



# Chapter 4

## Climate Change, Renewable Energy and Planning Legislation and Policy

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# Chapter 4

## Climate Change, Renewable Energy and Planning Legislation and Policy

### 4.1 Executive Summary

1. The proposed Development is anticipated to include 13 three-bladed horizontal axis wind turbines up to 180 m to blade tip, ground mounted solar arrays and a battery energy storage system (BESS) with associated infrastructure. The turbines will have a total rated output of around 78 MW. The solar array would also generate around 5 MW, producing a combined total of between 230-280 GWh of electricity annually. The BESS would also be installed with storage capacity of around 25 MW of energy.
2. The proposed Development would have an overall capacity of around 108 MW. An application under Section 36 the Electricity Act 1989 is being made to the Scottish Government's Energy Consents Unit (ECU) for consent to develop and operate a renewable energy development, deemed planning permission is also sought under Section 57 (2) of the Town and Country Planning (Scotland) Act 1997 (as amended). The proposed Development constitutes a Schedule 2 development as provided for by the Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017 (the EIA Regulations).
3. ScottishPower Renewables (SPR), the Applicant, is a licenced generator and has obligations under Schedule 9 of the Electricity Act 1989 which requires it to have regard to the environment by preserving its natural beauty and to protecting sites, buildings and objects of architectural and historical interest when formulating development proposals. It must also do what it reasonably can to mitigate any effects of proposed development and it must not impact fisheries or fish stocks in any waters. These provisions acknowledge that major energy projects are likely to engender impacts on these resources and the best time to consider them is at the iterative design stage of the project. It is closely aligned to the concept of environmental impact assessment.
4. Through the Environmental Impact Assessment (EIA) process, SPR has developed a scheme that has had full regard to the duties set out in Schedule 9 of the 1989 Act. The matters that are raised in Schedule 9 have been considered in the EIA process and the findings are presented in this EIA Report (EIAR). Scottish Ministers are also required under Schedule 9 to consider these matters and also whether SPR has met its obligations to undertake appropriate assessment and propose reasonable mitigation.
5. The climate change and renewable energy policy framework is an important relevant consideration that must be taken into account in the determination of any Section 36 application. In May 2019 the Scottish Government declared a 'climate emergency'. This was followed by the Climate Change (Emissions Reductions Targets) (Scotland) Act 2019. This Act, which amended the Climate Change (Scotland) Act 2009, commits Scotland to a target of net-zero emissions of all greenhouse gases by 2045 alongside a series of ambitious and challenging interim targets towards this net-zero target.
6. In its advice to the UK and Scottish Governments on achieving the net-zero target, the Committee on Climate Change<sup>1</sup> has advised that renewable energy generation "*must quadruple*" and it further advises that the Scottish Government should make "*use of planning powers to drive decarbonisation.*" It is anticipated that future planning policy documents such as the emerging National Planning Policy Framework 4 will recognise the weight which should be attached to renewable energy policy and targets in the decision-making process.
7. In the case of Section 36 (S36) Applications, the role of the Development Plan is not the same as in the case of the Town and Country Planning (Scotland) Act 1997. The test set out in Section 25 of the Town and Country Planning (Scotland) Act

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<sup>1</sup> Committee on Climate Change, Net Zero -The UK's Contribution to stopping Global Warming, May 2019

1997, which sets out that development must accord with the terms of the Development Plan, is not engaged in the case of a S36 Application. The Development Plan is nonetheless relevant to the determination of the application.

8. The Site is located within the administrative area of Argyll and Bute Council (A&BC) The Development Plan for the Site comprises the Argyll and Bute Local Development Plan (LDP) and its associated Supplementary Guidance.
9. The LDP was adopted in March 2015. It is accompanied by Supplementary Guidance adopted in March 2016 which is a part of the LDP. This provides further detail and guidance on the policies within the LDP, and where necessary supplements these with additional policy requirements.
10. The key LDP policy in respect of the proposed Development is Policy LDP 6 Supporting the Sustainable Growth of Renewables, which states that:

*“The Council will support renewable energy developments where these are consistent with the principals of sustainable development and it can be adequately demonstrated that there is no unacceptable significant adverse effect, whether individual or cumulative, including on local communities, natural and historic environments, landscape character, visual amenity and that proposals would be compatible with adjacent land uses”.*

## 4.2 Introduction

11. This Chapter outlines the climate change, renewable energy and planning legislation and policy relevant to the determination of this application for consent under section 36 of the Electricity Act 1989 for the proposed Development.
12. It is important to note that it is not the purpose of this Chapter to provide an assessment of the proposed Development against these climate change, renewable energy and planning policies. Instead, it sets out the context in which the proposed Development will be considered.
13. Legislation, planning policy and guidance specific to each technical discipline is considered in the technical chapters (**Chapters 7 to 15**). The more detailed analysis and assessment of the proposed Development against these policy considerations is contained in the separate supporting Planning Statement which accompanies this application.

## 4.3 Electricity Act 1989

14. This EIAR has been prepared in respect of a development for which permission will be sought under Section 36 of the Electricity Act 1989 (the 1989 Act).
15. SPR holds a Generation Licence and it is required to have regard to matters set out in Schedule 9 of the 1989 Act in formulating relevant proposals. Paragraph 3 (1)(a) of Schedule 9 requires licence holders to consider 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*”. In addition, under Schedule 9, paragraph 3 (1)(b) SPR must “*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*”. Throughout the EIA process SPR has sought to develop a scheme that takes account of the duties set out in Schedule 9 of the 1989 Act. The matters that are raised in Schedule 9 have been considered in the EIA process and the findings are presented in this EIAR. Scottish Ministers are then required, as part of their decision-making process, under Schedule 9, paragraph 3 (2) to consider whether or not the applicant has fulfilled its duties as set out in Schedule 9, paragraph 3 (1).
16. In sub-paragraph 3(3) there is a requirement for a licence holder “*to avoid, so far as possible, causing injury to fisheries or the stock of fish in any waters*”.
17. In the case of Section 36 Applications, the role of the Development Plan is not the same as in the case of the Town and Country Planning (Scotland) Act 1997 as amended (the 1997 Act). The test set out in Section 25 of the 1997 Act, which sets

out that development must accord with the terms of the Development Plan, is not engaged in the case of a Section 36 application. Whilst for such an application the Development Plan does not have primacy in the decision-making process, it is a relevant consideration in respect of determination of the application.

18. In terms of determining the application all the relevant considerations and important factors should be taken into account, include; United Kingdom and Scottish climate change and energy policy, Scottish Government planning policy, relevant provisions of the Development Plan and the views of statutory consultees and interested parties.

## 4.4 Renewable Energy

19. The proposed Development is the subject of a Section 36 application, and as such, it must be recognised that it is being brought forward in an environment where the need for renewable energy is becoming increasingly important in addressing important global issues associated with climate change. The framework of international agreements, legally binding targets and climate change global advisory reports is the foundation upon which national (UK and Scottish) energy policy is based.

20. This Chapter of the EIA Report first acknowledges that both the Scottish Government and A&BC have declared a climate emergency and what their position on that is.

21. It has been the case over a number of years that the policy on renewable energy is guided by scientific research and reports (Advisory Reports). These Advisory Reports make unequivocally clear the need to address climate change and to reduce greenhouse gas emissions.

22. As a result of Advisory Reports the UK and in particular the Scottish Government have been unequivocal, clear and consistent in their policy support at all levels, for the deployment of renewable energy generally and onshore wind particularly to combat global warming, diversify the mix of energy sources, achieve greater security of supply, and to attain legally binding renewable energy and emission reduction targets.

23. The following text sets out the key advisory reports which present the science, in respect of the climate emergency, are considered to be relevant to the consideration of the proposed Development. It then sets out the key UK and Scottish legislation and policy in respect of renewable energy targets, Greenhouse Gas (GHG) emissions and climate change. Finally, it identifies the key targets that are legally binding.

### 4.4.1 Climate Emergency

24. The International Panel on Climate Change released a special report: Global Warming of 1.5°C, in October 2018 on the impacts of global warming and warned that we may have just twelve years left from 2018 to limit a climate crisis.

25. 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.”*

26. 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.”*

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

28. A&BC declared a climate emergency in September 2021. The notice of the motion to the Council meeting advised that A&BC renewed its commitment, made in September 2019 to play its part in the global effort to address climate change. The Notice of Motion advises that *“Argyll and Bute aims to become the UK’s first net zero region and its action plan target is net zero by 2045 – with ambitious interim targets of reaching 75% reduction by 2030.”*

#### 4.4.2 Advisory Reports

29. This Section of the EIA Report sets out the most recent and key renewable energy advisory reports, in order to set the context for the proposed Development, which comprise:

- Reducing emissions in Scotland Progress Report to Parliament (October 2020);
- 6th Carbon Budget (December 2020);
- Climate Change Committee Progress Report to Parliament (June 2021);
- Intergovernmental Panel on Climate Change Sixth Assessment Report 2021;
- UN Gap Emissions Report (October 2021); and
- UK Government Net Zero Strategy 2021.

30. These documents are considered in the Planning Statement and are all clear that there is a need to tackle climate change and the need to act quickly.

31. The key document is the Intergovernmental Panel on Climate Change Sixth Assessment Report 2021. The report which was published on 9th August 2021 identifies that the level of future emissions will determine the level of future temperature rise and the severity of future climate change and the associated impacts and risks. Not only have CO<sub>2</sub> concentrations increased in the Earth’s atmosphere, but the rate of the increase has also increased. The report finds that averaged over the next 20 years, global temperature is expected to reach or exceed 1.5°C of warming.

32. Unless there are rapid, sustained and large-scale reductions of climate change-causing greenhouse gas emissions, including CO<sub>2</sub>, methane and others, the goal of limiting global warming to 1.5C compared to pre-industrial levels, as enshrined in the Paris Agreement, will be beyond reach.

#### 4.4.3 The Policy

33. The following section of the EIA Report sets out the key policy and legislation which is relevant to the proposed Development. As a result of the Advisory Reports highlighted in **Section 4.4.2**, the UK and Scottish Governments have developed a suite of comprehensive policies which are supportive of renewable energy and onshore wind. The following documents are considered to be the most relevant to the consideration of this application:

- the Scottish Energy Strategy 2017;
- The Scottish Onshore Wind Energy Policy Statement 2017 (OWPS);
- The Climate Change Plan, The Third Report on Proposals and Policies 2018-2032 (CCP 2018) February 2018;
- The UK Government Energy White Paper ‘Powering our Net Zero Future’ (December 2020);
- Green Recovery on a Path to Net Zero: Climate Change Plan 2018-2032 (December 2020) (CCP Update);
- Scottish Energy Strategy Position Statement (March 2021);
- Scottish Government and Scottish Green Party Draft Shared Policy Programme Working Together to Build A Greener, Fairer, Independent Scotland (August 2021); and
- Onshore Wind Policy Statement refresh 2021: Consultative Draft.

34. The key elements of these documents are set out in the Planning Statement. The following text highlights the key policy documents and their key messages.

##### 4.4.3.1 The Energy White Paper December 2020

35. 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 advises that although retiring capacity will need to be replaced, modelling suggests, 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.

36. On page 4, the Energy White Paper sets out 3 key themes as follows:

- transforms energy;
- green recovery; and
- fair deal for consumers.

37. It is clear that the Government is looking for a transformation to the delivery of renewable energy which will form part of a green recovery and deliver fair prices for the consumers of energy. 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 (Figure 4.1 of this Chapter) summarises the situation clearly, it is as follows:

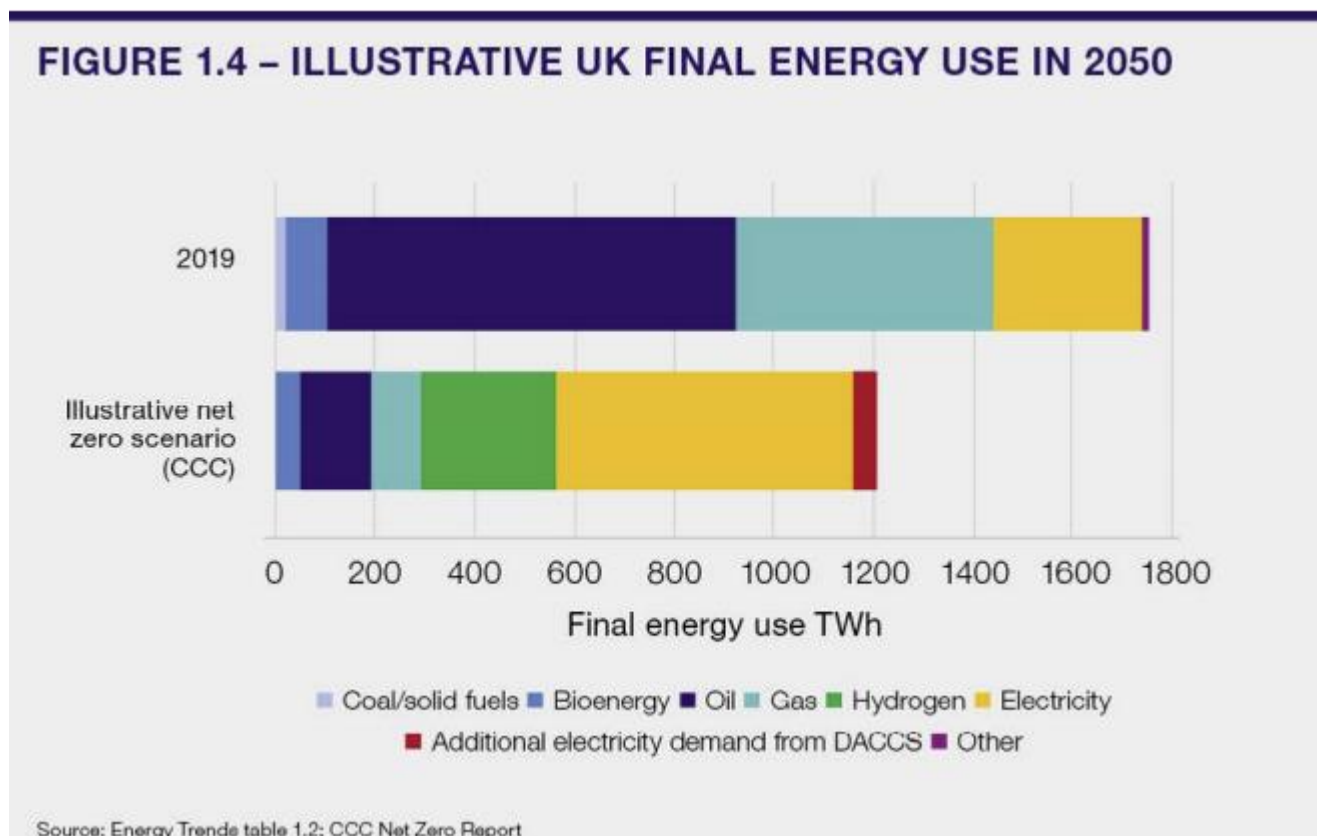


Figure 4.4.1: Clean Electricity Production by 2050

Source: Energy White Paper (December 2020)

38. 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”.

#### 4.4.3.2 Scottish Energy Strategy 2017

39. The Scottish Government published the Scottish Energy Strategy in December 2017 (the SES) (Scottish Government, 2017) and is currently the subject of review. The SES sets out the Scottish Government’s vision for the future energy system in Scotland, for the period to 2050. The strategy is designed to provide a long-term vision to guide detailed energy policy decisions over the coming decades. It articulates the priorities for an integrated system-wide approach that considers both the use and the supply of energy for heat, power and transport. The document focuses on a range of renewable sources including onshore wind, solar and energy storage.

40. The SES sets out the 2050 vision for energy in Scotland is to have a “flourishing, competitive local and national energy sector, delivering secure, affordable, clean energy for Scotland’s households, communities and businesses”. The vision is centred around six priorities, including the following:

- exploiting Scotland’s huge renewable energy resources; and
- innovative local energy systems which empower communities.



41. The SES is clear that energy storage is important for the future of Scotland's energy system. It states:

*"Changes in 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 economy".*

42. The SES advises that onshore wind development is essential to Scotland's transformation to a fully decarbonised energy system by 2050, and brings opportunities which underpin our vision to grow a low carbon economy and build a fairer society.

43. The SES considers solar and advises that "solar PV can make an important contribution to Scotland energy needs." It advises that there is the potential to power the equivalent of 50,000 homes through solar power. The SES is clear that there is the potential for the combination of storage with wind and solar assets to be a valuable solution for the energy system as a whole, as it would offer the potential for demand to be locally managed.

44. The Onshore Wind Policy Statement (the OWPS) (Scottish Government, 2017) states that Scotland will continue to need more onshore wind developments in order to meet renewable energy targets. Also highlighted in the OWPS is an acknowledgement by the Scottish Government that the design of onshore wind projects is moving in the direction of larger turbines, and that they should be supported where appropriate.

#### 4.4.3.3 Update to the Climate Change Plan 2018-2032 (Securing a Green Recovery on a Path to Net Zero)

45. On 16<sup>th</sup> December 2020 the Scottish Government published an update to the Scotland's 2018-2032 Climate Change Plan and sets out the Scottish Government's pathway to achieve targets set by the Climate Change Act 2019. The Report recognises the profound impact of COVID-19 and the difficulties of meeting the targets has become more difficult. The Scottish Government have committed to a 'Green Recovery' from COVID-19 by creating green jobs and delivers a thriving sustainable economy.

46. The Scottish Government's response is framed around the following key themes:

- Investment - It recognises the role that public and private investment must play in delivering the transition to net zero. It is committed to creating green jobs and reskilling of the existing works force to align the skills system with the demand resulting from a green recovery and the transition to net zero.
- Adaptation and Resilience - the investment in flood risk management and coastal change adaption.
- Positive Behaviours - sets out the policy measures to embed behaviour change in each of the sectors. The Draft Public Engagement Strategy, published alongside this update, sets out how engagement between the Scottish Government and citizens in developing and implementing climate policy has widespread support and encourages action.
- Place Based Approach - Working with communities and through reforms of the planning system so that planning can focus on places and people.

#### 4.4.3.4 Programme for Government

47. The Programme for Government is published every year at the beginning of September and sets out the actions that the Government will take in the coming year and beyond. The Scottish Government's A Fairer Greener Scotland was published in September 2021. This document reaffirms the Scottish Government's commitment to ensuring a green recovery by:

*"securing an economic recovery which is green and fair – for everyone and in every part of Scotland – and delivers our ambition to become a net-zero nation".*

48. The document is clear in its commitment to renewable energy generation and delivering a decarbonised economy. Chapter 3 which is titled A Net Zero Nation: Ending Scotland's contribution to climate change, in a just and fair way, advises on Page 63 that by 2030 the Scottish Government's aim is to generate 50 % of Scotland's overall energy consumption from renewable sources and by 2050 to have decarbonised the energy system almost completely. Page 64 notes that that development of renewable energy:

*"presents an immense opportunity for Scotland to lead by example showing how a clean energy future is possible at home, and as a net exporter of renewable energy, attracting further investment and ensuring our progress to net zero is environmentally and economically beneficial".*

49. It outlines on page 64 that subject to consultation, the Scottish Government are committed to securing an additional 8 to 12 GW of installed onshore wind before 2030.



#### 4.4.3.5 Reducing Emissions in Scotland Progress Report to Parliament

50. Reducing emissions in Scotland progress Report to Parliament was published on 7<sup>th</sup> October 2020 and advises that “prior to the COVID-19 pandemic it was clear that Scotland was on track to meet the 2020 target for emissions reduction in 2020. The impact of the lockdown means that the 2020 target will almost certainly be met [this will not be confirmed until 2022], but the key structural changes that will drive emission reductions in sectors outside of the electricity generation have not yet been achieved”. The document refers to the next decade being a new era for climate action in Scotland. It is clear that Scotland has made good progress in reducing emissions throughout the 2010’s. It notes that going forwards, the challenge for the Scottish Government is to transform short term economic support measures into long term strategy to develop a productive low carbon capacity.

51. It notes that Scotland now produces more than 90% of its gross electricity consumption from renewable energy sources and is a net exporter of low-carbon electricity to the rest of the UK. The introduction states that,

*“The challenge for low-carbon electricity generation in Scotland is not complete – Scotland must now capitalise especially on the potential for inexpensive renewable generation by decarbonising other sectors of the economy via electrification, as well as increasing electricity exports to the rest of the GB system. New sources of flexibility in the power system must now be developed in order to help meet the challenge of operating a system using large amounts of energy from renewables.”*

52. Chapter 5 of the Report advises that the Scottish Government, together with local authorities, can use planning powers to drive decarbonisation. In the context of planning it states:

*“The National Planning Framework is a useful lever over infrastructure that needs to be well aligned to objectives for emissions reduction in Scotland (e.g. through encouraging walking, cycling and use of public transport, ensuring readiness for or installation of electric vehicle charging points in new developments, co-location of new housing with services and major centres of employment, and a favourable planning regime for low-cost onshore wind).”*

53. Chapter 6 of the Report sets out actions for the Scottish Government which includes the alignment of NPF4 with a Net Zero energy system by ensuring there is “favourable planning and consenting for a low carbon and efficient energy system and climate resilient infrastructure”.

#### 4.4.3.6 Scotland’s Energy Strategy Position Statement (2021)

54. The Scottish Government published Scotland’s Energy Strategy Position Statement (SESPS) in 2021 which provides an overview of the Governments key priorities for the short to medium-term in ensuring a green economic recovery, whilst remaining aligned to net zero ambitions, it was published in the lead up to COP26.

55. The Position Statement provides an overview of Government policies in relation to energy. It is clear that the Government will remain guided by the key principles set out in the Scottish Energy Strategy (SES) of 2017 and reinforces “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”.

56. The Ministerial Foreword references the challenge of COVID-19 which, it states, has created an economic crisis and notes that the Climate Emergency “has continued unabated”. The Foreword states 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”.

57. The SESPS makes reference to Scotland’s most ambitious legislative framework, for emissions reduction, in the world 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.

58. The summary of the SESPS is clear that the current SES remains in place until any further Energy Strategy refresh is adopted by Ministers. In terms of key priorities for energy, and renewables in particular, this includes working on the update of the OWPS which is expected in 2021.

59. Section 5 of the SESPS considers ‘a green economic recovery’ and states that creating green jobs is at the heart of the Scottish Government’s plans for a green economic recovery. This is clear in the Programme for Government (2020) which set out a ‘national mission’ to create new and green jobs.

60. Onshore renewables are specifically considered in Section 8, of the SESPS where it states 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 adds 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*”.

#### 4.4.3.7 Onshore Wind Policy Statement Refresh: Consultation Draft

61. In October 2021 the Scottish Government published its consultation on a revised Onshore Wind Policy Statement. While not yet policy this document provides insight into the Scottish Governments position on the future of onshore wind.

62. The Ministerial forward acknowledges that onshore wind is a cheap and renewable source of electricity generation. It further advises that onshore wind remains vital to Scotland’s future energy mix and the delivery of renewable electricity generation is essential.

63. In setting out the current position the document notes that meeting the renewable energy targets decisive and meaningful action is required during 2022 across all sectors. It is clear that the Scottish Governments current thinking is that Scotland must go further and faster to meet the expected increasing demands for electricity which is required to support all sectors reach Net Zero and this this will include increased installed capacities in all renewable technologies. The document advises that the Scottish Government believes that it is “*vital to send a strong signal and set a clear expectation*” on what onshore wind can contribute to meeting Net Zero.

64. The document considers the issue of security of supply and storage potential. It states that “*onshore wind can play a greater part in helping to address the substantial challenge of maintaining security of supply and network resilience in a decarbonised electricity system.*” Reference is made to black start (i.e. restart the electrical grid connection in the event of failure) and the role which the Applicant has played in advancing this technology. The ability for the proposed Development to facilitate black start is included. It is clear that as Scotland progresses towards Net Zero battery storage will become more prevalent. The location of onsite battery storage removes pressures from the grid, allows more locally focused energy provision and reduces the overall cost to consumers.

65. It is acknowledged that the Onshore Wind Policy Statement refresh is not yet Scottish Government policy. However, it does show a clear train of thought from the Scottish Government and much of what is written is clearly the thinking of the Scottish Government on the current situation alongside consultation on the way forward.

#### 4.4.4 The Response to COVID-19

66. It is clear that the COVID-19/Coronavirus pandemic has created an unprecedented economic situation which will have a legacy of many years. It is clear that one of the key solutions to the crisis is a green recovery. The COVID-19 crisis has created an unprecedented economic situation which will have a legacy of many years and that one of the key solutions to the crisis is a green recovery. The Scottish Government have been clear that the response to the COVID -19 pandemic and the economic recovery post-COVID-19 needs to be green and fair. Further information is provided in the Planning Statement.

## 4.5 The Targets and Progress Towards Them

67. The following text sets out the key targets that are set in legislation and are therefore legally binding. It the sets out the up-to-date position in respect of meeting those targets.

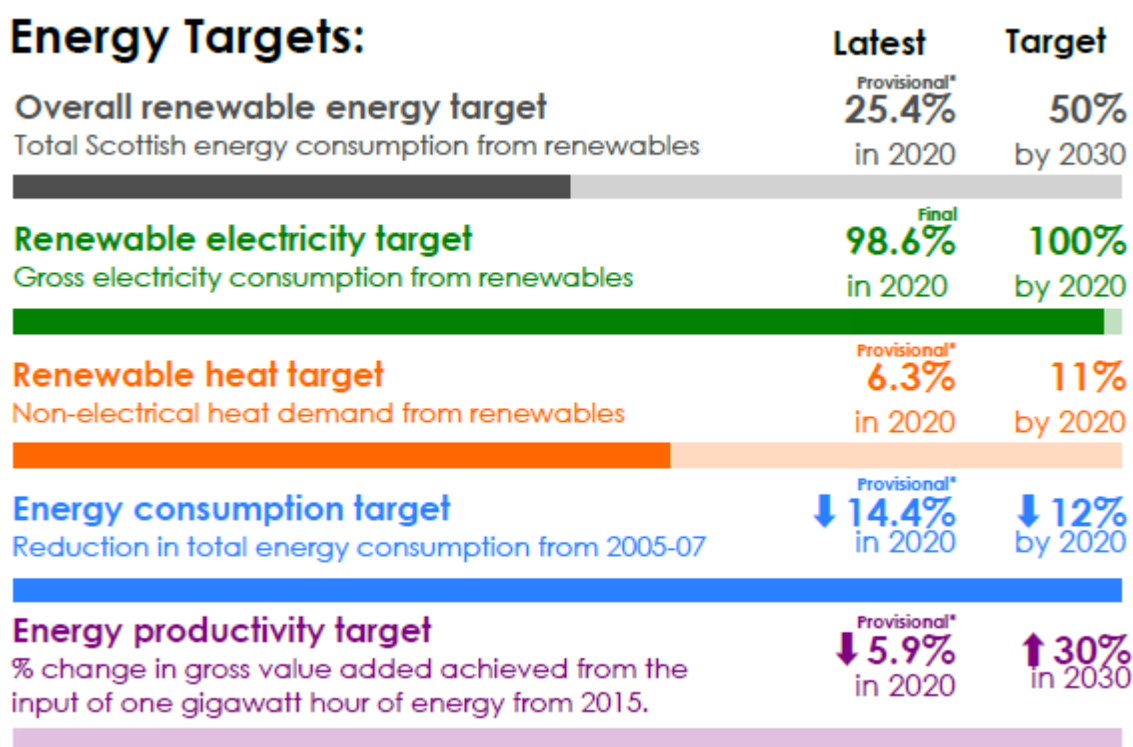
### 4.5.1 The Targets

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

68. Following the declaration of a ‘climate emergency’ in April 2019 the Scottish Government new renewable energy targets which were contained in the The Climate Change (Emissions Reduction Targets) (Scotland) Act 2019 which was passed by the Scottish Parliament in 2019 and its measures were brought into force in March 2020. It set 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. The interim target of 75% by 2030 requires the current decade to be a transformative decade.

69. 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.
70. 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 2018 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%
71. Figures released in Energy Statistics for Scotland (December 2021) show that as of September 2021, 12.2 GW of renewable electricity capacity was operational in Scotland. It also states that there is an additional 15.2 GW of capacity either under construction, consented, or in planning.
72. Figure 4.2 is an extract from the Energy Statistics for Scotland December 2021 Figures which clearly shows the position in respect of the key targets.

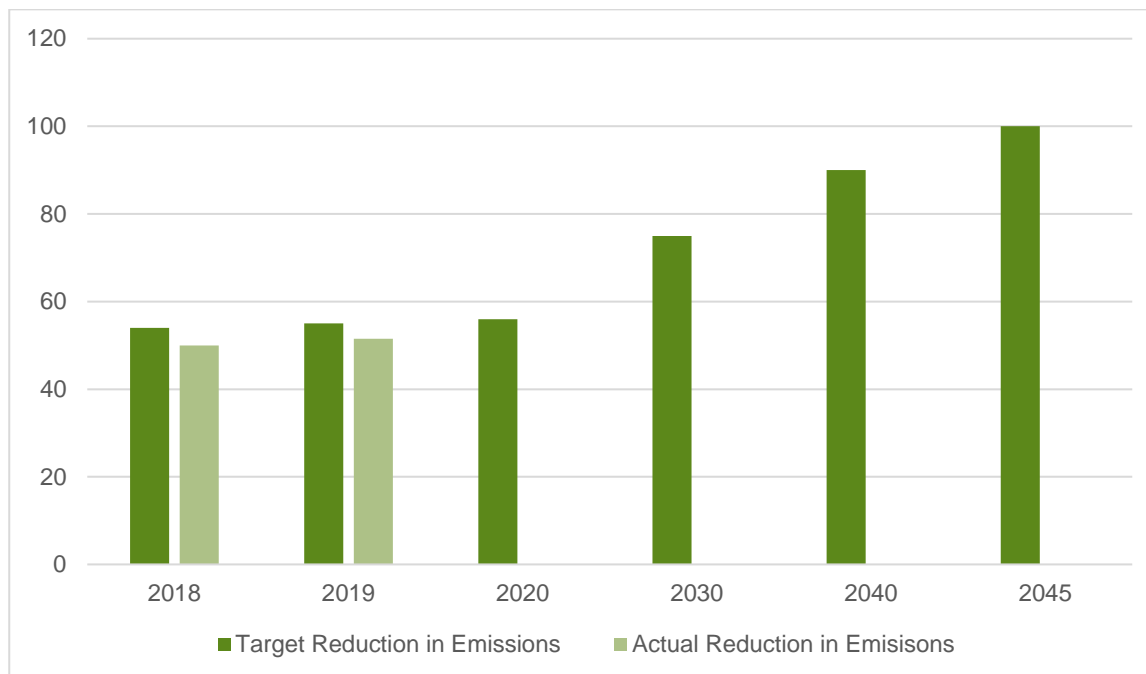


\*Final figures will be published in September 2022

Figure 4.2: Energy Targets Progress Summary (Source Energy Statistics for Scotland Q3 2021 Figures)

#### 4.5.2 Progress Towards Greenhouse Gas Emissions Targets

The progress towards net zero targets for the years available and the targets for the interim and final target is shown in **Figure 4.3**.



**Figure 4.3: Comparison of net zero targets and actual reduction of emissions**

(Source Scottish Greenhouse Gas Emissions 2019, An official Statistics Publication for Scotland, Laid before the Scottish Parliament by the Scottish Ministers under section 33 of the Climate Change (Scotland) Act 2009 June 2021)

74. **Figure 4.3** shows that in 2018, the GHG emissions target was missed – the emissions were 50% (of a reduction against 1990 levels) while the target was 54%. An official Statistics Publication for Scotland on GHG Emissions in 2021 advises that Scotland has missed its target for reducing greenhouse gas emissions in 2019. The figures for 2019 show GHG fell 51.5% against the baseline, well short of the 55% target.

## 4.6 National Planning Policy and Advice

75. National planning policy and advice documents which are considerations relevant to the proposed Development include the following documents:

- The National Planning Framework 3 (June 2014 (NPF 3);
- Scottish Planning Policy (June 2014) (SPP);
- Onshore Wind Turbines Specific Advice Sheet (updated May 2014);
- Online Planning Advice on Flood Risk (2015);
- Draft Peatland and Energy Policy Statement (2016);
- PAN 1/2011 Planning and Noise (March 2011);
- PAN 2/2011 Planning and Archaeology (July 2011);
- PAN 3/2010 Community Engagement (August 2010);
- PAN 1/2013 Environmental Impact Assessment (August 2013);
- PAN 51 Planning, Environmental Protection and Regulation (October 2006);
- PAN 60 Planning for Natural Heritage (January 2008);
- PAN 61 Sustainable Urban Drainage Systems (July 2001);
- PAN 69 Planning and Building Standards Advice on Flooding (August 2004);

- PAN 75 Planning for Transport (August 2005);
- PAN 79 Water and Drainage (September 2006);
- NatureScot Natural Heritage Considerations for Solar Photovoltaic Installations (Version 3, 2017);
- NatureScot Renewable Energy and the Natural Heritage – Position Statement (2014).

76. Under the requirements of the Planning (Scotland) Act 2019, SPP will become part of NPF4 and NPF4 will become part of the Development Plan. The drafting of NPF4 has been delayed as a result of COVID-19 and it is currently anticipated that NPF4 will be placed before Parliament in autumn 2021. NPF4 will include all aspects of national planning policy as per the provisions of the Planning (Scotland) Act 2019, which was passed by the Scottish Parliament in June 2019.

#### 4.6.1 National Planning Framework for Scotland (NPF3)

77. There is general support for the promotion of renewable energy developments throughout many parts of NPF3. Chapter 3 of NPF3, 'A low carbon place' identifies that planning will play a key role in delivering the Scottish Government commitments set out in Low Carbon Scotland: the Scottish Government's report on proposals and policies. The priorities which are set out in this strategy set a clear approach which is consistent with Scottish climate change legislation.

78. The introduction states the Scottish Government's ambition to achieve at least an 80% reduction in the emission of greenhouse gases by 2020. Paragraph 3.1 states that *"the priorities identified in this spatial strategy set a clear direction of travel which is consistent with our world leading climate change legislation."*

79. Paragraph 3.7 of NPF3 states that the planned approach to onshore wind energy development has ensured that the proposed Development largely avoids internationally and nationally protected areas. It is also recognised that, whilst opinions about onshore wind in particular locations can vary, there is strong public support for wind energy as part of the energy mix.

80. Paragraph 3.9 of NPF3 makes it clear that the Scottish Government wants to continue to capitalise on the wind resource of Scotland. By presenting an application that maximises the potential of the site to generate electricity whilst respecting environmental considerations it is submitted that the proposed Development is seeking to capitalise on the wind resource within the northeast of Scotland.

81. NPF3 advises that, whilst Scotland is making good progress in diversifying the energy generation capacity and lowering carbon emissions, more action is required by way of continuing to capitalise on the wind resource to ensure security of supply. Paragraph 3.22 makes it clear that onshore wind development will continue to make a significant contribution to the diversification of energy supplies.

82. NPF 3 advises, at paragraph 3.24, the local and community ownership can have a lasting impact on rural Scotland building business and community resilience and providing an alternative source of impact. It states that *"collectively the potential benefits of community energy projects are nationally significant."*

83. NPF3, Section 3 refers to the 2009 Act which sets a target of reducing greenhouse emissions by at least 80 % by 2050 and an interim target of reducing emissions by at least 42 % by 2020. This target has now been met, however the Scottish Government has announced further carbon emission targets in its Climate Change Plan, Third Report on Proposals and Policies 2018-2032 and the update published by the Scottish Government in December 2020. This sets out the requirement, in Section 44 of the 2009 Act, for all public bodies to act in the following ways:

- in the best way calculated to contribute to the delivery of emissions targets in the 2009 Act;
- in the best way calculated to help deliver the Government's climate change adaption programme; and
- in a way that it considers is most sustainable.

#### 4.6.2 National Planning Framework 4 (NPF4) Consultation Draft

84. The Draft Fourth National Planning Framework (Draft NPF4), which details the Scottish Government's long-term plan for what Scotland could be in 2045, was laid in Parliament on 10 November 2021. It is currently the subject of consultation which will last until the end of March 2022. The Draft NPF4 contains five parts as follows:

- Part 1 - National Spatial Strategy which sets the Scottish Government's vision where each part of Scotland can be planned and developed to create: Sustainable, Liveable, Productive and Distinctive places. Underpinning the national spatial strategy are a series of spatial principles. The spatial strategy also highlights five action areas.

- Part 2 - National Developments, these are significant developments of national importance that will help to strongly support the delivery of the spatial strategy. Designation as a national development establishes the need for it but does not remove requirements for relevant consents to be obtained before development can begin. The proposed Development would not be considered as a National Development.
  - Part 3 - National Planning Policy incorporates Scottish Planning Policy and contains detailed national policy on a number of planning topics.
  - Part 4 – Delivery, it is recognised that delivering the NPF4 strategy and realising collective ambitions will require collaborative action from the public and private sectors and wider communities. It is anticipated that this section will be developed into a standalone, live delivery programme once NPF4 has been approved and adopted.
  - Part 5 – Annexes
85. Part 1 of the Draft NPF4 sets out an overarching spatial strategy for Scotland. Page 3 states *“We have set a target of net zero emissions by 2045, and must make significant progress towards this by 2030. This will require new development and infrastructure across Scotland.”* It continues by stating *“We will plan the place we want Scotland to be carefully. The way we live, learn, work and play in the future will need to be consistent with our ambition to achieve net zero emissions and nature recovery.”*
86. The Draft NPF4 outlines Action areas for Scotland 2045 which are areas on a plan rather than definitive lines. The Site is located on the fringes of the North and west coastal innovation area. Page 12 states *“Scotland’s north and west coast and islands will be at the forefront of our efforts to reach net zero emissions by 2045. This is a diverse area, from Shetland and Orkney in the north, to the Outer and Inner Hebrides and the coastal areas of Highland and Argyll and Bute. Coastal innovation is not unique to this area, but as one of the most renewable energy rich localities in Europe with significant natural resources, there is a real opportunity for this part of Scotland to support our shared national outcomes.”*
87. The Site is also located within the Central urban transformation area. It is noted on page 29 that *“we will only meet our climate change commitments if we make significant changes to the densely populated central belt of Scotland”*.
88. Part 2 of the Draft NPF4 outlines the proposed National Developments. Electricity generation projects of 50 MW or more are proposed to be categorised as national developments within 12. Strategic Renewable Electricity Generation Transmission Infrastructure. Page 59 states *“A large increase in electricity generation from renewable sources will be essential for Scotland to meet its net zero emissions targets.”* The need statement for this national development is clear that *“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.”*
89. Part 3 sets out the draft policies to help deliver the spatial strategy. In relation to ‘Green energy’ the Draft NPF4 states *“We want our places to support continued expansion of low-carbon and net zero energy technologies as a key contributor to net zero emissions by 2045...Scotland’s energy sector has significant role to play in reducing carbon emissions and contributing to a green, fair and resilient economic recovery.”* The document is clear that *“The planning system should support all forms of renewable energy development”*.
90. The Draft NPF4 demonstrates the importance of renewable energy in meeting the carbon reduction targets and that significant progress is required for the 2030 target. The proposed Development has a grid connection date of 2026 and therefore can make a meaningful contribution to the 2030 target.
- ### 4.6.3 Scottish Planning Policy (SPP)
91. Under the heading of Policy Principles it is stated that: *“This SPP introduces a presumption in favour of sustainable development”*; and Paragraph 28 advises that: *“The planning system should support economically, environmentally and socially sustainable places by enabling development that balances the costs and benefits of a proposal over the longer term. The aim is to achieve the right development in the right place; it is not to allow development at any cost.”*
92. Paragraph 29 of SPP advises that planning policies and decisions should support sustainable development. To assess whether a policy or proposal supports sustainable development the following principles should be taken into account:
- giving due weight to net economic benefit;
  - responding to economic issues, challenges and opportunities, as outlined in local economic strategies;
  - supporting good design and the six qualities of successful places;



- making efficient use of existing capacities of land, buildings and infrastructure including supporting town centre and regeneration priorities;
- supporting delivery of infrastructure, for example transport, education, energy, digital and water;
- supporting climate change mitigation and adaption including taking account of flood risk;
- improving health and well-being by offering opportunities for social interaction and physical activity, including sport and recreation;
- having regard to the principles for sustainable land use set out in the Land Use Strategy;
- protecting, enhancing and promoting access to cultural heritage, including the historic environment;
- protecting, enhancing and promoting access to natural heritage, including green infrastructure, landscape and the wider environment;
- reducing waste, facilitating its management and promoting resource recovery; and
- avoiding over-development, protecting the amenity of new and existing development and considering the implications of development for water, air and soil quality.

93. Onshore wind is specifically considered in SPP starting at Paragraph 161. SPP advises that Planning Authorities should set out in the Development Plan a spatial framework identifying areas likely to be most appropriate onshore wind development. Table 1 of SPP is as presented in **Table 4.1**.

**Table 4.1: Table 1 of SPP Spatial Frameworks**

<b>Group 1: Areas where wind farms will not be acceptable</b>		
<i>National Parks and National Scenic Areas</i>		
<b>Group 2: Areas of significant protection:</b>		
<i>Recognising the need for significant protection, in these areas wind farms may be appropriate in some circumstances. Further consideration will be required to demonstrate that any significant effects on the qualities of these areas can be substantially overcome by siting, design or other mitigation</i>		
<i>National and international designations:</i> World Heritage Sites; Natura 2000 and Ramsar sites; Sites of Special Scientific Interest; National Nature Reserves; Sites identified in the Inventory of Gardens and Designed Landscapes; Sites identified in the Inventory of Historic Battlefields.	<i>Other nationally important mapped environmental interests:</i> areas of wild land as shown on the 2014 SNH map of wild land areas; carbon rich soils, deep peat and priority peatland habitat.	<i>Community separation for consideration of visual impact:</i> an area not exceeding 2km around cities, towns and villages identified on the local development plan with an identified settlement envelope or edge. The extent of the area will be determined by the planning authority based on landform and other features which restrict views out from the settlement
<b>Group 3: Areas with potential for wind farm development:</b>		
<i>Beyond groups 1 and 2, wind farms are likely to be acceptable, subject to detailed consideration against identified policy criteria.</i>		

94. Paragraph 169 of SPP, provides guidance for development management and the determination of development proposals. It sets out that proposals for energy infrastructure developments should take account of spatial frameworks for wind energy development where these are relevant and sets out key considerations for proposals. These include net economic effect; the scale of contribution to renewable energy generation targets; effect on greenhouse gas emissions; cumulative effects; effects on communities and individual dwellings; and landscape and visual effects.

#### 4.6.4 Development Plan Policy

95. The Development Plan for the site comprises the Argyll and Bute Local Development Plan adopted in March 2015 and is accompanied by Supplementary Guidance adopted in March 2016 and is a part of the Development Plan. This provides

further detail and guidance on the policies within the LDP, and where necessary supplements these with additional policy requirements.

#### 4.6.5 Argyll and Bute Local Development Plan

96. The LDP policy of primary relevance to the proposed Development is Policy LDP 6 Supporting the Sustainable Growth of Renewables, which states that:

*“The Council will support renewable energy developments where these are consistent with the principals of sustainable development and it can be adequately demonstrated that there is no unacceptable significant adverse effect, whether individual or cumulative, including on local communities, natural and historic environments, landscape character, visual amenity and that proposals would be compatible with adjacent land uses”.*

97. The policy highlights that the Council will prepare a spatial framework for wind turbine developments over 50 m high as supplementary guidance, in accordance with SPP. This guidance was adopted in December 2016 in the form of Supplementary Guidance 2: Renewable Energy. The spatial framework identifies areas which have potential for wind energy development, and those which do not, including areas required significant protection in accordance with the criteria set out in Table 1 of SPP. According to the spatial framework map, the proposed Development lies partly in a Group 3 Area (Areas where wind energy developments are likely to be acceptable) and partly within Group 2 (Areas of significant protection) owing to the presence of peat.
98. Policy LDP 6 sets out the criteria against which new renewable energy development applications will be assessed, one of which is the ability to provide opportunities for incorporating energy storage.
99. **Table 4.2** lists the policies within the current LDP and supplementary guidance of relevance to the proposed Development which have been considered during the design process and subsequent EIA.

**Table 4.2: Table of Applicable LDP and SG Policies**

LDP Policies	SG Policies
Policy LDP STRAT 1 – Sustainable Development	SG LDP Sustainable – Sustainable Siting and Design Principles
Policy LDP 3 – Supporting the Protection, Conservation and Enhancement of our Environment	SG LDP ENV 9 – Development Impact on Areas of Wild Land
Policy LDP 10 – Maximising our Resources and Reducing our Consumption	SG LDP ENV 12 – Development Impact on National Scenic Areas (NSAs)
Policy LDP 11 – Improving our Connectivity and Infrastructure	SG LDP ENV 13 – Development Impact on Areas of Panoramic Value (APQs)
Policy LDP 5 – Supporting the Sustainable Growth of our Economy	SG LDP ENV 14 – Landscape
Policy LDP 8 – Supporting the Strength of our Communities	SG LDP ENV 7 – Water Quality and the Environment
	SG LDP ENV 11 – Protection of Soil and Peat Resources
	SG LDP SERV 2 – Incorporation of Natural Features / Sustainable Drainage Systems (SuDS)
	SG LDP SERV 3 – Drainage Impact Assessment (DIA)
	SG LDP SERV 7 – Flooding and Land Erosion – The Risk Framework for Development
	SG LDP ENV 1 – Development Impact on Habitats, Species and our Biodiversity
	SG LDP ENV 2 – Development Impact on European Sites
	SG LDP ENV 4 – Development Impact on Sites of Special Scientific Interest (SSSIs) and National Nature Reserves

LDP Policies	SG Policies
	SG LDP ENV 5 – Development Impact on Local Nature Conservation Sites (LNCS)
	SG LDP ENV 6 – Development Impact on Trees / Woodland
	SG LDP ENV 13 Development Impact on Areas of Panoramic Quality (APQs)
	SG LDP ENV 15 – Development Impact on Historic Gardens and Designed Landscapes
	SG LDP ENV 16(a) – Development Impact on Listed Buildings
	SG LDP ENV 19 – Development Impact on Scheduled Ancient Monuments
	SG LDP ENV 20 – Development Impact on Sites of Archaeological Importance
	SG LDP TRAN 2 – Development and Public Transport Accessibility
	SG LDP TRAN 5 – Off-Site Highways Improvements
	SG LDP REC/COM 1 – Safeguarding and Promotion of Sport, Leisure, Recreation, Open Space and Key Rural Services
	SG LDP TRAN 1 – Access to the Outdoors
	SG LDP TRAN 7 – Safeguarding of Airports

100. The LDP is currently being reviewed and a new LDP is being prepared and once adopted will replace the extant LDP. The Proposed Argyll and Bute Local Development Plan was drafted in 2019 (PLDP2) and was published for consultation which ended in January 2020. The Council is currently analysing valid responses made to the PLDP2 consultation process. Valid, unresolved objections will be considered through an examination by independent Reporters appointed by the Scottish Government. Draft Policy 30 'The Sustainable Growth of Renewables' would in effect be the replacement policy for the current LDP6.

#### 4.6.6 Other Relevant Considerations

101. There are a number of other relevant considerations that are relevant to the consideration of the proposed Development. These include the documents considered in the following text.

#### 4.6.7 Argyll and Bute Landscape Wind Energy Capacity Study Update (2017)

102. The previous Argyll and Bute Landscape Wind Energy Capacity Study (ABLWECS) 2012 assessed the sensitivity of Landscape Character Areas (LCAs) within Argyll and Bute to accommodating windfarms with a tip height of up to 130m.

103. The Argyll and Bute Landscape Wind Energy Capacity Study 2017 is an update to the 2012 study and has been prepared in response to cumulative baseline changes in Argyll and Bute during the intervening period, as well as emerging trends in the onshore wind industry, whereby larger turbines are commonly being proposed to maximise output efficiencies.

104. Following on from the findings of the 2012 study, which identified a few landscape character areas (LCAs) with some scope for larger turbines, or landscapes which already accommodate operational windfarms, the 2017 study considers the sensitivity of these LCAs to accommodating 'very large' turbines i.e. turbines of a tip height greater than 130m.

105. The 2017 study also provides an updated landscape strategy for Argyll and Bute, which is similar to that set out in the 2012 study. Nine objectives are proposed, and these include:

- protecting the most scenic of Argyll and Bute's landscapes;
- maintaining the wild land qualities of the mountainous landscapes;
- protecting the special qualities of the coastal landscapes, islands and wider seascape;

- conserving the character and integrity of inner Loch Fyne;
- conserving the rich scenic character found at the northern and southern end of Loch Awe;
- following the established pattern of larger windfarm development associated with less sensitive upland landscapes;
- avoiding exacerbating intrusion on Arran, Gigha and surrounding seascapes;
- directing larger typologies away from settled coastal and loch fringes; and
- on-going review of cumulative landscape.

106. The proposed Development site is within LCT6: Upland Forest Moor Mosaic. The ABLWECS states the following in relation to this LCT:

*“There is very limited scope for the Very Large typology (turbines >130m) to be accommodated. The narrow extent of this peninsula and its relatively low relief (especially in the northern part of this LCT) inhibits opportunities for turbine >150m high. Very large turbines in many in many locations would be likely to significantly intrude on views from both Gigha and Arran, considerably extending effects and potentially affecting the ‘space and cluster’ spatial patterns of existing wind farm development evident in the northern part of the peninsula in views from Arran. Turbines <150m may be able to be accommodated provided they are set well into the centre of the peninsula and occupy more contained sites which would minimise the effects of turbines of this size on the coastal fringes of Kintyre and on views from Arran and Gigha.”*

107. In terms of the applicability of the 2017 ABLWECS’s findings to individual sites, the study states that:

*“The purposes of assessing sensitivity in the wider arena landscape planning is different to that undertaken as landscape and visual impact assessment which is specific to a particular project or development and its location.”*

108. Therefore, it should be reinforced that whilst the findings of the ABLWECS will be considered in the design of the proposed Development, it just gives a general view on the acceptability of wind energy development in the area, which should not be a substitute for individual and detailed landscape and visual assessment.

#### 4.6.8 Argyll and Bute Renewable Energy Action Plan

109. The Renewable Energy Action Plan (REAP) has been developed to assist Argyll and Bute realise its vision for the development of the renewable energy sector. The vision is:

*“Argyll and Bute will be at the heart of renewable energy development in Scotland by taking full advantage of its unique and significant mix of indigenous renewable resources and maximising the opportunities for sustainable economic growth for the benefit of its communities and Scotland.”*

110. Key actions of the REAP fall into the following categories: Transport and Connectivity, Supply Chain, Business Land and Skills and Recruitment. Those of relevance to renewable energy developers mainly relate to enhancing supply chain opportunities and skills development to support the growth of the industry in Argyll and Bute.

#### 4.6.9 Argyll and Bute Renewable Energy Action Plan (2018/19)

111. Argyll and Bute Renewable Alliance (ABRA) is a strategic public/private sector alliance led by Argyll & Bute Council (A&BC) with a vision and an action plan for working together and aligning partner resources to power Scotland’s future. ABRA developed the Renewable Energy Action Plan to guide activities.

112. It is recognised within the Renewable Energy Action Plan that the region has access to a unique and significant mix of indigenous renewable energy resources in hydro, wind, wave, tidal, biomass and solar. It is also noted that the region’s eastern borders are close to Scotland’s central belt, while its Western Seaboard is close to Ireland, creating power supply opportunities to large urban areas and rural communities on both sides of the Irish Sea.

113. In light of the above, the Renewable Energy Action Plan set out the vision of Argyll and Bute as follows:

*“Argyll and Bute will be at the heart of renewable energy development in Scotland by taking full advantage of its unique and significant mix of indigenous renewable resources and maximising the opportunities for sustainable economic growth for the benefit of its communities and Scotland.”*

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114. Argyll and Bute is considered to be well placed to take advantage of the economic opportunities offered by renewable energy to build on the existing track record of pioneering and delivering renewables.

115. The key actions include:

- TC1: Ensure the grid is fit for purpose to meet renewable energy opportunities;
- BL2: Consider future renewables business accommodation and land requirements and feed into Local Development Plan preparation and any relevant national policies;
- ABRA 2: Support community benefits from renewables development and respond to future Scottish Government consultations;
- ABRA 4: Influence legislation and policy development to ensure delivery of overarching ABRA vision and to assist in securing a successful route to market;

#### 4.6.10 Community Benefit

116. The Scottish Government is keen to see developers share the benefits of renewable energy with local communities through opportunities to invest in renewable energy developments and to receive community benefit funds from them. SPR is already actively involved in providing community benefit in Argyll and Bute through its Cruach Mhor, Clachan Flats and Beinn an Tuirc Phase 1 and 2 windfarms. Community shared ownership is also being offered in relation to Beinn an Tuirc Phase 3. Further information on Community Benefit is provided in **Chapter 14** of this EIAR.

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## 4.7 References

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