



Hollandmey Renewable Energy Development

Planning Statement

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Planning Statement

Executive Summary

1. The UK and Scottish Governments have declared a climate emergency and set ambitious climate change targets with a Net-Zero CO₂ target for 2045 in Scotland and an interim target of 70% reduction in emissions by 2030. ScottishPower Renewables (SPR) is helping to lead the fight against climate change by developing renewable energy projects, such as this fully integrated renewables scheme known as Hollandmey Renewable Energy Development (the proposed Development).
2. ScottishPower Renewables UK (SPR) (the Applicant) is part of the ScottishPower group of companies operating in the UK under the Iberdrola Group, one of the world's largest integrated utility companies and a world leader in wind energy. ScottishPower now only produces 100% green electricity – focusing on wind energy, smart grids and driving the change to a cleaner, electric future. The company is investing over £4m every working day in 2021 to make this happen and is committed to speeding up the transition to cleaner electric transport, improving air quality and over time, driving down bills to deliver a better future, quicker for everyone.
3. SPR is at the forefront of the development of the renewables industry through pioneering ideas, forward thinking and outstanding innovation. Its ambitious growth plans include expansion of its existing onshore wind portfolio, investment in new large-scale solar deployment and innovative grid storage systems including Battery Energy Storage Systems (BESS). The company is also delivering the Iberdrola Group's offshore windfarms in the Southern North Sea off East Anglia. With over 40 operational windfarms, SPR manages all its sites through its world leading Control Centre at Whitelee Windfarm, near Glasgow.

The Site is located approximately 8 km south west of John o'Groats and 16 km east of Thurso, situated within the north eastern part of the Caithness area of the Highlands. The proposed Development comprises 10 wind turbines up to 149.9 m in height, with an installed capacity of around 50 MW, and around 15 MW of ground mounted solar arrays producing a combined output of around 65 MW. The application also includes approximately 15 MW of battery storage (BESS) to store energy. 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 assist in the reduction of consumer bills.

4. It is anticipated that the proposed Development would have a carbon payback period of approximately 3.1 years, when compared to the fossil fuel mix of electricity generation. The same calculation with respect to the embodied emissions of the solar array would result in a payback period of 8.1 years. The Site would in effect be in a net gain situation for CO₂ emissions following this time period and would contribute to national emissions reductions targets.
5. Any proposal to construct or operate a power generation scheme with a capacity in excess of 50 MW requires Scottish Ministers' consent under Section 36 of the Electricity Act 1989. The Applicant is therefore submitting an application for the proposed Development under the requirements of this Act (Section 36 of the Electricity Act 1989).
6. Schedule 9 of the Act places on the applicant 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 to avoid impact on fisheries and fish.
7. Under the Electricity Works (Environmental Impact Assessment) (Scotland) (EIA) Regulations 2017 (as amended) (henceforth referred to as the EIA regulations), the Scottish Ministers are required to consider whether any proposal for a windfarm is likely to have a significant effect on the environment.

8. SPR is submitting an application for the proposed Development under Section 36 of the 1989 Electricity Act and for a direction under Section 57 of the Town and Country Planning (Scotland) Act 1997, as amended that planning permission is deemed to be granted for the proposed Development. The application does not seek to limit the lifetime of the proposed Development. In support of the application, SPR has undertaken an Environmental Impact Assessment (EIA) and produced its findings in the EIA Report. The EIA Report informs readers of the nature of the proposed Development, likely significant environmental effects and measures proposed to protect the environment during site preparation, construction and its operation.
9. Allied to a significant resource availability in the Highland region, onshore wind continues to be the cheapest form of renewable energy and the Site 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 limited Government support mechanisms for onshore wind.
10. The energy capture estimated for the proposed Development is the result of the overall positive impact of accommodating larger rated capacity and the larger rotor (swept area) available at higher hub heights whilst respecting environmental impacts. The resultant efficiency, economics and commerciality of the scheme would enable SPR to reduce the cost of energy from the proposed Development, giving a positive benefit to consumers in terms of electricity cost. The supply of smaller wind turbines across Europe is already reducing, due to lack of demand as manufacturers are recognising the world market is shifting to larger, more efficient machines with development work focussing on larger turbines to secure higher yields.
11. Larger turbines need to be considered and accepted if onshore wind is to continue to make a contribution to both the UK and Scottish Government's renewable energy targets. particularly the recent announcement of Net-Zero CO₂ emissions by 2045 with interim targets for 2030 which are critical to achieving the 2045 target. The Scottish Government's Onshore Wind Policy Statement (December 2017) also challenges the industry to develop the first 'subsidy free onshore windfarm' which will only be possible if taller turbines are installed.
12. SPR has been working alongside communities across the UK for nearly two decades and has to date contributed more than £42 million in benefit funds to support initiatives and projects for those communities local to their windfarm sites. The majority of SPR's projects to date have been in the south of Scotland, however SPR do have two existing projects in the Highland region: Beinn Tharsuinn Windfarm (operational) and Halsary Windfarm (operational). Community benefit funds from these developments are projected to exceed £3.4 million in the local area over the lifespan of the projects. To date, SPR's Beinn Tharsuinn has voluntarily contributed more than £1.36 million of support towards community initiatives in Highland. For the proposed Development, SPR is committed to offering a package of community benefits to local communities that would include the opportunity for community benefit payments to be made.
13. During construction a total direct spend of approximately £82.9 million is anticipated, approximately £1.6 million in Caithness and Sutherland, £12.9 million spend in the Highlands and £31.8 million would be spent in Scotland. The local economy would be expected to be boosted by £7.2 million (the Highlands) of net Gross Value Added (GVA)¹ during the construction period. The Scottish economy would benefit by some £18.2 million net GVA during construction.
14. Although this application is for 'consent in perpetuity', the overall operational impacts of the proposed Development are assessed on the basis of a nominal 40-year operational period. This would generate GVA worth a cumulative total of £12 million in Caithness and Sutherland, £36 million in the Highlands and £64 million for Scotland as a whole (values undiscounted).
15. During the 22 months' construction phase, the proposed Development is expected to support, in net terms, 14.6 person-years for Caithness and Sutherland and 119.4 person-years of employment for the Highlands. For Scotland as a whole, the proposed Development would be expected to support approximately 299.8 person-years of employment.
16. During the operational phase, the proposed Development is expected to support, in net terms 4.3 person-years of employment within Caithness and Sutherland and 14.4 person-years of employment within the Highlands annually. For

¹ GVA measures the contribution to the economy of an individual producer, an industry, sector or region

Scotland as a whole, the proposed Development would be expected to support approximately 27.3 permanent person-years of employment annually.

17. The potential for effects on a wide variety of environmental factors have been considered through the EIA process. Where identified, the significant 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 forestry and access. These would ensure that the proposed Development is delivered in an appropriate manner which would benefit the environment in a wide variety of ways.
18. A key factor in the design evolution process of the proposed Development has been to minimise the landscape and visual impact of the proposed Development where possible and to develop a design which can be accommodated within the landscape. It is considered the landscape has the capacity for the proposed Development. The proposed Development is located within an area where windfarm development is an established component of views. It is acknowledged that the proposed Development would result in significant landscape and visual effects, however this would be expected from any wind farm development. The landscape and visual impact also needs to be balanced against the benefits of the proposed Development which have been detailed above. It is considered on balance the proposed Development is acceptable in landscape terms.
19. 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. 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. It would make a valuable contribution to the fight against climate change. The potential of the Site has been maximised whilst respecting the environmental constraints and sensitivities of the Site and the surrounding area. The proposed Development for which consent is sought is considered to be acceptable.

1. Introduction

20. The UK and Scotland's current climate change ambitions are amongst the highest 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 CO₂ emissions by 2045 and an interim target of 75% reduction in emissions by 2030. This is supported by the Scottish Energy Strategy's (Scottish Government 2017) target of 50% of all energy (including transport, heat and electricity) being supplied from renewables by 2030. The Highland Council (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. The Council will establish a Climate Change panel with responsibility for the following reporting back to full council on progress;

1. Inform ourselves on what the Council is currently doing to reduce our carbon footprint.

2. Revisit the Carbon Clever declaration made by the Council in 2012 with a view to updating and reinvigorating those commitments working towards a carbon neutral Highlands by 2025.

3. Consider and recommend any new targets and priorities for the Council's Corporate Plan by June 2019.

4. We realise we can achieve far less by working alone so we commit to listening to and involving Highland citizens in all that we do and to involve them in the preparation of our new carbon reduction plan.

5. Promptly, we will target areas for behavioural change, such as plastic reduction. These areas to be selected by public consultation."

21. 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."

22. Key to achieving the carbon neutral ambition is the decarbonisation of many sectors of the economy and in order to do this the generation of renewable electricity needs to be increased and part of this is the development of onshore windfarms.

23. ScottishPower Renewables (UK) Ltd (SPR) is leading the UK in the operation and development of renewables and fully supports the fight against climate change and proposes to develop Hollandmey Renewable Energy Development (RED) in Caithness in the Highlands. This would be a fully integrated renewable energy solution in direct response to meeting national and international climate change targets. Hollandmey RED would be able to regulate output and provide clean power to people's homes when they need it most and would represent a state of the art development for the Highlands. 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.

24. Hollandmey RED is located within THC administrative area and comprises 10 wind turbines, ground-mounted solar arrays and BESS with associated infrastructure (the proposed Development) on land (the Site) located approximately 8 km south west of John o' Groats and 16 km east of Thurso. This Site is situated within the north eastern part of the Caithness area of the Highlands, centred on NGR ND 29621 69892, as shown on **Figure 1**. The application boundary covers the area shown on **Figure 2** and an aerial photograph of the Site is shown on **Figure 3** showing the terrain and land use of the Site and the immediate surrounding area.

25. The proposed Development is summarised in **Chapter 2** and described in further detail in **Appendix 2** of this Planning Statement.

26. The proposed Development would exceed 50 MW, and therefore constitutes a Schedule 2 development as provided for by the Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017 (the EIA Regulations).

27. RSK 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 EIA Report which is submitted as part of the application which this Planning Statement is submitted in respect of.

1.1. Purpose of this Planning Statement

28. 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 Planning Statement 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 Planning Statement, 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 UK and Scottish Governments and THC, details the key renewable energy advisory reports, energy policy and the response to covid and related green recovery.

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, SPP and NPF3 and the Development Plan.

Chapter 8 provides an assessment against the relevant planning policy set out in **Chapter 7**.

Chapter 9 provides the conclusions of the Planning Statement.

1.2. Statutory Framework

29. 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

30. Hollandmey RED is proposed by SPR.
31. SPR is part of the ScottishPower group of companies operating in the UK under the Iberdrola Group, one of the world's largest integrated utility companies and a world leader in wind energy. ScottishPower now only produces 100 % green electricity – focusing on wind energy, smart grids and driving the change to a cleaner, electric future. The company has committed to investing over £4m every working day between 2018 to 2022 to make this happen and is committed to speeding up the transition to cleaner electric transport, improving air quality and over time, driving down bills to deliver a better future, quicker for everyone.
32. SPR is at the forefront of the development of the renewables industry through pioneering ideas, forward thinking and outstanding innovation. Its ambitious growth plans include expansion of its existing onshore wind portfolio, investment in new large-scale solar deployment and innovative grid storage systems including BESS and associated black start capabilities as well as hydrogen energy. The company is also delivering the Iberdrola Group's offshore windfarms in the Southern North Sea off East Anglia as part of an international pipeline of projects across Europe.
33. With over 40 operational windfarms (20 in Scotland), SPR manages all its sites through its world leading Control Centre at Whitelee Windfarm, near Glasgow.

2. The Proposed Development

34. In respect to a significant resource availability in the Highlands, onshore wind continues to be the cheapest form of renewable energy and the Site 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 limited Government support mechanisms for onshore wind.
35. **Appendix 1** and **Appendix 2** of this Planning Statement set out the key characteristics of the Site and the surrounding area before providing a summary of the physical elements of the proposed Development. The information within **Appendix 1** and **Appendix 2** is a summary of EIA Report Chapters 2: Site Description and Design Evolution and 3: Proposed Development.
36. For ease of reference the main elements of the proposed Development comprise:
- 10 wind turbines and ground mounted solar panels;
 - battery storage units;
 - crane hardstandings for wind turbine installation and maintenance;
 - transformer/switchgear housings located adjacent to turbines & solar panels;
 - new and upgraded access tracks including watercourse crossings where necessary, passing places and turning heads;
 - underground electrical cabling;
 - substation and control building and BESS area;
 - a construction compound area and a solar compound area;
 - up to two temporary Power Performance Masts (PPM);
 - health & safety and other directional site signage; and
 - up to three borrow pit areas.

3. Benefits of the Development

37. The proposed Development would result in a wide range of valuable benefits which should be afforded weight in the consideration of the application. These are summarised in this Chapter of the Planning Statement.

3.1. Renewable Energy Generation

38. The Scottish and UK Governments are committed to the long-term decarbonisation of electricity generation and the Scottish Government declared a climate emergency in May 2019. SPR is aligned with the Scottish Government's commitment by generating 100% renewable energy. The Climate Change Bill 2018 passed by the Scottish Government amends the Climate Change Act 2009 by setting legally binding targets of net-zero greenhouse gas emissions by 2045 at the latest, with Scotland becoming carbon neutral by 2040. Scotland will not only have to meet the net-zero target for 2045, but also have to reduce emissions by 56% by 2020, 70% by 2030 and 90% by 2040. These are currently the most ambitious statutory targets in the world.

39. These targets remain challenging –however if consented the proposed Development would make an important contribution to Scotland's Climate Change Plan to become carbon neutral by 2040 and reduce emissions.

40. The proposed Development, as assessed and reported in the EIA Report, comprises 10 wind turbines up to 149.9 m in height, with an installed capacity of around 50 MW, and around 15 MW of ground mounted solar arrays producing a combined output of around 65 MW. The application also includes approximately 15 MW of BESS to store energy. 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 assist in the reduction of consumer bills.

3.2. Capital Expenditure Associated with the Development

41. Chapter 14: Socio-economics, Recreation and Tourism, of the EIA Report advises that it is anticipated that the proposed Development's construction costs could total approximately £82.9 million, including turbines, solar array, civil engineering works, electrical plant and grid connection. It is estimated that £12.9 million of the construction phase expenditure of the proposed Development (approximately 15% of the overall total) would be spent in the Wider Study Area (WSA) Caithness/Highlands. An estimated £31.8 million (37% of the overall total) would be expected to be spent in Scotland as a whole.

42. The Scottish economy would be expected to be boosted by a total of £18.2 million of net GVA during the construction period. During the operational phase, based on a nominal 40 year period, the proposed Development would contribute some £0.7 million in GVA per annum to the local economy through direct, indirect and multiplier effects, and over £1 million GVA per annum to the economy of Scotland as a whole. This equates to £36 million in the Highlands and £64 million for Scotland as a whole over a nominal 40 year period. This is considered to be a positive benefit of the proposed Development.

3.3. Employment Opportunities

Construction

43. During the 22 month construction phase, the proposed Development is expected to support 88 gross person-years employment in the Caithness and Highland economy, which has the potential to be beneficial for local residents². The equivalent total for Scotland as a whole is 207.8 person-years. Information from other projects developed by SPR indicate that a wide selection of supply businesses could expect to benefit from the investment in the local Scottish economy, including haulage, aggregates supply, forestry services, building services, fencing, and security. SPR is committed to employing good practice measures with regard to maximising local procurement which is evident from the procurement of towers from CS Wind, Campbeltown for the construction of Beinn Tharsuinn Windfarm.

Operation

44. During the operational phase, (including operation and maintenance) the proposed Development could support up to 14.4 job years (net) in the Highlands and 27.3 job years (net) within Scotland each year. Additional benefits would accrue to the local supply chain as a result of services supplied to the operation of the proposed Development.

² Job years measures the number of years of full-time employment generated by a project. For example, an individual working on this project for 18 months would be reported as 1.5 job years.

45. SPR would seek to secure positive benefits for the local economy by encouraging the use of local labour, manufacturers and suppliers where possible during the operational phase. The majority of jobs during the operational phase would be related to turbine/solar maintenance and civils maintenance works.

3.4. Community Benefit

46. SPR is committed to offering a package of community benefits to local communities.
47. It is expected that any proposed income streams from these community benefits payments could be used to support community projects within the local area. Local communities would have the flexibility to choose how the money is spent and prioritise for the things which matter most to them.
48. To date, SPR's operational windfarms have contributed more than £43 million of support towards community initiatives across the UK, with their existing local windfarms (Beinn Tharsuinn (operational) and Halsary (operational)), expecting to contribute around £3.4 million of support to Highland communities, over the lifespan of these projects. To date, in the THC area, Community Benefit of over £1.36 million has been paid out in relation to SPR's Beinn Tharsuinn Windfarm. Examples of projects/initiatives delivered by this funding include:
- Over £14,500 towards Broadband provision;
 - Over £28,000 towards environmental improvements including floral displays/planters and benches;
 - Over £20,000 to various child/youth activities including kid's clubs, drama clubs, holiday/after school clubs and outdoor learning;
 - Almost £5,000 to local secondary schools to compete in the annual nationwide 'Rock Challenge', an educational and aspirational performing arts competition for students;
 - Over £8,500 towards various local heritage projects;
 - £4,500 towards purchase of community minibus and £460 towards Midas training for drivers; and
 - Over £3,000 to purchase defibrillators and first responder kits.

3.5. Carbon Saving

49. During operation, the proposed Development would contribute to a beneficial effect on local and global air quality, by avoiding emissions due to the generation of electricity by burning fossil fuels. A carbon assessment has been undertaken to estimate the potential savings in carbon dioxide (CO₂) emissions by the proposed Development replacing other electricity sources. The proposed Development has a payback time of approximately 3.1 years and displacement of around 52,626 tCO₂e per year over a fossil fuel mix of electricity. The same calculation with respect to the embodied emissions of the solar array would result in a payback period of 8.1 years. The total GHG emission savings over an assumed 40 years for the purposes of carbon calculator is expected to be approximately 2,862,673 tCO₂e. This would positively contribute to meeting Scotland's targets for reducing greenhouse gas emissions.

3.6. Non-domestic Rates

50. It is estimated that the proposed Development could contribute up to £0.7 million annually to public finances and contribute £30 million over the first 40 years of its operational lifetime. However, the actual contribution would depend on variables such as the actual load factor, and the potential for any relief from non-domestic rates.

4. Statutory Framework

51. SPR is a licensed electricity generator in terms of the Electricity Act 1989. As a consequence of this, the Applicant is obliged when formulating proposals of 10 MW or more to have regard to the duties imposed upon it by Schedule 9(3)(1)(a). In formulating proposals, it 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.*”. Furthermore, in terms of sub-paragraph (b), SPR 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.
52. The Applicant has fulfilled all these duties by undertaking the project formulation as reported in the EIA Report 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 EIA Report 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.
53. 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.
54. 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 EIA Report. The EIA Regulations set out the legal requirements of the process. As part of the process, SPR have applied for a Scoping Opinion in terms of Regulation 12 and have provided an EIA Report which complies with the requirements of Regulation 5. Regulation 5 also incorporates further information requirements as set out in Schedule 4. The EIA Report has set out in detail how compliance with these provisions has been considered and achieved. In addition, the EIA Report 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.
55. 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)).
56. The EIA Report demonstrates SPR’s compliance with the requirements both set out in Schedule 9 and also in terms of the EIA Regulations.
57. 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 and also the Local Development Plan and other Guidance. All these matters are relevant and should be taken into account in the decision-making process. The ultimate weight of any particular factor in the decision-making process is a matter for the decision maker.

5. Renewable Energy Framework

5.1. Introduction

58. 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.
59. The international and national context set out in this Planning Statement is a relevant consideration in the determination of the application. It is a consideration which should attract significant weight in the decision-making balance.
60. This Chapter of the Planning Statement first acknowledges that both the Scottish Government and THC have declared a climate emergency and what their position on that is.
61. 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.
62. 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.
63. Government policy on renewable energy and GHG emissions is a relevant consideration in the decision-making process which should attract significant weight in the decision-making balance.
64. This Chapter of the Planning Statement sets out the key Advisory Reports which have informed Government policy which is also set out in this Chapter of the Planning Statement. It also considers the response to COVID-19 which has been focused on a green recovery. The renewable energy targets are considered in **Chapter 6** of this Planning Statement.
65. The following text sets out a high-level review of the documents that are referenced. Further details can be found in **Appendix 4**.

5.2. Climate Emergency

66. 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.
67. 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.”*
68. 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.”*
69. 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.

Highland Council Climate Emergency - Carbon CLEVER

70. 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."

71. Being carbon neutral has two important elements:

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

72. 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. Advisory Reports

73. This Chapter of the Planning Statement 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;
- 12 immediate actions for the new Scottish Government in the year of COP26;
- UN Gap Emissions Report (October 2021); and
- UK Government Net Zero Strategy 2021.

74. These documents are summarised in the following text.

Reducing Emissions in Scotland – 2020 Progress

75. Reducing emissions in Scotland progress Report to Parliament was published on 7th 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 Report 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 forward 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.

76. 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 of the Report 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."

77. 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).”

78. Chapter 6 of the Report sets out actions for the Scottish Government which includes the alignment of National Planning Framework 4 (NPF4) with a Net Zero energy system by ensuring there is favourable planning and consenting for onshore wind.

The Committee on Climate Change’s 6th Carbon Budget December 2020

79. On 9th December 2020 the Climate Change Committee (CCC) published the Sixth Carbon Budget. The Sixth Carbon Budget sets out, for the first time, what actions the UK will need to take to achieve Net Zero emissions by 2050. The recommended pathway requires 78% reduction in UK territorial emissions by 2035, a 63% reduction from 2019. This early action is considered vital to support the required increase in global ambitions in respect of Net Zero.

80. The recommended Net Zero Pathway requires a 78% reduction in UK territorial emissions between 1990 and 2035. In effect, bringing forward the UK’s previous 80% target by nearly 15 years. In this context, the 6th Carbon budget advises that this can be done through 4 key steps as follows:

- Take up of low carbon solutions
- Expansion of low carbon energy supplies including onshore wind
- Reducing demand for carbon intensive activities
- Land and greenhouse gas removals.

81. This reinforces the need to continue to prioritise the development of renewable energy as part of the decarbonisation drive.

82. 6th Carbon Budget reinforces the interrelationship between the UK and Scotland and is clear in the role that Scotland needs to play. It states:

“Where powers are reserved to the UK level, the devolved administrations have an important role in ensuring that the emissions reductions take place. In particular, the devolved administration’s should focus on the following areas:

Planning - Planning frameworks are another useful lever over infrastructure that needs to be well aligned to objectives for emissions reduction in devolved administrations (e.g. ... through a favourable planning regime for low cost onshore wind)”

83. It also states that *“Actions by the UK Government will be necessary to deliver the Welsh and Scottish targets, and actions by the devolved administrations will be necessary to deliver the UK target.”*

84. Most recently, in April 2021, the UK Prime Minister announced that the UK government will set in law the targets set by the Sixth Carbon budget. These targets were enshrined in law on the 30th June 2021.

Climate Change Committee Progress Report to Parliament 2021

85. The Climate Change Committee Progress Report to Parliament was published in June 2021 and is the most recent of the Committee’s annual reports to Parliament. The Report covered both progress in reducing emissions and on adapting to climate change. The Foreword of the Progress on Reducing Emissions Report states:

“The UK’s Climate Change Act had extraordinary foresight. It laid the groundwork for the nation’s escalating climate ambition. It anticipated, correctly, the need to cajole governments into climate plans that would not otherwise fit the political cycle. It has kept UK climate policies rooted in the scientific realities and the technical feasibilities.

That framework now faces its sternest test, as demand grows to see Net Zero delivered; as the urgency becomes more obvious; and as the inadequacies of our planning for the impacts of climate change become clear.”

86. The document is clear that this is a decisive decade for tackling climate change and the introductions advise that:

“As the UK rebuilds after the COVID-19 pandemic, there is an opportunity to make systemic changes that will fill the gaps in the UK’s climate response. Now is the time to invest in the UK’s future through accelerated action to cut emissions and adapt to the changing climate, while supporting the global transition.”

87. Contained within the Report on Reducing Emissions are recommendations for the Scottish Government and Table A17 of the report recommends that the Scottish Government “Scale up delivery across all sectors in line with the ambition set out in the recent Climate Change Plan Update.”

88. The Progress Report on Adapting to Climate Change advises that the ambition that has been set out by Government, in the form of non-policy statements and documents, in the last year must be turned into policy and be delivered. It calls for clear policy on the delivery of commitments.

Intergovernmental Panel on Climate Change Sixth Assessment Report 2021

89. The IPCC was created to provide policymakers with regular scientific assessments on climate change, its implications, and potential future risks, as well as to put forward adaptation and mitigation options.

90. Through its assessments, the IPCC determines the state of knowledge on climate change. It identifies where there is agreement in the scientific community on topics related to climate change, and where further research is needed. The reports are drafted and reviewed in several stages, thus guaranteeing objectivity and transparency.

91. The IPCC does not conduct its own research. IPCC reports are neutral, policy-relevant but not policy-prescriptive. The assessment reports are a key input into the international negotiations to tackle climate change. The IPCC was created by the United Nations Environment Programme (UN Environment) and the World Meteorological Organization (WMO) in 1988, and IPCC has 195 Member countries including the United Kingdom.

92. The IPCC Sixth Assessment Report 2021 is very clear that the world needs to act now to tackle climate change and that all countries have a role to play. The Headline statements from the Summary for Policy makers are contained in **Appendix 4** of this Planning Statement.

12 immediate actions for the new Scottish Government in the year of COP26

93. In September 2021, the Climate Emergency Response Group published 12 immediate actions that the Scottish Government should prioritise. The Executive Summary states that these priorities are “*practical and fit well with a green recovery and a just transition in the year of the UN Climate Conference taking place in Glasgow, COP26*”

94. The Executive Summary also states that this is a “*decade for action*” building on the evidence from the IPCC Sixth Assessment Report requiring immediate and large-scale reductions in greenhouse gas emissions.

95. Page 30 which is titled: Make the climate emergency a guiding principle in all planning decisions, states that planning and consent policy is critical to supporting the transition to net-zero and providing a favourable planning regime for low-cost renewables, particularly onshore wind. Page 32 also notes the need for taller turbines is translated into local planning policy.

United Nations Gap Emissions Report 2021

96. The United Nations Gap Emissions Report 2021 presents the latest data on the expected gap in 2030 for the 1.5°C and 2°C temperature targets of the 2015 Paris Agreement. The document is titled “*The Heat Is On A world of climate promises not yet delivered*”. The Emissions Gap Report 2021 shows that new national climate pledges combined with other mitigation measures put the world on track for a global temperature rise of 2.7°C by the end of the century. That is well above the goals of the Paris climate agreement and would, it says lead to catastrophic changes in the Earth’s climate.

97. The Emissions Gap Report 2021 advises that to keep global warming below 1.5°C this century, the world needs to urgently put additional policies and action in place to almost halve annual greenhouse gas emissions in the next eight years.

98. It is submitted that it is clear from the emissions gap that a step change is required to reach the Paris Agreement targets. The status quo is not predicted to deliver, and a step change is required.

UK Government Net Zero Strategy 2021

99. In October 2021 the UK Government published their Net Zero Strategy. The document sets 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”*.
100. 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.”*
101. It is clear from the document that both onshore wind and solar are part of the solution. It is also clear that storage measures to help smooth out future price hikes are to be deployed.

5.4. Energy Policy

102. As a result of the Advisory Reports highlighted in **Section 5.3** of this Planning Statement, 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 UK Government Energy White Paper ‘Powering our Net Zero Future’ (December 2020);
 - The Scottish Energy Strategy 2017;
 - Scottish Energy Strategy Position Statement (March 2021);
 - The Scottish Onshore Wind Energy Policy Statement 2017 (OWPS);
 - Onshore Wind Policy Statement Refresh: Consultation Draft
 - Green Recovery on a Path to Net Zero: Climate Change Plan 2018-2032 (December 2020) (CCP Update);
 - and
 - Scottish Government and Scottish Green Party Draft Shared Policy Programme Working Together to Build A Greener, Fairer, Independent Scotland (August 2021).

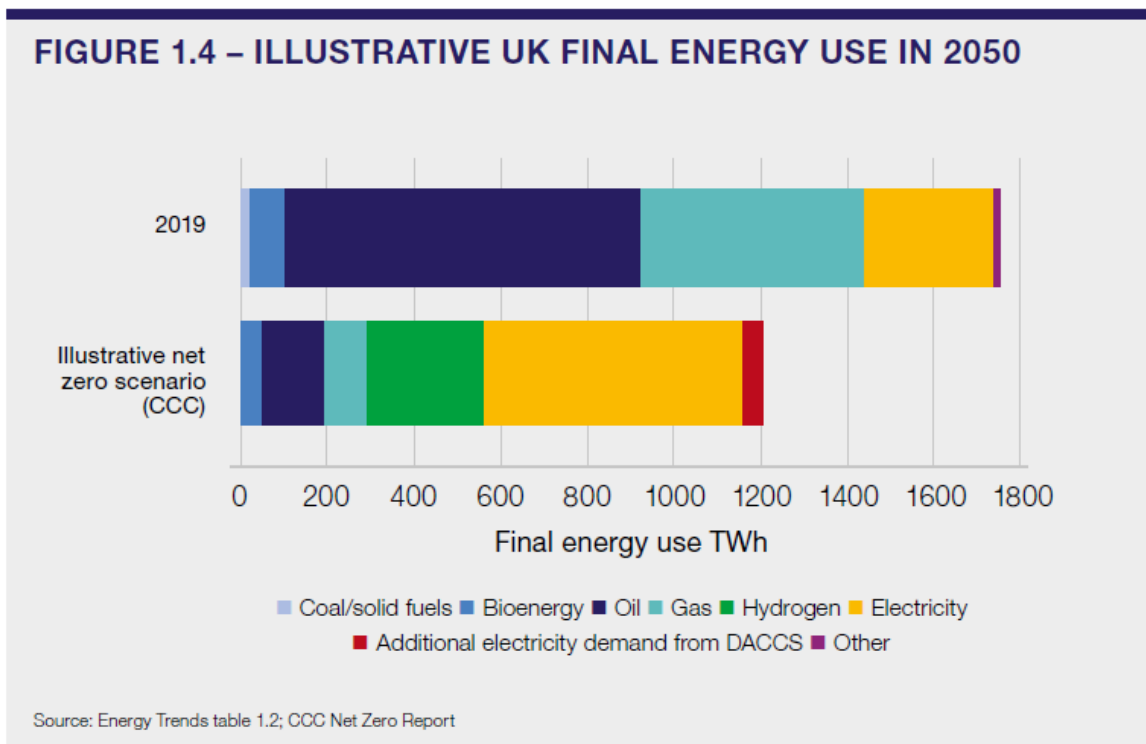
103. The key parts of these documents are considered in the following text.

UK Policy

104. The key policy document for the UK is the Energy White Paper.

The Energy White Paper December 2020

105. On 13th 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.
106. On page 4 of the Energy White Paper sets out 3 key themes as follows:
- transform energy;
 - green recovery; and
 - fair deal for consumers.
107. 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. Page 9 of the document is clear on what decarbonisation of the energy system means, it states *“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.”*
108. 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:



109. 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.”

110. 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.”

111. 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.”

112. 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”.

Scottish Policy

113. 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.

114. 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 (OWPS).

115. Together, these policy documents represent the Scottish Government's intended energy and climate change strategy for the period to 2050. Further information in respect of these documents, and the position statement on an update to the Scottish Energy Strategy, is contained in the following text.

Scottish Energy Strategy 2017

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

117. The SES is designed to provide a long term vision to guide detailed energy policy decisions over the coming decades. It sets 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 contains six energy priorities including increasing renewable energy production and increasing flexibility, efficiency and resilience of the energy system.

118. The main document was published alongside the OWPS. This document provides focus for onshore wind.

119. The SES 2017 advises 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 advises 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."

120. The SES 2017 sets two new targets for the Scottish energy system by 2030. These are:

- "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."*

121. Reaching 50 % in the 13 years from the publication of the SES 2017 will be challenging, despite the good progress being made with the equivalent of 17.8% being met by renewable sources in 2015, and the SES 2017 acknowledges this.

122. Renewable and low carbon solutions are identified as one of six energy priorities around which the 2050 vision is built. The document advises 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."*

123. The SES 2017 advises 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 BESS which is considered to be a benefit.

124. 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"*.

125. The SES considers solar and advises that *"solar PV can make an important contribution to Scotland's 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.

126. In the section on Onshore Wind, SES 2017 advises that *"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"*.

Onshore wind is identified 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 notes that in order to achieve the targets it 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.

Scotland's Energy Strategy Position Statement

127. The Scottish Government published Scotland's Energy Strategy Position Statement (SESPS) in March 2021 which provides 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.
128. SESPS provides an overview of the Scottish Government's policies in relation to energy. It is clear that the Scottish Government will remain guided by the key principles set out in the SES 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"*.
129. 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"*.
130. The report makes reference to Scotland's 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.
131. The summary of the SESPS is clear that the current SES remains in place until any further Energy Strategy refresh is adopted by Ministers.
132. Section 5 of the report 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.
133. Onshore renewables is 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"*.
134. 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.

Onshore Wind Policy Statement

135. The Onshore Wind Policy Statement (OWPS 2017) reaffirms the existing Scottish Government's onshore wind policy set out in previous publications. The Ministerial Foreword is clear that there is no question that onshore wind has played a dominant and hugely successful role in contributing to the targets. It notes that onshore wind plays a valuable role in the empowerment and reward of local communities which are located near developments. The document focuses on the need to support development in the right places including, where acceptable, the inclusion of larger turbines, with effects and impacts of proposed developments being considered on their merits. The need to strike the right balance between environmental effects and impacts, local support and economic benefits is highlighted. It includes separate sections on the following key priority areas:
- route to market;
 - repowering;

- a strategic approach to development;
- barriers to deployment;
- protection for residents and the environment;
- community benefits; and
- shared ownership.

136. The section on Route to Market makes it clear that the Scottish Government expect “*onshore wind to remain at the heart of a clean, reliable and low carbon energy future in Scotland.*” Onshore wind is to remain “*crucial in terms of meeting the goals for a decarbonised energy system.*” The Scottish Government is clear that the approach taken in the OWPS 2017 means that “*Scotland will continue to need more onshore wind development and capacity, in locations across landscapes where it can be accommodated.*”

137. The OWPS is clear that the Scottish Government believe that “*new onshore wind projects can and must be developed with no additional subsidy cost to consumers.*” The OWPS invites “*applicants to explain clearly how environmental impacts have been balanced against energy yield during design iteration, and reported as part of the information provided in support of applications.*”

138. Chapter 2 Site Description and Design Evolution of the EIA Report sets out the design evolution process which demonstrates a number of environmental and engineering factors have been considered and sought to minimise environmental impacts. The proposed Development would estimate to generate around 124 Giga Watt Hours (GWh) (wind turbines and solar arrays) (based on the Scottish Government Renewable electricity output calculator) each year.

139. The OWPS is clear that innovative solutions such as the integration of energy storage within onshore windfarm proposals not only help improve the ability of variable generators, such as onshore wind, to manage generation and demand but can also help grow the supply chain. The OWPS states:

“continuing support for innovation – for example, the development of smarter networks, active management and storage technology – can have a positive effect on the integration and economics of onshore wind generation. Innovation in the onshore wind sector can help the Scottish supply chain to grow, creating jobs and opportunities, and securing Scotland’s position as a hub for innovation and investment.”

140. In the Chapter on Community Benefits the OWPS advises that “*As of November 2017 over £12 million [in community benefit payments] has been paid out over the preceding 12 month period*”. Community benefit is being offered by the proposed Development and is considered to be a valuable contribution to the community.

141. The progress to the renewable energy targets is considered to be an important relevant consideration in the determination of the application for the proposed Development. 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.

Onshore Wind Policy Statement Refresh: Consultation Draft

142. In October 2021 the Scottish Government published its consultation on a revised Onshore Wind Policy Statement. While not policy this document provides useful insight into the Scottish Government’s thinking on the future of onshore wind.

143. 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.

144. In setting out the current position the document notes that meeting the renewable energy targets, which are set out in **Chapter 6** of this Planning Statement, decisive and meaningful action is required during 2022 across all sectors. It is clear that the Scottish Government’s 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.

145. 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 in EIA Report Chapter 3. 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.

146. 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.

Scotland's Update to the Securing a Green Recovery on a Path to Net Zero: Climate Change Plan 2018-2032

147. On 16th December 2020, the Scottish Government published Securing a Green Recovery on a Path to Net Zero: Climate Change Plan 2018-2032. This provides an update to Scotland's 2018-2032 Climate Change Plan and sets out the Scottish Government's pathway to what they describe as new and ambitious targets set by the Climate Change Act 2019. The Scottish Government state that this is a strategic document for the green recovery from Covid-19.

148. The CCP Update identifies the opportunity that NPF4 presents and states:

“We also have an excellent opportunity to embed emissions reduction and climate change adaptation into Scotland's long term development strategy through the National Planning Framework 4.”

149. Under the heading of Electricity, the CCP Update recognises the role that renewable energy generation has played:

“The decarbonisation of Scotland's electricity sector has been driven by our rich natural resources, a supportive approach to planning, a drive to involve local communities in decisions that affect them, supportive market frameworks, and rapidly declining prices of renewable technology globally - with wind and solar now the lowest cost forms of new generation.”

150. It further recognises the role of electricity generation going forwards stating:

“As Scotland transitions to net zero, a growing and increasingly decarbonised electricity sector is critical to enabling other parts of our economy to decarbonise – notably transport, buildings and industry.”

151. It further states:

“Renewable generation will increase substantially between now and 2032, and we expect to see the development of between 11 and 16 GW of capacity during this period, helping to decarbonise our transport and heating energy demand.”

152. All of this sets out the very clear position of the Scottish Government in respect of renewable energy, and the role and potential of onshore wind in contributing to meeting the relevant targets set by the Scottish Government.

A fairer, greener Scotland -The Government's Programme for Scotland 2021-22

153. 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”.

154. 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.

155. Page 64 notes 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”.

156. It also commits to ensuring that NPF4 will actively enable renewable energy and will be supportive of existing wind farms and expansion of the grid. All renewable energy projects over 50 MW will be designated as national development but the document reaffirms its commitment to ensuring that a balance is struck between development and the protection of biodiversity and the natural environment.

157. A Fairer Greener Scotland also outlines on page 64 that subject to consultation, the Scottish Government are committed to securing an additional 8 to 12 GW of installed wind before 2030.

5.5. The Response to Covid-19

158. Recently the world has faced the Covid-19 pandemic. 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 needs to be green and fair. Further information is provided in **Appendix 5**. It is submitted that the development of renewable energy projects should be seen as a key part of the green recovery.

5.6. Renewable Energy Policy Conclusions

159. 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.

160. The UK, and indeed the world, is entering into unprecedented times. The effects of the Covid-19 are, as yet not fully understood, and climate change is an ever present and very real threat.

161. The impacts of Covid-19 are far reaching and should result in a change to the usual world order. It is vital that in looking to recover from Covid-19 the world looks towards renewable energy to become a corner stone. Renewable energy has the potential to reduce reliance on fossil fuels and to decarbonise society. The associated health benefits of this are set out by Scottish Renewables in Written evidence to the House of Commons Scottish Affairs Committee inquiry into coronavirus and Scotland (June 2020).

162. Scotland has the ability to be at the front of such recovery, it offers the potential for renewable energy opportunities which can be home grown and provide economic benefits which can help to ensure that the British economy becomes more resilient and less reliant on traditional carbon based fuels. Onshore wind farm development has the ability to play a leading role in this.

163. On 11 December 2020, the Scottish Government issued their decision in respect of Paul's Hill Wind Farm extension. In the Reporters Report, it is concluded that there is a change in policy support from renewable energy since SPP was published. Paragraph 8.33 states that the Reporter finds that:

"the support this proposal can draw from SPP has been strengthened by the publication of subsequent policy and strategy documents such as the OWPS and SES. Very recent changes to legislation that commit Scotland to net zero carbon emissions by 2045 add some further support to the proposal, given the clear policy position that on-shore wind energy is a positive contributor to the objective of lower carbon emissions. Further support can be drawn from the clear recognition by the CCC of the need for much greater progress on carbon emissions reduction in the future, which has led to the declaration of a climate emergency."

164. The Scottish Ministers decision letter, approving the application in part, is clear that

"Scotland's renewable energy and climate change targets, energy policies and planning policies are all material considerations when weighing up the proposed development. NPF3, SPP, the Energy Strategy and the Onshore Wind Policy Statement make it clear that renewable energy deployment remains a priority of the Scottish Government. This is a matter which should be afforded significant weight in favour of the proposed Development."

165. The decision letter goes on to state:

"Scottish Government's Energy Strategy and Onshore Wind Policy Statement sets out targets for the increase in the supply of renewable energy. The OWPS in particular reaffirms the vital role for onshore wind in meeting Scotland's energy targets. The statement sets out the Scottish Government's position for the ongoing need for more onshore wind development in locations

across Scotland where it can be accommodated. There is also clear support in principle for extending existing sites by making best use of the potential at existing sites.”

166. This year there has been a further example 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.”*
167. The Scottish Ministers decision in the case of Crystal Rigg 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 OWPS and 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.
168. These recent case studies demonstrate that recent UK and Scottish Government policy has been clear that the role of onshore wind is demonstrably stronger than that stated in the NPF and SPP which were both published in 2014. Even if a conclusion is reached that the weight to be attached to the need to address climate change is no different, the context within which the NPF / SPP policy statements were made is clearly different because there are more challenging targets now than were set out in SPP and NPF3. The increased importance of the contribution that onshore wind, as part of renewable energy, is expected to make to meeting future energy needs and targets has to be recognised.
169. The proposed Development offers an opportunity to contribute to both meeting the climate change emergency and the economic recovery post Covid-19 in a relatively short timeframe, and in a key decade for Scotland to address climate change.

6. Renewable Energy Targets

170. This Chapter of the Planning Statement outlines the targets set in law for both the UK and Scottish Governments and sets out the progress towards the targets in Scotland.
171. As a result of the policy the UK and Scottish Government have set very clear and ambitious legally binding targets for renewable energy and GHG emissions. These targets are a relevant consideration in the decision-making process for the application and the progress against these targets are also an important relevant consideration in the decision-making process.
172. The proposed Development could make an important contribution to renewable energy targets, in particular it could assist in meeting targets before 2030.
173. On 11 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 June 2019, the UK passed legislation to end its part in global warming by 2050 through the reduction in greenhouse gases by at least 100%. The amendment to the Climate Change Act 2008 makes this legally binding.
174. 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 the net zero target by 2045 “*means we [Scotland] have the most stringent statutory targets in the world*”. The Committee on Climate Change 2020 is clear in the 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*”.
175. 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 are covered in the following text.

6.1. UK and Scottish Renewable Energy Targets

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

176. The Climate Change Act 2008 (the 2008 Act) became law on 26 November 2008. Scotland is a partner in delivering the UK emissions reduction target set out in the 2008 Act.
177. 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.
178. 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.
179. The 2008 Act was amended in 2019 by the Climate Change Act 2008 (2050 Target Amendment) Order 2019 to include revised targets. These included an at least 100% reduction in GHGs from 1990 levels by 2050. The key aims were not altered.

The Climate Change (Emissions Reduction Targets) Scotland Act 2019

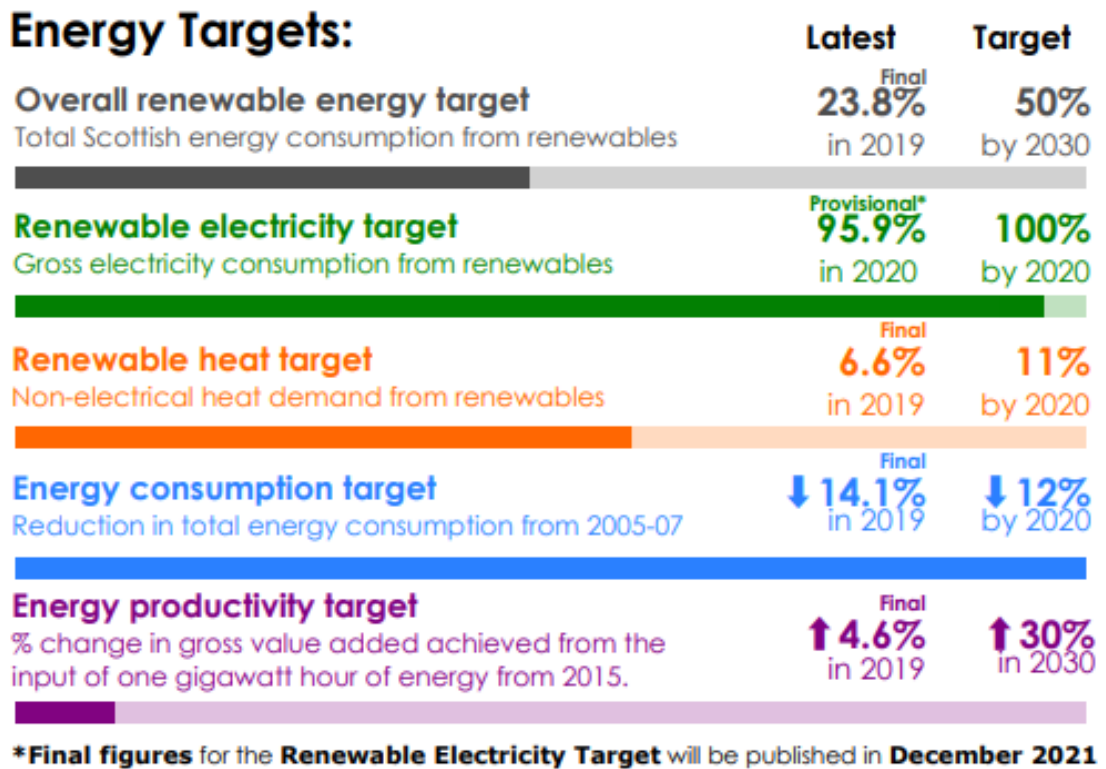
180. The Climate Change (Emissions Reduction Targets) Scotland Act 2019 was passed by the Scottish Parliament in 2019. It amends the Climate Change (Scotland) Act 2009 and sets targets to reduce Scotland's emissions of all greenhouse gases to net-zero by 2045 at the latest, with interim targets for reductions of at least 56% by 2020, 75% by 2030, 90% by 2040.
181. 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

182. 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 does not produce carbon dioxide (a recognised Greenhouse Gas). 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 targets that are set for a reduction in GHG emissions and renewable energy 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
183. Interim annual targets which are contained in the Climate Change (Emissions Reductions Targets) Scotland) Act 2019 are set out in **Appendix 4** of this Planning Statement. 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 targets 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.
184. Provisional figures published by the Scottish Government in September 2021 indicate that in 2020, the equivalent of 95.9% of Scotland's gross electricity consumption was from renewable sources. The final figure will be available in December 2021.
185. The 50% energy from renewable sources by 2030 target in the Scottish Energy Strategy (2017) may require in the region of 17 GW of installed renewables capacity by 2030 (Scottish Energy Strategy page 34).
186. Figures released in the Energy Statistics for Scotland (September 2021) show that as of June 2021, 12 GW of renewable electricity capacity was operational in Scotland. While there is an additional 14.8 GW of capacity either under construction, consented, or in planning, the target relates to installed capacity.
187. **Figure 6.1** is an extract from the Energy Statistics for Scotland Q2 2021 Figures which clearly shows the position in respect of the key targets.

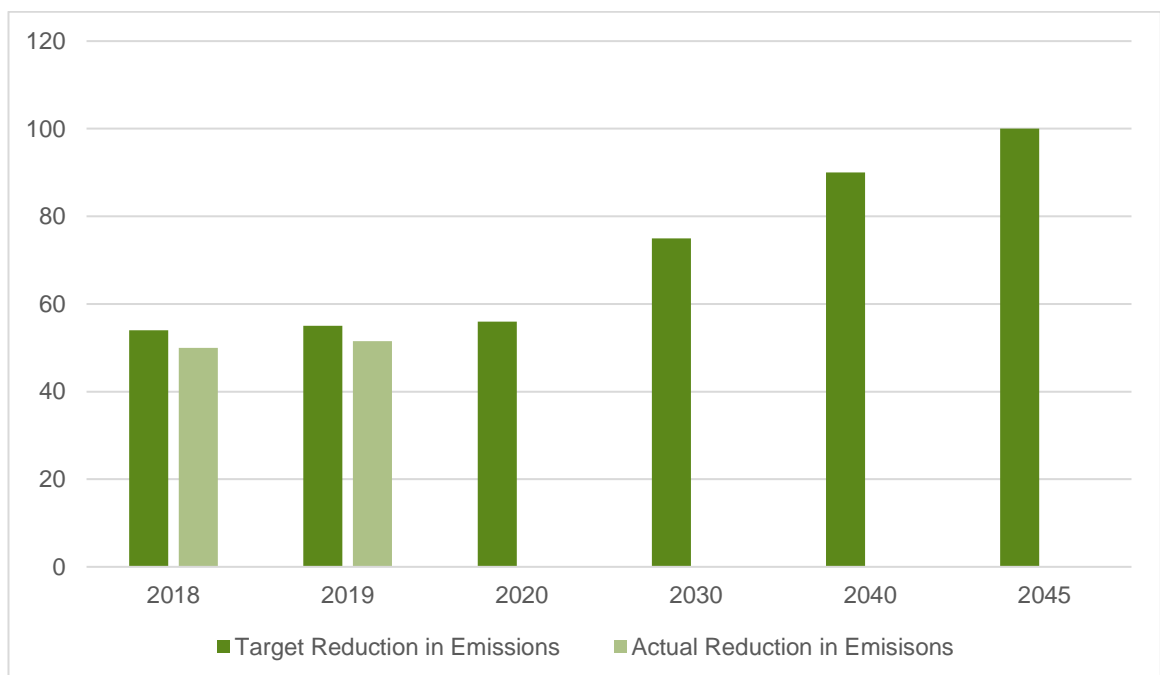
Figure 6.1 Energy Targets Progress Summary



6.3. Progress against Greenhouse Gas Emissions Targets

188. The progress towards Net Zero targets for the years available and the targets for the interim and final target is shown in **Figure 6.2.**

Figure 6.2 GHG Emissions Target Status



189. In 2018, the GHG emissions target was missed – the emissions were 50% (of a reduction against 1990 levels) while the target was 54%. The figures for 2019 show GHG fell 51.5% against the baseline, well short of the 55% target.
190. At the time the BBC reported the Scottish Government accepted the latest figures were "*undoubtedly disappointing*". Going on to acknowledge that "*We have always been clear that the second half of our journey to net-zero will be more challenging - and it will require urgent, collective action across government, parliament and indeed across every corner of society, in order to achieve it.*"
191. The evidence is clear that in the early stages of these challenging targets Scotland is not doing enough to achieve what is required to reach the overall Net Zero target. More must be done; it is not contended that renewable energy production is the sole answer to this, but it is part of the solution and opportunities such as proposed Development provide a way in which the targets have a better chance of being met. The targets as they ramp up will become more and more challenging to meet if the early targets are not fulfilled.
192. The proposed Development would have a maximum installed capacity of around 65 MW (the application also includes approximately 15 MW of BESS to store energy), which would make an important contribution to Scottish Government targets on renewable energy and carbon emission reductions.
193. In the case of Millenderdale (Reference PPA-370-2077, April 2020) the Reporter concluded that:
- "I agree with the appellant that all of this [SES, OWPS, Climate Change (Emissions Reduction Targets (Scotland) Act 2019, Revised Renewable Energy Directive] (and the various related documents supplied by the appellant) demonstrates that the need to respond to climate change, the urgency and scale of that challenge, and the contribution of wind and other renewable energy in doing so, are all considerably heightened in importance. I agree that, as a material consideration, this increases the value I should attach to the renewable energy benefits of the proposed development."*
194. The proposed Development supports Scottish Government's desire to see substantial growth in renewables (including onshore wind) with reducing dependence on financial support mechanisms, as set out in the SES 2017 and OWPS 2017. This is a challenging set of policy objectives, but the proposed Development seeks to meet these objectives whilst also ensuring the proposed Development is acceptable in terms of environmental impact and residential amenity considerations. The impacts of the proposed Development are considered in the EIA Report and summarised in this **Chapter 8** of the Planning Statement.
195. Energy Targets **Figure 6.1** demonstrates there is a long way to go to meet the 2030 target of 50% of energy use from renewable sources and **Figure 6.2** shows the GHG emissions target has been missed for 2018 and 2019 (the latest years with data available) and as the targets increase, they will become more challenging to meet. It is clear more progress needs to be made now and certainly within the period to 2030. The proposed Development would have a total generating capacity of around 65 MW (the application also includes approximately 15 MW of BESS to store energy) and would produce a substantial amount of renewable electricity annually. The proposed Development would help the Scottish Government meet the 50% of energy use from renewables by 2030 target. The proposed Development is also predicted to be Net Zero within 3.1 years (the solar array is predicted to have a payback period of 8.1 years) of the operation period.
- Hollandmey RED contribution to targets and national policy objectives**
196. The proposed Development could estimate to generate around 124 Giga Watt Hours (GWh) (wind turbines and solar arrays) (based on the Scottish Government Renewable electricity output calculator) each year. This equates to the annual power consumed by up to approximately 31,661 average UK households (which equates to approximately 13.5% of the 235,830 homes in the Highlands based on Mid-Year Population Estimates Scotland, Mid-2019: National Record of Statistics: 2020). The proposed Development would provide a flexible balance of electricity and the delivery of the full potential of renewable energy to meet the demands of the National Grid.
197. The energy capture estimated for the proposed Development is the result of the overall positive impact of accommodating larger rated capacity and the larger rotor (swept area) available at higher hub heights. The resultant improvement in the efficiency, economics and commerciality of the scheme would enable SPR to reduce the cost of energy from the proposed Development, giving a positive benefit to consumers in terms of electricity cost.
198. In the cases of Corlic Hill Windfarm (Reference PPA-280-2022, May 2016) and Windy Edge Windfarm (Reference PPA-140-2055, June 2016), the Reporters placed significant weight on the benefits of projects with the potential to generate

substantially less than the proposed Development (16 and 22.5 MW respectively compared to the expected capacity of the proposed Development which is around 65 MW). In the case of Corlic Hill the Reporter found that the output of the proposed windfarm represented “a valuable contribution to Scottish, UK and international targets for greenhouse gas emissions reduction and the use of renewable energy”. He went on to conclude that “it would also potentially assist in providing greater security of supply in the Scottish energy market by potentially displacing imported energy”.

199. Most recently in the case of Blarghour (reference WIN-130-4 October 2021) the Scottish Minster’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.”

6.4. Target Conclusions

200. 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 **Chapter 5** and **Appendix 4** of this Planning Statement. In particular, it would make a meaningful contribution towards targets for renewable energy before 2030 as it has a grid connection date of 2026.
201. The advisory reports and Government policy which is set out in **Chapter 5** of this Planning Statement culminate in the targets which have been set in respect of GHG emissions and finally Net Zero. For the purposes of the 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.
202. 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

203. This Chapter of the Planning Statement sets out details of the relevant planning policy when considering the application for the proposed Development. It first sets out national planning policy before moving on to consider the Development Plan and other relevant Scottish Planning Guidance.

204. National planning policy is contained in The National Planning Framework (NPF3) and Scottish Planning Policy (SPP). These documents date from 2014. The consultation draft NPF4 was published on 10th October 2021 and sets out how the Scottish Government's "approach to planning and development will help to achieve a net zero, sustainable Scotland by 2045."

205. The following text sets out the key matters which are raised in NPF3, SPP and the draft NPF4.

7.2. National Planning Framework (NPF 3)

206. The National Planning Framework (NPF3) was laid before the Scottish Parliament on 23 June 2014 and sets the context for development planning in Scotland. It is a long term strategy for Scotland and is considered to be an expression of the Government's economic strategy. It provides a framework for the spatial development of Scotland as a whole.

207. The Town and Country Planning (Scotland) Act 1997 as amended by the Planning etc. (Scotland) Act 2006 puts the NPF3 on a statutory footing and provides the national context for development plans and planning decisions, as well as informing programmes of the Scottish Government, public agencies and local authorities.

208. There is high level support for the promotion of renewable energy developments throughout many parts of NPF 3. 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.

209. 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 a consistent with our world leading climate change legislation."

210. 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.

211. In the section 'Scotland tomorrow', the Scottish Government 2020 targets of a reduction of 12 % in the total final energy demand, 30 % of overall energy demand from renewables and the generation of at least 100 % of gross electricity consumption are reaffirmed and the Electricity Generation Policy Statement 2013 sets out how these targets will be met.

212. Paragraph 3.9, of NPF 3, 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 Highlands of Scotland.

213. 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.

214. NPF 3 provides strong support for developments such as the proposed Development.

7.3. Scottish Planning Policy 2014

215. Scottish Planning Policy (SPP) was published on 23 June 2014. The purpose of SPP is to set out national planning policies which reflect the Scottish Ministers' priorities for the operation of the planning system, and for the development and use of land. Paragraph (iii) states that the content of SPP is a material consideration that carries significant weight.
216. The SPP provides the planning policy of the Scottish Government relating to nationally important land use matters. It is an important material consideration as it reflects the Scottish Ministers' priorities for the operation of the planning system and for the development and use of land.

SPP Vision

217. The introduction of SPP sets out planning outcomes which are designed to explain how planning should support the vision of the SPP. Three of the four are considered to be relevant to the consideration of the proposed Development. These are:
- Outcome 1: A successful sustainable place;
 - Outcome 2: A low carbon place; and
 - Outcome 3: A natural resilient place
218. Outcome 2 is perhaps the most relevant and it explains that NPF3 will facilitate the transition to a low carbon economy, particularly by supporting diversification in the energy sector. Paragraph 18 of SPP refers to the Climate Change (Scotland) Act 2009 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. These targets have now been met and subsequently superseded by new binding emissions (GHG) reduction targets for both 2030 and 2050. The Scottish Government has announced these further carbon emission targets in the 2018 Climate Change Plan as described in **Appendix 4** of this Planning Statement. 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 Governments climate change adaption programme; and
 - in a way that it considers is most sustainable.
219. The cases of Corlic Hill Windfarm (Reference PPA-280-2022, May 2016) and Windy Edge Windfarm (Reference PPA-140-2055, June 2016) are referred to in **Section 6.3** and the information is not repeated here. It is submitted that the proposed Development would make a valuable contribution to Scottish, UK and international targets for greenhouse gas emission reduction, and the use of renewable energy.

SPP Principal Policies

220. SPP sets out two Principal Policies – Sustainability and Place Making. In the context of sustainability paragraph 24 states that: *“The Scottish Government’s central purpose is to focus government and public services on creating a more successful country, with opportunities for all of Scotland to flourish, through increasing sustainable economic growth.”* Where sustainable economic growth is defined as: *“building a dynamic and growing economy that will provide prosperity and opportunities for all, while ensuring that future generations can enjoy a better quality of life too”.*
221. Paragraph 27 cross refers to the Government’s Economic Strategy which *“indicates that sustainable economic growth is the key to unlocking Scotland’s potential ... and to achieving a low carbon economy ...”*. It also makes reference to the need to maintain a high quality environment and to pass on *“a sustainable legacy for future generations”*.
222. It is submitted that the identified net economic benefits, set out in Chapter 14: Socio-economics, Recreation and Tourism of the EIA Report, would support the outcomes of SPP.
223. Paragraph 4 of SPP is clear that the planning service should seek to focus on outcomes, maximising benefits and balancing competing interests. It is submitted that the proposed Development does achieve a balance of maximising the potential of the Site whilst respecting the environmental constraints and the significant impact on landscape.

Sustainable Development

224. Paragraph 27 states that: *“This SPP introduces a presumption in favour of development that contributes to 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 the 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.”*

225. Each of the sustainable development principles, in so far as they are relevant, have been examined in relation to the Proposed Development and the responses are detailed in **Table 7.1**. It is clear from the responses detailed in **Table 7.1** that the proposed Development meets the sustainable development principles identified in paragraph 29 of SPP and is considered sustainable development. It would also assist in delivering SPP Outcomes (particular Outcomes 1 and 2 (a successful sustainable and low carbon place)), indicating that overall, the proposal is sustainable development.

7.4. National Planning Framework 4 Consultation Draft

226. Scotland 2045, Our Fourth National Planning Framework, Draft (Draft NPF4) was published by the Scottish Government on 10th November 2021. It is currently a consultation draft and once approved (expected in 2022) it will form part of the statutory development plan.

227. The Draft NPF4 has been prepared following the publication of the NPF4 Position Statement which was published in November 2020. The NPF4 Position Statement set out the Scottish Government's thinking at that time on the issues that will need to be addressed in NPF4. This included reference to a radical shift being required in Scotland's Spatial plan and policies to hit the emissions targets for 2030, 2040 and 2045 and the expectation that NPF4 will confirm the Scottish Government's view "*that the Global Climate Emergency should be a material consideration in considering applications for appropriately located renewable energy developments.*"

228. 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.*"

229. The Draft NPF4 outlines Action areas for Scotland 2045 and the Site is located within the North and west coastal innovation. 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.*"

230. 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.*"

231. Part 3 sets out the draft policies to help deliver the spatial strategy. Draft Policy 2: Climate Emergency states in part a) "*When considering all development proposals **significant weight should be given to the Global Climate Emergency.***" 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...*". Draft Policy 19: Green Energy outlines "*Development proposals to **repower, extend and expand existing wind farms** and for the extension of life to existing windfarms should be supported unless the impacts identified (including cumulative effects) are unacceptable.*"

232. 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.

Table 7.1: Review of Proposed Development and SPP Policy Principles – Paragraph 29

Principle	Response
Giving due weight to net economic benefit	There would be net positive socio-economic benefits as set out in the EIA Report Chapter 14.
Respond to economic issues, challenges and opportunities, outlined in local economic strategies	The proposed Development is consistent with the drive to encourage renewable energy development.
Supporting good design and the six qualities of successful places	This is of limited relevance - but a layout has been achieved through iteration that fits with landscape character and minimises adverse effects upon the environment.
Making efficient use of existing capacities of land, buildings and infrastructure including supporting town centre and regeneration priorities	This is not relevant
Supporting delivery of accessible housing, business, retailing and leisure development	This is not relevant
Supporting delivery of infrastructure, for example transport, education, energy, digital and water	The proposal would deliver energy infrastructure with high capacity and short carbon payback time.
Supporting climate change mitigation and adaptation including taking account of flood risk	The proposed Development would help to support climate change mitigation by replacing fossil fuel energy generation with renewable energy, thereby reducing emissions associated with energy generation used to power a wide number of sectors.
Improving health and well-being by offering opportunities for social interaction and physical activity, including sport and recreation	The proposed Development would provide opportunities for enhanced recreational access to the area.
Having regard to the principles for sustainable land use set out in the Land Use Strategy	The LUS (2021-2026) is a commitment in the Climate Change (Scotland) Act 2009 (as amended). The LUS recognises the need to balance the demands on land. In relation to <i>“Helping our land support...Climate Change mitigation and adaption”</i> the LUS notes on page 27 <i>“Our energy will continue to be provided by a wide and diverse range of renewable technologies, including onshore wind. We will need to continue to develop wind farms, in the right places, and also look to the extension and replacement of existing sites. As set out in our Onshore Wind Policy Statement in order to achieve this developers and communities will need to work together to ensure that projects strike the right balance between environmental impacts, local support, benefit, and where possible – economic benefits for communities, for example through community ownership or other means.”</i> . The proposed Development would contribute positively to addressing climate change, includes a community benefit fund and would contribute positively to biodiversity through the draft HMP. Climate change is considered to be a threat to the landscape, habitats and biodiversity as set out by NatureScot (formerly SNH). The design process of the proposed Development has taken into account the identification of all technical and environmental constraints determined through the EIA process. The final design achieves maximising the renewable energy potential while minimising potential environmental impacts.
Protecting, enhancing and promoting access to cultural heritage, including the historic environment;	The potential for the proposed Development to affect historic assets has been carefully considered. Chapter 11:

Principle	Response
	Archaeology and Cultural Heritage of the EIA Report concludes the proposed Development would not result in any significant effects on archaeology and cultural heritage. It is therefore considered the proposed Development meets this principle.
Protecting, enhancing and promoting access to natural heritage, including green infrastructure, landscape and the wider environment;	The proposed Development would promote access to the surrounding area and whilst there would be some significant landscape and visual effects (occurring within approximately 5 km of the proposed Development), it is considered the landscape has the ability to accommodate the proposed Development. The draft HMP would bring positive benefits to habitats and biodiversity across the Site. The proposals within the draft HMP to fell and restore approximately 168 ha of peatland habitat will provide a net gain for the Site and a multitude of benefits that go far beyond like for like compensation.
Reducing waste, facilitating its management and promoting resource recovery; and	It is considered this is not relevant to the proposed Development.
Avoiding over-development, protecting the amenity of new and existing development and considering the implications of development for water, air and soil quality	The potential impact on soil and water has been carefully considered and mitigated as far as reasonably possible as part of the design evolution process and where appropriate mitigation would be employed. There would be no conflict with this policy principle.

233. It is considered that the presumption in favour of sustainable development is an important consideration which should attract significant weight in favour of this application in the determination process.

234. On 11 December 2020, the Scottish Government issued their decision in respect of Paul’s Hill Wind Farm extension (Ref WIN-300-3). The Reporters Report, at paragraph 8.31, considered whether or not the development is sustainable. The Report states:

“The factors that SPP requires to be considered when evaluating a proposal’s sustainability credentials are set out in paragraph 29 of that document. Not all are relevant to a proposal of this type. I conclude that the proposal can reasonably be described as development that would contribute to sustainable development because it would contribute to net economic benefit, would support climate change mitigation and has given appropriate consideration to the implications of development for water, air and soil quality.”

235. The decision letter is clear that the Scottish Ministers agree with this conclusion and consider that these are significant considerations. It is submitted that, for the same reasons, the proposed Development should be considered as sustainable development.

SPP Historic Environment

236. SPP considers matters related to the historic environment, relevant to the proposed Development are matters relating to listed buildings, Scheduled Monuments (SMs) and Gardens and Design Landscapes (GDL). There are 19 heritage assets within 5 km of the Site which are summarised in **Table App 1.2** of this Planning Statement.

237. SPP paragraphs 141 and 142 concerns listed buildings. Paragraph 141 advises that in situations where *“planning permission and listed building consent is sought for development to or affecting a listed building regard must be had to the importance of preserving and enhancing the building, its setting and any features of special architectural or historical interest.”* Paragraph 142 relates to enabling development and is not relevant to the proposed development.

238. SPP paragraph 145 relates to SM) and is applied only to such designated sites. Paragraph 145 of SPP states:

“Where there is potential for a proposed development to have an adverse effect on a scheduled monument or on the integrity of its setting, permission should only be granted where there are exceptional circumstances. Where a proposal would have a direct impact on a scheduled monument, the written consent of Scottish Ministers, via a separate process is required in addition to any other consents required for the development.”

239. It is understood from paragraph 145 of SPP, and the definition of SMs, that SMs should be preserved within an ‘appropriate setting’; and, that the proposed Development should avoid adverse effects on the ‘integrity’ of those settings.

240. SPP paragraph 148 requires planning authorities *“to protect and, where appropriate, seek to enhance gardens and designed landscapes”*

241. An assessment of the impact of the proposed Development on the Historic Environment is detailed in **Table 8.1** of the Planning Statement.

SPP A Low Carbon Place

242. SPP contains a number of subject policies; one of these is A Low Carbon Place. The importance that the role of NPF3 places on the transition to a low carbon economy is highlighted in paragraph 152. Paragraph 153 of SPP advises that terrestrial planning facilitates the development of renewable energy technologies, links generation with consumers and guides new infrastructure to appropriate locations. It advises that efficient supply of low carbon and low cost generation of electricity from renewable resources are vital to reducing greenhouse gases. It also advises that renewable energy presents a significant opportunity for associated development, investment and growth in the supply chain.

243. In Paragraph 154 the SPP states (inter alia) that:

244. *“The planning system should:*

- support the transformational change to a low carbon economy, consistent with national objectives and targets, including deriving:
 - 30% of overall energy demand from renewable sources by 2020*;
 - 11% of heat demand from renewable sources by 2020; and
 - the equivalent of 100% of electricity demand from renewable sources by 2020;
- support the development of a diverse range of electricity generation from renewable energy technologies - including the expansion of renewable energy generation capacity - and the development of heat networks;
- guide development to appropriate locations and advise on the issues that will be taken into account when specific proposals are being assessed;”

* It should be noted that the Scottish Government now have a target of 50 % of overall energy demand to be met from renewable sources by 2030. The proposed Development would make a valuable contribution towards meeting targets set out in SPP and beyond.

245. The targets referenced previously highlight the age of the document, as these targets have been revised and are now out of date.

SPP Onshore Wind Spatial Framework

246. 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 for onshore windfarms where there is the greatest potential for onshore wind development. Table 1 of SPP, which sets out the spatial framework requirements, is provided as **Table 7.2**.

Table 7.2: SPP Spatial Frameworks

<p>Group 1: Areas where wind farms will not be acceptable: National Parks and National Scenic Areas.</p>		
<p>Group 2: Areas of significant protection: Recognising the need for significant protection, in these areas wind farms may be appropriate in some circumstances. Further consideration will be required to demonstrate that any significant effects on the qualities of these areas can be substantially overcome by siting, design or other mitigation.</p>		
<p>National and international designations:</p> <ul style="list-style-type: none"> 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. 	<p>Other nationally important mapped environmental interests:</p> <ul style="list-style-type: none"> areas of wild land as shown on the 2014 SNH map of wild land areas; carbon rich soils, deep peat and priority peatland habitat. 	<p>Community separation for consideration of visual impact:</p> <ul style="list-style-type: none"> an area not exceeding 2 km 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.
<p>Group 3: Areas with potential for wind farm development: Beyond groups 1 and 2, wind farms are likely to be acceptable, subject to detailed consideration against identified policy criteria.</p>		

247. The Site is located within a Group 2 and a Group 3 area (see **Table 7.2**). The area of the Site within Group 2 does not rule out windfarm development, noting that further consideration would be required to demonstrate that any significant effects can be sustainably overcome by siting, design or other mitigation. The areas of Group 2 relate to areas of carbon rich soils, deep peat and priority peatland habitat and the Phillips Mains Mire Site of Special Scientific Interest (SSSI) which is designated for its blanket bog habitat. Further information this is covered in **Section 7.5** of this Planning Statement in the context of the Development Plan.

248. The design evolution process of the proposed Development has ensured that no infrastructure is located within the Phillips Mains Mire SSSI and outwith areas of deep peat (typically greater than 2 m) where possible. The proposed wind turbines, ground mounted solar panels and site infrastructure would be located within areas with no peat or with peat less than 1.0 m deep.

249. With respect to other renewable energy generating technologies and storage, SPP advises that energy storage schemes help to support development of renewable energy and maintain stability of the electricity network in areas where reinforcement is needed.

SPP Paragraph 169

250. The SPP states that local development plans should set out the criteria that will be considered in deciding all applications for proposals for energy developments of different scales. It is noted, at paragraph 169 of SPP, that considerations will vary, relative to the scale of the proposal and area characteristics, but are likely to include:

- net economic impact, including local and community socio-economic benefits such as employment, associated business and supply chain opportunities;
- the scale of contribution to renewable energy generation targets;
- effect on greenhouse gas emissions;

- cumulative impacts - planning authorities should be clear about likely cumulative impacts arising from all of the considerations below, recognising that in some areas the cumulative impact of existing and consented energy development may limit the capacity for further development;
- impacts on communities and individual dwellings, including visual impact, residential amenity, noise and shadow flicker;
- landscape and visual impacts, including effects on wild land;
- effects on the natural heritage, including birds;
- impacts on carbon rich soils, using the carbon calculator;
- public access, including impact on long distance walking and cycling routes and scenic routes identified in the NPF;
- impacts on the historic environment, including scheduled monuments, listed buildings and their settings;
- impacts on tourism and recreation;
- impacts on aviation and defence interests and seismological recording;
- impacts on telecommunications and broadcasting installations, particularly ensuring that transmission links are not compromised;
- impacts on road traffic;
- impacts on adjacent trunk roads;
- effects on hydrology, the water environment and flood risk;
- the need for conditions relating to the decommissioning of developments, including ancillary infrastructure, and site restoration;
- opportunities for energy storage; and
- the need for a robust planning obligation to ensure that operators achieve site restoration.

251. These criteria cover and go beyond the matters which are identified in Schedule 9 for consideration in Section 36 applications.

252. **Table 8.1** in this Planning Statement summarises the key findings of the environmental effects of the proposed Development which are presented in the EIA Report in the context of the 19 criteria set out in SPP, at paragraph 169. This draws on the EIA Report 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. **Table 8.1** of the Planning Statement considers the technical tests for the proposed Development and for ease of reference they are ordered as per the 19 criteria set out in SPP paragraph 169.

SPP Conclusions

253. It has been demonstrated that the proposed Development would meet the principles set out in SPP and is considered to be a sustainable development. The proposed Development is considered to satisfy the criteria in paragraph 169 with respect to energy infrastructure developments. The Site is located within an area with potential for wind farm development and the potential environmental effects are outlined in the accompanying EIA. It is acknowledged some significant landscape and visual effects are predicted, however it is considered the landscape does have capacity for the proposed Development. When the proposed Development is considered with its many benefits including the production of renewable energy, helping to meet the legislative renewable energy targets, and becoming Net Zero within an anticipated 3.1 years of the operation it is considered to be acceptable and to meet the requirements of SPP.

7.5. The Development Plan

254. The Site is located within the administrative area of THC. The 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 at 2020. This has been done by area and the proposed Development is located in the Caithness and Sutherland area.

Highland-wide Local Development Plan 2015

255. 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 Development Plan and should be read alongside the HwLDP.

256. The HwLDP is therefore considered to be a relevant and up to date Local Development Plan, noting that the weight to be attached to it will be reduced as it is more than 5 years since its adoption and also in the context of the revisions in SPP and NPF3 to reflect SES and OWEP and the 2019 Planning Act.

257. 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.”

258. The matters which are raised in Policy 67 are considered **Table 8.1** of this Planning Statement. It is considered 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 windfarm development is an established

component of views. It is acknowledged there are predicted to be significant visual effects however these are identified within approximately 5 km of the proposed Development and there are no significant effects predicted on landscape designations.

259. 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. The policies of the HwLDP which are also considered potentially relevant to the proposed Development are set out in **Table 7.3**.

Table 7.3: Highland wide Local Development Plan Policies Summary

Policy reference	HwLDP Policy Title Summary	Policy Summary
Policy 28	Sustainable Design	Proposed developments will be assessed in relation to the promotion of social, economic and environmental wellbeing.
Policy 51	Trees and Development	Sets out that proposals will be supported where they promote significant protection to existing hedges, trees and woodlands on and around development sites. It includes reference to the Trees, Woodland and Development Supplementary Guidance.
Policy 52	Principle of Development in Woodland	Sets out THC's favour for protecting woodland resources and details how proposals should be assessed against conformity with the Scottish Government's Policy on Control of Woodland Removal and The Highland Forest and Woodland Strategy
Policy 53	Minerals	Sets out areas that THC will support for mineral extraction.
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	Proposals will be assessed, taking into account, the level of importance and type of heritage features (international, national or local/regional), the form and scale of the proposed Development any effect on the 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;
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 reference	HwLDP Policy Title Summary	Policy Summary
Policy 66	Surface Water Drainage	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 69	Electricity Transmission Infrastructure	Proposals for cables and transmission infrastructure will be considered with regards to their level of strategic importance. THC will support proposals which are assessed as not having an unacceptable significant impact on the environment, including natural, built and cultural heritage features.
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.

Onshore Wind Energy Supplementary Guidance (2017)

260. 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 that applies to all wind energy development proposals.
261. The Site is located within Group 3 Area with potential for windfarm development and Group 2 Areas of Significant Protection. The areas of Group 2 relate to areas of carbon rich soils, deep peat and priority peatland habitat and the Phillips Mains Mire SSSI. The design evolution process has ensured that no infrastructure is located within the Phillips Mains Mire SSSI and out with areas of deep peat (typically greater than 2 m) where possible.
262. The presence of peat on the Site is a matter which has been carefully considered, including consultation with SEPA throughout the design evolution process. This has included peat probing work and consideration of peat depth, peat quality and peat slide risk. During the design process there was a strong effort to minimise the location of infrastructure on deep peat and to avoid deeper areas of peat. Chapter 2 of the EIA Report sets out how this has been done and is not repeated here.
263. Chapter 10: Hydrology, Hydrogeology, Geology and Soils, of the EIA Report demonstrates how areas of deep peat can be avoided and peat resources, including the SSSI can be safeguarded. Technical Appendix 8.6 Draft Habitat Management Plan of the EIA Report outline proposals to fell and restore 168 ha of peatland habitat which will provide a net gain for the Site. Felling the forestry will provide an open habitat surrounding the Phillips Mains Mire SSSI, re-instating the site as a valuable habitat for many wader species and promoting and preserving the favourable conservation status of the site.
264. In any event the mapping which is used in the SNH (now NatureScot) Carbon and Peatland Map 2016 is high level mapping which should not be used to rule out potential developments. SNH ‘Spatial Planning for Onshore Wind Turbines – natural heritage considerations’ Guidance document makes this clear. It states that the national level map information:
- “cannot (and should not) be used in isolation to determine the impacts of a specific development proposal on peat. This should be based on a detailed, site specific survey of peatland habitats and peat depths across the site using existing methods. The location of a proposal in the mapped area does not, in itself, mean that the proposal is unacceptable, or that carbon rich soils, deep peat and priority peatland habitat will be adversely affected. The quality of peatland tends to be highly variable across an application site and a detailed assessment is required to identify the actual effects of the proposal, and to inform the location of site infrastructure...”*

265. The Draft Peatland and Energy Policy Statement issued by the Scottish Government provides a common basis from which it and its agencies act in developing and implementing policies in relation to peatland and energy. It contains clear advice and reiterates that the map is not to be used as a development management tool but is to assist in the preparation of spatial frameworks for onshore wind developments.

266. The Onshore Wind Energy SG 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 Site is situated within the Caithness study area. The Caithness Landscape Character Area Map identifies that the Site is situated within Landscape Character Area CT3 Sweeping Moorland and Flows. The landscape sensitivity appraisal for Caithness appraises Landscape Character Area CT3 and considers its potential strategic capacity. This is discussed further in Chapter 7: Landscape and Visual Impact Assessment of the EIA Report.

267. 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;
- Borrow Pits;
- Mitigation;
- Construction Environmental Management Plans;
- Restoration Bonds; and Repowering.

Caithness and Sutherland Local Development Plan 2018

268. On 31 August 2018 CaSPlan was formally adopted by THC and is constituted as part of the Development Plan.

269. The Site is located in an "Area for Energy Business Expansion" on the Strategy Map on page 3 of CasPlan. 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."

270. 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."

271. 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."

272. CaSPlan does not contain any policy which is directly relevant wind farm applications.

7.6. Scottish Government Planning Guidance

273. The Scottish Government provides advice and guidance for planning applications which has relevance to windfarm 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 Development Plan, NPF and SPP and is, therefore, not set out in this Planning Statement.

Historic Environment Scotland Policy Statement

274. The HESPS contains Scottish Ministers' policies and provides direction for Historic Environment Scotland and 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.
275. 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.

Scottish Government online advice on large photovoltaic arrays

276. The Scottish Government's policy advice on large scale solar installation is contained in online advice with regard to large photovoltaic arrays. This advice encourages planning authorities to consider the potential of solar development in further detail, with a view to "*identifying large arrays of ground mounted PV as appropriate uses for certain urban and rural area development plan land allocations*".
277. The guidance further identifies a number of 'typical planning considerations' which are considered likely to be relevant in determining planning applications for solar developments. These are identified as – landscape/visual impact, ecological impacts, archaeology, impact on communities, glint and glare impacts, aviation matters and decommissioning. Where appropriate these issues have all been considered within the EIA Report.

8. Assessment

278. 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
- Environmental criteria

279. **Chapter 5** of this Planning Statement 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.

280. The contribution of the proposed Development to renewable energy targets has been considered in **Chapter 6** of this Planning Statement. 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.

281. **Chapter 7** of the Planning Statement provides details of spatial planning framework and **Section 8.1** provides a conclusion in respect of the location of the Site. As noted in **Chapter 7** this Planning Statement 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 Planning Statement.

8.1. Spatial Strategy

282. It is understood from the Spatial Framework shown in OWESG that the Site is located within Group 2 and Group 3. The SPP states that wind farms are likely to be acceptable, subject to detailed consideration against identified policy criteria in Group 3 areas. The area of the Site within Group 2 does not rule out windfarm development, noting that further consideration would be required to demonstrate that any significant effects can be sustainably overcome by siting, design or other mitigation.

283. The proposed Development is located in an area which both the Development Plan and SPP consider as being suitable for wind farm development subject to the consideration of relevant criteria. It is concluded that the location of the proposed development is acceptable.

8.2. Criteria for consideration

284. **Table 8.1** considers the criteria which are relevant considerations for wind farm development which are contained in paragraph 169 of SPP and Policy 67. This draws on the EIA Report 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 Planning Statement considers the technical tests for the proposed Development and for ease of reference they are ordered as per the 19 criteria set out in SPP paragraph 169.

Table 8.1: SPP Spatial Frameworks

Net Economic Impact Criterion 1	SPR have a clear track record of delivering economic benefit as a result of their developments across Scotland Chapter 14: Socio-economics, Recreation and Tourism, of the EIA Report advises that it is anticipated that the proposed Development construction costs could total approximately £82.9 million, including turbines, solar arrays, civil engineering works, electrical plant and grid connection (excluding BESS costs as not included due to lack of sufficient research and data). It is expected that construction phase expenditure of the proposed Development approximately £1.6 million (approximately 2 % of the overall total would be spent in Caithness and Sutherland and £12.9 million (approximately 15 % of the overall total) would be spent in the Highlands. An estimated £31.8 million (37 % of the overall total) would be expected to be spent in Scotland as a whole.
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	<p>During the 22 months' construction phase, the proposed Development is expected to support an estimated 14.6 net person-years of employment within Caithness and Sutherland, an estimated 119.4 person-years of employment within the Highlands and an estimated 298.8 person-years of employment in Scotland during the wider construction phase (based on net development and construction employment and GVA). During the operational phase the proposed Development is anticipated to support annually an estimated 4.3 person-years of employment in Caithness and Sutherland, 14.4 person-years in the Highlands and 27.3 person-years in Scotland (based on net annual operation and maintenance). The effect on employment during the operational phase is considered to be positive.</p> <p>During the construction phase, it is estimated Caithness and Sutherland could be expected to be boosted by a total of £0.9 million of net GVA, with the Highlands and Scotland to be boosted by a total of £7.2 million and £18.2 million respectively.</p> <p>During the operational phase, based on a nominal 40 year period, the proposed Development is estimated it could contribute some £12 million in GVA to Caithness and Sutherland, £36 million in GVA to the Highlands and £64 million in GVA to the economy of Scotland as a whole through direct, indirect and multiplier effects. This is considered to be a positive benefit of the proposed Development.</p> <p>It is expected that any proposed income streams could provide a long-term revenue which could be used to support community projects within Caithness and the Highlands. SPR's flexible approach to community benefit empowers local communities as the decision makers about which projects and initiatives are of greatest value to them when deciding what the community benefit is spent on.</p> <p>Benefits would accrue from the scale and nature of the proposed income streams and, depending on the choices made, could have a positive effect on the provision and quality of local facilities, the general quality of life of local residents as well as other economic benefits. The long-term nature of the income could allow the community to plan ahead; to draw in other sources of match funding to maximise the benefits; and to assist in the delivery of local initiatives that are deemed to be of the greatest value by the community.</p> <p>Whilst these effects cannot be quantified at this stage due to uncertainty as to the quantum of funding that would be available to a local communities and their choice of investment priorities, it is clear that the proposed community benefit package could offer real socio-economic benefits to the local community.</p>
<p>Contribution to Renewable Energy Generation Targets</p> <p>Criterion 2</p>	<p>As discussed in Chapter 6 of this Planning Statement, the proposed Development would assist with the achievement of the UK and Scottish Government policies which set targets for renewable electricity generation. The proposed Development would make a valuable contribution to the current targets. Governments at Westminster and Holyrood have made clear their ongoing commitment to Net Zero and energy targets, and the decarbonisation of electricity generation, in the most recently published documents on the matter which are set out in Chapter 5 of this Planning Statement, and the proposal would contribute to this policy objective.</p> <p>It is estimated the proposed Development could produce around 124 GWh of electricity annually (based on the Scottish Government Renewable electricity output calculator). This equates to the power consumed by approximately 31,661 average UK homes.</p> <p>The scale of the proposed turbines and inclusion of ground mounted solar arrays and BESS means that potential of the Site is being maximised to its full generation potential while carefully balancing the environmental impacts to ensure that the proposed Development is environmentally acceptable.</p> <p>It is concluded that the proposed Development would make a valuable and meaningful contribution to government targets. This view is in keeping with Reporters and Scottish Ministers decisions on other renewable energy projects</p>

<p>Effect on Greenhouse Gas Emissions</p> <p>Criterion 3</p>	<p>The proposed Development would make Scotland, and therefore the UK, less reliant on imported and price-volatile fossil fuels by generating energy to supply domestic needs of households.</p> <p>The annual emissions savings that are predicted for the proposed Development, as measured against the fossil fuel mix of grid electricity is approximately 52,626 tCO₂e. This gives a predicted emissions payback of approximately 3.1 years for the proposed development. The same calculation with respect to the embodied emissions of the solar array would result in a payback period of 8.1 years.</p> <p>The proposed Development would make a valuable and significant contribution towards UK national generation targets and the reduction in emissions of greenhouse gases, principally carbon.</p>
<p>Cumulative Impacts</p> <p>Criterion 4</p>	<p>The cumulative impact of the proposed Development has been considered in the EIA process. In particular it has been considered in the context of landscape, ecology, ornithology, archaeology and noise in Chapters 7, 8, 9, 11 and 13 of the EIA Report respectively. The windfarms within close context of the proposed Development considered in the EIA Report are detailed in Table 7.4 of Chapter 7: Landscape and Visual Impact Assessment.</p> <p>Landscape</p> <p>The potential for cumulative impacts as a result of the proposed Development is carefully considered in the EIA Report in Chapter 7: Landscape and Visual Impact Assessment. Chapter 7 of the EIA Report considers two cumulative scenarios, one which considers the proposed Development in addition to the baseline of operational windfarms and those under construction and also for those which consent has been obtained. The second cumulative scenario considers the addition of the proposed Development to wind farms in the first scenario and those for which a valid application has been submitted but which is yet to be determined. Chapter 7 predicts in Scenario 1 there would be:</p> <p>Significant cumulative effects in the north-western part of CT3 within Landscape Character Type (LCT) 134 (host LCT) and not significant elsewhere in LCT 134; Significant cumulative effects in the north eastern part of LCT 143 and not significant elsewhere in this LCT; and Significant cumulative effects in the western part of the north-eastern unit of LCT 144 and not significant elsewhere in this LCT.</p> <p>Chapter 7 predicts in Scenario 2 there would be:</p> <p>Significant cumulative effects in the north west and central part of CT3 within LCT 134 and elsewhere would be not significant; Significant cumulative effects in the north-eastern part of LCT 143 and not significant elsewhere in this LCT; and Significant cumulative effects in the western part of the north-eastern unit of LCT 144 and not significant elsewhere in this LCT.</p> <p>In terms of predicted visual effects, significant cumulative effects are predicted at Barrock and Inkstack, Gill and Upper Gills and Mey. In relation to transport routes, significant cumulative effects are predicted on a short section of the A836 between the junction with minor road to Rattar and East Mey, on the minor road between Barrock and Upper Gills, on the road between Upper Gills and Lyth and on the route of the Gills Bay to St Margaret's Hope ferry where it passes within 5 km of the proposed Development.</p> <p>Significant cumulative effects are predicted on a section of NCN route 1 between Greenland and Upper Gills and on core path CA05.15 to the north west of Barrock.</p> <p>Ecology & Ornithology</p> <p>The potential for cumulative impacts as a result of the proposed Development on ecology and ornithology are considered in the EIA Report at Chapters 8: Ecology and 9:</p>

	<p>Ornithology respectively. In the case of both no significant cumulative impacts are predicted as a result of the proposed Development.</p> <p>Cultural Heritage</p> <p>Chapter 11: Archaeology and Cultural Heritage of the EIA Report considers the impact of the proposed Development on the Historic Environment. No significant cumulative effects are predicted on cultural heritage or archaeology as a result of the proposed Development.</p> <p>Noise</p> <p>Chapter 13: Noise of the EIA Report considers the potential noise effects of the proposed Development on the residents of nearby dwellings and includes consideration of cumulative effects. The assessment in Chapter 13 and Technical Appendix 13.1 demonstrates that the derived ETSU-R-97 noise limits are predicted to be achieved in the cumulative case at all wind speeds and all assessment locations with the exception of three receptors, where marginal excesses were predicted of a maximum of 0.7 dB(a) for wind speeds of 7 m/s and 8 m/s (using worst case modelling). However, if required, this can be mitigated with the implementation of a site-specific noise limit which can be conditioned to the consent if granted.</p> <p>Summary of Cumulative Impacts</p> <p>It is recognised significant landscape and visual cumulative effects are predicted; however, they are considered to be localised. When considered in the round the cumulative impacts of the proposed Development are considered to be acceptable.</p>
<p>Impacts on Communities and Individual Dwellings</p> <p>Criterion 5</p>	<p>Economic Impact</p> <p>The proposed Development offers to the opportunity for economic benefit to the local community. To date, the Applicant has voluntarily contributed more than £1.36 million in community benefit funding from its Beinn Tharsuinn Windfarm to communities in the Highlands, supporting initiatives such as:</p> <p>Over £14,500 towards Broadband provision; Almost £45,000 towards environmental improvements including floral displays/planters and benches; Over £38,000 to various child/youth activities including kid's clubs, drama clubs, holiday/after school clubs and outdoor learning; Over £5,000 to local secondary schools to compete in the annual nationwide 'Rock Challenge', an educational and aspirational performing arts competition for students; Almost £10,000 towards various local heritage projects; £4,500 towards purchase of community minibus and £460 towards Midas training for drivers; and Over £6,000 to purchase defibrillators and first responder kits.</p> <p>The Applicant also operates the recently constructed Halsary Windfarm and over their lifetime the combined community benefit contribution from Beinn Tharsuinn and Halsary is expected to be £3.4 million.</p> <p>Benefits would accrue from the scale and nature of the proposed income streams, which would include the proposed Development, and, depending on the choices made, could have a positive effect on the physical and mental wellbeing of local residents as well as economic benefits. The long term nature of the income, arising from community benefit, would allow the community to plan ahead, to draw in other sources of match funding to maximise the benefits and investment projects could be designed to match local priorities.</p>

SPR have made a commitment to THC to provide £50,000 in funding to support the improvement of the electric vehicle network in the local community as part of the proposed Development.

Where appropriate, mitigation has been included in the design to avoid unacceptable adverse impacts on local communities as a result of the proposed Development.

Landscape - Residential Visual Amenity

Some significant landscape and visual effects, as a result of any proposed renewable energy development incorporating wind turbines, are unavoidable. Wind turbines proposed within 2 km of residential properties has the potential to cause significant visual effects on properties. This, however, is not necessarily unacceptable as there is a long held planning principle that there is no right to a view from a private property and each development needs to be considered on its respective merits. With residential amenity the issue is, therefore, not simply that there is a significant effect on a property, but rather is that effect such that the property would become an unacceptable place to live because its amenity is so degraded by the presence of the proposed wind turbines.

This approach, which is often referred to as the Lavender Test, after the Inspector who formulated it, has been applied in a number of decisions relating to English cases and is articulated in a number of Scottish Reporters' and Ministers' decisions relating to windfarms. In the case of the Windy Edge Appeal Decision (Reference PPA-140-2055, June 2016) the Reporter stated:

"I think it is important to differentiate between the general landscape and visual impacts which local residents would experience and the particular impacts on any individual property. A significant change to a view is not necessarily harmful in planning terms. It is more than a significant change to a view or that any individual resident would prefer not to live near a wind farm. The visual impact would have to be excessively dominant."

In their Report on the Fauch Hill/Harburnhead Windfarms (Reference PPA-400-2084 and EC00003190 respectively, July 2014) the Reporters stated that *"the generally agreed guidance on the level of visual impact is known as the Lavender Test which assesses whether a property would become an unacceptable place to live because of the development."*

In their decision in relation to the Afton Windfarm (Reference EC00003134, October 2014) the Scottish Ministers advised that they considered that *"the development would not result in any over bearing visual effects on residential amenity to a degree that any property might be considered an unattractive place in which to live."*

The EIA Report includes an Assessment on Residential Visual Amenity (RVAA) at Technical Appendix 7.2. This has been carried out in accordance with the approach set out in the Landscape Institutes Technical Guidance Note 2/19 Residential Visual Amenity Assessment. Technical Appendix 7.2 RVAA of EIA report indicates that effects on residential properties would not reach the residential visual amenity threshold at any of the properties assessed. This is due to a range of factors which include separation distances, visibility of the proposed Development in one part of the views available from the property or its domestic curtilage and avoidance of views from the principal rooms or elevation, the large scale and horizontal emphasis of the landscape which could accommodate the proposed Development and avoid adverse scale comparisons and the design of the proposed Development avoids over-intensification of development.

Noise

The potential for noise to impact on the local community and individual properties has been carefully considered as part of the design iteration process. As a result of this the assessment in Chapter 13: Noise of the EIA Report predicts that the derived ETSU-R-97 noise criteria would be met at all of the noise-sensitive locations when assessing the proposed Development in isolation. Marginal excesses were predicted at a maximum of 0.7dB(a) (using worst case modelling) for wind speeds of 7 m/s and 8m/s when the proposed Development was assessed cumulatively. However, if required, this can be

	<p>mitigated with the implementation of a site-specific noise limit which can be conditioned to the consent if granted.</p> <p>Shadow Flicker</p> <p>The potential for the proposed Development to result in shadow flicker has been considered in Chapter 15: Other Issues and Technical Appendix 15.3 of the EIA Report. The assessment concludes there would be no significant shadow flicker effects at any of the identified dwellings.</p> <p>Ice Throw</p> <p>Chapter 15: Other Issues of the EIA Report considers ice throw. The potential for risk to human health associated with ice build-up is reduced through inbuilt turbine mechanisms. Wind turbines can continue to operate with a very thin accumulation of snow or ice but will shut down automatically as soon as there is a sufficient build up to cause aerodynamic or physical imbalance to the rotor assembly. This along with the very few days of the year where potential icing could occur means the risk to public safety is considered to be very low.</p> <p>Private Water Supplies</p> <p>Chapter 10: Hydrology, Hydrogeology, Geology and Soils of the EIA Report confirms that no private water supplies have been identified near the Site.</p> <p>Traffic</p> <p>Chapter 12: Access, Traffic and Transport, of the EIA Report considers the impact of the proposed Development on the local community. A CTMP would be prepared prior to the commencement of the proposed Development and this CTMP would be agreed with THC.</p> <p>The impact on traffic and the transport network is considered acceptable.</p> <p>Summary of impacts on communities and individual properties</p> <p>The design of the proposed Development has sought to minimise impacts on communities and individual properties. It has been demonstrated in the RVAA that predicted effects would not reach the residential visual amenity threshold at any of the properties assessed. No significant effects are predicted in relation to noise, shadow flicker, private water supplies or traffic.</p> <p>It is also considered there would be positive impacts on the community as a result of the proposed community benefit funding.</p> <p>It is therefore considered it has been demonstrated the proposed Development is acceptable in terms of impacts on communities and individual properties.</p>
<p>Landscape and Visual Impacts</p> <p>Criterion 6</p>	<p>An assessment of the landscape and visual impacts (LVIA) of the proposed Development has been undertaken as part of the EIA process. The assessment is included in the EIA Report at Chapter 7: Landscape and Visual Impact Assessment.</p> <p>Visual Effects</p> <p>Significant effects on views and visual amenity would occur mainly to the north and west of the proposed Development and within a distance of approximately 5 km. The assessment of visual effects has been informed by 23 viewpoints which have been agreed with consultees as suitably representative of visual receptors in the study area. The assessment identified significant effects are predicted at 4 of the 23 viewpoints which are Viewpoint 3 Gills Bay Ferry (not at the viewpoint but within 5 km of the</p>

	<p>proposed Development), Viewpoint 8 Barrock, Viewpoint 9 Brabster and Viewpoint 11 Lochend.</p> <p>Significant effects are predicted on the following settlements:</p> <p>Barrock and Inkstack; Gill and Upper Gills; and Mey.</p> <p>In terms of transport and recreational routes, the assessment has concluded significant effects are predicted on:</p> <p>A short section of the A836 between the junction with minor road to Rattar and East Mey. The minor road between Barrock and Upper Gills. The minor road between Upper Gills and Lyth. The route of the Gills bay to St Margaret's Hope ferry where it passes within 5 km of the proposed Development. A section of the NCN route 1 between Greenland and Upper Gills. Core Path CA05.15 to the north west of Barrock.</p> <p>The RVAA described in Technical Appendix 7.2: Residential Visual Amenity Assessment assessed the effects on 41 residential properties and identified significant effects on 20 of them, however it is important to note that 6 of these properties have been assessed as only having a significant effect once forestry is felled. The RVAA concluded that the effects of the proposed Development would not meet the residential visual amenity threshold whereby effects are of such a nature or magnitude that living conditions at a residential property could be affected.</p> <p>Impact on Landscape Character</p> <p>Chapter 7: Landscape and Visual Impact Assessment of the EIA Report provides an assessment of the potential effects of the proposed Development on landscape character.</p> <p>The proposed Development would be located in LCT 134 (CT3) – the effect of the proposed Development on the north-western part of CT3 would be significant where the proposed Development would be located. All other units within LCT 134 would not be significant.</p> <p>CT4 covers a vast area and more strongly exhibits the key characteristics of LCT 134 than CT3, CT5 and CT6. The proposed Development would be more than 15 km from the nearest part of CT4. The northern part of the unit is influenced by operational wind energy development and by the more settled and modified landscapes of Farmed Lowland Plain LCT. While the proposed Development would be visible its influence on the key characteristics of unit CT4 would be very limited.</p> <p>A small part of the Site is coincident with the unit of LCT 143 which includes part of the proposed upgrade to the existing track and the proposed substation and proposed BESS area which would be located at the boundary of LCT 143 and LCT 134 (CT3). The physical effects of the proposed Development on LCT 143 would occur in a very limited area that is influenced by forestry plantation and by existing forest tracks. The effect of the proposed Development on the north-eastern part of LCT 143 would be significant. The proposed Development would physically alter a small part of LCT 143. The wind turbines would influence views across the landscape between East Mey and ST John's Loch and between Barrock and Greenland. The effects on the majority of the LCT to the west and south would be not significant.</p> <p>Impact on Landscape Designations</p>
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	<p>Chapter 7: Landscape and Visual Impact Assessment of the EIA Report concludes there would be no significant effects on landscape designations, including the Castle of Mey (Barrogill Castle) GDL, Dunnet Head SLA and Duncansby Head SLA.</p> <p>Impact on Visitor Sites</p> <p>Chapter 7 of the EIA Report has assessed the predicted effect of the proposed Development on visitor attractions. As noted above no significant effects are predicted on landscape designations. In addition, no significant effect is predicted as a result of the proposed Development on Castletown Heritage Centre. As noted above in terms of the NC500, significant effects are predicted on a short section of the A836 between the junction with minor road to Rattar and East Mey.</p> <p>Landscape Capacity</p> <p>Chapter 7: Landscape and Visual Impact Assessment of the EIA Report concludes that the large-scale, modified landscape of the Site and adjacent landscapes could accommodate a development of the scale proposed. The proposed Development would be set back from the smaller scale landscapes of Coastal Crofts and Small Farms LCT to the north and while there would be significant effects on a small part of one unit of this LCT the underlying key characteristics and qualities of the LCT would endure. Visual effects are assessed as 'Significant' within a limited area and relate primarily to short distance views in which the amount of change resulting from the proposed Development would be large although not overwhelming in the context of the expansive nature of baseline views. The large-scale of the landscape at the Site and the wider area mean that the proposed Development is seen in the context of long views with a horizontal emphasis where adverse scale comparisons with landform are not an influencing factor on significance of effects.</p> <p>The proposed Development would be introduced into an area where windfarm development is an established component of views. Lochend and Stroupster are nearby and the application site of Slickly would be a short distance to the south east. There would be sufficient separation between the proposed Development and Stroupster and Slickly to avoid over-intensification of development.</p> <p>Summary of Landscape and Visual Impacts</p> <p>It is recognised that Chapter 7: Landscape and Visual Impact Assessment of the EIA Report has assessed there would be significant effects on landscape and visual as a result of the proposed Development. It is predicted significant visual effects would occur mainly to the north and west of the proposed Development and within a distance of approximately 5 km. No significant effects are predicted on landscape designations or visitor sites (with the exception of a short section of the A836 between the junction with the minor road to Rattar and East Mey).</p> <p>A key factor in the design evolution process of the proposed Development has been to minimise the landscape and visual impact of the proposed Development where possible and to develop a design which can be accommodated within the landscape. It is considered the landscape has the capacity for the proposed Development. The proposed Development is located within an area where windfarm development is an established component of views.</p> <p>It is considered on balance that the proposed Development is acceptable in landscape terms.</p>
<p>Effects on the Natural Heritage, Including Birds Criterion 7</p>	<p>Chapter 8: Ecology and Biodiversity of the EIA Report identifies the ecology designated sites in the vicinity of the proposed Development. There are 13 statutory designated sites for nature conservation designated by virtue of their ecological qualifying interests located within 10 km of the Site, with the Phillips Mains Mire SSSI located within the north-eastern extent of the Site, which are detailed in Table 8.5 and illustrated in Figure 8.1 of the EIA Report.</p>

	<p>Chapter 9: Ornithology of the EIA Report advises that there are three SPAs within 20 km of the Site which are the Caithness and Sutherland Peatlands SPA, the Caithness Lochs SPA and the North Caithness Cliffs which are illustrated in Figure 9.11 in Technical Appendix 9.1.</p> <p>The North Caithness Cliffs SPA is classified for its breeding populations of peregrine (<i>Falco peregrinus</i>), common guillemot (<i>Uria aalge</i>), northern fulmar (<i>Fulmaris glacialis</i>), black-legged kittiwake (<i>Rissa tridactyla</i>), razorbill (<i>Alca torda</i>) and Atlantic puffin (<i>Fratercula arctica</i>). All these species, aside from peregrine, are exclusively coastal species and the proposed Development is outside of the core foraging range of peregrine. For these reasons there is considered to be no prospect of any effect on the qualifying interests of this SPA as a result of the proposed Development.</p> <p>Section 9.8 of Chapter 9 of the EIA Report provides an assessment of the possible effects of the proposed Development upon the Caithness and Sutherland Peatlands SPA and Caithness Lochs SPA. The assessment concludes none of the conservation objectives of the SPAs would be comprised by the proposed Development alone or in combination with other plans or projects and therefore the proposed Development would not affect the integrity of the SPAs.</p> <p>A number of ecology and ornithology surveys have been undertaken and the results of these have been provided in the EIA Report at Chapters 8: Ecology and 9: Ornithology respectively. The presence of ecological features, have been carefully considered as part of the design iteration process for the proposed Development.</p> <p>In the case of ecology, it is concluded that there would be no significant impacts on any ecological features subject to the inclusion of the appropriate mitigation which is detailed in the EIA Report. This includes habitats and fauna. Given the measures detailed within the draft HMP and habitat and species protection measures to be delivered as part of a CEMP, the proposed Development will lead to a net positive impact upon ecological features in the long term.</p> <p>In the case of ornithology, it is concluded that the likely effects of the proposed Development on all bird species are negligible.</p> <p>It is therefore considered the proposed Development is acceptable in terms of effects on the natural heritage, including birds.</p>
<p>Impacts on Carbon Rich Soils, Using the Carbon Calculator</p> <p>Criterion 8</p>	<p>Each unit of wind generated electricity would displace a unit of conventionally generated electricity, therefore, saving power station emissions. Chapter 15 of the EIA Report provides a breakdown of the estimated emissions displaced per annum and over the assumed 40 year lifespan for the proposed Development.</p> <p>The calculations of total carbon dioxide emission savings and payback time for the proposed Development indicates the overall payback period of the proposed Development, over a 40 year period, would be approximately 3.1 years, when compared to the fossil fuel mix of electricity generation.</p> <p>This means that the proposed Development is anticipated to take around 3.1 years (excluding solar) to repay the carbon exchange to the atmosphere (the CO₂ debt) through construction of the wind turbine element of the proposed Development; the Site would in effect be in a net gain situation following this time period and can then claim to contribute to national objectives.</p>
<p>Public Access</p> <p>Criterion 9</p>	<p>Chapter 14 of the EIA Report outlines that during construction, there would be a direct impact which would restrict recreational activities; however, this would be temporary and short term.</p> <p>During the operation period, the land within the proposed Development, including the onsite access tracks, will be accessible to the public at all times of the year as per Section 1 and 2 of the Land Reform Act (Scotland) 2003. However, temporary</p>

	<p>exclusions may be needed, for health and safety reasons, during times where essential maintenance is required, as well as during routine forestry operations.</p> <p>It is considered the proposed Development is acceptable in terms of impacts on public access.</p>
<p>Impacts on the Historic Environment</p> <p>Criterion 10</p>	<p>The EIA Report Chapter 11: Archaeology and Cultural Heritage presents an assessment of the effects of the proposed Development on the local historic environment (archaeology and cultural heritage).</p> <p>The proposed Development would be located to the south of The Castle of Mey Garden and Designed Landscape (which contains two listed buildings, Category A Castle of Mey (LB1797) and Category B Lodge (LB1798).) with the nearest turbine, Turbine 7, located 3.8 km south-southeast of the Castle of Mey (LB1797) and 3.6 km south-southeast of the Parkland (the southern boundary of IGDL00096 and the Lodge (LB1798). The impact assessment in Chapter 11 of the EIA Report has identified that some part of the proposed Development would be visible from each of the porch, the lawn, the Parkland and the Animal Centre, all of which are located to the south of the Castle, and the whole of the proposed Development would be visible from the roof of the south eastern tower. Seven visualisations have been prepared and included within the EIA Report. EIA Report Chapter 11 notes that the visualisations demonstrate that, whilst visible, the turbines would not be a prominent or significantly distracting feature when viewed from the Garden and Designed Landscape or the listed building Castle of Mey, except when seen from the roof or the south eastern tower.</p> <p>Chapter 11 of the EIA Report notes there would be no change in any of the views cited in the Inventory Garden and Designed Landscape List Description as contributing to the significance of the group of heritage assets. Where there would be views of the proposed Development from the Castle southwards, these views contribute less to the cultural significance of the asset than those looking northwards either from the Castle, or of the Castle. Where turbines would be introduced into the view, they would not obscure or interfere with any intended intervisibility with any natural or historical focal point. At present, from elevated positions, the view towards the proposed Development is of open arable fields which do not contribute to the cultural significance of the Castle of Mey. Nevertheless, this view southwards is a guided and historically manipulated view, particularly from a central position at ground level on exit via the Castle's porch, in which the proposed Development would introduce a degree of change.</p> <p>Chapter 11 of the EIA Report outlines that in summary, the proposed Development would represent a change within a designed view that would diminish the contribution made to the significance of the Castle. A change in the view southwards, which is not the primary aesthetic of the Castle and its 19th century designed garden and the significance of this should not be overstated, is considered to result in an 'adverse' impact of 'negligible' magnitude resulting in an effect of 'negligible significance' on the Castle of Mey (IGDL00096, Cat A LB1797), which is not significant.</p> <p>Chapter 11 of the EIA Report concludes no significant effects on the following scheduled monuments: Earl's Cairn, chambered cairn (SM449), Earney Hillock (SM439), Warth Hill, Cairn (SM503). Thomsonfield Broch (SM588) and the following listed buildings: Freswick Castle (Category A LB1799), Canisbay Parish Church (Category A LB1795), Barrock Free Church (Category B LB1887) and West Canisbay (Category B LB1807).</p> <p>A planting belt comprising native species is proposed along the southern boundary of the Castle of Mey IGDL GDL00096 to screen the proposed Development from ground level within the IGDL (for example CHVP11) and from the Castle of Mey Cat A LB1797 Ground Floor Entrance (CHVP1). The planting belt would also likely reduce visibility from the principal rooms of the Castle (CHVP2 & CHVP9).</p> <p>Chapter 11 concludes that the proposed Development would not result in any significant effects on archaeology and cultural heritage. It is therefore considered the proposed Development meets this criterion.</p>

<p>Impacts on Tourism and Recreation</p> <p>Criterion 11</p>	<p>The impacts of the proposed Development on tourism and recreation are considered in Chapter 14: Socio economics, Recreation and Tourism of the EIA Report. It undertakes a review of published reports which consistently find that the presence of windfarms do not reduce the number of people visiting the area.</p> <p>No significant effects are predicted as a result of the proposed Development on tourism and recreation. Local shops, cafes, accommodation providers and hotels often experience an increase in turnover during the construction phase which would result in a short term, beneficial effect at a local level.</p> <p>The impact on tourism and recreation is anticipated to be minimal and therefore it is considered the proposed Development is acceptable.</p>
<p>Impacts on Aviation and Defence Interests and Seismological Recording</p> <p>Criterion 12</p>	<p>The EIA Report considers the potential for the proposed Development to impact upon aviation and defence interests in Chapter 15: Other Issues. From the consultation which has been undertaken it is concluded that the proposed Development would not have an effect on aviation as a physical obstruction. Radar modelling of the nearest primary surveillance radar facilities to the proposed Development shows that there is no Radar Line of Sight to the turbines and therefore these radars are unlikely to detect the proposed Development. An assessment of Wick Airport's Instrument Flight Procedures found the proposed turbines would have no impact.</p> <p>No significant effects have been identified in the assessment of aviation and radar issues.</p> <p>An Aviation Impact Assessment has been undertaken and is within Technical Appendix 15.5: Aviation Impact Assessment of the EIA Report.</p> <p>It is therefore considered the proposed Development is acceptable in terms of impacts on Aviation and Defence Interests.</p>
<p>Impacts on Telecommunications and Broadcasting Installations</p> <p>Criterion 13</p>	<p>The potential impact of the proposed Development on telecommunications and broadcasting installations has been considered as part of the EIA Report. Chapter 15 Other Issues concludes the proposed development would have no significant effects on telecommunication links. Technical Appendix 15.2: Telecommunications Impact Assessment is provided as part of the EIA Report.</p> <p>It is therefore considered the proposed Development is acceptable in terms of impacts on telecommunications and broadcasting installations.</p>
<p>Impacts on Road Traffic</p> <p>Criterion 14</p>	<p>The EIA Report Chapter 12: Access, Traffic and Transport considers the potential for the proposed Development to have a significant impact on road traffic. Two different delivery scenarios have been assessed; a worst case scenario whereby all construction materials are delivered to the Site and a more likely scenario where access track aggregate is sourced from onsite borrow pits. Both scenarios would result in an increase in heavy goods vehicles (HGVs) on the A836, A882, A9(T), C1033, U1633 and Charleston Farm Road with the more likely second scenario at a lower rate, however neither would result in a significant impact on road traffic. Appendix 12.1 Draft Construction Traffic Management Plan has been prepared as part of the EIA Report which sets out the areas for consideration when preparing the programme of works and when undertaking the Site construction. Prior to the commencement of the proposed Development, a detailed CTMP would be agreed with Police Scotland, THC and Transport Scotland.</p> <p>The assessment concludes there would be no significant effects on traffic, transportation or site access as a result of the proposed Development with the implementation of mitigation. The impacts of the proposed Development are therefore considered to be acceptable.</p>
<p>Impacts on Adjacent Trunk Roads</p>	<p>It is proposed that the wind turbine components would be delivered to the Site from Wick Harbour, south to Latheron on the A99, north west to the south of Thurso town centre on the A9 (T) and then east towards the Site on the A836, U1633 East Lodge Road, Charleston Farm Road and C1033 Everly-Crockster Toll Road. An alternative routing from Wick Harbour to the A9(T) has also been explored via Station Road and the A882</p>

<p>Criterion 15</p>	<p>through Watten before joining the A9(T) at Georgemas junction. These alternative routes are illustrated on Figure 12.2 of the EIA Report. Given the importance of the routes used it would be necessary for the timing of transporting abnormal loads to be agreed with the relevant authorities after detailed investigation. Abnormal loads would be delivered to the Site under Police escort, whilst other large components would be moved in accordance with an agreed CTMP and the safety measures defined within it.</p> <p>Chapter 12: Access, Traffic and Transport concludes there would be no significant effects with the implementation of mitigation on trunk roads as a result of the proposed Development. It is therefore considered to be acceptable.</p>
<p>Effects on Hydrology, the Water Environment and Flood Risk</p> <p>Criterion 16</p>	<p>The potential for significant impacts on soils, geology and the water environment as a result of the proposed Development are considered in the EIA Report at Chapter 10: Hydrology, Hydrogeology, Geology and Soils.</p> <p>Good practice measures would be applied in relation to pollution risk, sediment management, peat management and management of surface runoff rates and volumes. This would form part of the Construction Environment Management Plan (CEMP) to be implemented for the proposed Development and would be agreed prior to construction, an outline of which is provided in the EIA Report Technical Appendix 3.1: Outline Construction Environmental Management Plan.</p> <p>Chapter 10 of the EIA Report finds there would be no significant impacts on hydrology and the water environment as a result of the proposed Development and there would be no increased flood risk. This is subject to mitigation measures which could be dealt with by condition. It is therefore considered the proposed Development is acceptable in terms of its effects on hydrology, the water environment and flood risk.</p>
<p>The Need for Conditions Relating to the Decommissioning of Developments</p> <p>Criterion 17</p>	<p>There is no proposal to limit the lifetime of the proposed Development. Should consent be granted, it is anticipated that there would be a condition which would deal with the requirement to remove turbines, the BESS, solar or associated equipment if they become non-operational period of time or in the event of the proposed Development being decommissioned.</p>
<p>Opportunities for Energy Storage</p> <p>Criterion 18</p>	<p>The proposed Development would include a BESS with capacity of around 15 MW of energy. The proposed Development would provide a flexible balance of energy and enabling the delivery of the full potential of renewable energy to meet the demands of the National Grid.</p>
<p>The Need for a Robust Planning Obligation to Ensure that Operators Achieve Site Restoration</p> <p>Criterion 19</p>	<p>There is no proposal to limit the lifetime of the proposed Development. Should consent be granted, it is anticipated that there would be a condition which would deal with the requirement to remove turbines, the BESS, solar or associated equipment if they become non-operational period of time or in the event of the proposed Development being decommissioned.</p>

^{285.} The majority of the considerations in the OWESG have been assessed in terms of the SPP and Policy 67 of the HwLDP in **Table 8.1**. **Table 8.2** provides an assessment of the proposed Development on the areas that have not been considered in **Table 8.1**.

Table 8.2 OWESG Considerations

OWESG Consideration	Response
Trees and Woodland	<p>Chapter 15: Other Issues and Technical Appendix 15.1 Forestry of the EIA Report provide an assessment of the potential effects of the proposed Development on the existing forest resource. The proposed Development lies within existing commercial forestry plantations which are privately owned. THC's Highland Forest and Woodland Strategy (2018) and Trees, Woodlands and Development Supplementary Guidance (2013) have been considered, alongside legislation and other policy and guidance documents in the assessment.</p> <p>A key objective of the proposed Development has been to minimise the amount of tree felling and ensure that all felling for the wind turbine would be based on keyhole felling. The total felling area is predicted to be 24.3 ha and all felling would be permanent. The draft HMP in Technical Appendix 8.6 of the EIA Report outlines opportunities to restore some areas of the Site. An area of approximately 168 ha surrounding the Phillip Mains SSSI has been identified for habitat management with the aim of felling all of the existing forestry and restoring the area to bog habitat. This would require the felling of 88 ha of forestry.</p> <p>Felling the forestry will provide an open habitat surrounding the Phillips Mains Mire SSSI, re-instating the site as a valuable habitat for many wader species and promoting and preserving the favourable conservation status of the site.</p> <p>The HMP felling area is exempt from compensatory planting. The total area of compensatory planting is 24.3 ha.</p> <p>It is considered the proposed Development meets the requirements of OWESG in relation to trees and woodland.</p>
Electricity and Gas Infrastructure	<p>Existing infrastructure and services have been considered as part of the design evolution process of the proposed Development. Chapter 2: Site Description and Design Evolution of the EIA Report outlines there is a powerline which runs through the southern part of the Site which is co-located with a fibre optic cable which follows the same route. A suitable buffer (50 m) was included to ensure that no turbines were placed in the vicinity and that Site tracks would pass over the cables. A proposed 132 KV transmission crosses the northern part of the Site. The section where the line would cross the Site would be buried. SSE requested a setback buffer of 25 m between the proposed buried cable and proposed Development infrastructure. There is a set back of c.90 m to the nearest turbine.</p> <p>Therefore it is considered the proposed Development meets the requirements of OWESG in terms of electricity and gas infrastructure.</p>
Borrow Pits	<p>The proposed Development includes three borrow pit areas. Technical Appendix 10.3 Borrow Pit Assessment outlines the potential impacts from aggregate extraction, assessing the topsoil stripping and storage, extraction of rock, drainage and restoration. The Technical Appendix 10.3 Borrow Pit Assessment concludes that residual effects would be minor, long-term and adverse during borrow pit operation, decreasing to negligible following full restoration of the borrow pit areas.</p> <p>Chapter 12: Access, Traffic and Transport of the EIA Report has assessed two scenarios (sourcing material from onsite borrow pits and from local quarries at Warren and Spittal) and has concluded that with mitigation there would be no significant effects with either scenario.</p> <p>There are some environmental benefits associated with the use of onsite borrow pits, The use of onsite borrow pits would result in a reduction in the volume of traffic on the public road network as it would reduce the number of vehicles importing material to Site from quarries near Watten and Spittal and removing material from Site. The EIA Report Technical Appendix 10.3 advises that the removed topsoil and rock which is not suitable for use as aggregate would be used in the restoration of the borrow pits.</p>

OWESG Consideration	Response
	It is proposed that two of the borrow pits would be used to create wetland areas, one of these borrow pits would be retained in part for ongoing maintenance on the Site. The third borrow pit would be fully restored using peat to create a peatland habitat.
Mitigation	Chapter 16: Schedule of Commitments of the EIA Report outlines the mitigation measures proposed. An outline CEMP is provided in Technical Appendix 3.1 of the EIA Report. The content of the CEMP would be agreed with THC, in consultation with relevant consultees and anticipated to be implemented via a condition, if consent is forthcoming.
Construction Environmental Management Plans	As outlined above, an outline CEMP is provided in Technical Appendix 3.1 of the EIA Report. The content of the final CEMP would be agreed with THC, in consultation with relevant consultees and anticipated to be implemented via a condition, if consent is forthcoming.

8.3. Other matters

286. There is planning history on the Site associated with the Lyth Wind Farm. That scheme was of a different scale to that proposed and was brought forward in a different planning and renewable energy context. It is not considered to be a precedent for the proposed Development.

8.4. Assessment Conclusions

287. The proposed Development benefits from strong policy support in respect of renewable energy and climate change policy as set out in **Chapter 5** of this Planning Statement.

288. It is concluded that the proposed Development would make a valuable contribution to achieving renewable energy targets as set out in **Chapter 6** of this Planning Statement.

289. It has been demonstrated that the proposed Development is located in a position where wind farm development is considered to be acceptable subject to the consideration of criteria. The Site is within Group 2 and Group 3 when considered in the context of SPP and in the context of the Highland Council Spatial Framework. The reason for the site being within a Group 2 area is the presence of peat and carbon rich soil. It is submitted that this matter has been satisfactorily addressed in the EIA process and that the impact on peat/carbon rich soils is considered to be acceptable.

290. The criteria which have been identified in SPP and the key policy of the Development Plan as being of relevance to the proposed Development are all considered to be satisfied as set out in **Table 8.1**. Regard has been had to the Policies which are not wind farm specific but maybe considered as relevant to the proposed development. It is concluded that the proposed Development is in accordance with the Development Plan when considered as a whole.

9. Conclusions

291. This Planning Statement has considered renewable energy policy and has identified the renewable energy targets which have been set out in **Chapters 5 and 6**. **Chapter 6** of this Planning Statement 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.

292. The proposed Development would comprise ten turbines with a blade tip of up to 149.9 m with a combined rated output of around 50 MW and around 15 MW of ground mounted solar arrays producing a combined output of around 65 MW. Approximately 15 MW of BESS will also be installed to store energy and to provide a flexible balance of renewable energy to meet the demands of the national grid. It is estimated the proposed Development could generate around 124 GWh³ of renewable electricity (not including BESS) each year which equates to the annual power consumed by up to 31,661⁴ households in Scotland.

9.1. Benefits of the Development

293. The proposed Development would result in a number of benefits which include:

- An installed capacity of around 65 MW which could produce around 124 GWh of electricity annually. This equates to the annual power consumed by approximately 31,661 UK households.
- A flexible balance of electricity, including wind, solar and BESS to meet the demands of the National Grid.
- A Community Benefit Fund.

9.2. Energy Policy and Relevant Targets

294. 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, with the latest figures demonstrating 23.8% in 2019, and the proposed Development could make a considerable contribution towards this.

9.3. Economic Impacts

The estimated expenditure during the development and construction phase of the proposed Development is £82.9 million with £12.9 million of the expenditure expected to be spent in the Highlands. The proposed Development is also anticipated to contribute around 300 job years (net) in Scotland with approximately 120 in the Highlands during the construction phase. This is considered to be a positive impact of the proposed Development.

9.4. Community Benefit Impact

295. 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 matter the most to them. To date, in the THC area, Community Benefit of over £1.36 million has been awarded in relation to SPR’s Beinn Tharsuinn Windfarm.

9.5. Other Benefits

296. The proposed Development would also result in the following benefits:

- A carbon payback period of around 3 years (excluding solar) which means the proposed Development could be in a net gain position in terms of carbon emissions by around year 3 of the operational period.
- Will utilise and improve existing forestry tracks which reduces the amount of new tracks to be constructed.
- The new tracks which are required to facilitate the proposed Development would improve access in the area.
- The draft HMP will implement positive land management for the benefit of landscape and nature conservation. The proposals within the draft HMP to fell and restore 168 ha of peatland habitat will provide net gain for the Site and a multitude of benefits that go beyond like for like compensation.

³ Based on the Scottish Government Renewable electricity output calculator. [Renewable electricity output and energy conversion calculators - gov.scot \(www.gov.scot\)](http://www.gov.scot)

⁴ Based on the Scottish Government Renewable electricity output calculator. [Renewable electricity output and energy conversion calculators - gov.scot \(www.gov.scot\)](http://www.gov.scot)

9.6. Residual Environmental Effects

297. The residual environmental effects of the proposed Development are outlined in the EIA Report and summarised in **Chapter 8** of the Planning Statement in relation to criteria in paragraph 169 of SPP.
298. The design evolution of the proposed Development has taken into account the technical and environmental constraints identified through the EIA process and through consultation with statutory and non-statutory organisations and members of the local community.
299. The design and layout represent a proposed Development which minimises environmental impacts and maximises the renewable energy potential.
300. The EIA has considered the potential effects of the proposed Development on a topic basis. The main purpose of the EIA is to assess the likely significant effects which could arise from the proposed Development, understand the need for mitigation, if required, and conclude what the residual effect would be. The assessment is documented in the EIA Report which accompanies the application. **Table 9.1** summarises the findings of the EIA Report.

Table 9.1 Summary of EIA Report findings

Topic	Summary of Mitigation	Residual Environmental Effect
Landscape	Design	Limited significant effects
Visual	Design	Limited significant effects
Ecology	Design Construction Environmental Management Plan Pre-construction surveys Ecological Clerk of Works Habitat Management Plan – aims to create and restore underlying conditions for modified blanket bog and improve the quality of blanket mire habitat within the Site.	Not significant
Ornithology	Design Bird Protection Plan	Not significant
Hydrology, Hydrogeology, Geology and Soils	Design Peat Management Plan Water quality monitoring programme Construction Environmental Management Plan Pollution Prevention Plan	Not significant
Archaeology and Cultural Heritage	Design Monitoring (if required)	Not significant
Access, Traffic and Transport	Good construction practices, including wheel wash facilities and careful loading Construction Traffic Management Plan	Not significant
Noise	Design	Not significant
Socio-economic, Tourism and Recreation	No mitigation	Not significant
Other Issues, including Carbon Balance and Forestry	Design Compensatory planting Peat Management Plan Waste Management Plan	Significant and Beneficial in relation to Carbon Balance. All other issues Not significant.

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301. The EIA Report 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.
302. 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 124 GWh of renewable energy each year.
303. 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 SPP, the HwLDP and OWESG and would provide a valuable addition to the renewable energy resource in THC. When assessing the overall impact of the proposed Development, it is considered the limited significant effects identified in the EIA Report 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.
304. There is a clear and urgent need for the development of renewable energy which has been clearly set out in this Planning Statement. 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.
305. 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.
306. The evolution of the design of the proposed Development, from the start, sought to balance the energy potential of the Site 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 limited to landscape and visual impacts. Such will be the case for all commercial windfarms and cannot itself justify the rejection of a proposed Development.
307. 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 project 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.
308. It is concluded that a Section 36 consent and deemed planning permission should be granted for Hollandmey RED.

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Appendix 1: The Site

Site Selection

309. The approach to site selection is set out in detail in the EIA Report Chapter 2: Site Description and Design Evolution. The layout and design of the proposed Development follows an iterative design and environmental constraints led process, aimed at optimising a renewable energy development that minimises environmental impacts, in accordance with Schedule 9, paragraph 3(1) of the Electricity Act. An iterative design approach works in tandem with the EIA process, whereby the design process facilitates incremental changes in layout and design resulting from a continually developing understanding of environmental constraints. This iterative approach allows potential environmental constraints, as they are identified, to be avoided or minimised through alterations in design. This approach is referred to within this EIA as mitigation 'embedded' into the proposed Development, or simply 'embedded mitigation'. Further information on embedded mitigation is explained within each technical Chapter of the EIA Report (Chapters 7 to 15).
310. As part of the approach, numerous design principles and environmental measures have been implemented and incorporated into the proposed Development as standard practice, including the following:
- consideration of the underlying character and scale of the landscape;
 - layout and spacing of wind turbines relative to key viewpoints;
 - minimising impacts on peat;
 - sensitive siting of the proposed infrastructure incorporating appropriate buffer distances from environmental receptors to avoid or reduce effects on the environment;
 - considering the size and scale of the proposed Development appropriate to the location and proximity to residential areas;
 - minimising removal of plantation/tree cover;
 - re-using existing forestry tracks as much as possible to access proposed turbine locations;
 - design of the tracks to minimise cut and fill, reducing landscape and visual effects as well as costs;
 - inclusion and design of borrow pit(s) to minimise the amount of the material required to be imported to the Site; and
 - potential for up to 50 m micrositing of infrastructure during construction, to ensure the best possible location is chosen based on detailed Site investigations.
311. Throughout the design evolution of the proposed Development layout, a key driver was the consideration of potential landscape and visual effects on receptors and how the proposed Development would relate to the existing landscape character as well as existing windfarms in the landscape. Consideration was given to how the scale and number of turbines would affect the visual association with cumulative sites, including Lochend Windfarm (0.5 km west of the application boundary), Stroupster Windfarm (3.4 km south east) and Slickly windfarm (2.5 km south east).
312. The following technical constraints have also been considered in the iterative design process:
- Distance from dwellings;
 - Location of deep peat;
 - Cumulative impact with other wind farm developments;
 - Exposed sites with good wind speed;
 - Feasibility of grid connection;
 - Area topography, including gradients, exposure, watercourses and land use;
 - Access feasibility; and
 - Compatibility with aviation interests.

The Site

313. The Site is located approximately 8 km south west of John o'Groats and 16 km east of Thurso, situated within the north eastern part of the Caithness area of the Highlands, and lies wholly within THC administrative area, and near the small settlement of Mey. The Site itself is centred on NGR ND29621 69892 and its location is shown in **Figure 1**.

314. The Site lies within a Sweeping Moorland and Flows Landscape Character Area (LCA) and is moorland with forest plantation and open ground between forested areas and is described as a flat to gently undulating and smooth landform. The Site contains sections of Coniferous Woodland Plantation and is located within an area of carbon rich soils. The habitats within the Site are comprised largely of commercial coniferous plantation woodland, the majority of which are mid-rotation but are likely to be varying heights and maturity, with some areas of felling and restock, open moorland and grassland habitats. The landform is gently undulating sloping from an altitude of approximately 79 m Above Ordnance Datum (AOD) in the north east of the Site to 36 m AOD in the north west. Several minor watercourses drain the Site including the Burn of Ormgill, Burn of Hollandmey and Link Burn in addition to extensive drainage ditches that connect these watercourses. There are small lochans in the northern part of the Site, including a group of lochans in the north east in Phillips Mains Mire SSSI. Lochend Windfarm bounds the Site to the west. The Site is privately owned and covers an area of approximately 1149 hectares of moorland with forest plantation, open ground between forested areas and woodland grazing.
315. There are agricultural buildings in the centre of the Site, tracks within and on the edges of the Site, and three abandoned buildings to the south of the Site. There are four non-designated heritage assets including two farmsteads and a fish house in the centre of the Site and a shieling in the south.
316. The area around the Site is characterised by small scale settled coastal seaboard and large scale open and simple moorland.
317. Access to the Site is from the existing land access entrance to the north of the Site via the C1033 Everly to Crockster Toll Road which runs north west of Phillips Mains and connects to the A836 by way of a mixture of trunk, principal local and minor roads. A description of the local road network that comprises the study area is outlined in Chapter 12: Access, Traffic and Transport of the EIA Report.
318. The Site is the location of a scheme which was known as Lyth Wind Farm. A planning application for Lyth Wind Farm was submitted to THC in 2013 and comprised 10 turbines of less than 100 m to tip. The application was the subject of an appeal which was refused in 2014.

Surrounding Area

319. The immediate area surrounding the Site is rural with land predominantly used for agriculture and commercial forestry purposes.
320. The location of the proposed Development is within an area which has multiple existing and proposed windfarm developments, although these are mostly small scale. These include the:
- Lochend Wind Farm (operational);
 - Stroupster Wind Farm (operational); and
 - Slickly Wind Farm (proposed).
321. Lochend Wind Farm comprising four wind turbines each 99.5 m in height to blade bounds the Site immediately to the west and Stroupster Wind Farm comprising 13 wind turbines each 110 m tip height lies approximately 3.5 km south east. The proposed Slickly Wind Farm is designed to have 11 turbines, nine with 149.9 m tip heights, and two with up to 135 m tip heights. This is currently the subject of an Appeal.
322. The closest sizeable settlement is John o 'Groats which lies approximately 8 km east of the Site. The small town of Canisbay lies 6.5 km to the east and is significantly smaller than John o 'Groats. The nearest largest settlement is Wick 20 km to the south of the Site while the smaller settlements of Castletown and Halkirk are located 10 km to the west and 19 km to the south west. There is a relatively low population density within the immediate vicinity with few properties located within 1 km of the Site. There are no properties within 1 km of the proposed turbines. There are a small number of individual properties which lie within 1 km east south east of the Site boundary.
323. Loch Heilen lies approximately 1.5 km west of the Site near to the small settlement of Lochend. Loch of Mey lies approximately 1.5 km north west of the Site.
324. The Site is not in a designated landscape or Wild Land Area (WLA). The closest landscape designations of national importance out-with the Site is Hoy and West Mainland National Scenic Area (NSA) approximately 25 km to the north of the

Site in Orkney Islands Council administrative area. There are four locally designated Special Landscape Areas (SLA) in the proposed 40 km study area:

- Dunnet Head SLA: approximately 5.5 km to the west;
- Duncansby Head SLA: approximately 8 km to the east;
- The Flow Country and Berriedale Coast SLA: 26 km to the south south west; and
- Farr Bay, Strathy and Portskerra SLA: 40 km to the west.

325. There is one Garden and Designed Landscapes (GDL) in the proposed study area, Castle of Mey (Barrogill Castle), which is approximately 1.4 km to the north of the Site. Castle of Mey is a Category A Listed Building and is included in the cultural heritage designations in the following text.

326. The Site is located to the west of the Caithness and Sutherland Peatlands Special Area of Conservation (SAC) designated for its internationally important peatland, habitats, rare plant species and otter *Lutra lutra* interests.

327. The Phillips Mains Mire SSSI is located in its entirety within the north eastern extent of the Site and is designated by virtue of its nationally important blanket bog habitat interests, with an extensive system of dubh lochans. The Site does not form part of any non-designated site for nature conservation. Inclusive of the Phillips Mains Mire SSSI, there are 19 ecologically designated sites located within 5 km of the proposed Development which are as summarised in **Table App 1.1**.

Table App 1.1: Ecological designated sites within 5 km of Application Boundary

Ecological Designated Sites	Name	Distance from Application Boundary
Ancient Woodland Inventory	ND294731 ND291738 ND285628	0.6 km north 1.4 km north 4.6 km south
Nature Reserve	Dunnet Forest	4.6 km west
SSSI	Phillips Mains Mire Stroupster Peatlands Loch of Mey Loch Heilen Dunnet Links	Onsite 10 m south 1.7 km north west 1.7 km west 3 km west
Special Area of Conservation	Caithness and Sutherland Peatlands	10 m south
Special Protection Area (SPA)	Caithness and Sutherland Peatlands Caithness Lochs (Loch of Mey) Caithness Lochs (Loch Heilen) North Caithness Cliffs (Stroma) North Caithness Cliffs (Dunnet Head)	10 m south 1.5 km north 2 km west 3.5 km north east 5 km north west
Proposed Special Protection Area	Pentland Firth	3.5 km north east
Wetland of International Importance (Ramsar)	Caithness and Sutherland Peatlands Caithness Lochs (Loch of Mey) Caithness Lochs (Loch Heilen)	10 m south 1.5 km north 2 km west

329. There are 19 heritage assets within 5 km of the Site as summarised in **Table App 1.2**.

Table App 1.2: Heritage assets within 5 km of Application Boundary

Heritage Asset	Name	Distance from Application Boundary
Scheduled Monuments	Thomsonsfeld Broch	1.5 km east
	Earl's Cairn	1.6 km west
	Mey Battery	2 km north
	St John's Point	2.9 km north
	Scarfskerry	3.4 km north
	Kirkstones	3.7 km south
	Ham	4.6 km north west
Category A Listed Building	Castle of Mey and Garden Walls	1.6 km north
	Canisbay Parish Church	3 km north east
Category B Listed Building	Castle of Mey Gate Lodge and Gate Piers	1.5 km north
	Dunnet Free Church Gate Piers and Enclosure Wall	2.2 km west
	West Canisbay	2.6 km east
	Rattar House	3.2 km north west
	Canisbay Old Manse Steading	3.2 km east
	Ham Giral and Corn Mill	4.4 km north west
Category C Listed Building	Barrock House Gate Lodge	4.7 km south
Garden and Designed Landscape	Castle of Mey	1.4 km north

Appendix 2: Description of the Proposed Development

Description of the Proposed Development

331. The proposed Development has been carefully and iteratively designed to ensure that in so far as possible the potential for significant impacts as a result of the proposed Development are avoided. Further information on the way in which this has been done has been set out in the EIA Report at Chapter 3: Proposed Development.
332. Much of the Site lies within an area identified as being peatland of national importance (Class 1) on the SNH (now NatureScot) Carbon and Peatland database, with the remainder of the Site mainly having the potential for peat with a mixture of peat soil and mineral soil from Classes 4 and 5. The nature of the peat on the Site has been assessed as part of the design evolution of the proposed Development in consultation with the Scottish Environmental Protection Agency (SEPA), and the infrastructure located in order that the impacts are minimised as well as carefully designed to avoid areas of deep peat. The proposed Development has also been designed to avoid any areas which may be subject to peat slide risk.

The proposed Development Site is located approximately 8 km south west of John o'Groats and 16 km east of Thurso, situated within the north eastern part of the Caithness area of the Highlands. The proposed Development, as assessed and reported in the EIA Report, comprises 10 wind turbines up to 149.9 m in height, with an installed capacity of around 50 MW, and around 15 MW of ground mounted solar arrays producing a combined output of around 65 MW. The application also includes approximately 15 MW of battery storage (BESS) to store energy. 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 assist in the reduction of consumer bills.

333. Other technologies such as Hydrogen Storage (storage and fuel) and Hydro Power were not considered suitable for the purposes of the proposed Development at this time. The proposed Development is described in greater detail in Chapter 3: Proposed Development of the EIA Report.
334. The proposed Development would re-use and share existing infrastructure from the existing onsite forestry operations where possible thus minimising environmental impact.

Proposed Infrastructure

335. Careful consideration has been given to the layout of the proposed Development, which is demonstrated in the design evolution of the scheme. This is set out in the EIA Report Chapter 2: Site Description and Design Evolution.
336. The layout for the proposed Development is described in detail in Chapter 3: Proposed Development of the EIA Report and is shown on **Figure 4** of this Planning Statement. Additional details on construction methods are provided in the outline Construction and Environmental Management Plan (CEMP) included in the EIA Report Technical Appendix 3.1. Where realistically possible, existing infrastructure, in particular the access tracks have been utilised within the design.
337. The design process described in the EIA Report Chapter 2: Site Description and Design Evolution sets out why the proposed Development in this form presents the best possible balance between turbine productivity and environmental effects. It is considered to be the most productive array and would contribute significantly to Scottish Government targets for renewable energy production.
338. In considering the balance between technical and environmental considerations it was concluded that turbines of around 150 m would likely provide the optimum scale of the associated infrastructure required, subject to appropriate assessment of landscape impacts. Fewer but taller wind turbines would reduce any forestry felling by increasing the rotor clearance above the tree canopy reducing the impacts upon existing forestry operations. Overall, whilst it was considered that taller wind turbines would better contribute to the Scottish Government's climate change targets, the assessment of landscape impacts was the final limiting factor on the selected height of wind turbines.

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339. The final selection of the turbine tip height of up to 149.9 m was considered to represent the best balance of energy yield and environmental impacts. By limiting the wind turbines to 149.9 m it negates the need for visible lighting imposed by the Civil Aviation Authority for structures over 150 m.
340. Each Chapter of the EIA Report takes an appropriate and topic specific approach to assessment of the proposed Development within the parameters identified. The EIA Report provides a worst-case assessment for each discipline and presents enough information for consultees and the decision makers to comment on and determine the application within the parameters of the proposed Development.
341. The proposed Development includes associated infrastructure including:
- 10 wind turbines and ground mounted solar panels;
 - battery storage units;
 - crane hardstandings for wind turbine installation and maintenance;
 - transformer/switchgear housings located adjacent to turbines & solar panels;
 - new and upgraded access tracks including watercourse crossings where necessary, passing places and turning heads;
 - underground electrical cabling;
 - substation and control building and BESS area;
 - a construction compound area and a solar compound area;
 - up to two temporary Power Performance Masts (PPM);
 - health & safety and other directional site signage; and
 - up to three borrow pit areas.
342. The proposed Development would also require forest restructuring works to enable construction and operation of the renewable energy development. Details are presented in Technical Appendix 15.3 Forestry Technical Report of the EIA Report.
343. The layout for the proposed Development is presented in **Figure 4** of this Planning Statement. Typical details for the proposed infrastructure are shown on EIA Report Figures 3.2-3.12.
344. Access to the Site is by way of a mixture of trunk, principal local and minor roads. It is proposed that the wind turbine components would be delivered to Site via road haulage from Wick. A preliminary Route Survey assessment has determined that, based on the wind turbine components considered, transport loads would follow a predetermined route. Details are provided in the EIA report Chapter 12: Access, Traffic and Transport. The anticipated abnormal load route for WTG components to the Site would be from Wick Harbour, south to Latheron on the A99, northwest to the south of Thurso town centre on the A9 (T) and then east towards the Site on the A836, C1010 and C1033 and is illustrated by Figure 12.2 of the EIA Report. Given the importance of the routes used it will be necessary for the timing of transporting abnormal loads to be agreed with the relevant authorities after detailed investigation.
345. For other technologies that would be installed on Site, it is likely that they would be delivered using standard articulated lorries utilising the road network between Inverness and Thurso, and on to the Site.
346. There is currently one access point included in the layout for the proposed Development. Access to the Site would be provided via an existing junction from the C1033 Everly-Crockster Toll Road, which forms a crossroad junction with the West Lodge Road. The access would require to be upgraded to allow for access by construction traffic and abnormal load transporters from the west. Improvements would also be made to increase visibility splays at the access junction.
347. There are several existing access tracks within the Site which would require widening and upgrading. Further access tracks including some which will be of floating construction will be required to provide access to the proposed turbine locations, solar array and borrow pits. Approximately 2.71 km of upgraded and 8.56 km of new tracks would be constructed.
348. The grid connection point for the proposed Development is subject to confirmation by the network operator/owner.
349. The precise route of the grid connection cabling has not yet been fully determined; however it is likely that the proposed point of connection would be the proposed gills bay substation.

350. The proposed Development would result in reduced carbon emissions. The EIA Report carbon calculations spreadsheet is provided in Technical Appendix 15.4. Chapter 15: Other Issues of the EIA Report predicts the emissions payback period would be approximately 3 years.

Mitigation, Compensation and Enhancement Measures Assumed to Form a Part of the Proposed Development

351. The EIA Report assumes certain measures form an inherent part of the proposed Development and as such, in effect form a part of the proposals and would be carried out as a matter of course (notwithstanding consultees may request such measures be tied to the grant of any consent by planning condition).

Community Benefit

352. Chapter 14: Socio-economics, Recreation and Tourism, of the EIA Report. The Applicant is committed to providing a package of community measures to local communities which would include the opportunity for community benefit payments to be made. The Applicant would discuss with local stakeholders to identify which would be the appropriate 'Community Organisations' to participate in these benefits.

353. The Applicant has consulted with THC regarding partnership on an electric vehicle (EV) infrastructure project. The Applicant has made a commitment to THC to provide £50,000 in funding to support the improvement of the electric vehicle network in the local community as part of the proposed Development. It is the Applicant's desire to deliver enhancement measures that will benefit the local community and given SPR's technical expertise, the characteristics of the proposed Development, the location of the Site and the needs and desires of the local community it was considered that helping to expand the electric vehicle infrastructure network within the surrounding area offered the best potential. The drive to improve the electric vehicle infrastructure network would benefit locals and tourists alike.

Habitat Management Plan

354. The draft Habitat Management Plan (HMP) provided as Technical Appendix 8.6 to Chapter 8: Ecology and Biodiversity of the EIA Report, provides details of enhancement measures to compensate for the adverse effects of habitat loss associated with the proposed Development. The Draft HMP outlines proposals to fell and restore 168 ha of peatland habitat. This will bring a net gain for the Site and a multitude of benefits that go far beyond like for like compensation. Felling the forestry will provide an open habitat for many wader species and promoting and preserving the favourable conservation status of the Site. SPR has developed a technique to successfully restore drained blanket bog, termed 'wave damming' which has been proven to work well on several similar sites in Scotland and is also proposed to be used here. Confidence that the proposed measures would be successful is therefore high.

Turbine Optimisation

355. The proposed Development is being presented against a background of continuing need for further onshore wind energy to meet Scottish Government 2020/2030 targets which are set out in **Chapter 6** of this Planning Statement, reaffirmed by the letter from the Chief Planner to all Heads of Planning in November 2015⁵. This has been further supported in the Scottish Government's Energy Strategy and Onshore Wind Policy statement, both of which are also supportive of further onshore wind. Onshore wind is considered to be the cheapest form of renewable energy and the proposed Development is being brought forward in the context of reduced financial support for onshore wind. The proposed Development seeks to maximise the output from the proposed turbines whilst respecting environmental constraints. It is therefore proposed to install turbines of up to 149.9 m tip height which both maximises the clean energy contribution from the Site and ensures that electricity is provided at least cost to the electricity consumer.

356. The Site experiences particularly high wind speeds and in proposing turbines with tip heights of up to 149.9 m to accommodate larger rotor diameters, SPR would be able to effectively utilise these high wind speeds and maximise the energy yield of the Site. It is important to focus on the capacity factor and energy yield of the proposed Development in order to understand how the exceptional wind levels experienced at the Site enable turbines that are moderately sized compared to many recently proposed wind farms of a similar scale to deliver energy at an acceptable price to the market.

357. In recent years, the onshore wind industry has experienced a reduction in supply of smaller turbines across Europe due to a lack of demand from mainland Europe, where the tendency is to install turbines at higher tip heights. Larger turbines need to be considered if onshore wind development is to continue to make a contribution to both the UK and Scottish Government's renewable energy targets. This is clear in the Scottish Government Onshore Wind Policy Statement 2017 which states that

⁵ Energy Targets and Scottish Planning Policy: Chief Planner's Letter 11th November 2015

the Scottish Government “*acknowledge that onshore wind technology and equipment manufacturers in the market are moving towards larger and more powerful (i.e. higher capacity) turbines and that these – by necessity – will mean taller towers and blade tip heights*”. Despite this trend, the wind resource at the Site of the proposed Development is such that the proposed tip height of 149.9 m, would allow the proposed Development to be economically viable without subsidy, which would benefit consumers in terms of reducing household bills. Further to this, as the proposed tip heights assessed are under 150 m there would be no requirement for aviation lighting to be installed on the turbines. This would avoid potential related negative visual amenity effects.

CEMP

358. An Outline Construction and Environmental Management Plan (CEMP) in Technical Appendix 3.1 of the EIA Report, sets out the principles and procedures for environmental management during construction of the proposed Development. Should consent be granted for the proposed Development, a site-specific CEMP would be prepared based on the principles of the Outline CEMP. The content of the CEMP would be agreed with THC, in consultation with relevant consultees through consultation and enforced via a planning condition. The CEMP would be used by the Contractor to ensure appropriate environmental management is implemented throughout the construction phase of the proposed Development including:

- setting out roles and responsibilities for environmental measures;
- phasing of the proposed Development;
- good practice measures;
- pollution prevention measures;
- drainage and surface water management;
- water quality monitoring; and
- other pre-construction surveys.

359. The CEMP would be prepared to take account of Good Practice during Windfarm Construction (SNH 2015), Guidelines for Onshore and Offshore Windfarms (2010) and provides the construction activities methodology pertinent to the EIA, or any update to these documents.

360. SPR would engage an Environmental Clerk of Works (ECoW) onsite during the construction phase. The services of other specialist advisors would be retained as appropriate, such as an Archaeological Advisor, to be called on as required to advise on specific environmental issues. The Principal Contractor (PC) would ensure construction activities are carried out in accordance with the mitigation measures outlined in the EIA Report and any planning conditions, and this would be monitored by SPR and the ECoW.

CTMP

361. Prior to the commencement of development, a detailed Construction Traffic Management Plan (CTMP) would be agreed with Police Scotland, THC and Transport Scotland. An Outline CTMP is provided in Technical Appendix 12.1 of the EIA Report. The outline CTMP sets out the areas for consideration when preparing the programme of works and when undertaking the Site construction. It would be enforced during the construction phase of the proposed Development and updated as necessary, acting as a 'live' document to ensure it is always current. The CTMP would be updated by the Principal Contractor, with detailed traffic management measures for various sections of the construction route for the abnormal loads.

362. The CTMP would include a number of measures to reduce the effects of the construction of the proposed Development on local receptors and communities, including the effects from turbine deliveries (abnormal loads). The CTMP would include the details of any required temporary widening and other road improvement measures, together with detailed consideration of vehicle swept paths, loadings, structural assessments (where required), temporary street furniture removal details, dust and dirt management and community engagement. An element of preparation of the CTMP would be a trial run, which would be undertaken through a special licence, with the Roads Authorities and Police Scotland in attendance. It would also include the requirement to carefully consider the way in which the Site entrance is managed. The CTMP would require that a Traffic Control system is implemented which would include the following:

- all on Site deliveries and collections would be co-ordinated through the Site Management Team and movements on to and off Site would be tracked by the Site Security Team;
- drivers would be issued with and required to carry induction cards with a unique number to identify them that would be reviewed if any Site protocols are breached; and

- where possible, no daytime or overnight parking on Site or construction vehicles (site employees or visitors) outside of any predetermined construction compounds or work sites would be allowed.

Forestry

363. The proposed Development would require commercial woodland to be felled in order to facilitate it. A total of 23.4 hectares of felling would be advanced from the baseline Forest Design Plan as a result of the proposed Development to facilitate the operation of all ten wind turbines the solar array. Additionally, the Applicant has identified opportunities to restore some areas of the Site which have been affected by historical land use (e.g. forestry and land drainage). An area of 168 ha of forestry surrounding the Philip Mains SSSI has been identified for habitat management with the aim of restoring the area to bog habitat. As a result of the proposed Development, there would be a net loss of 191.4 ha woodland area. Further details are provided in Chapter 8: Ecology and Biodiversity, Chapter 15: Other Issues and Technical Appendix 8.5: Habitat Management Plan of the EIA Report.

364. In order to comply with the criteria of the Scottish Government's Control of Woodland Removal Policy, compensation planting would be required. The Applicant is committed to providing appropriate compensatory planting on or offsite. The extent, location and composition of such planting to be agreed with NatureScot and Scottish Forestry, taking into account any revision to the felling and restocking plans prior to the commencement of operation of the proposed Development. It is anticipated that this would be the subject of a planning condition should consent be forthcoming.

Proposed Community Benefit

365. Should the proposed Development gain consent, a Community Benefit Fund would be made available. SPR is committed to offering a package of community benefit measures to local communities that would include the opportunity for community benefit payments to be made.

366. Scottish Government Good Practice principles for Community Benefits from Onshore Renewables Developments (Scottish Government, September 2015) advises that "*community benefits offer a unique and unprecedented opportunity to communities.*" The Executive Summary is clear that a, at a national level, community benefits of the value equivalent to £5000 per MW per annum, index linked over the lifetime of the project will be promoted.

367. If the proposed Development is consented a Community Benefit Fund would also be made available to communities that neighbour the Site. SPR propose to work with the community to set up a bespoke funding structure with local decision making. These benefits should not be taken into account in the decision making process.

368. SPR would discuss with local stakeholders to identify which communities would be the appropriate 'Community Organisations' to participate in these benefits. SPR is committed to keeping local communities informed about these benefits as the project progresses and, in line with Scottish Government guidance, would provide information in a timely manner so the communities are able to fully assess the opportunity.

369. It is expected that any proposed income streams from these community benefits could be used to support community projects within the local area. Local communities would have the flexibility to be able to choose how the money is spent and prioritise it for the things which matter most to them. The long-term nature of the income could allow the community to plan ahead; to draw in other sources of match funding to maximise the benefits; and to assist in the delivery of local initiatives that are deemed to be of the greatest value by the community.

370. To date, SPR has voluntarily awarded over £1.36 million in community benefit funding to communities in Highland from its Beinn Tharsuinn Windfarm. A wide range of local projects and community initiatives have been supported by these funds, these are set out in **Section 3.4** of this Planning Statement.

Appendix 3: Schedule 9 of the Electricity Act 1989

371. 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."*
372. 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."*
373. 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)⁶ 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)⁷. This decision related to a 'direction' in connection with an application for Section 37 consent under the 1989 Act.
374. 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.
375. 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:

⁶ Section.38(6) of the Planning and Compulsory Purchase Act 2004 is equivalent of Section 25 of the 1997 Act in Scotland.

⁷ Section 90 of the Town & Country Planning Act 1990 is equivalent to Section 57 (2) of the 1997 Act.

“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”.

^{376.} Against the above background, it is clear that the Local Development Plan does not have any statutory status within Section 36 decision making. 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 project development. 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 EIA Report.

Appendix 4: Renewable Energy Policy

377. The key matters for the consideration of the application for the proposed development are considered to be the UK Government Energy White Paper 'Powering our Net Zero Future', The Scottish Energy Strategy 2017, the Scottish Energy Strategy Position Statement 2021, The Scottish Onshore Wind Policy Statement 2017, The Climate Change Plan 2018, Climate Change Plan Update 2020 and the Scottish Government and Scottish Green Party Draft Shared Policy Programme Working Together to Build a Greener, Fairer, Independent Scotland 2021 together with the latest climate change targets. The climate targets are summarised in **Chapter 6** of this Planning Statement. This Appendix sets out the Policy framework for the proposed Development including the key documents referred to in the Planning Statement.
378. The context for decision making on renewable energy developments and the rationale for development of the nature proposed lie in international efforts to combat the expected adverse effects of climate change.

Renewable Energy Policy

379. In order to understand the context within which the proposed Development is being promoted, it is considered important that international, national (UK) and Scottish Government commitments to the development of renewable energy technology and approach to climate change are understood. Renewable energy policy and associated targets are important relevant considerations to the determination of the application for the proposed Development.
380. Many of the policies include targets for 2020. It is acknowledged that the proposed Development would not be operational at that time. However, for reasons set out in **Chapter 6** of this Planning Statement, it is considered likely that the current targets will not be met. It is expected that the policies and targets will be updated in due course and are anticipated to further promote and build upon current renewable energy targets. For this reason, it is considered that the proposed Development would make a valuable contribution to renewable energy targets post 2020.

International Context

381. In order to understand the need for renewable energy generation in the UK it is important to consider the international drive towards addressing climate change. The policy framework for renewable energy development in the UK is largely motivated by international agreements on the reduction of emissions of greenhouse gases. The international context is well understood and is summarised here.
382. The United Nations Framework Convention on Climate Change (UNFCCC) came into force on 21 March 1994 and sought to stabilise the atmospheric concentrations of greenhouse gases at "safe levels". The Convention provides an overall framework for international government efforts to address the challenge posed by climate change. Currently there are 194 parties signed up to the Convention. The Convention embodies a series of review mechanisms. The first of these, the Kyoto Protocol, was adopted in December 1997. As a result of this Protocol the European Union was obliged to secure an 8 % reduction in greenhouse gas emissions from 1990 levels by 2012.

The twenty sixth meeting of CoP took place in Glasgow in November 2021 at which there was agreement for countries to revisit and strengthen their current emissions targets to 2030 in 2022 and agreed action on phasing down fossil fuels.

IPCC Sixth Assessment Report

383. The Working Group I report is the first instalment of the IPCC's Sixth Assessment Report (AR6), which will be completed in 2022. 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 CO₂ 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.
384. Unless there are rapid, sustained and large-scale reductions of climate change-causing greenhouse gas emissions, including CO₂, 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.
385. The IPCC Sixth Assessment Report 2021 is very clear that the world needs to act now to tackle climate change and that all countries have a role to play. The Headline statements from the Summary for Policy makers are as follows:

A. The Current State of the Climate

A.1 It is unequivocal that human influence has warmed the atmosphere, ocean and land. Widespread and rapid changes in the atmosphere, ocean, cryosphere and biosphere have occurred.

A.2 The scale of recent changes across the climate system as a whole and the present state of many aspects of the climate system are unprecedented over many centuries to many thousands of years.

A.3 Human-induced climate change is already affecting many weather and climate extremes in every region across the globe. Evidence of observed changes in extremes such as heatwaves, heavy precipitation, droughts, and tropical cyclones, and, in particular, their attribution to human influence, has strengthened since the Fifth Assessment Report (AR5).

A.4 Improved knowledge of climate processes, paleoclimate evidence and the response of the climate system to increasing radiative forcing gives a best estimate of equilibrium climate sensitivity of 3°C, with a narrower range compared to AR5.

B. Possible Climate Futures

B.1 Global surface temperature will continue to increase until at least the mid-century under all emissions scenarios considered. Global warming of 1.5°C and 2°C will be exceeded during the 21st century unless deep reductions in carbon dioxide (CO₂) and other greenhouse gas emissions occur in the coming decades.

B.2 Many changes in the climate system become larger in direct relation to increasing global warming. They include increases in the frequency and intensity of hot extremes, marine heatwaves, and heavy precipitation, agricultural and ecological droughts in some regions, and proportion of intense tropical cyclones, as well as reductions in Arctic Sea ice, snow cover and permafrost.

B.3 Continued global warming is projected to further intensify the global water cycle, including its variability, global monsoon precipitation and the severity of wet and dry events.

B.4 Under scenarios with increasing CO₂ emissions, the ocean and land carbon sinks are projected to be less effective at slowing the accumulation of CO₂ in the atmosphere.

B.5 Many changes due to past and future greenhouse gas emissions are irreversible for centuries to millennia, especially changes in the ocean, ice sheets and global sea level.

C. Climate Information for Risk Assessment and Regional Adaptation

C.1 Natural drivers and internal variability will modulate human-caused changes, especially at regional scales and in the near term, with little effect on centennial global warming. These modulations are important to consider in planning for the full range of possible changes.

C.2 With further global warming, every region is projected to increasingly experience concurrent and multiple changes in climatic impact-drivers. Changes in several climatic impact-drivers would be more widespread at 2°C compared to 1.5°C global warming and even more widespread and/or pronounced for higher warming levels.

C.3 Low-likelihood outcomes, such as ice sheet collapse, abrupt ocean circulation changes, some compound extreme events and warming substantially larger than the assessed very likely range of future warming cannot be ruled out and are part of risk assessment.

D. Limiting Future Climate Change

D.1 From a physical science perspective, limiting human-induced global warming to a specific level requires limiting cumulative CO₂ emissions, reaching at least Net Zero CO₂ emissions, along with strong reductions in

other greenhouse gas emissions. Strong, rapid and sustained reductions in CH₄ emissions would also limit the warming effect resulting from declining aerosol pollution and would improve air quality.

D.2 Scenarios with low or very low greenhouse gas (GHG) emissions (SSP1-1.9 and SSP1- 2.6) lead within years to discernible effects on greenhouse gas and aerosol concentrations, and air quality, relative to high and very high GHG emissions scenarios (SSP3-7.0 or SSP5-8.5). Under these contrasting scenarios, discernible differences in trends of global surface temperature would begin to emerge from natural variability within around 20 years, and over longer time periods for many other climatic impact-drivers (high confidence).

United Nations Gap Emissions Report 2021

386. The United Nations Gap Emissions Report 2021 (UNGAP Report) presents the latest data on the expected gap in 2030 for the 1.5°C and 2°C temperature targets of the 2015 Paris Agreement.

387. The UN Gap Report Executive Summary notes that “*This twelfth edition of the United Nations Environment Programme (UNEP) Emissions Gap Report comes during a year of constant reminders that climate change is not in the distant future.*”

388. It further notes that “*There is a fifty-fifty chance that global warming will exceed 1.5°C in the next two decades, and unless there are immediate, rapid and largescale reductions in GHG emissions, limiting warming to 1.5°C or even 2°C by the end of the century will be beyond reach.*”

389. The Executive Summary states that “*The report shows that new or updated NDCs and announced pledges for 2030 have only limited impact on global emissions and the emissions gap in 2030, reducing projected 2030 emissions by only 7.5 per cent, compared with previous unconditional NDCs, whereas 30 per cent is needed to limit warming to 2°C and 55 per cent is needed for 1.5°C. If continued throughout this century, they would result in warming of 2.7°C. The achievement of the net-zero pledges that an increasing number of countries are committing to would improve the situation, limiting warming to about 2.2°C by the end of the century.*”

European Context

390. In January 2008 the European Commission published a package of 20-20-20 targets. This included proposals to:

- reduce the EU’s greenhouse gas emissions to at least 20 % below 1990 levels;
- increase the proportion of final EU energy consumption from renewable sources to 20 %; and
- a reduction in primary energy use by 20 % compared with projected levels, which is to be achieved by improving energy efficiency.

391. These targets are set out in the EU Renewable Energy Directive (March 2009) and are to be achieved by 2020. The 20 % target is split between Member States. For the UK, the EC’s obligations include a 16 % reduction in UK greenhouse gas emissions by 2020 and for 15 % of all energy consumed in the UK to be produced by renewable sources by 2020.

392. Directive 2009/28/EC created, at clause 13, mandatory national targets consistent with a 20 % share of energy from renewable sources by 2020. The Directive, clause 15, advises that it is necessary to translate the European community target into individual targets for each Member State, with due regard to an equitable allocation, this takes into account the different starting points of the Member States and their potential, including the current level of energy from renewable sources and the existing energy mix.

393. In January 2014 the European Commission presented ‘A 2030 Framework for Climate and Energy Policies’ stating that the target of a 40 % emissions reduction below the 1990 level would be met through domestic measures alone. An EU-wide binding target for renewable energy of at least 27 % of energy consumption by 2030 was introduced which will be enforced through a new governance system based on national energy plans.

UK Context

394. 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

395. 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.

396. 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.

397. 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.

The Sixth Carbon Budget: The UK's Path to Net Zero

398. On 9 December 2020, the CCC released the Sixth Carbon Budget which updates intermediary targets for the UK's progress to Net Zero which states:

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

400. In establishing intermediary targets towards Net Zero, the context exists for Local Authorities to recognise the action that must be taken sooner rather than later. As concluded in the Sixth Carbon Budget: This target is only credible if policy to reduce emissions ramps up significantly.

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

The Energy White Paper, December 2020

402. On 13th 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. This document is covered in the **Chapter 5** of this Planning Statement and is not repeated here.

Climate Change Committee Progress Report to Parliament June 2021

403. The latest Progress Report is a double report which includes Progress in reducing emissions and Progress in adapting to climate change. This is the most recent of the Committee's annual reports to Parliament, assessing progress to date in reducing UK emissions and adapting to climate change.

404. The report states *"Emissions fell sharply in 2020 (by 13%) to 435 MtCO₂e, 48% below 1990 levels. The fall was primarily in transport sectors as a result of the COVID-19 pandemic and lockdowns. Much of the 2020 fall is likely to be temporary, although that partly depends on the Government's choices. Action now can lock in beneficial changes seen on walking, cycling and remote working for those that want it, for example through investment in broadband, active travel and public transport. More widely, there is an opportunity to accelerate low-carbon investments, for example on energy infrastructure, homes and electric vehicles.*

An effective Net Zero Strategy will support the UK to genuinely 'build back better' and provide authority on the global stage into COP 26 and beyond."

405. The report notes in relation to progress reducing UK emissions that *"In 2020 emissions fell at a record rate, almost entirely due to the COVID-19 lockdowns and the resulting reduced demand for energy, particularly for travel."* It continues by noting the key trends in sectoral emissions prior to the pandemic which includes electricity supply *"Emissions decreased by 65% over the period 2009-2019, while the carbon intensity of the grid fell from nearly 500gCO₂/kWh in 2009 to 200gCO₂/kWh in 2019. Electricity generated from variable renewables was 9 TWh in 2009 (3% of total generation), and rose to 73 TWh in 2019 (26%)."*

406. The report includes the following asterisk *“This fall in emissions was also due to warmer than average temperatures, which tend to suppress heating demand, increase cooling demand and on balance decrease overall energy demand, particularly in homes.”*

407. Chapter 4 Policy progress and gaps outlines *“Two years ago, the UK was aiming to reduce emissions to at least 80% below 1990 levels, by 2050 (from 48% below 1990 levels in 2020*). As of 2019, the emissions reduction goal for 2050 is now at least 100% (‘Net Zero’) and the Government has committed to a reduction in emissions of 78% by 2035, based on the Committee’s 2020 advice on the Sixth Carbon Budget.*

Having set the level of the Sixth Carbon Budget, the Government must develop a comprehensive set of policies to ensure that it is met. Importantly, the Sixth Carbon Budget will be the first to include emissions from international aviation and shipping (IAS). This ensures that, from now on, the Government’s emissions reductions strategies have a formal requirement to cover all areas of the economy, rather than merely leaving ‘headroom’ for IAS emissions as in previous strategies.”

408. The key messages in this chapter are summarised below:

“The early foundations for a decade of delivery are being put into place...”

“However, several key strategies are not yet published...”

“The Government has made significant commitments, but there are still significant gaps in ambition...”

“Efforts must be increased markedly, especially in the lagging areas...”

“A major delivery challenge will remain...”

Net Zero: The UK’s Contribution to Stopping Global Warming

409. Net Zero: The UK’s Contribution to stopping global warning was published by the Committee on Climate Change (CCC) in May 2019. It was prepared at the request of the devolved governments of Scotland and Wales and also the UK Government, to reassess the UK’s long-term emissions targets.

410. The recommendations of this report, relating to Scotland, have been taken forward in the amendments to the Climate Change Bill and are summarised as follows:

- The UK should legislate as soon as possible to reach net-zero greenhouse gas emissions by 2050. The target can be legislated as a 100% reduction in greenhouse gases (GHGs) from 1990 and should cover all sectors of the economy, including international aviation and shipping;
- The aim should be to meet the target through UK domestic effort, without relying on international carbon units (or ‘credits’);
- This target is only credible if policy to reduce emissions ramps up significantly;
- HM Treasury should undertake a review of how the transition will be funded and where the costs will fall. It should develop a strategy to ensure this is, and is perceived to be, fair; and
- Scotland has proportionately greater potential for emissions removal than the UK overall and can credibly adopt a more ambitious target. It should aim for net-zero GHGs by 2045. Interim targets should be set for Scottish emissions reductions (relative to 1990) of 70% by 2030 and 90% by 2040.

411. The Net Zero report also has a number of related documents which go into detail on how the targets of the Next Zero report can be met. One such related document is the ‘Green Finance Strategy’.

Scottish Context

412. 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. To encourage the production of renewable energy in 2011, the Scottish Government introduced a ‘2020 target’ for the production of renewable energy as a percentage of the total gross annual electricity consumption. This 2020 target for renewables production has steadily increased from 40 % to 50 % in November 2007 and further upwards to 80% in September 2010, due to developments in the sector and changing expectations. As of May 2011, the target was 100 % of gross annual electricity consumption by 2020.

413. 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

414. 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

415. 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.

416. 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.

417. 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%

Climate Change Plan, The Third Report on Proposals and Policies 2018-2032

418. The Scottish Government published the Climate Change Plan, The Third Report on Proposals and Policies 2018-2032 (CCP 2018) in February 2018, which sets out Scotland's decarbonisation plans to 2032. The Executive Summary advises that the CCP 2018 sets out how Scotland can deliver its target of 66 % emissions reductions, relative to the baseline for the period 2018-2032.

Appendix 5: Recovery from the Covid-19 crisis

Climate Change Committee advice to the Scottish Government on the Recovery from the COVID 19 crisis

419. In their letter to Roseanna Cunningham dated May 2020 the Committee on Climate Change are clear that “*reducing greenhouse gas emissions and adapting to climate change should be integral to any recovery package*”. The letter sets out 6 principles for a resilient recovery, these are as follows:

1. Use climate investments to support the economic recovery and jobs;
2. Lead a shift towards positive long term behaviours;
3. Tackle the wider ‘resilience deficit’ on climate change;
4. Embed fairness as a core principle;
5. Ensure the recovery does not ‘lock in’ greenhouse gas emissions or increased climate risk; and
6. Strengthen incentives to reduce emissions when considering fiscal changes.

420. It is clear that the Climate Change Committee are of the opinion that the opportunities that are afforded by tackling climate change and reducing greenhouse gas emissions should play a key role in the recovery from the Covid-19 crisis.

Chief Planner and Minister for Local Government, Housing and Planning Letter May 2020

421. In their letter of 29 May 2020 the chief planner and Minister for Local Government, Housing and Planning advised that:

“The need for a well-functioning planning system is as important now as ever. Decisions and actions being taken now, across government and wider society, are vital to the nation’s health, wellbeing and economic recovery. What we do in planning is vital to all of those objectives in the short and the long-term.

We are in no doubt that Scotland’s planning services are essential in supporting recovery, ensuring appropriate development proposals can be consented in good time to facilitate delivery on the ground”.

422. This reference, although in the context of the planning system, is relevant to Section 36 applications for energy developments. It is clear that appropriate developments are extremely important in the economic recovery, post Covid-19.

Scottish Renewables Written Evidence to the House of Commons Scottish Affairs Committee Inquiry into Coronavirus and Scotland

423. In June 2020 Scottish Renewables submitted evidence to the House of Commons Scottish Affairs Committee inquiry into coronavirus and Scotland. The submission makes the case for placing Scotland’s renewable energy industry at the heart of a green economic recovery, sets out the opportunities that the renewable energy industry in Scotland offers to quickly stimulate the economy and how the UK Government can unlock long term opportunities for renewable energy in Scotland.

424. The submission advises that economic analysis has established that for every gigawatt (GW) of renewable energy installed in Scotland it creates 1,500 jobs and adds £133 million of GVA to the Scottish economy. A scheme of the scale of the proposed Development could therefore result in a substantial boost for the Scottish economy.

Towards a robust, resilient wellbeing economy for Scotland, Advisory Group on Economic Recovery June 2020

425. In June 2020, a report from the Advisory Group on Economic Recovery was published. The Foreword advises that “*in the world before Covid-19, Scotland had the ambition to become a robust, wellbeing economy. That is one that generates strong economic growth with the concomitant creation of quality jobs, and that does so with an unequivocal focus on climate change, fair work, diversity and equality. Diversity – in all its aspects- is not simply a moral issue; there is conclusive evidence that diversity of thinking leads to better outcomes.*”

Eight Policy Packages for Scotland's Green Recovery July 2020

426. The Climate Emergency Response Group published Eight Policy Packages for Scotland's green recovery in July 2020. The Executive Summary states:

"The COVID-19 pandemic has created a public health and economic crisis, which has shifted the parameters of this response. A green recovery is a necessity, not an option".

427. Under the heading of 'Unlocking private investment now with greater policy certainty' the document calls for an update to existing planning guidance to enable new and existing onshore wind planning consents and enhance the competitiveness of Scottish projects.

428. The conclusion of the document states that:

"Scotland's response to COVID-19 is a massive opportunity to catapult and prioritise a just transition to a net-zero economy. The Scottish Government is already committed to a fair and green recovery from this public health crisis. This report has identified specific policy proposals which can help make that a reality - directly addressing the economic concerns resulting from the public health crisis while stepping up our response to the climate crisis – an existential emergency that has not gone away. The packages have also been designed to make the most of the wider social, health and well-being benefits."

Covid-19 Response Summary

429. It is clear that the Covid-19 crisis 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. It is submitted that the development of renewable energy projects should be seen as a key part of the green recovery.

Appendix 6: Local Development Plan Policies

Policy 28 Sustainable Design

Policy 28, Sustainable Design states that:

“The Council will support developments which promote and enhance the social, economic and environmental wellbeing of the people of Highland. Proposed developments will be assessed on the extent to which they:

- are compatible with public service provision (water and sewerage, drainage, roads, schools, electricity);
- are accessible by public transport, cycling and walking as well as car;
- maximise energy efficiency in terms of location, layout and design, including the utilisation of renewable sources of energy and heat;
- are affected by physical constraints described in Physical Constraints on Development: Supplementary Guidance;
- make use of brownfield sites, existing buildings and recycled materials;
- demonstrate that they have sought to minimise the generation of waste during the construction and operational phases. (This can be submitted through a Site Waste Management Plan);
- impact on individual and community residential amenity;
- impact on non-renewable resources such as mineral deposits of potential commercial value, prime quality agricultural land, or approved routes for road and rail links;
- impact on the following *resources, including pollution and discharges, particularly within designated areas:*
 - habitats
 - freshwater systems
 - species
 - marine systems
 - landscape
 - cultural heritage
 - scenery
 - air quality;
- demonstrate sensitive siting and high quality design in keeping with local character and historic and natural environment and in making use of appropriate materials;
- promote varied, lively and well-used environments which will enhance community safety and security and reduce any fear of crime;
- accommodate the needs of all sectors of the community, including people with disabilities or other special needs and disadvantaged groups; and
- contribute to the *economic and social development of the community.*

Developments which are judged to be significantly detrimental in terms of the above criteria will not accord with this Local Development Plan. All development proposals must demonstrate compatibility with the Sustainable Design Guide: Supplementary Guidance, which requires that all developments should:

- conserve and enhance the character of the Highland area;
- use resources efficiently;
- minimise the environmental impact of development;
- enhance the viability of *Highland communities.*

Compatibility should be demonstrated through the submission of a Sustainable Design Statement where required to do so by the Guidance.

All developments must comply with the greenhouse gas emissions requirements of the Sustainable Design Guide.

In the relatively rare situation of assessing development proposals where the potential impacts are uncertain, but where there are scientific grounds for believing that severe damage could occur either to the environment or the wellbeing of communities, the Council will apply the precautionary principle.

Where environmental and/or socio-economic impacts of a proposed development are likely to be significant by virtue of nature, size or location, The Council will require the preparation by developers of appropriate impact assessments.

Developments that will have significant adverse effects will only be supported if no reasonable alternatives exist, if there is demonstrable over-riding strategic benefit or if satisfactory overall mitigating measures are incorporated.”

Policy 51 Trees and Development

“The Council will support development which promotes significant protection to existing hedges, trees and woodlands on and around development sites. The acceptable developable area of a site is influenced by tree impact, and adequate separation distances will be required between established trees and any new development. Where appropriate a woodland management plan will be required to secure management of an existing resource.

The Council will secure additional tree/hedge planting within a tree planting or landscape plan to compensate removal and to enhance the setting of any new development. In communal areas a factoring agreement will be necessary.

The Council’s Trees, Woodland and Development Supplementary Guidance will be adopted as statutory supplementary guidance. The guidance will identify the main principles for the protection and management of trees and woodland in relation to new development. It will:

- identify key relevant legislation and regulation;
- establish the key factors for assessment of development sites in relation to the presence of trees;
- give guidance on preparation of tree protection, management, planting and landscape plans;
- for developments involving a significant element of woodland, give advice on the need for a woodland management plan;
- provide advice for development within existing woodland on the potential for woodland removal and need for compensatory planting;
- generally support well planned developments which are designed to create and coexist with significant areas of new woodland.

Policy 52 Principle of Development in Woodland

“The applicant is expected to demonstrate the need to develop a wooded site and to show that the site has capacity to accommodate the development. The Council will maintain a strong presumption in favour of protecting woodland resources. Development proposals will only be supported where they offer clear and significant public benefit. Where this involves woodland removal, compensatory planting will usually be required.

The Council will consider major development proposals against their socio economic impact on the forestry industry within the locality, the economic maturity of the woodland, and the opportunity for the proposals to coexist with forestry operations.

For housing proposals within existing woodland, applicants must pay due regard to its integrity and longer term management.

In all cases there will be a stronger presumption against development where it affects inventoried woodland, designated woodland or other important features (as defined in Trees, Woodland and Development Supplementary Guidance).

All proposals affecting woodland will be assessed against conformity with the Scottish Government’s Policy on Control of Woodland Removal.

The current Highland Forest and Woodland Strategy will be considered as a material consideration. It is the intention that future reviews of the strategy will be adopted as supplementary guidance.

The Highland Forest and Woodland Strategy reflects the strategic directions of the Scottish Forest Strategy developing its priorities for action at the regional level and through its key principles seeks to:

- ensure sustainability;

- increase the community benefit from forestry and woodlands;
- identify opportunities for forest and woodland expansion compatible with other interests;
- improve existing forests and woodland to enhance forestry's contribution to the economy and environment of Highland;
- work with partners to address economic and infrastructure issues;
- retain and *enhance the level of funding for forestry in Highland.*

Policy 53 – Minerals;

(inter alia);

“The Council will support the following areas for mineral extraction:

- Extension of an existing operation/site
- Re-opening of a dormant quarry
- A reserve underlying a proposed development where it would be desirable to extract prior to development.

Before a new site for minerals development will be given permission, it must be shown that other existing reserves have been exhausted or are no longer viable or, for construction aggregates, amount to less than a ten-year supply of permitted reserves.

The Council will support borrow pits which are near to or on the site of the associated development if it can be demonstrated that they are the most suitable source of material, are time limited and appropriate environmental safeguards are in place for the workings and the reclamation.

Geodiversity will also be considered when assessing proposals; the Council may set out conditions covering working methods, restoration and after use to safeguard the geodiversity value. Geodiversity value may occur out with designated sites. The Council will encourage opportunities to enhance geodiversity in all relevant development proposals including the potential to create, extend or restore geodiversity interests e.g. during mineral working and restoration.

All minerals developments will have to provide information on pollution prevention, restoration and mitigation proposals. Restoration should be carried out in parallel with excavation where possible. Otherwise it should be completed in the shortest time practicable. Planning conditions will be applied to ensure that adequate provision is made for the restoration of workings. The Council will expect all minerals developments to avoid or satisfactorily mitigate any impacts on residential amenity, the natural, built and cultural heritage, and infrastructure capacities. After uses should result in environmental improvement rather than just restoring a site to its original state. After uses should add to the cultural, recreational or environmental assets of an area. A financial guarantee may be sought.”

Policy 55 Peat and Soils

(inter alia);

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

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

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

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

Policy 57 Natural, Built and Cultural Heritage

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

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

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

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

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

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

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

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

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

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

Policy 58 Protected Species

“Where there is good reason to believe that a protected species may be present on site or may be affected by a proposed development, we will require a survey to be carried out to establish any such presence and if necessary a mitigation plan to avoid or minimise any impacts on the species, before determining the application. Development that is likely to have an adverse effect, individually and/or cumulatively, on European Protected Species (see Glossary) will only be permitted where:

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

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

- There is no other satisfactory solution; and
- The development is required in the interests of public health or public safety. This will include but is not limited to avoiding adverse effects, individually and/or cumulatively, on the populations of the following priority protected bird species:
 - Species listed in Annex 1 of the EC Birds Directive;
 - Regularly occurring migratory species listed in Annex II of the Birds Directive;
 - Species listed in Schedule 1 of the Wildlife and Countryside Act 1981 as amended;
 - Birds of conservation concern.

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

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

Policy 59 Other Important Species

“The Council will have regard to the presence of and any adverse effects of development proposals, either individually and/or cumulatively, on the Other Important Species which are included in the lists below, if these are not already protected by other legislation or by nature conservation site designations:

- Species listed in Annexes II and V of the EC Habitats Directive;
- Priority species listed in the UK and Local Biodiversity Action Plans;
- Species included on the Scottish Biodiversity List.

We will use conditions and agreements to ensure detrimental affect on these species is avoided.

Policy 60 Other Important Habitats and Article 10 Features

“The Council will seek to safeguard the integrity of features of the landscape which are of major importance because of their linear and continuous structure or combination as habitat “stepping stones” for the movement of wild fauna and flora. (Article 10 Features). The Council will also seek to create new habitats which are supportive of this concept.

The Council will have regard to the value of the following Other Important Habitats, where not protected by nature conservation site designations (such as natural water courses), in the assessment of any development proposals which may affect them either individually and/or cumulatively:

- Habitats listed in Annex I of the EC Habitats Directive;
- Habitats of priority and protected bird species (see Glossary);
- Priority habitats listed in the UK and Local Biodiversity Action Plans;
- Habitats included on the Scottish Biodiversity List.

The Council will use conditions and agreements to ensure that significant harm to the ecological function and integrity of Article 10 Features and Other Important Habitats is avoided. Where it is judged that the reasons in favour of a development clearly outweigh the desirability of retaining those important habitats, the Council will seek to put in place satisfactory mitigation measures, including where appropriate consideration of compensatory habitat creation.”

Policy 61 Landscape

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

Note: The principles and justification underpinning the Council's approach to sustainable developments are contained in the supplementary guidance: "Sustainable Design".

Policy 63 Water Environment

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

Policy 64 Flood Risk

"Development proposals should avoid areas susceptible to flooding and promote sustainable flood management.

Development proposals within or bordering medium to high flood risk areas, will need to demonstrate compliance with Scottish Planning Policy (SPP) through the submission of suitable information which may take the form of a Flood Risk Assessment.

Development proposals outwith indicative medium to high flood risk areas may be acceptable. However, where:

- *better local flood risk information is available and suggests a higher risk;*
- *a sensitive land use (as specified in the risk framework of Scottish Planning Policy) is proposed, and/or;*
- *the development borders the coast and therefore may be at risk from climate change; a Flood Risk Assessment or other suitable information which demonstrates compliance with SPP will be required.*

Developments may also be possible where they are in accord with the flood prevention or management measures as specified within a local (development) plan allocation or a development brief. Any developments, particularly those on the flood plain, should not compromise the objectives of the EU Water Framework Directive.

Where flood management measures are required, natural methods such as restoration of floodplains, wetlands and water bodies should be incorporated, or adequate justification should be provided as to why they are impracticable."

Policy 66 Surface Water Drainage

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

Policy 69 Electricity Transmission Infrastructure

"Proposals for overground, underground or sub-sea electricity transmission infrastructure (including lines and cables, pylons/poles and vaults, transformers, switches and other plant) will be considered having regard to their level of strategic significance in transmitting electricity from areas of generation to areas of consumption. Subject to balancing with this consideration, and taking into account any proposed mitigation measures, the Council will support proposals which are assessed as not having an unacceptable significant impact on the environment, including natural, built and cultural heritage features. In locations that are sensitive, mitigation may help to address concerns and should be considered as part of the preparation of proposals. This may include, where appropriate, underground or sub-sea alternatives to overground route proposals. Where new infrastructure provision will result in existing infrastructure becoming redundant, the Council will seek the removal of the redundant infrastructure as a requirement of the development."

Policy 72 Pollution

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

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

Major Developments and developments that are subject of Environmental Impact Assessment will be expected to follow a robust project environmental management process, following the approach set out in the Council's Guidance Note "Construction Environmental Management Process for Large Scale Projects" or a similar approach."

Policy 77 Public Access

"Where a proposal affects a route included in a Core Paths Plan or an access point to water, or significantly affects wider access rights, then The Council will require it to either:

Retain the existing path or water access point while maintaining or enhancing its amenity value; or

Ensure alternative access provision that is no less attractive, is safe and convenient for public use, and does not damage or disturb species or habitats.

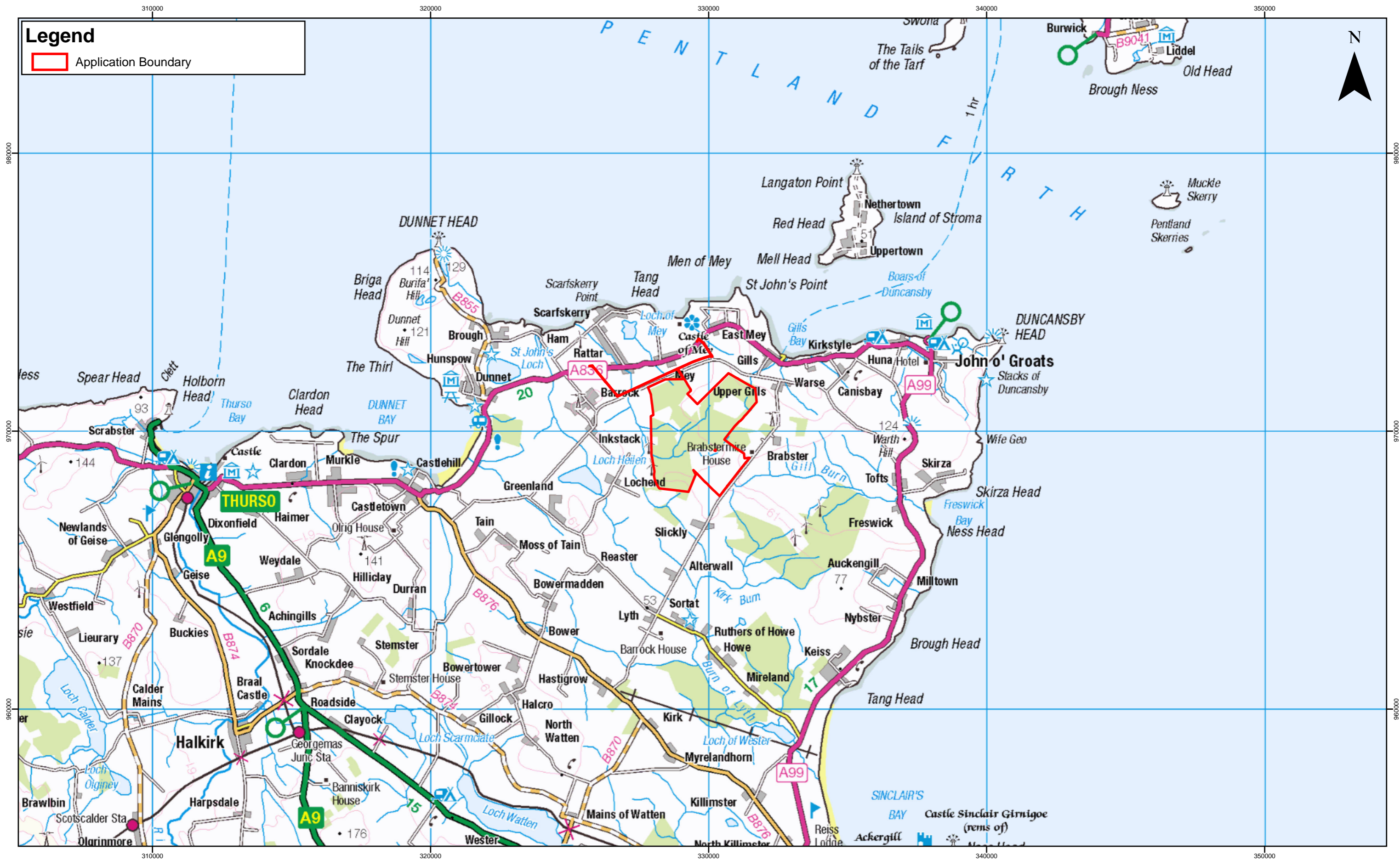
For a proposal classified as a Major Development, the Council will require the developer to submit an Access Plan. This should show the existing public, non-motorised public access footpaths, bridleways and cycleways on the site, together with proposed public access provision, both during construction and after completion of the development (including links to existing path networks and to the surrounding area, and access point to water)"

Hollandmey Windfarm Project Team

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Hollandmeyred@ScottishPower.com





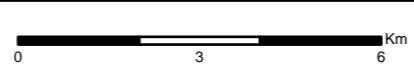
Legend

Application Boundary



Rev	Date	By	Comment
E	12/11/2021	DL	Revised Title Block.
D	20/10/2021	DL	RLB Updated.
C	04/08/2021	DL	Revised Title.

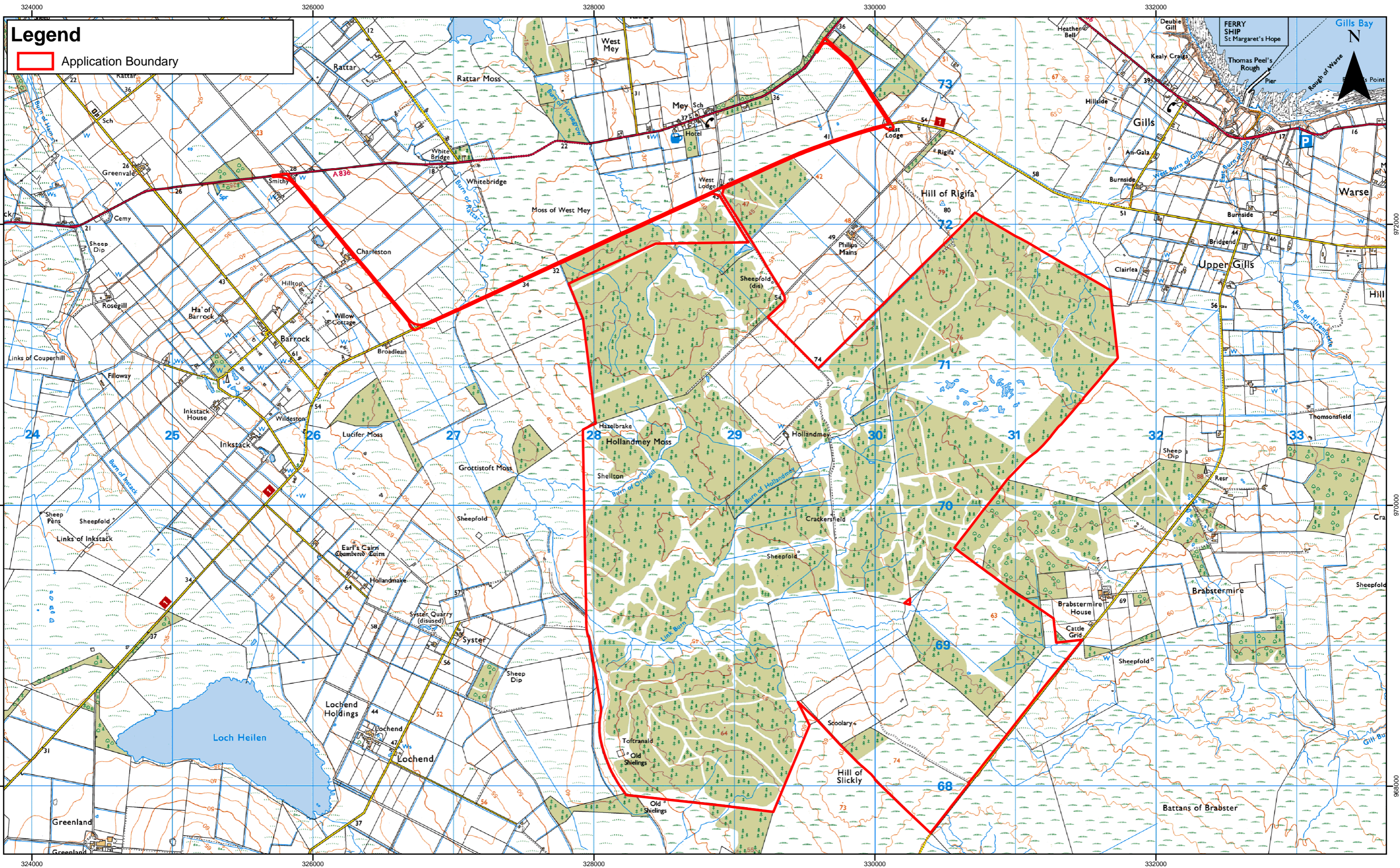
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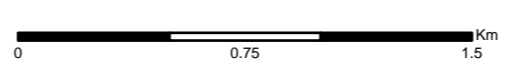
Hollandmey Renewable Energy Development
Figure 1: Site Location Plan

Drg No	HMY_C_074	
Rev	E	Datum: OSGB36
Date	12/11/2021	Projection: TM
Figure	1.1	



Rev	Date	By	Comment
E	12/11/2021	DL	Title Block Updated.
D	27/10/2021	DL	RLB Updated.
C	04/08/2021	DL	RLB Updated.

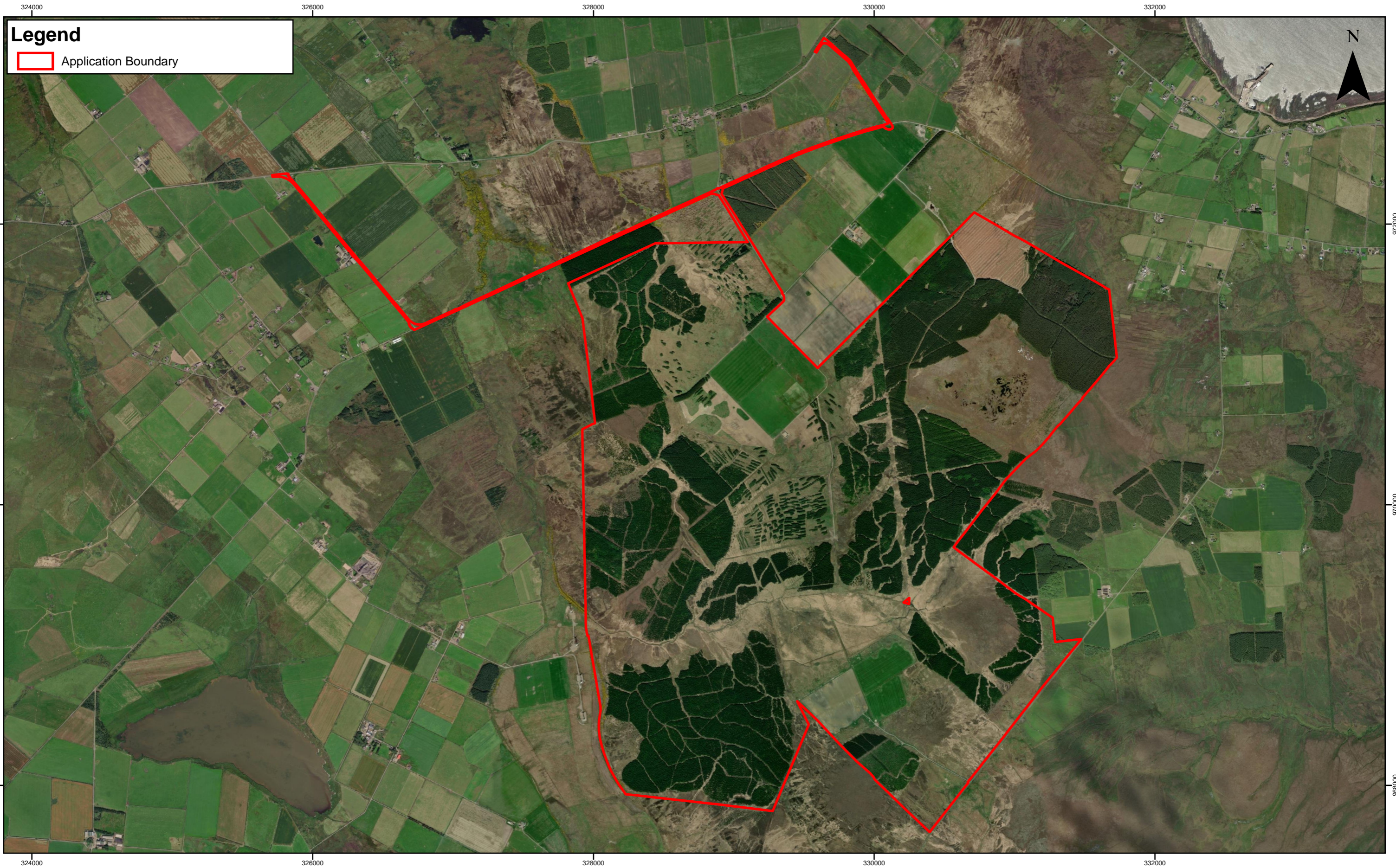
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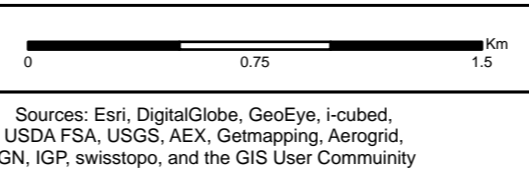
Hollandmey Renewable Energy Development Figure 2: Application Boundary

Drg No	HMY_C_075	
Rev	E	Datum: OSGB36
Date	12/11/2021	Projection: TM
Figure	1.2	



Rev	Date	By	Comment
F	12/11/2021	DL	Title Block Updated.
E	27/10/2021	DL	RLB Updated.
D	25/08/2021	CW	Basemap Reference Updated.

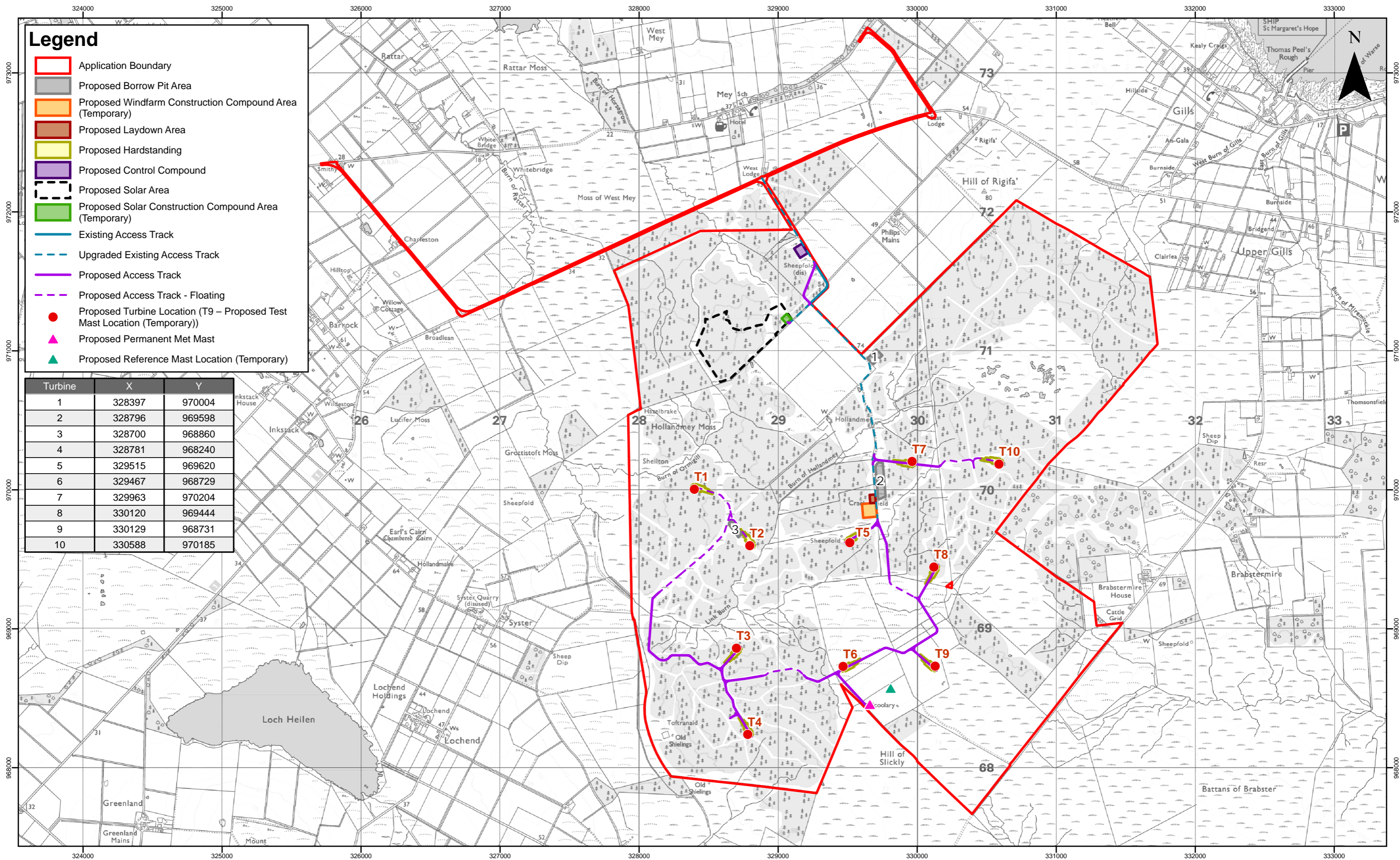
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Hollandmey Renewable Energy Development

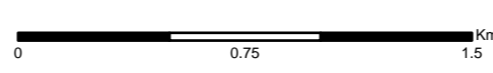
Figure 3: Site Aerial Context

Drg No	HMY_C_076	
Rev	F	Datum: OSGB36
Date	12/11/2021	Projection: TM
Figure	1.3	



Rev	Date	By	Comment
N	12/11/2021	DL	Revised Title Block.
M	20/10/2021	DL	Legend Updated.
L	06/10/2021	DL	Red Line Boundary Updated.

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Scale @ A3



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Hollandmey Renewable Energy Development Figure 4: Proposed Site Layout

Drg No	HMY_C_053	
Rev	N	Datum: OSGB36
Date	12/11/2021	Projection: TM
Figure	3.1	