and maximum percentiles respectively) and concluded that effects would be Minor adverse and Not Significant.</p> <p>No significant decommissioning effects were identified.</p>

Reference	Matter	Response
		<p>For all IEFs assessed above, the predicted residual levels of significance of effects during the construction, operational and decommissioning phases of the Proposed Development, alone or cumulatively with other projects, are considered to be no more than Minor adverse and therefore Not Significant.</p> <p><b>Ornithology</b></p> <p>Chapter 8: Ornithology, of the EIAR concludes that construction effects of the Proposed Development include temporary and long-term habitat loss, and disturbance over a short-term construction period. The Proposed Development’s design iteration process identified at an early stage the potential for Important Ornithological Features (IOF) to be disturbed during construction, and so efforts were made to avoid locating infrastructure close to important habitats. This means that the likelihood of disturbance to nest and roost sites of Schedule 1 species in particular is low. Unmitigated, a construction disturbance effect of Moderate/Minor adverse and Not Significant was predicted for the hen harrier, curlew and lapwing Natural Heritage Zone (NHZ) 5 populations and an effect of Minor adverse and Not Significant was predicted for the merlin, osprey, red-throated diver and herring gull populations. A Bird Disturbance Protection Plan (BDPP) is proposed which would ensure reasonable measures are taken to avoid the destruction or disturbance of any nest site, with additional species-specific temporal and spatial restrictions around hen harrier roosts. It is expected that the BDPP would be the subject of a condition should consent be forthcoming.</p> <p>Operational effects (displacement and collision risk) were considered for each IOF. The design iteration process took these into consideration, thereby minimising risks. Unmitigated, a displacement effect of Moderate adverse and Not Significant was predicted for the NHZ 5 population of non-breeding roosting hen harrier and Moderate/Minor and Not Significant was predicted for breeding curlew and lapwing. Non-significant unmitigated effects were predicted for all other IOFs and effects. With habitat management as part of a Habitat Management Plan offering improvements to breeding, foraging and roosting habitats away from the Proposed Development for all IOFs, the residual effects were no more than Moderate/Minor adverse for hen harrier and Minor beneficial for curlew and lapwing and therefore Not Significant for all IOFs.</p> <p>Decommissioning effects were considered to be similar to those predicted for construction effects and were no more than Moderate/Minor adverse and Not Significant for each IOF when mitigation is considered. The SSER BNG toolkit has been used to quantify the biodiversity value of habitats with the Proposed Development Area and demonstrates net positive enhancements for biodiversity following implementation of the BEMP</p>

Reference	Matter	Response
e) x.	Impacts on trees, woods and forests	<p>An assessment of the potential effects on forestry are presented in Chapter 11 of the EIAR. A total of 11.24 ha will require to be felled to enable the construction and operation of the Proposed Development. The majority of the areas to be felled for the Proposed Development would be restocked except for land required for the Proposed Development's permanent infrastructure and land to be left unplanted for forest management; or forest design purposes.</p> <p>On site replanting of felled areas and additional planting of native woodland results in an increase in the area of stocked woodland. There would be an increase of 3.84 ha within the Forestry Study Area. No additional off site compensatory planting will be required.</p>
e) xi.	Proposals for the decommissioning of developments, including ancillary infrastructure, and site restoration	<p>Decommissioning has been considered throughout the EIA process and is reported in the technical chapters. Chapter 5: Project Description, of the EIAR advises at the expiry of the consent or the end of the Proposed Development's life, it is proposed that the turbines and transformers would be removed. The upper sections of the turbine foundations, to a depth of at least 1 m, would be removed and backfilled with appropriate material. Peat or topsoil would be replaced and the area reseeded. Tracks will be left and allowed to grass over or would be covered with soil and reseeded. Cabling would be left in-situ, unless ducted. At least six months prior to the decommissioning of the site, a Decommissioning Method Statement (DMS) would be prepared, for agreement with the planning authority and relevant consultees. It is expected that the DMS would be the subject of a condition.</p>
e) xii.	The quality of site restoration plans including the measures in place to safeguard or guarantee availability of finances to effectively implement those plans	<p>It is expected that there would be a planning condition which would require the agreement of some form of financial security mechanism to effectively implement the required decommissioning.</p>
e) xiii.	Cumulative impacts	<p><b>Landscape and visual</b></p> <p>The EIAR Chapter 5: Landscape and Visual, advises the Proposed Development would be viewed as part of the existing Group 1 cluster and would be difficult to perceive as a separate development, and depending on direction of view, would be partially screened by foreground turbines. There would be significant cumulative effects on the settlements of North Watten, Catchory, Brabertdorran, Myrtledhorn.</p> <p><b>Ecology</b></p> <p>The EIR Chapter 7: Ecology, considers the cumulative effect of the construction and operational effects of the Proposed Development. In respect of operation effects it is concluded that despite direct habitat loss in the short-term, the long-</p>



Reference	Matter	Response
		<p>term cumulative enhancement and restoration of peatland and upland habitats in the region should lead to a longer-term increase in the extent, and in many cases quality, of bog and associated upland habitats.</p> <p>In respect of operational effects it is predicted that any cumulative effects that may materialise as a result of the Proposed Development are considered to be of low spatial and long term temporal magnitude, based on the following rationale:</p> <ul style="list-style-type: none"> <li>• The low activity and no significant effects assessed at cumulative developments within 5 km (i.e. within typical <i>Pipistrelle</i> spp. foraging distances);</li> <li>• The now-standard applications of embedded mitigation in the form of 50 m buffer distances between turbines and habitat features such as forest edges, to minimise effects on foraging bats, and the adoption of reduced rotor speed when idling;</li> <li>• The minor adverse and non-significant effect of the Proposed Development; and</li> <li>• The Low-Medium risk assessment scores for all species.</li> </ul> <p>No cumulative effects on ecology as a result of the Proposed Development are predicted.</p> <p><b>Ornithology</b></p> <p>The EIAR Chapter 8: Ornithology, considers the cumulative effect on ornithological receptors at the construction and operational phase of the Proposed Development, which concludes that cumulative operational effects on curlew and lapwing were assessed for other projects at an NHZ 5 level. For these species, a worst-case cumulative displacement scenario (assuming all projects become fully operational) would lead to a minor adverse effect, but the contribution of the Proposed Development towards the cumulative effect would be negligible, when habitat management is considered.</p> <p><b>The water environment</b></p> <p>The EIAR Chapter 9: Hydrology, Hydrogeology &amp; Geology, advises that it is assumed that any new developments within hydrological connection to the Proposed Development would incorporate good practice drainage management measures into their respective designs to manage the rate, quantity and quality of surface water runoff to a level where effects on the water environment would be negligible.</p> <p>It is considered that the addition of the Proposed Development (with negligible effects as assessed above) would not give rise to significant cumulative effects during the construction or operational phase, when considered in-combination with cumulative developments for peat or hydrological receptors.</p> <p><b>Cultural Heritage</b></p>

Reference	Matter	Response
		<p>The EIAR Chapter 10: Cultural Heritage, advises that cumulative impact assessment of the Proposed Development, considering other operational, consented and submitted applications for wind farms in the cultural heritage Outer Study Area, has identified No Significant Effects.</p> <p><b>Traffic and transport</b></p> <p>The EIAR Chapter 12: Traffic and Transport, advises that potential cumulative impacts, are predicted to be ‘Negligible/Low’ depending on whether or not other developments are constructed concurrently with the Proposed Development. If the construction of the Proposed Development coincided with another, using the same transport routes, then communication with the other developers would take place with the aim to mitigate effects to a non-significant level. This would be delivered through the CTMP.</p> <p><b>Noise</b></p> <p>The EIAR Chapter 14: Noise, advises that the predicted cumulative operational noise levels indicate that for noise sensitive receptors neighbouring the Proposed Development, cumulative wind turbine noise (which considers noise predictions from all nearby operational and consented wind farms and the Proposed Development) would meet the Total ETSU-R-97 Noise Limits at all Noise Assessment Locations</p> <p><b>Aviation</b></p> <p>The EIAR Chapter: 13 Aviation and Telecommunications, advises that no cumulative effects are anticipated for telecommunications and aviation.</p>

### 8.1.1.5. Contribution to targets

- 8.1.19 The key to the final element of Policy 11 e) is that contributions to renewable energy targets are related to the scale of a proposed development. In the context of the Proposed Development incorporates two elements, wind generation and BESS, with a combined capacity of nearly 70 MW. That combined capacity will assist in supporting targets to achieve a reduction in greenhouse gas emissions. This is a matter to which significant weight must be attached in the decision-making process.
- 8.1.20 In the case of the recent Achany Extension (ref ECU00001930) decision the Scottish Ministers were clear in their decision letter that the project which had a capacity of 70 MW was “*entirely consistent with the Scottish Government’s policy on the promotion of renewable energy and its target date for net zero emissions of all greenhouse gases by 2045*”. In the case of Kirkan (ref ECU 00001800) which was for 81.6 MW the Scottish Ministers decision letter advises that the project would “*make a valuable contribution towards meeting greenhouse gas emission reduction and renewable electricity targets.*”

### 8.1.2. Policy 1 Tackling the climate and nature crises

- 8.1.21 This policy applies to all forms of development and not just renewable energy proposals and must be read as an overarching policy which in itself goes further than Policy 11. In the context of this policy, it is important to recognise that the benefits of the Proposed Development go beyond just renewable energy generation. In the context of biodiversity this includes a range of proposals which are set out in the context of Policy 3.
- 8.1.22 The weight to be attached is clear in two recent wind farm decisions in respect of Kirkan (ref ECU00001800) and Achany Extension (Ref ECU00001930). In both cases the Scottish Ministers advised that “*The seriousness of climate change, its potential effects and the need to cut carbon dioxide emissions, remain a priority of the Scottish Ministers.*”
- 8.1.23 These decisions are clear that the seriousness of climate change, its potential effects and the need to cut CO<sub>2</sub> emissions, are a clear priority for the Scottish Ministers.
- 8.1.24 The potential impact of the Proposed Development on biodiversity is considered in the EIAR, Chapter 8 considers ornithology and Chapter 7 considers ecology. The findings of the EIAR are reported in Table 8.1 and are not reported here other than to note that significant effects are not predicted on ecology or ornithology as a result of the Proposed Development, subject to mitigation being in place.
- 8.1.25 The Proposed Development will result in wind generation and BESS, with a combined capacity of nearly 70 MW. That combined capacity will assist in supporting targets to achieve a reduction in greenhouse gas emissions. The impacts of the Proposed Development on biodiversity, positive and negative, are an important consideration in the decision-making process. In considering these impacts, significant weight should be placed on the contribution of the proposal to renewable energy generation targets and GHG emissions reduction targets.

### 8.1.3. Policy 3 Biodiversity

- 8.1.26 In line with NPF4, the Onshore Wind Policy Statement, and the Scottish Biodiversity Strategy to 2045, Chapter 8: Ecology, of the EIAR, advises that consideration has been given to how the Proposed Development can deliver significant enhancements to biodiversity over its lifetime. The overall goal of the BEMP is to restore and enhance the ecological value of wetland and riparian habitats which will benefit local wader and raptor populations and biodiversity in general.
- 8.1.27 The OBEMP (EIAR Technical Appendix A7.6) for the Proposed Development proposes measures which would provide enhancements to biodiversity in addition to their role in mitigating for impacts that may occur as a result of the Proposed Development’s construction, operation or decommissioning. A Biodiversity Net Gain toolkit has been

used to quantify the biodiversity value of habitats with the Proposed Development Area and demonstrates net positive enhancements for biodiversity following implementation of the BEMP, as detailed in EIAR Technical Appendix A7.6.

- 8.1.28 The OBEMP is based on the findings of Chapter 7: Ecology, Chapter 8: Ornithology and Chapter 9: Hydrology, Geology and Hydrogeology, within the EIAR. The key habitats addressed are Annex I habitats blanket bog and wet modified bog. The key ornithological species are merlin, hen harrier and a number of wader species. Recommendations are also included to achieve significant biodiversity enhancement at the site, in line with objectives outlined in National Planning Framework 4 (NPF4) Policy 3.
- 8.1.29 The OBEMP proposes a Biodiversity Enhancement Area (BEA) comprising three Management Units (Units A, B and C) (Illustrated on Figure 1 of the OBEMP) within which management and monitoring works would be implemented. The BEA covers 184.4 ha. Details of each management unit are provided in the OBEMP (EIAR Technical Appendix A7.6)

#### 8.1.3.6. Ornithology Enhancement

- 8.1.30 The blocking of drainage channels, as described in the context of blanket bog enhancement encourages water retention, and thereby allows blanket bog species to recolonise, which would in turn provide improved habitats for breeding waders and raptor prey.
- 8.1.31 The OBEMP sets out two objectives for birds. These are
- Enhance peatland habitat and increase habitat quality for foraging and nesting hen harrier and merlin; and
  - Enhance habitats for waders.

#### 8.1.3.7. Riparian Planting

- 8.1.32 One measure that will be implemented is riparian planting, consisting of low-density planting of native broadleaved species along watercourses where the peat depth is less than 0.5 m. Riparian planting of this type is considered to benefit biodiversity in a number of ways:
- Provision of features that could be used by otter and other species as shelter along watercourses that are currently open and lack such suitable habitat;
  - Provision of commuting corridors along watercourses, enhancing habitat connectivity;
  - Shading of watercourses, aiding temperature regulation of watercourses and improving aquatic health;
  - Visual screening of the watercourse to avoid impacts on salmonids resulting from visual disturbance from moving turbine blades;
  - Increase of botanical diversity through planting of a range of native species, decreasing homogeneity of habitat types; and
  - Improvement to water quality through reduction in bank erosion, flooding risk and diffuse pollutants (further detailed in Chapter 9: Hydrology, Geology and Hydrogeology).

#### 8.1.3.8. Blanket Bog Enhancement

- 8.1.33 Drain blocking will form the basis of peatland restoration associated with the Proposed Development. Blocking drainage channels encourages water retention, and thereby allows blanket bog species to recolonise, which would in turn provide improved habitats for breeding waders and raptor prey. This will provide an enhancement to biodiversity. Furthermore, maintenance and restoration of peat habitats prevents the loss of carbon to the atmosphere, an important factor in controlling climate change, and helps to improve water quality and ameliorate flood events in surrounding watercourses.

8.1.34 The requirements of Policy 3(b) are discussed in Table 8.2.

Table 8.2: Policy 3 (b)

Policy Criteria	Policy Wording	Commentary
Policy 3(b)(i)	The proposal is based on an understanding of the existing characteristics of the site and its local, regional and national ecological context prior to development, including the presence of any irreplaceable habitats.	The EIAR sets out in, Chapters 7: Ecology, 8: Ornithology and 9: Hydrology, the survey work that has been undertaken in respect of the Proposed Development. It is concluded that the Proposed Development is based on a sound understanding of the existing characteristics of the site and its local, regional and national context.
Policy 3(b)(ii)	Wherever feasible, nature-based solutions have been integrated and made best use of.	The EIAR clearly sets out nature-based solutions in the form of mitigation where it is feasible to do so. Examples of this include riparian planting of low density native broadleaved species and drain blocking to allow peatland restoration.
Policy 3(b)(iii)	An assessment of potential negative effects which should be fully mitigated in line with the mitigation hierarchy prior to identifying enhancements.	<p>The EIAR Chapters 7: Ecology and 8: Ornithology, clearly identify the potential negative effects of the Proposed Development and identify mitigation. Full details of the mitigation are contained in Chapters 7 and 8 of the EIAR. These chapters also include the commitment to mitigation which includes best practice methods and principles applied to the Proposed Development as a whole (generic measures) as well as site-specific mitigation measures applied to individual locations (specific measures). It also includes biodiversity enhancements which are part of the Proposed Development. Such mitigation measures include the requirement for an Environmental Clerk of Works (EnvCoW), a Species Protect Plan (SPP) (an outline of which is provided as EIAR Technical Appendix A7.5) and a CEMP (an outline of which is provided as EIAR Technical Appendix A5.1) both of which would be the subject of conditions attached to a consent.</p> <p>The design evolution process has sought to avoid impact in accordance with the mitigation hierarchy as is evidenced by Chapter 4: Site Selection and Design Evolution, of the EIAR, and the DAS.</p>

		<p>Chapter 8: ornithology advises that ornithological interests were taken into consideration during the iterative design layout process. The following embedded mitigation is integral to the final layout:</p> <ul style="list-style-type: none"> <li>• Locating infrastructure at least 500 m from any known nest site of a Schedule 1 breeding species; and</li> <li>• Locating infrastructure at least 750 m during the construction phase and 500 m during the operation phase from potential hen harrier roost sites.</li> </ul> <p>The biodiversity enhancement is included in the OBEMP EIAR Technical Appendix A7.6. The Proposed Development proposes measures which would provide enhancements to biodiversity in addition to their role in mitigating for impacts that may occur as a result of the Proposed Development's construction, operation or decommissioning.</p>
Policy 3(b)(iv)	<p>Significant biodiversity enhancements are provided, in addition to any proposed mitigation. This should include nature networks, linking to and strengthening habitat connectivity within and beyond the development, secured within a reasonable timescale and with reasonable certainty. Management arrangements for their long-term retention and monitoring should be included, wherever appropriate.</p>	<p>The OBEMP identifies a number of enhancements which will seek to strengthen habitat connectivity. The proposed water course planting will provide commuting corridors along watercourses, enhancing habitat connectivity. The OBEMP sets out how monitoring of the works will be undertaken.</p>
Policy 3(b)(v)	<p>Local community benefits of the biodiversity and/or nature networks have been considered.</p>	<p>The Proposed Development will result in the creation of new access tracks which will improve access to the Proposed Development Area.</p>

- 8.1.35 It is concluded that the work that has been undertaken in respect of biodiversity generally has been extremely thorough and offers real opportunity for net positive contribution to local biodiversity and national nature conservation objectives.
- 8.1.36 Overall, it is considered that the Proposed Development will help deliver the Policy Outcomes for Policy 3 and therefore should be positively assessed against Policy 3.

#### 8.1.4. Policy 4 Natural Places

- 8.1.37 The EIAR Chapter 7: Ecology advises that it is considered that there is no connectivity between the Proposed Development Area and either Loch Watten SAC and SSSI, River Thurso SAC, or Blar nam Faoileag SSSI. The Proposed Development Area is hydrologically separated from these designated sites and is sufficiently distant from them that no potential effects on the qualifying habitats have been identified and as such the sites can be scoped out of further assessment.
- 8.1.38 Although the Proposed Development Area encompasses a discrete area that forms part of the Caithness and Sutherland SAC and Shielton Peatlands SSSI due to oversail, the footprint of the Proposed Development does not overlap with these areas, and no works would be undertaken in the SAC or SSSI.
- 8.1.39 Furthermore, the Burn of Acharole separates the Proposed Development hydrologically from the Caithness and Sutherland Peatlands SAC and Shielton Peatlands SSSI. No potential effects on qualifying habitats of the SAC or SSSI are anticipated.
- 8.1.40 The nominated Flow Country WHS encompasses the Caithness and Sutherland Peatland SAC and Shielton Peatland SSSI at its nearest point to the Proposed Development site. As for the SAC and SSSI, water pollution impacts would not be anticipated due to compliance with the CEMP and no hydrological connection between the Proposed Development and the Flow country WHS, due to the separation provided by the Burn of Acharole which runs along the northern boundary of the WHS.
- 8.1.41 Based on the distance between areas of ancient woodland and the Proposed Development Area, it is considered that there is no connectivity between them, and ancient woodland is therefore scoped out of the assessment.
- 8.1.42 Chapter 7: Ecology of the EIAR advises that otter are a qualifying species of the Caithness and Sutherland Peatlands SAC. Otters that form part of the SAC population may use habitat within the Proposed Development Area for predominantly commuting (e.g., between Loch of Toftingall and Burn of Acharole) and foraging, due to limited habitat available for resting sites. Otter home ranges are large and individuals are unlikely to be fully dependent on prey availability and access within watercourses within the Proposed Development Area. Otters that form part of the SAC population may therefore be present within the Proposed Development Area, but the likelihood of direct impacts taking place such as mortality through collision with site vehicles is very low considering the size of the construction area and its relation to watercourses, as well as working time primarily being in the day and otter movements primarily being crepuscular/nocturnal. Furthermore, the proposed embedded mitigation of the provision and implementation of the Species Protection Plan (SPP), CEMP (including Pollution Prevention Plan) and presence of an EnvCoW during construction (incorporating pre-construction otter surveys and ongoing otter monitoring during the construction period) would ensure that all reasonably practicable measures are taken during construction so that provisions of the relevant wildlife legislation are complied with and no impacts on a European designated site will result<sup>3</sup>. These measures would ensure direct and indirect effects on otter are avoided or reduced to a negligible level. Should otter be affected by minor and non-significant levels of disturbance and/or temporarily displaced during construction, there are abundant foraging and sheltering opportunities locally for this mobile and wide-ranging

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<sup>3</sup> NatureScot (2018). The handling of mitigation in Habitats Regulations Appraisal – the People Over Wind CJEU judgement. NatureScot Guidance Note. Available from - <https://www.nature.scot/doc/natura-casework-guidance-how-consider-plans-and-projects-affecting-special-areas-conservation-sacs> [Accessed 08/08/2023]



species that would ensure that there are no risks to the otters' population viability or overall distribution within the SAC and locally. The Proposed Development is also not considered likely to result in any otter population or territory fragmentation, nor create any barrier effects with respect to the movement of otters within the SAC or locally. In taking account of the above and standard and proven mitigation measures, any adverse effects on the SAC's conservation objectives for otter can be discounted and a likely significant effect from the Proposed Development on otter can be ruled out. It is concluded that there are no likely significant effects on otter as a feature of the Caithness and Sutherland Peatlands SAC.

- 8.1.43 Chapter 8: Ornithology of the EIAR advises that no adverse effects on the integrity of the Caithness and Sutherland Peatlands SPA and Ramsar site, or the East Caithness Cliffs SPA were predicted as a result of the Proposed Development, when mitigation measures were taken into consideration.
- 8.1.44 It is submitted that there is no reason to refuse consent for the Proposed Development based on the potential impact of the Proposed Development on any specially Protected Species (e.g. otters, bats, breeding birds). The potential effects of the Proposed Development on all relevant species that receive special statutory protection have been fully considered in the EIAR. Appropriate, best-practice measures, implemented at all stages (i.e. design, enabling works, construction, operation and decommissioning), will be set out in the SPP, to ensure that the Proposed Development proceeds lawfully with respect to the legislation protecting these species and that the conservation status of these species are not adversely affected by the Proposed Development.
- 8.1.45 The significant impacts associated with landscape are limited and are considered to be localised. The Proposed Development is not located in a National Park or a National Scenic Area and no significant effects are predicted on such designations as a result of the Proposed Development. A moderate minor adverse impact is predicted on the Flow Country and Berridale Coast SLA. While this is a significant effect this is not considered to be a reason for the refusal of the application.
- 8.1.46 The Proposed Development is not located in a WLA. A WLA Assessment is provided as Technical Appendix 6.5 of the EIAR which considers the impact of the Proposed Development on the Causeymire-Knockfin Flows WLA and the East Halladale Flows WLA. Chapter 5 of the EIAR concludes that there would not be significant effects on the wildness on the East Halladale Flows WLA as a result of the Proposed Development. In the case of the Causeymire-Knockfin Flows WLA there would be a significant effect due to visibility of the proposed turbines rather than effects on the wild attributes of the WLA.
- 8.1.47 In the context of ecology, ornithology and landscape, it is submitted that, for the reasons set out the Proposed Development can be positively considered against Policy 4 of NPF4. Overall, it is considered that the Proposed Development will help deliver the Policy Outcomes for Policy 4 and should be positively assessed against Policy 4.

### 8.1.5. Policy 5 Soils

- 8.1.48 Chapter 9: Hydrology, Hydrogeology, Geology and Peat, of the EIAR, considers the impact of the Proposed Development on soils. It is clear in Chapter 4: Site Selection and Design Evolution, of the EIAR, that the design evolution of the Proposed Development has had cognisance to the presence of peat on the Proposed Development Area. The design of the Proposed Development has sought to develop a layout that maximises the potential of the Proposed Development Area whilst respecting other environmental and technical constraints, including ground conditions (including peat) related constraints, identified during the EIA process.
- 8.1.49 The Proposed Development has sought to avoid onsite constraints as far as possible, including deep peat and to strike a balance between maximising energy yield.
- 8.1.50 The Scottish Natural Heritage (now NatureScot) Carbon and Peatland Map 2016 maps Class 1, 3 and 5 peatland as present across the majority of the Proposed Development Area, with smaller pockets of Class 4. Class 1 and 2 peatland soils are defined as nationally important carbon-rich soils of deep peat and priority peatland habitat with

high to potentially high conservation value, and restoration potential. Class 3 peatlands are defined as carbon-rich soils, with some areas of deep peat, the dominant vegetation cover is not priority peatland habitat but is associated with wet and acidic type. Class 5 peat soils are defined as carbon-rich and deep peat, but no peatland vegetation recorded.

- 8.1.51 Chapter 9: Hydrology, Hydrogeology, Geology and Peat, of the EIAR, advises that the Class 1 peatland is mapped under Wester Watten Moss in the centre of the Proposed Development Area and in two areas along the western boundary either side of Loch Burn. Areas of Class 3 within the Proposed Development Area are generally shown to be mapped along the southern boundary extending up Red Burn in the east and also extending along the Black Burn riparian area to the Black Pools in the north. Class 5 peat soils are mapped either side of Wester Watten Moss.
- 8.1.52 Results of peat depth probing and coring are detailed in the EIAR in Technical Appendix A9.4: Phase 1 and 2 Peat Depth and Coring Survey Report. Chapter 9: Hydrology, Hydrogeology, Geology and Peat, of the EIAR, advises that combining the results from the Phase 1 and Phase 2 depth surveys shows the majority of the peat Study Area (70.05 %) has a peat depth of  $\leq 1.0$  m or no peat. Areas where peat depth is less than 0.5 m is more appropriately considered, or referred to as, organo-mineral soils or peaty soils. Some areas of deeper peat were recorded within the peat Study Area. A maximum depth of 5.6 m was recorded near the western Proposed Development Area boundary. The deepest areas of peat in the west of the peat Study Area and underlying Wester Watten Moss are vegetated with conifer plantations indicating disturbance to the peat in these areas.
- 8.1.53 Chapter 9: Hydrology, Hydrogeology, Geology and Peat, of the EIAR, advises that all of the proposed turbines have been located in peat depths  $< 1.0$  m other than turbine 6 which was recorded as 1.04 m. Although the Proposed Development has largely avoided areas of deep peat, it should be noted that the crane hardstanding and crane pads associated with turbines 6, 5 and 2 encroach marginally into the deeper peat areas (up to 2.5 m depth) and similarly short access track sections leading to turbine 2; discrete pocket of peat within conifer plantation south of turbine 4 junction and site access track boundary west of turbine 7 encroach areas of deeper peat (up to 3.0 m depth). Of these encroachments of deeper peat, only the site access track boundary west of turbine 7 area is mapped as Class 1 Peatland and the remaining areas as Class 5 Peatland.
- 8.1.54 Mitigation to ensure that the impact on peat is not significant are set out in the EIAR. This includes the CEMP. It is expected that a Peat Management Plan will be subject to a planning condition. This will set out the approach to peat across the Proposed Development Area and will address matters such as peat compaction.
- 8.1.55 It is concluded that, subject to mitigation, the Proposed Development will not give rise to significant effects in EIA terms in this regard.
- 8.1.56 In the context of peat and soils, it is submitted that, for the reasons set out the Proposed Development can be positively considered against Policy 5 of NPF4. Overall, it is considered that the Proposed Development will help deliver the Policy Outcomes for Policy 5 and therefore should be positively assessed against Policy 5.

#### 8.1.6. Policy 6 Forestry, woodland and trees

- 8.1.57 This matter has been addressed in the context of Policy 11 at Table 8.1 and is not repeated here other than to note that it is considered that the Proposed Development is in accordance with Policy 6 of NPF4.

#### 8.1.7. Policy 7 Historic Assets and Places

- 8.1.58 Chapter 10: Cultural Heritage, of the EIAR, states that no direct or indirect physical impacts upon known heritage assets during the construction phase are identified, and accidental impacts are considered unlikely. It advises that the Inner Study Area, for cultural heritage, is considered to hold archaeological potential for hitherto unknown archaeological remains, particularly in the eastern part of the inner study area proposed for Habitat Management Unit B: Grassland Enhancement for Waders which is identified in the OBEMP. There also remains a potential for

palaeoenvironmental/archaeological remains to be exposed as a result of the removal of peat during the construction phase.

- 8.1.59 It is expected that a programme of mitigation, which will be secured by a planning condition, shall be agreed with THC Historic Environment Team to offset any potential direct effects on unknown heritage assets which may exist within the cultural heritage inner study area, to include potential impacts upon or beneath peat. Following agreement of these works no residual effects are anticipated upon potential heritage assets within the inner study area.
- 8.1.60 Chapter 10: Cultural Heritage, of the EIAR, considers the setting of heritage assets and concludes that residual operational effects, as a result of the Proposed Development, are of Minor Adverse significance which are not significant are predicted upon four Scheduled Monuments: Grey Cairns of Camster (only if/when intervening plantation is harvested), Carn A' Chladha, broch, Bail A' Chairn, broch, and Scouthal Burn, Chapel and The Clow.
- 8.1.61 No significant cultural heritage cumulative impacts are identified.
- 8.1.62 Policy 7 of NPF4 makes reference to developments affecting World Heritage Sites (WHS). It is known that there is an ambition to have the Flow Country designated as a WHS. The EIAR Chapter 10: Cultural Heritage, advises that The Flow Country is on the tentative list of UNESCO World Heritage Sites, and notes that it is proposed as a natural WHS and as such the potential for impacts on its setting in cultural heritage terms is not considered further in that chapter. Rather it is considered in Chapters 7 and 9 of the EIAR in the context of biodiversity and peat as well as Chapter 6 of the EIAR in the context of landscape.
- 8.1.63 In early 2023, a nomination for WHS status for Scotland's Flow Country was submitted to UNESCO by the Flow Country Partnership, via the UK Government. The Flow Country Partnership anticipates a decision on whether to award WHS status within 2024. Information available from the Flow Country Partnership website, including the draft Flow Country WHS Management Plan, describes the Flow Country as, "a vast expanse of peatland in Caithness and Sutherland", being nominated for WHS status for its, "blanket bog landscape and the biodiversity it holds". The Flow Country website notes that the boundary aims to encompass, "the blanket bog that is in the best condition and displays the attributes that make it outstanding on a global scale". The existing Scottish WHS all have a built element to them, St Kilda also has a natural element. There are two other natural WHS in the UK – the Giants Causeway and the Dorset and East Devon Coast.
- 8.1.64 The Statement of Outstanding Universal Value within the draft Flow Country WHS Management Plan provides a "brief synthesis" of the case for the designation of the site as a WHS. This synthesis is provided in Chapter 6: Landscape and Visual, of the EIAR.
- 8.1.65 The draft Flow Country WHS Management Plan specifically considers wind farms and advises that:  
*"The level of impact would depend on the location, design and management of the wind farm development. The cumulative impact of wind farms on, habitats, species and wider ecosystems now also has the potential to be a significant issue for the wider Flow Country.*
- The siting and design of wind farms has to be mindful of peatland resources, which vary in quality. However, successful co-existence can bring about not only renewable energy generation benefits, but also specific peatland restoration opportunities, which taken together are aimed at combating the global Climate Emergency. For example, new wind farm schemes are being established that will remove commercial woodland and restore the peat in all but the specific areas where the turbines and access roads are sited."*
- 8.1.66 The draft Flow Country WHS Management Plan goes onto advise that:  
*"Although the site is not being proposed for its natural beauty (UNESCO WH criterion vii), the visual impact of wind farm developments needs to be considered as this can be relevant for the way people experience the site in respect to its setting. The Outstanding Universal Value of the peatlands is not just in the value of the individual areas, but*

*also in the way in which it is experienced and understood. In terms of the setting, whether or not large schemes are a threat to the way the site is experienced and presented will need further exploration”.*

*“In the context of the setting, the proposed OUV of The Flow Country is focused on ecosystem processes (criterion ix), and biodiversity (criterion x), and not natural beauty (criterion vi). This means that there is no explicit link between OUV and important views, visual relationships or natural beauty.”*

- 8.1.67 The OUVs and setting of the WHS, if designated, will be inscribed following the decision of UNESCO. Given the fact that it is clear, at the current time, that there is no OUV which relates to landscape and visual matters it is submitted that it is not appropriate to assess the landscape impacts of the Proposed Development on the potential WHS.
- 8.1.68 It is submitted that there would be no significant impact on the area including and surrounding the Proposed Development for which the WHS designation is sought. In fact, the proposed OBEMP would look to improve the peatland habitats and therefore would assist in the improvement of the lesser areas of the proposed WHS.
- 8.1.69 Policy 7 has clearly been drafted for the potential for impacts upon the built historic environment. In the context of the proposed WHS it is clear that the designation is not related to the built environment. It is submitted that the potential for the site to be designated as a WHS is not in itself a reason for the refusal of the application for the Proposed Development.
- 8.1.70 In the context of the built historic environment, listed buildings and scheduled monuments, it is submitted that, for the reasons set out in 8.1.8, the Proposed Development can be positively considered against Policy 7 of NPF4.

#### 8.1.8. Policy 13 – Sustainable Transport

- 8.1.71 The Proposed Development will result in the production of renewable energy which could be used for the powering of electric vehicles. It is considered that the Proposed Development can be considered positively in the context of Policy 13.

#### 8.1.9. Policy 22 – Flood Risk and Water Management

- 8.1.72 Within the EIAR the impact of the Proposed Development has been fully assessed in terms of both flood risk and water management. The findings of the assessment have informed mitigation measures that include embracing best available techniques during construction, micrositing and a holistic drainage regime.
- 8.1.73 It is expected that the proposed peat management would assist in the management of water within the Proposed Development Area. It is considered that the Proposed Development can be considered positively in the context of Policy 22.

#### 8.1.10. Policy 23 – Health and Safety

- 8.1.74 The proposed development will provide an opportunity to incrementally reduce society's reliance on fossil fuels and by implication will lead to a reduction in the production of GHG. Within the EIAR a comprehensive noise assessment of the proposals and the potential impacts on the locale concludes with embedded mitigation in the form of layout and turbine model, that the noise impact from the development will be acceptable.
- 8.1.75 It is considered that the Proposed Development can be considered positively in the context of Policy 23.

### 8.2. Assessment Conclusions

- 8.1.76 An assessment of the Proposed Development has been undertaken against the planning policy framework which includes NPF4, the HwLDP and OWESG.
- 8.1.77 It has been demonstrated that:

- The Proposed Development would be located in a landscape which is able to accommodate turbines of the scale proposed.
- No significant effects are predicted on nationally designated landscapes as a result of the Proposed Development.
- No significant effects are predicted on cultural heritage assets which are nationally designated.
- No significant effects are predicted on international, national or local environmental designations (SAC, SPA and SSSI).
- Significant landscape and visual effects would be localised and through the EIA process design mitigation has been appropriately applied.
- The Proposed Development would not result in any significant cumulative effects in addition to the significant effects that are predicted as a result of the Proposed Development on its own in respect of noise.
- No significant effects are predicted, subject to mitigation, as a result of the Proposed Development in respect of noise or shadow flicker and the residential visual amenity impacts have been judged as falling below the threshold.
- The design of the Proposed Development has avoided areas of deep peat in so far as is reasonably possible. Limited stretches of track would be floated. The residual effect of the Proposed Development on peat and carbon rich soils would not be significant.
- The existing junction with the public road and access track, through Halsary Windfarm has been reused as far as possible.
- There are no residual significant adverse effects in terms of cultural heritage, ecology, ornithology, geology, hydrology (including Private Water Supplies), hydrogeology and peat, noise and vibration, traffic and transportation, aviation and radar, telecommunications and shadow flicker.
- The proposed habitat mitigation and enhancement would have a significant positive impact on the biodiversity of the Proposed Development Area.
- The GHG emissions as a result of the Proposed Development are predicted to be offset 1.4 years after the Proposed Development becomes operational. The overall emissions impact is considered to represent a significant beneficial and long-term climate change effect.
- The Proposed Development would produce renewable energy over its 35-year lifespan. The Proposed Development could generate enough electricity to supply approximately 28 926 average UK households per year.
- The Proposed Development would make a valuable contribution to the emissions reductions target and the renewable energy targets.

8.1.78 It is therefore concluded that the Proposed Development is in accordance with the Development Plan and gains significant support from it.

## 9. Conclusions

- 9.1.1 This PRES has considered renewable energy policy and has identified the renewable energy targets which have been set out in Chapter 6. Chapter 6 of this PRES identifies where Scotland is positioned in respect of meeting existing renewable energy targets. Global climate change is widely recognised as one of the greatest environmental, social and political challenges facing the world today and has been recently declared as a climate ‘crisis’ or ‘emergency’. It is clear that Scotland is not currently meeting the required targets.
- 9.1.2 The Proposed Development would comprise up to seven turbines with a blade tip of up to 220 m with a combined rated output of over 47 MW. Up to 20 MW of battery storage will also be installed to store energy and to provide a flexible balance of renewable energy to meet the demands of the national grid.
- 9.1.3 The Proposed Development would generate enough electricity to meet the average annual domestic needs of over 28,926<sup>[1]</sup> average UK households (based on average electricity consumption per household in the UK, quoted by the Department of Business, Energy and Industrial Strategy, of 3,748 kWh per year, 2021<sup>[2]</sup>).

### 9.1. Energy Policy and Relevant Targets

- 9.1.4 The Proposed Development would contribute to the UK and Scottish Government’s Energy Policy and relevant targets. It has been demonstrated there is a long way to go to meet the 50% total Scottish energy target by 2030, and the Proposed Development could make a considerable contribution towards this.

### 9.2. Economic Impacts

- 9.1.5 In terms of development and construction impact, Proposed Development, there is potential for £8.5 million to benefit the local economy and £26.8 million to benefit the regional economy. It is estimated that the Proposed Development could create 204.8 jobs and contribute £12.6 million GVA. At the local level, the development construction phase of the Proposed Development could sustain up to 63.6 jobs and contribute £3.9 million in GVA.
- 9.1.6 The operation and maintenance phase of the Proposed Development is expected to generate beneficial economic impacts. An estimate of the total operations and maintenance phase equals approximately £2.8 million. Of this, £1.2 million could benefit the local economy and £1.7 million could be injected into the regional economy on an annual basis. The level of operational employment at the regional level for the Proposed Development is estimated as being 13.6 jobs, contributing £710,707 GVA per annum. At the local level, the operation and maintenance phase of the Proposed Development is expected to sustain 9.8 jobs, contributing £513,650 in GVA per annum.
- 9.1.7 This is considered to be a positive impact of the Proposed Development.

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<sup>[1]</sup> Installed capacity (wind turbines only, BESS not included = 47,6 MW) x number of hours in a year x BEIS’s long term average load factor for (onshore + offshore) wind. Divide the total by average electricity consumption per household in the UK.

$$47.6 \text{ MW} \times 8760 \text{ (hours per year)} = 416,976 \text{ MWh/p.a.}$$

$$416,976 \times 0.26 = 108,414 \text{ MWh.}$$

$$108,414,000 \text{ kWh} / 3,748 \text{ kWh} = 28,926 \text{ households}$$

<sup>[2]</sup> Wind Energy Statistics Explained, RenewableUK, Available at:  
<https://www.renewableuk.com/page/UKWEDEExplained/Statistics-Explained.htm> [Accessed 14/07/2023]

### 9.3. Community Benefit Impact

- 9.1.8 The Proposed Development would include a package of community benefits to local communities if consented. Local communities would have the flexibility to choose how the money is spent and prioritise for the area which matters the most to them.

### 9.4. Environmental Impacts

- 9.1.9 The EIAR outlines that the Proposed Development would not result in significant adverse effects on biodiversity, the water environment, archaeology and cultural heritage, traffic and transport, noise and residential amenity when incorporating the mitigation measures, including embedded design mitigation, and the inclusion of a CEMP and CTMP. The landscape and visual impacts are localised and conserved to be acceptable.

### 9.5. Sustainable Targets

- 9.1.10 In order to meet the renewable energy targets, set by the UK and Scottish Governments, there is an urgent need for sustainable renewable developments. The Proposed Development would generate around 108,413 MWh of renewable energy each year.
- 9.1.11 The policy framework is supportive of the Proposed Development and there is a recognised need for renewable energy developments. It is considered the Proposed Development meets the requirements of NPF4, the HwLDP and OWESG and would provide a valuable addition to the renewable energy resource in THC area. When assessing the overall impact of the Proposed Development, it is considered the limited significant effects identified in the EIAR in respect to landscape and visual need to be balanced with the benefits of the Proposed Development. It is therefore considered the Proposed Development is in accordance with the Development Plan when it is read as a whole. The Development Plan is a relevant consideration in the decision-making process, however the approach to Schedule 9 is the principal concern.
- 9.1.12 There is a clear and urgent need for the development of renewable energy which has been clearly set out in this PRES. The Proposed Development derives support from climate change and renewable energy policy, at international, UK and Scottish levels. This policy must attract considerable weight in the decision-making balance and process. It must not be ignored.
- 9.1.13 The Scottish Government and THC have declared a Climate Emergency and the Proposed Development presents an acceptable opportunity to contribute to the efforts to tackle this emergency. The contribution of the Proposed Development to assist in reaching the targets set out, required to meet Net Zero, must also attract considerable weight in the decision-making process.
- 9.1.14 The evolution of the design of the Proposed Development, from the start, sought to balance the energy potential of the Proposed Development Area and its potential environmental impacts. The Proposed Development is situated in a landscape which has the capacity to accommodate it and the only resultant significant environmental effects are submitted to be localised landscape and visual impacts. Such will be the case for all commercial wind farms and cannot itself justify the rejection of a Proposed Development.
- 9.1.15 The Applicant has had regard to the matters set out in Schedule 9 of the 1989 Act in respect of the desirability of preserving the natural beauty of the countryside, of conserving flora, fauna and geological and physiological features of special interest and of protecting sites, buildings and objects of architectural, historic, or archaeological interest. These are all matters which have guided the evolution of the Proposed Development through the design process and have informed the EIA process associated with the application. There is sufficient information to allow Ministers to be satisfied on these points.

9.1.16 It is concluded that a Section 36 consent and deemed planning permission should be granted for the Watten Wind Farm.



## 10. References

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- Directive 2009/28/EC on the promotion of the use of energy from renewable sources and amending and subsequently repealing Directives 2001/77/EC and 2003/30/EC: The European Parliament: 2009
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- The Electricity Act 1989.
- The Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017
- The Town and Country Planning (Scotland) Act 1997 as amended
- United Nations Framework Convention on Climate Change: Intergovernmental Negotiating Committee for a Framework Convention on Climate Change: 1994
- What is Carbon CLEVER?: The Highland Council.
- World Heritage Site Project Combined Consultation Response 2022

# Appendices

## Appendix 1: Schedule 9 of the Electricity Act 1989

In the consideration of the application the Scottish Ministers have a duty to fulfil the requirements of Schedule 9 (paragraph 3) of the 1989 Act. Schedule 9 considers the preservation of amenity and sets out a number of environmental matters which must be considered by the decision maker. Schedule 9 states:

*(1) "In formulating any relevant proposals, a licence holder or a person authorised by exemption to generate, transmit, distribute or supply electricity*

*(a) shall have regard to the desirability of preserving natural beauty, of conserving flora, fauna and geological or physiographical features of special interest and of protecting sites, buildings and objects of architectural, historic or archaeological interest; and*

*(b) shall do what he reasonably can to mitigate any effect which the proposals would have on the natural beauty of the countryside or on any such flora, fauna, features, sites, buildings or objects.*

*(2) In considering any relevant proposals for which his consent is required under section 36 or 37 of this Act, the Secretary of State shall have regard to—*

*(a) the desirability of the matters mentioned in paragraph (a) of sub-paragraph (1) above;*

*(b) the extent to which the person by whom the proposals were formulated has complied with his duty under paragraph (b) of that sub-paragraph.*

*(3) Without prejudice to sub-paragraphs (1) and (2) above, in exercising any relevant functions each of the following, namely, a licence holder, a person authorised by an exemption to generate or supply electricity and the Secretary of State shall avoid, so far as possible, causing injuries to fisheries or to the stock of fish in any waters."*

In the Fauch Hill / Harburnhead Section 36 decision (Reference EC00003184 and EC00003190 respectively, July 2014), the Reporters considered Schedule 9 of the 1989 Act and advised that:

*"The provisions of Schedule 9 of the Electricity Act 1989 apply to the assessment of wind farms with an installed capacity of over 50MW. The Scottish Government's position is that whether an applicant is licensed or not, Ministers will have regard to the Schedule 9 provisions and expect them to be addressed through the Environmental Statement."*

The High Court (England and Wales), in 2012, made clear in the decision of R (on the application of Samuel Smith Old Brewery) v Secretary of State for Energy & Climate Change that the provisions of Section 38(6) (of the Planning and Compulsory Purchase Act 2004) which requires that planning determinations should be made in accordance with the Development Plan unless material considerations indicate otherwise, does not apply in respect of a direction under Section 90 (of the Town & Country Planning Act 1990) . This decision related to a 'direction' in connection with an application for Section 37 consent under the 1989 Act.

The judgement advised that a "direction" that planning permission shall be deemed to be granted was not a "determination" under the Planning Acts. The Court stated (para 75) that "as a matter of construction I consider that it is a direction that such a determination is not required". It was therefore judged that there was no duty on the decision maker in making a direction under Section 90 (of the Town & Country Planning Act 1990) to comply with the requirement in Section 38(6) (of the Planning and Compulsory Purchase Act 2004) that determinations must be made in accordance with the Development Plan unless material considerations indicate otherwise.

In Scotland the matter was considered in the William Grant / Dorenell s.36 Windfarm Judicial Review case (2012). In this case Lord Malcolm ruled that s.25 of the 1997 Act did not apply to a 1989 Act case. He advised that his

decision was broadly in line with the Samuel Smith old Brewery Case. In respect of Schedule 9 of the 1989 Act Lord Malcom stated:

*“I consider that Parliament intended that the relevant provisions of the 1989 Act would provide a self-contained code.....Schedule 9 narrates the relevant considerations, dealing with, amongst other things, the preservation of amenity.....By contrast, section 25 [s.38(6) in England] applies to decisions under the planning acts when it is a requirement that regard is to be had to the development plan”.*

Against the above background, it is clear that the Local Development Plan does not have any statutory status within Section 36 decision-making process. Furthermore, Schedule 9 is considered as a self-contained code of matters which require to be considered both by the Applicant and also, in the context of Section 36 decisions, by the Scottish Ministers. Schedule 9 was provided at the time of electricity privatisation to ensure that the privatised entities took environmental considerations into account at an early stage in Proposed Development design. Through the mechanism of Schedule 9, the electricity companies required both to give consideration to the issues but also to apply reasonable mitigation. The use of the word “*reasonably*” in relation to the mitigation acknowledges that the scale of electricity infrastructure is likely to give rise to impacts on a range of environmental factors. To some extent there is an overlap between the approaches set out in Schedule 9 and the requirements under the respective Environmental Impact Assessment Regulations. In the context of those, both identification and consideration of all the matters raised in Schedule 9 are required and at the same time, mitigation must be given consideration in the context of significant effects. Compliance with both Schedule 9 and the EIA Regulations is demonstrated through the submission of the EIAR.

## Appendix 2: Renewable Energy Policy

### A.1.1. UK Context

The main responsibilities for policy development in relation to energy production and regulation in Scotland are reserved by Westminster. The following summarises the UK Government's approach to renewable energy generation since 2008. This provides the framework for the development of renewable energy generation across the UK and provides a background for the emergence of Scottish renewable energy generation and wind energy policy.

#### *The Climate Change Act 2008*

The Climate Change Act 2008 became law on 26 November 2008 (the 2008 Act). Scotland is a partner in delivering the UK emissions reduction target set out in the 2008 Act.

Two key aims underpin the 2008 Act, these are:

- To improve carbon management and help the transition towards a low carbon economy in the UK; and
- To demonstrate strong UK leadership internationally.

The 2008 Act introduced for the first time a legally binding framework to tackle the challenges of climate change. The 2008 Act sets legally binding targets for the UK to reduce carbon dioxide emissions by at least 80 % by 2050 relative to 1990 levels. Energy generated from renewable sources was identified as a key component for meeting the challenge of reducing carbon emissions and the fight against climate change.

### A.1.2. Scottish Context

In order to set the context for the need for renewable energy development in Scotland it is important to understand the obligations that Scotland has to generate renewable energy. The following text identifies key Scottish Government renewable energy targets and policy that are relevant at the current time.

#### *The Climate Change (Scotland) Act 2009*

The Climate Change (Scotland) Act 2009 (the 2009 Act) received Royal Assent on August 4, 2009; the Bill having been passed unanimously by members of the Scottish Parliament. The 2009 Act is a key commitment of the Scottish Government and was defined as the most far-reaching environmental legislation considered by the Parliament during the first ten years of devolution. There were a number of parts to the 2009 Act which set the context for the setting of targets and the monitoring of deliverables to achieve those targets. These are described as follows:

Part 1 created the statutory framework for greenhouse gas emissions reductions in Scotland by setting an interim 42 % reduction target for 2020, with the power for this to be varied based on expert advice, and an 80 % reduction target for 2050. To help ensure the delivery of these targets, the 2009 Act required the Scottish Ministers to set annual targets, in secondary legislation, for Scottish emissions between 2010 and 2050;

Part 2 contained provisions to allow the Scottish Ministers to establish a Scottish Committee on Climate Change;

Part 3 placed a duty on the Scottish Ministers requiring that they report regularly to the Scottish Parliament on Scotland's emissions and on the progress being made towards meeting the emissions reduction targets set in the 2009 Act; and

Part 4 contained the ability to impose further duties on public bodies in relation to climate change.

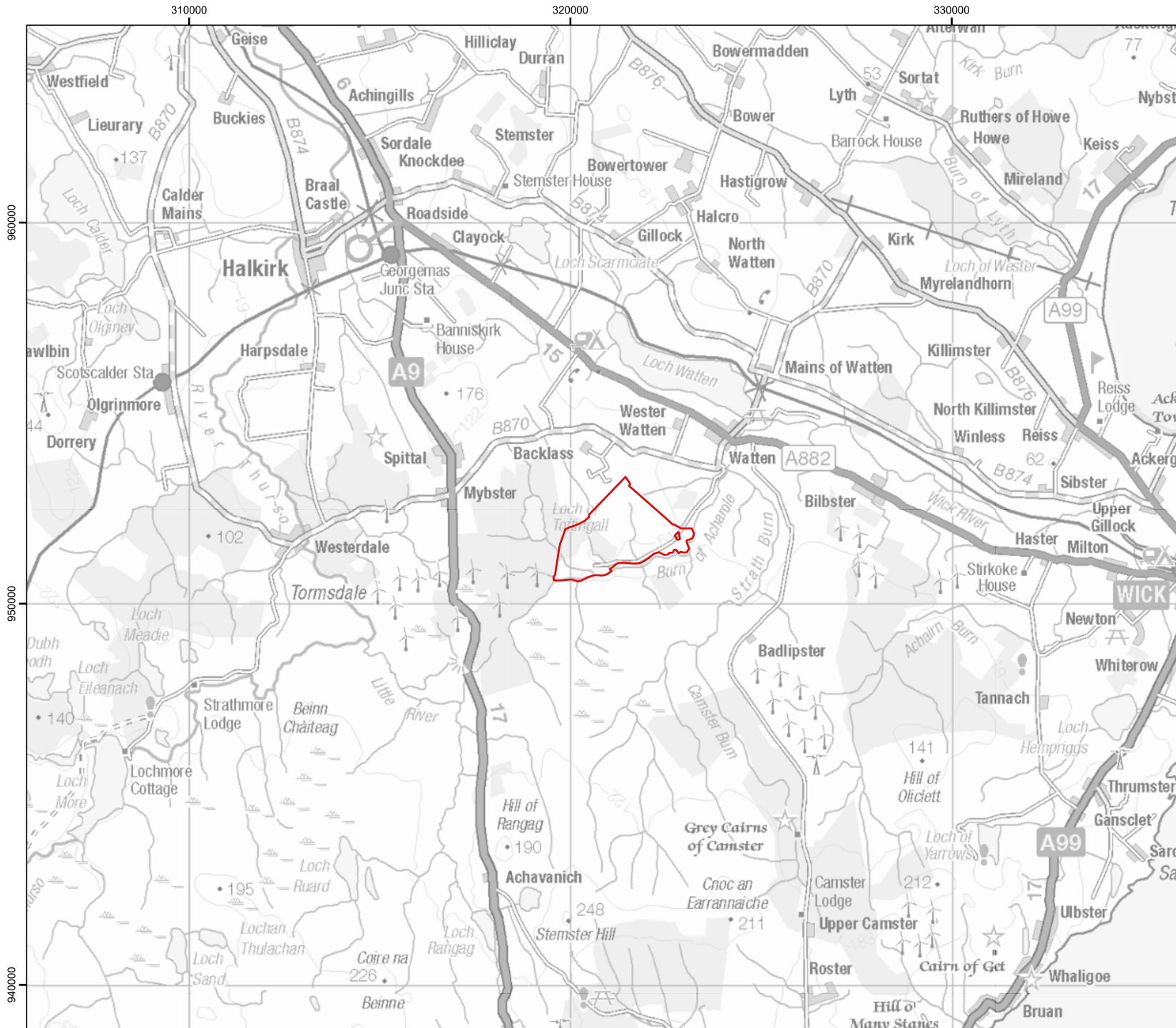
### *Climate Change Plan (Emissions Reduction Targets) Scotland Act 2019*

The Climate Change (Emissions Reduction Targets) (Scotland) Act 2019 was passed by the Scottish Parliament in 2019 and its measures were brought into force in March 2020. It amends the Climate Change (Scotland) Act 2009 and sets targets to reduce Scotland's emissions of all greenhouse gases to net-zero by 2045 at the latest, with interim targets for reductions of at least 56% by 2020, 75% by 2030, 90% by 2040. The interim target of 75% by 2030 requires the current decade to be a transformative decade.

The target of net-zero emissions by 2045, five years ahead of the UK, is, the Scottish Government state, firmly based on what the independent Committee on Climate Change (CCC) advise is the limit of what can currently be achieved. Progress towards the targets is measured against 1990 levels of carbon dioxide, methane and nitrous oxide and 1995 levels of hydrofluorocarbons, perfluorocarbons, sulphur hexafluoride and nitrogen trifluoride.

As well as setting the targets, the Climate Change (Emissions Reduction Targets) (Scotland) Act 2019 set annual targets for Scotland. The Scottish Government Climate Change Website advises that these are to help ensure delivery of the long-term targets. The levels of these targets (expressed as percentage reductions from the 1990/1995 baseline) are set out as follows for the years between 2021 and 2030:

- 2021 – 57.9%
- 2022 – 59.8%
- 2023 – 61.7%
- 2024 – 63.6%
- 2025 – 65.5%
- 2026 – 67.4%
- 2027 – 69.3%
- 2028 – 71.2%
- 2029 – 73.1%
- 2030 – 75%



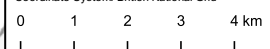

Project:  
**Watten Wind Farm,  
 Caithness, Scottish  
 Highlands**

Title:  
**Figure 1: Location Plan**

Key  
 Proposed Development Area

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Scale @ A3: 1:100,000  
 Coordinate System: British National Grid

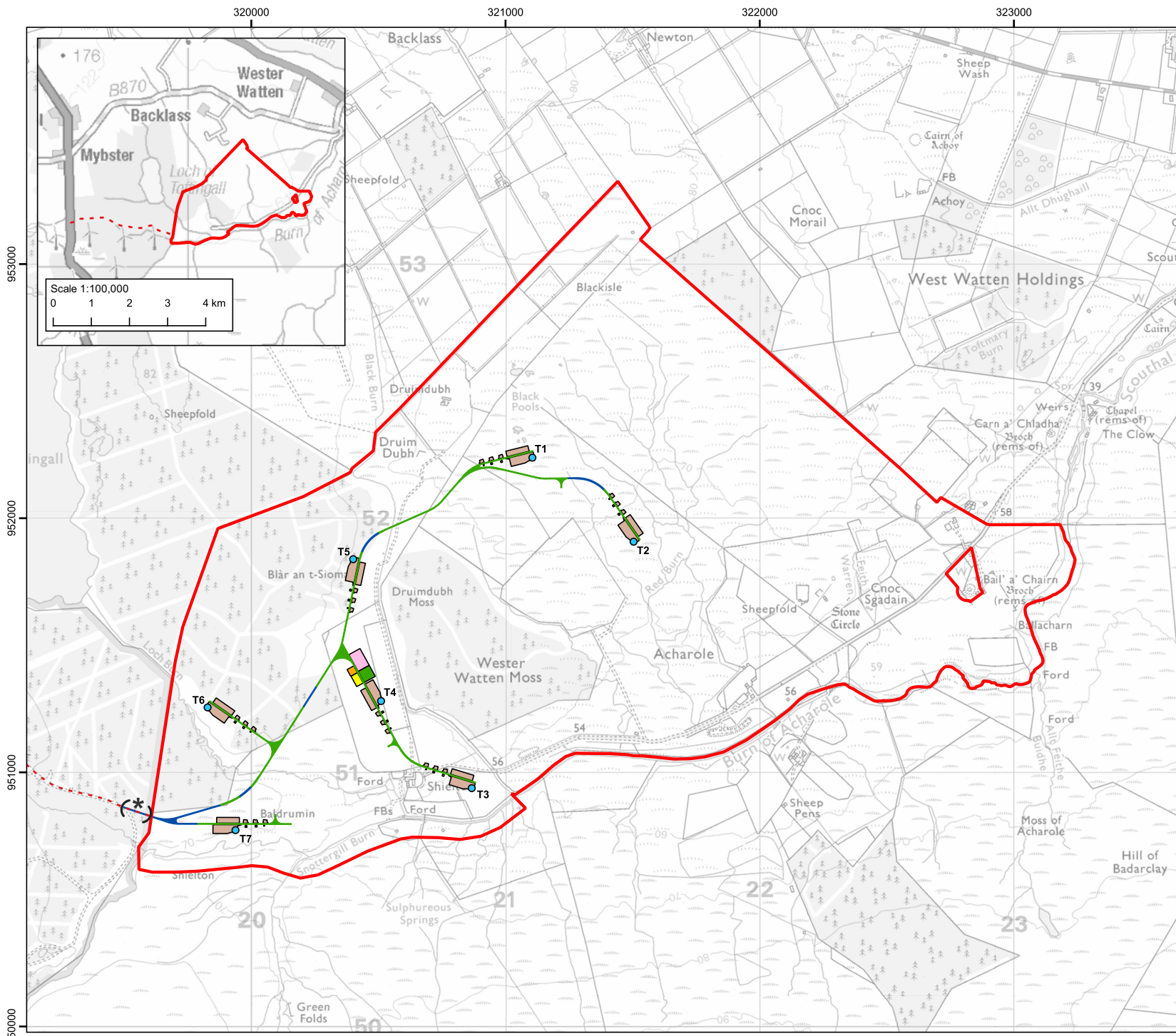
Date: 09-08-23	Prepared by: SA	Checked by: LF
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Ref: GB204032\_M\_007\_B

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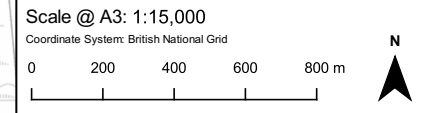
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 Caithness, Scottish  
 Highlands**

Title:  
**Figure 2: Site Layout**

- Key**
- Proposed Development Area
  - Proposed turbine
  - Proposed crane hardstanding
  - Proposed track
  - Proposed floating track
  - Proposed access track\*
  - Proposed substation
  - Proposed battery storage
  - Proposed construction compound
  - Proposed batching plant

\*The Applicant is not applying for consent to complete the works of this section of track outwith the redline, it would be the subject of a separate application however this section of track has been assessed to show that it can be delivered and therefore has been included on the plan.

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320000 321000 322000 323000

953000

952000


951000

950000




Project:  
**Watten Wind Farm,  
Caithness, Scottish  
Highlands**

Title:  
**Figure 3: Site Aerial Context**

Key  
 Proposed Development Area

Microsoft product screen shot reprinted with permission from Microsoft Corporation © Bing

Scale @ A3: 1:15,000  
Coordinate System: British National Grid  
0 200 400 600 800 m 

Date: 09-08-23 Prepared by: SA Checked by: LF

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