



Chapter 4

Renewable Energy and Planning Policy

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Chapter 4

Renewable Energy and Planning Policy

4.1 Introduction

1. This Chapter of the Hollandmey Renewable Energy Development (the 'proposed Development') Environmental Impact Assessment (EIA) Report outlines the international UK and Scottish climate change, renewable energy and planning policies that are considered to be relevant to the proposed Development. Legislation, planning policy and guidance specific to each technical discipline is considered in the technical chapters (**Chapters 7 to 15**).
2. The Chapter sets out the climate change and renewable energy context for the proposed Development. There are many studies and reports which document the scientific evidence in respect of climate change and global warming. These, generally, set out the situation at the time of their publication in respect of global warming and climate change and they often set out the projected change over a number of years and in different scenarios. It is often the case that they will make recommendations on action to the global community and governments depending on their remit. Using these documents as advice and guidance, along with other factors, policy makers form policy, this includes Government policy at both Westminster and Holyrood. This policy is considered to be an important consideration in the decision-making process for the proposed Development.
3. Alongside the policy, often as a direct result of the policy, are targets for the reduction of emissions of greenhouse gases (GHG). The targets are often in place as a result of agreements, including international agreements for countries to work together in addressing what is a global crisis.
4. This Chapter of the EIA Report first sets out the decision-making process for the consideration of the application before it identifies the relevant considerations for the decision making process. It then sets out a high-level overview of the climate change and renewable energy policy and targets which are considered to be relevant to the proposed Development. Of most relevant are the Scottish targets which are set in law. It also identifies some of the policy in respect of the response to COVID-19 where it is considered that a green recovery has an important role to play.
5. The relevant planning policy is also considered in this Chapter of the EIA Report. This includes national planning policy and the relevant Development Plan.
6. In line with the Institute of Environmental Management & Assessment guidelines (2004), the detailed analysis of the policies is not contained in this EIA Report. A more detailed analysis of the policies is contained in the **Planning Statement**, which is included in the submission to the Scottish Government Energy Consents Unit (ECU).

4.2 Electricity Act 1989

7. This EIA Report has been prepared in respect of a development for which consent and deemed planning permission will be sought under Section 36 of the Electricity Act 1989 (the 1989 Act).
8. ScottishPower Renewables (SPR) (hereafter 'the Applicant') holds a Generation Licence and, as such, it is required to have regard to matters set out in Schedule 9 of the 1989 Act in formulating relevant proposals. Paragraph 3 (1)(a) of Schedule 9 requires licence holders to consider the "*desirability of preserving natural beauty, of conserving flora, fauna and geological or physiographical features of special interest and of protecting sites, buildings and objects of architectural, historic or archaeological interest*". In addition, under Schedule 9, paragraph 3 (1)(b) the Applicant must "*do what he reasonably can to mitigate any effect which the proposals would have on the natural beauty of the countryside or on any such flora, fauna, features, sites, buildings or objects*".

9. Through the EIA process the Applicant developed the proposed Development in accordance with the duties set out in Schedule 9 of the 1989 Act. The matters that are raised in Schedule 9 have been considered in the EIA process and the findings are presented in this EIA Report.
10. Scottish Ministers are required, as part of their decision making process, under Schedule 9, paragraph 3 (2) to consider whether or not the Applicant has fulfilled its duties as set out in Schedule 9, paragraph 3 (1).
11. Schedule 9 also sets out a requirement for the protection of fisheries by generating licence holders. Paragraph 3 (3) states that "*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.*" The assessment of impacts on fish have been considered and are addressed in **Chapter 8: Ecology and Biodiversity** and **Technical Appendix: 8.4 Fish Habitat Survey**.
12. In the case of Section 36 Applications, the role of the Development Plan is not the same as in the case of the Town and Country Planning (Scotland) Act 1997 as amended (the 1997 Act). The test set out in Section 25 of the 1997 Act, which sets out that a development must accord with the terms of the Development Plan, is not engaged in the case of a Section 36 application. The Development Plan is a relevant consideration to the determination of the application.

4.3 Climate Change, Renewable Energy and Climate Emergency

13. 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. This Section sets out, at a high level, the international and UK context and provides more detail in respect of the Scottish context in respect of climate change and renewable energy, which is of most importance to the proposed Development.
 - 4.3.1 **International Context**
14. The United Nations Framework Convention on Climate Change (UNFCCC) came into force on 21 March 1994 and sought to stabilise the atmospheric concentrations of GHG at perceived 'safe levels'. The Convention provides an overall framework for international government efforts to address the challenges 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 (EU) was obliged to secure an 8% reduction in GHG emissions from 1990 levels by 2012.
15. The 21st session of the Conference of the Parties (COP 21) which was held in Paris in December 2015, resulted in a legally binding global climate change target agreed by all 196 member parties with the aim of capping climate change well below 2°C of warming, this is known as the Paris Agreement. It is as a result of the Paris Agreement that the current UK and Scottish Governments have set their own targets to reduce GHG emissions in order to play their part in reducing global warming.
16. Since the Paris Agreement there have been a number of reports which consider how the world is progressing against what was agreed in Paris. Two such reports have been prepared by the Inter-Governmental Panel on Climate Change (IPCC) the United Nations (UN) and the key findings and recommendations of the most recent reports are presented in the following text.
 - 4.3.1.1 **The United Nations Gap Emissions Report 2020**
17. The United Nations Gap Emissions Report 2020 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.
18. The United Nations Gap Report 2020 Executive Summary notes that:

"Global GHG emissions continued to grow for the third consecutive year in 2019, reaching a record high of 52.4 GtCO_{2e} (range: +-5.2) without a land-use change (LUC) emissions and 59.1 GtCO₂ (range: +-5.9) when including LUC."

19. The Executive Summary states that:

“To make significant progress towards achieving the long-term temperature goal of the Paris Agreement by 2030, two steps are urgently required. First, more countries need to develop long-term strategies that are consistent with the Paris Agreement, and second, new and updated NDCs need to become consistent with the Net Zero emissions goals.”

4.3.1.2 IPCC Sixth Assessment Report

20. The Working Group report is the first instalment of the IPCC’s Sixth Assessment Report, which will be completed in 2022. The report which was published on 9 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.

21. It is clear that 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 1.5°C compared to pre-industrial levels, as enshrined in the Paris Agreement, will be beyond reach.

4.3.2 UK Context

22. The main responsibilities for policy development in relation to energy production and regulation in Scotland are retained by Westminster. This Section focuses on the most recent and most relevant UK documents.

23. The following text summarises the most recent key reports and studies which have been prepared for the UK parliament and UK Government in respect of climate change, much of which then feeds into Scottish policy on the matter. This is set out in chronological order.

4.3.2.1 Net Zero – The UK’s Contribution to Stopping Global Warming

24. Advice in respect of the UK’s contribution to stopping global warming was published by the Climate Change Committee (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.

25. The advice, contained in the Net Zero report, to the Scottish Government from the CCC was taken forward in the amendments to the Climate Change (Scotland) Act 2009 and are summarised as follows:

- the UK should legislate as soon as possible to reach Net Zero GHG emissions by 2050. The target can be legislated as a 100% reduction in GHG 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.

26. The Net Zero report also has a number of related documents which go into detail on how the targets of the Net Zero report can be met.

4.3.2.2 The Sixth Carbon Budget: The UK’s Path to Net Zero

27. On 9 December 2020 the 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.

28. 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 GHG removals.

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

30. The Sixth 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 administrations 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)”*; and
- *“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”*.

4.3.2.3 The Energy White Paper December 2020

31. On 13 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.

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

- transforming energy;
- supporting green recovery; and
- creating fair deal for consumers.

33. It is clear that the UK Government is looking for a transformation to the delivery of renewable energy which will form part of a green recovery and deliver fair prices for the consumers of energy. The document discusses what needs to be achieved in terms of clean electricity production in order to reach Net Zero. 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.”

34. **Figure 4.1** illustrates the type of transformation needed to achieve Net Zero.

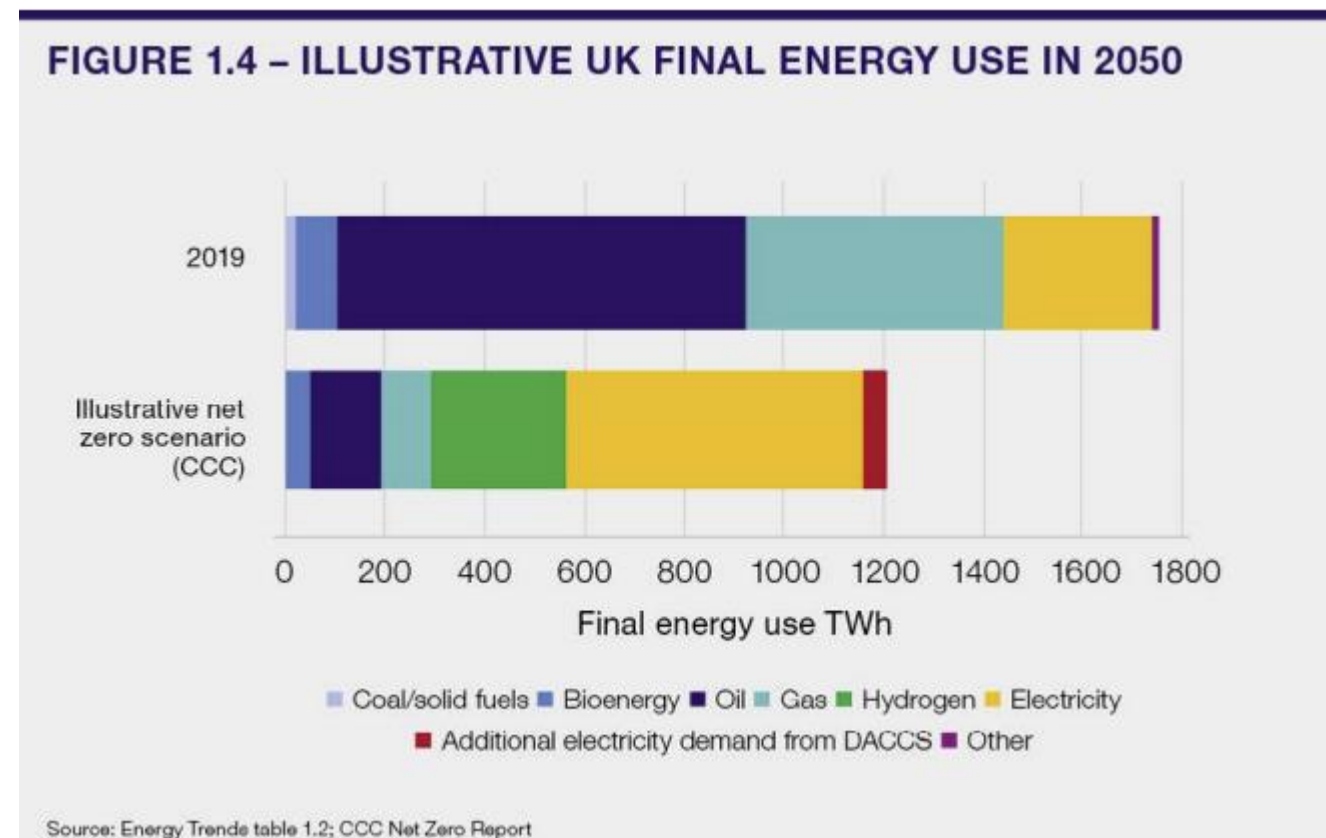


Figure 4.1: Clean Electricity Production by 2050 (Source: Energy White Paper (December 2020))

35. 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.”

36. 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.”

37. 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.”*

38. 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.”*

39. 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”.

4.3.2.4 Climate Change Committee Progress Report to Parliament June 2021

40. The Climate Change Committee Progress Report to Parliament was published in June 2021 and is the most recent of the Committee’s annual report to Parliament.

41. The Report covered both progress in reducing emissions and on adapting to climate change. The Forward 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.

42. *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.”.*

43. 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.”.

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

45. 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.

4.3.3 Scottish Context

46. The following text sets out the Scottish Government policy in respect of climate change. This is set out in chronological order.

4.3.3.1 Scottish Energy Strategy 2017

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

- Onshore Wind Policy Statement (OWPS);
- Local Heat & Energy Efficiency Strategies and District Heating; and
- Scotland’s Energy Efficiency Programme.

48. The main points from the SES and accompanying documents, as they are relevant to the proposed Development are summarised from Section 1a 2050 Vision for Energy in Scotland.

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

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

50. It is clear that energy storage is important for the future of Scotland’s energy system. It states:

“Changes in how we store energy across the system, and particularly in terms of electricity and heat, could have a profoundly important bearing on our low carbon economy”.

51. The SES advises that for Scotland to meet the domestic and international climate change targets, the 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.

52. It also advises that onshore wind development is essential to Scotland’s transformation to a fully decarbonised energy system by 2050 and brings opportunities which underpin our vision to grow a low carbon economy and build a fairer society.

53. The SES considers solar and advises that “solar PV can make an important contribution to Scotland energy needs.” It advises that there is the potential to power the equivalent of 50,000 homes through solar power. It 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.

54. The SES notes that the Scottish Government wants to “see a significant increase in shared ownership of renewable energy projects in Scotland – putting energy into the hands of local communities and delivering a lasting economic asset to communities across Scotland”.

4.3.3.2 The Onshore Wind Policy Statement 2017

55. The OWPS (Scottish Government, 2017) is one of three policy statements accompanying the SES and was published in December 2017. The OWPS has been prepared to reaffirm the existing Scottish Government’s onshore wind policy set out in previous publications. It includes separate sections on key priority areas as follows:

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

56. The OWPS states that Scotland will continue to need more onshore wind developments in order to meet renewable energy targets. Also highlighted in the OWPS is an acknowledgement by the Scottish Government that windfarm design is moving in the direction of larger turbines, and that they should be supported where appropriate.

57. It outlines the Scottish Government’s position that new onshore wind projects should be developed at no additional subsidy cost to consumers, adding that some limited market intervention is required to protect projects against variations in the wholesale price of power.

4.3.3.3 The Climate Change Plan

58. The Climate Change Plan is a reporting mechanism to report to the Scottish Government on progress against the GHG targets as required by the Climate Change (Scotland) Act 2009.

Climate Change Plan: The Third report on Proposals and Policies 2018-2032 (CCP3)

59. The CCP3 (Scottish Government, 2018), was the third report on proposals and policies for meeting Scotland’s annual GHG emissions targets. CCP 3 outlines the Scottish Government revised target of reducing GHG emissions by 66% by 2032. The reduction figure is to be measured against the 1990 baseline figures. The CCP3 envisages that by 2030 Scotland’s electricity system will be wholly decarbonised and with electricity supplying a growing share of Scotland’s energy needs, e.g. transport and heat.

Update to the Climate Change Plan 2018-2032 Securing a Green Recover on a Path to Net Zero

60. In December 2020 the Scottish Government published the Update to the Climate Change Plan 2018-2032 Securing a Green Recovery on a Path to Net Zero. It updated CCP3. The Ministerial Foreword outlines the Scottish Government’s “commitment to ending Scotland’s contribution to climate change by 2045 in a just and fair way”. The update includes policies and proposals which build on the policies and proposals in the 2018 plan. The Executive Summary states:

“In Electricity, the Climate Change Plan update announces further policies to continue the rapid growth in renewable generation over the past twenty years, moving from a low to a zero carbon electricity system, with the potential for NETs to deliver negative emissions.”

4.3.3.4 Reducing Emissions in Scotland – 2020 Progress

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

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

“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.”

63. 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).”

64. 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.

4.3.3.5 Scottish Energy Strategy Position Statement (SESPS) (2021)

65. The Scottish Government published the SESPS in 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 COP26.

66. It provides an overview of Scottish Government policies in relation to energy. It is clear that the Scottish Government will remain guided by the key principles set out in the SES of 2017 and reinforces “the importance the Scottish Government attaches to supporting the energy sector in our journey towards Net Zero, thus ensuring a green, fair and resilient recovery for the Scottish economy”.

67. 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”.

68. The SESPS makes reference to Scotland’s most ambitious legislative framework for emissions reduction in the world and “a particularly challenging interim target for 2030”. This is the ambitious target of achieving a 75% reduction in GHG emissions by 2030 in advance of Net Zero by 2045.

69. The summary is clear that the current SES remains in place until any further Energy Strategy refresh is adopted by Ministers. In terms of key priorities for energy, and renewables in particular, this includes working on the update of the OWPS which are expected in 2022.

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

71. 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”.

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

72. The Programme for Government is published every year at the beginning of September and sets out the actions that the Government will take in the coming year and beyond.

73. 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”.

74. 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 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.

75. Page 64 notes that that development of renewable energy “presents an immense opportunity for Scotland to lead by example showing how a clean energy future is possible at home, and as a net exporter of renewable energy, attracting further investment and ensuring our progress to Net Zero is environmentally and economically beneficial”. 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 50MW 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.

76. The Scottish Government and Scottish Green Party Draft Shared Policy Programme; Working Together to Build A Greener, Fairer, Independent Scotland stated that, subject to consultation the Government will set an ambition to deliver, an additional 8 and 12 GW of installed wind by 2030. This was repeated in A Fairer Greener Scotland. There is currently around 9,300 MW of operational onshore wind in Scotland.

77. A Fairer Greener Scotland advises that the government will consult on and publish a new Onshore Wind Policy Statement in 2022, it is anticipated that this will sit with the refreshed Scottish Energy Strategy anticipated as a result of the previous programme for government. The document will set out the vital role that onshore wind will play in delivering Scotland’s Net Zero commitment.

4.3.4 Climate Emergency

78. In addition to the law and policy on climate change the UK Government have acknowledged a climate emergency and the Scottish Government and Highland Council have declared a climate emergency. The following text summarises some of the key things that have been said by the Scottish Government and The Highland Council.

4.3.4.1 Scottish Government

79. 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.”

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.”

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

81. 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”

82. 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.

83. 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.

4.3.4.2 The Highland Council

84. At a meeting of The Highland Council (THC) on 9th May 2019, following a motion brought by the Leader of the Council, Cllr Margaret Davidson, Members agreed that the Council declare a climate and ecological emergency.

85. THC has adopted the following position on climate change, following the declaration of a climate and ecological emergency on 9 May 2019:

“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.”

86. THC are committed to a carbon neutral Inverness and a low carbon Highlands by 2025. The THC Website advises that:

“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.”

87. Being carbon neutral has two important elements:

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

88. 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.

4.3.5 Response to COVID-19

89. The Scottish Government has been clear that Scotland’s recovery following the outbreak of the COVID-19 pandemic needs to be, amongst other things, a green recovery. The following text sets out some of the ways in which that can be achieved.

4.3.5.1 Climate Change Committee advice to the Scottish Government on the Recovery from the COVID-19 pandemic

90. In their letter to Roseanna Cunningham (Member of Scottish Parliament) dated May 2020 the CCC 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”.

91. It is clear that the CCC are of the opinion that the opportunities that are afforded by tackling climate change and reducing GHG emissions should play a key role in the recovery from the COVID-19 pandemic.

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

92. 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.”

93. 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.

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

94. In June 2020, Scottish Renewables submitted evidence to the House of Commons Scottish Affairs Committee inquiry into COVID-19 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.

95. 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 gross value added to the Scottish economy.

4.3.5.4 Report from the Advisory Group on Economic Recovery

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.”

4.4 Targets

96. The following Section sets out the targets as expressed in law for the UK and for Scotland and it then sets out the progress towards targets in Scotland.

4.4.1 The Targets

97. The Westminster Government has set targets for the UK, and the Scottish Government has set out even more ambitious targets for Scotland. These are set out in the following text.

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

98. The Climate Change Act (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.

99. 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.

100. The 2008 Act introduced for the first time a legally binding framework to tackle the challenges of climate change. It 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.

101. 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.

102. It is as a result of the 2008 Act that Scotland enacted the Climate Change (Scotland) Act 2009 which has subsequently been amended.

4.4.1.2 Climate Change (Scotland) Act 2009 as amended by the Climate Change Plan (Emissions Reduction Targets) Scotland Act 2019

103. 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 amended the Climate Change (Scotland) Act 2009 and sets targets to reduce Scotland’s emissions of all GHG to Net Zero by 2045 at the latest, with interim targets for reductions of at least 56% by 2020, 75% by 2030, 90% by 2040. The interim target of 75% by 2030 requires the current decade to be a transformative decade.

104. 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 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.

105. 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 – 75.0%

106. The target for the last decade, in so far as it was relevant was a 1% improvement, the target for the current decade is a 1.9% improvement per annum. Beyond 2030 there is further interim targets as follows:

- 90% reduction by 2040 (1.5% per annum)
- 98% reduction by 2044 (2% per annum)

4.4.2 Progress Towards Scottish Energy Targets

107. Provisional figures published by the Scottish Government in June 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.

108. The 50% energy from renewable sources by 2030 target in the SES (2017) may require in the region of 17 GW of installed renewables capacity by 2030 (SES page 34).

109. Figures released in the Energy Statistics for Scotland (July 2021) show that as of September 2020, 11.9 GW of renewable electricity capacity was operational in Scotland. While there is an additional 14.6 GW of capacity either under construction, consented, or in planning, the target relates to installed capacity.

110. **Figure 4.2** is an extract from the Energy Statistics for Scotland Q1 2021, figures which clearly shows the position in respect of the key targets.

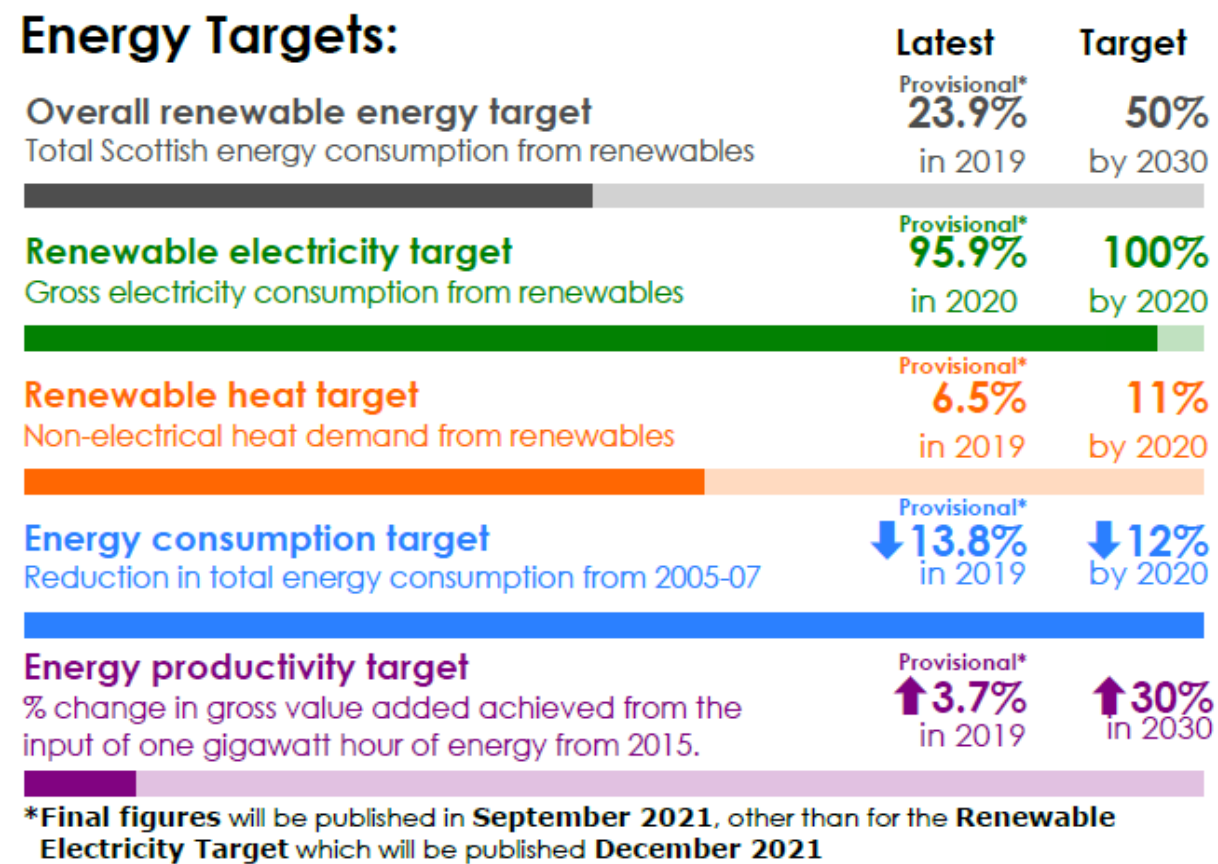


Figure 4.2 Energy Targets Progress Summary

4.4.3 Percentage Progress Towards Greenhouse Gas Emissions Targets

111. The progress towards Net Zero targets for the years available and the targets for the interim and final target is shown in **Figure 4.3**.

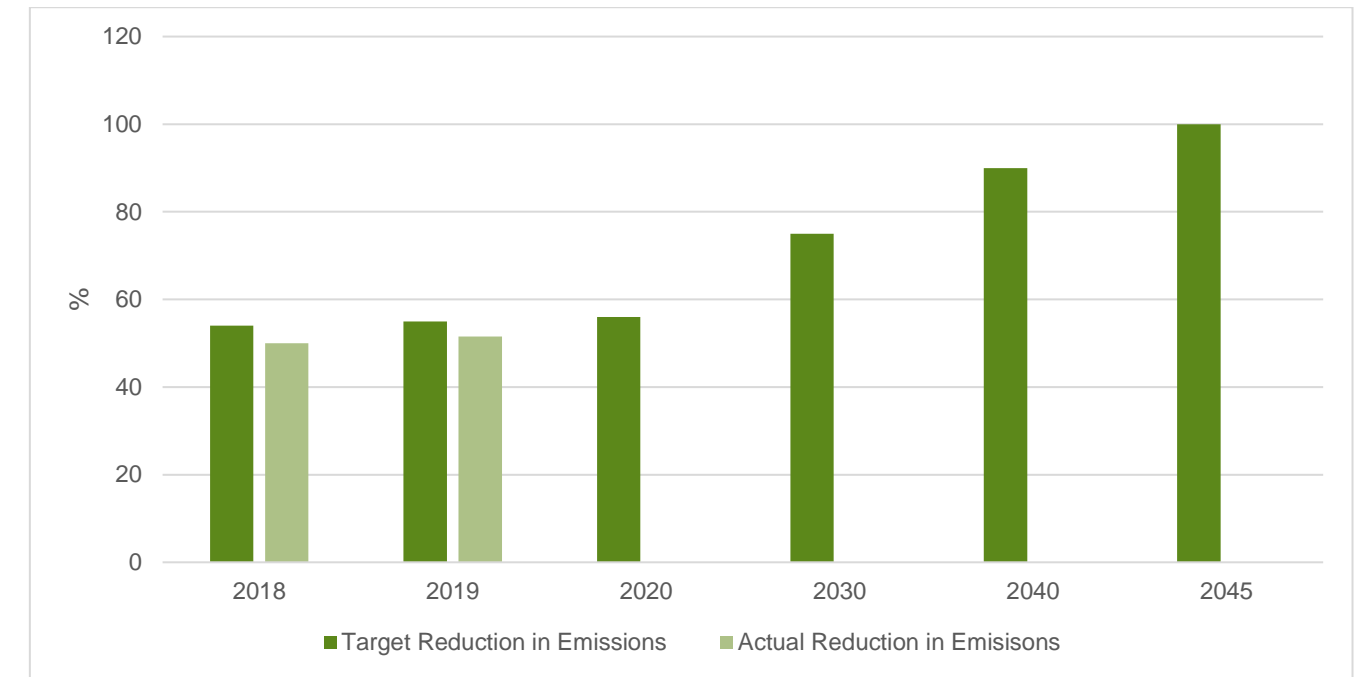


Figure 4.3 GHG Emissions Targets Status

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

4.5 National Planning Policy and Advice

4.5.1 National Planning Policy and Advice

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

- The National Planning Framework 3 (June 2014 (NPF 3));
- Scottish Planning Policy (June 2014) (SPP);
- Onshore Wind Turbines Specific Advice Sheet (updated May 2014);
- Online Planning Advice on Flood Risk (2015);
- Planning Advice Note (PAN) 1/2011 Planning and Noise (March 2011);
- PAN 2/2011 Planning and Archaeology (July 2011);
- PAN 3/2010 Community Engagement;
- PAN 1/2013 Environmental Impact Assessment (August 2013);
- PAN 51 Planning, Environmental Protection and Regulation (October 2006);
- PAN 60 Planning for Natural Heritage (January 2008);
- PAN 61 (2001) Sustainable Urban Drainage Systems;
- PAN 69 Planning and Building Standards Advice on Flooding (August 2004);
- PAN 75 Planning for Transport (August 2005); and
- PAN 79 Water and Drainage (September 2006).

114. Under the requirements of the Planning (Scotland) Act 2019, SPP will become part of NPF4 and NPF4 will become part of the Development Plan. The drafting of NPF4 has been delayed as a result of COVID-19 and it is currently anticipated that NPF4 will be placed before Parliament in autumn 2021. NPF4 will include all aspects of national planning policy as per the provisions of the Planning (Scotland) Act 2019, which was passed by the Scottish Parliament in June 2019. The following text sets out the key elements of NPF3 and SPP which are considered to be relevant to the proposed Development. It also highlights the train of thinking in respect of NPF4 which is set out in the Position Statement published at the end of 2020.

4.5.1.1 National Planning Framework for Scotland (NPF3)

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

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

117. 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.

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

119. 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.

120. NPF3 advises, at paragraph 3.24, the local and community ownership can have a lasting impact on rural Scotland building business and community resilience and providing an alternative source of impact. It states that *"collectively the potential benefits of community energy projects are nationally significant."*

121. NPF3, Section 3 refers to the 2009 Act which sets a target of reducing greenhouse emissions by at least 80% by 2050 and an interim target of reducing emissions by at least 42% by 2020. This target has now been met and information on the updated targets is provided **Section 4.4**.

4.5.1.2 Scottish Planning Policy (SPP) 2014

122. SPP creates a presumption in favour of sustainable development. Sustainable development is focussed on throughout the SPP. Under the heading of Policy Principles it is clear 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."

123. Paragraph 29 of SPP advises that planning policies and decisions should support sustainable development. To assess whether a policy or proposal supports sustainable development the following principles should be taken into account:

- responding to economic issues, challenges and opportunities, as outlined in local economic strategies;
- supporting good design and the six qualities of successful places;
- making efficient use of exciting capacities of land, buildings and infrastructure including, supporting town centre and regeneration priorities;
- supporting delivery of accessible housing, business, retailing and leisure development;
- supporting delivery of infrastructure, for example transport, education, energy, digital and water;

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

124. 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 is as presented in **Table 4.1**.

Table 4.1: Table 1 of SPP Spatial Frameworks

Group 1: Areas where wind farms will not be acceptable		
National Parks and National Scenic Areas		
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		
National and international designations: <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. 	Other nationally important mapped environmental interests: <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. 	Community separation for consideration of visual impact: <ul style="list-style-type: none"> • an area not exceeding 2km around cities, towns and • villages identified on the local development plan with an identified settlement envelope or edge. The extent of the area will be determined by the planning authority based on landform and other features which restrict views out from the settlement
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.		

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

4.5.1.3 NPF4 Position Statement

126. In November 2020, the Scottish Government published their Position Statement on NPF4. The first Chapter is clear that there is a need to rebalance the planning system so that climate change is a guiding principle for all plans and developments. One of the key opportunities to do this is through the support of renewable energy – including repowering and extensions of existing windfarms. It is clear the government will address climate change through the NPF4 and it is expected that there will

be a focus on a number of outcomes including Net Zero emissions. In this regard, there is a commitment to build on the CCP Update and take forward advice provided by the UK Climate Change Committee.

127. There is a commitment in the Position Statement to actively facilitate decarbonised energy generation and distribution. There is reference to a radical shift being required in Scotland’s Spatial plan and policies to hit the emissions targets for 2030, 2040 and 2045. This demonstrates the step change which has started and must continue in the weight to be attached to renewable energy policies in decision making processes.

128. It is also clear, in the Position Statement, that NPF4 will promote nature-based solutions to climate change, this includes peat protection and restoration and tackling emissions related to soil disturbance. It notes that this will be essential to reduce emissions from our land and increase carbon sequestration. The attention played to peat in the EIA process is set out in the EIA Report **Chapter 10: Hydrology, Hydrogeology, Geology and Soils** and the associated **Technical Appendix 10.2: Outline Peat Management Plan**.

129. The document makes it clear that it is expected that NPF4 will confirm the Government’s view that the Global Climate Emergency should be a material consideration in considering application for appropriately located RED.

130. The document is clear that the Scottish Government will ensure that NPF4 helps to deliver on wider energy strategies including SES (including any updates).

131. Under the heading of potential policy changes there is reference to consideration of the following:

- promoting nature-based solutions to climate change including peatland protection; strengthening support for repowering and expanding existing windfarms; and
- updating the spatial framework for onshore wind to continue to protect National Parks and National Scenic Areas whilst allowing development out with areas where they are demonstrated to be acceptable onsite specific assessments.

132. Under the heading of ‘A Plan for a Wellbeing Economy’, it is clear that the spatial strategy will support a sustainable and green economic recovery following COVID-19.

133. It is clear that the document is not a statement of policy and is subject to consultation. Given this, the weight to be attached to the document is considered to be limited however it does clearly show the Government’s train of thought.

4.6 Development Plan Policy

134. The statutory Development Plan applicable to the Site comprises The Highland-wide Local Development Plan (HwLDP) (April 2012), including the Onshore Wind Energy Supplementary Guidance (OWESG) (amended 2017) and the Caithness and Sutherland Local Development Plan (CaSPlan)(August 2018). Relevant policies are set out below.

4.6.1 Highland-wide Local Development Plan (2012)

135. The HwLDP was adopted in April 2012. Preparation of the second HwLDP (HwLDP 2) is underway, with preparatory stages such as the Main Issues Report complete and published. There is no anticipated date that the HwLDP 2 is to be adopted as THC has indicated that further review of the current HwLDP will be postponed until after the implications of the Scottish Planning Bill (2017) are better understood. The HwLDP is therefore considered to be a relevant Local Development Plan, however, it is noted that the weight to be attached to the HwLDP is decreased as it is over 5 years old.

136. Key policies relevant to the proposed Development are summarised below.

137. The HwLDP Policy most relevant to the proposed Development is Policy 67 – Renewable Energy Developments, which sets out THC’s support in principle for RED. The first part of Policy 67 states:

“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 of facilities.”

138. The second part of Policy 67: Renewable Energy Developments sets out a number of criteria that must be addressed by windfarm applications. The policy states:

“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.”

139. 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.

Other policies of the HwLDP which are also considered potentially relevant to the proposed Development are summarised in **Table 4.2**.

Table 4.2: 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

Policy reference	HwLDP Policy Title Summary	Policy Summary
		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 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 2 nd 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

Policy reference	HwLDP Policy Title Summary	Policy Summary
		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.

4.6.2 Onshore Wind Energy Supplementary Guidance (2017)

140. Supplementary Guidance (SG) forms part of the HwLDP. The relevant SG pertaining to the proposed Development is the OWESG. The OWESG sets out a range of matters that THC will consider when determining windfarm applications including landscape, aviation interests, roads, peat, and tourism. It contains a spatial framework for onshore wind energy development that applies to all wind energy development proposals.

141. The spatial framework presented in the OWESG classifies the Site as both 'Group 3: Areas with potential for wind farm development' and 'Group 2: Areas of significant protection' (see **Table 4.1**). These classifications do 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.

142. The OWESG contains an Addendum SG 'Part 2b' (December 2017). Part 2b contains two landscape sensitivity appraisals for Black Isle, Surrounding Hills and Moray Firth Coast and Caithness. The 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**.

4.6.3 Caithness and Sutherland Local Development Plan (CaSPlan) (2018)

143. The CaSPlan was adopted in August 2018, and forms part of the Development Plan, along with the HwLDP and Supplementary Guidance.

144. 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."

145. 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."

146. 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."

4.7 Summary

147. Both the UK and Scottish Governments have set targets to reduce carbon emissions, with the UK aiming to be Net Zero by 2050 and Scotland by 2045. Development of renewable energy projects will help to achieve such targets and align with policy contained within SPP and NPF3 that both make it clear that the Scottish Government wants to continue to capitalise on the wind resource of Scotland and ensure such projects can be delivered.

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