Strath Oykel Wind Farm

Planning Statement

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1 INTRODUCTION

Background

1.1 This Planning Statement has been prepared to accompany the submission of an application for consent under Section 36 of the Electricity Act 1989 by EnergieKontor UK Ltd ('the Applicant') to the Scottish Ministers for a proposed renewable energy development comprising 11 wind turbines, an energy storage facility and associated infrastructure for a period of 35 years ('the proposed development') on land located approximately 4km southwest of Rosehall in the Highlands ('the Site').

1.2 This Planning Statement outlines the key characteristics and details of the Proposed Development and summarises the relevant planning policy context, before providing an appraisal of the Proposed Development against the Development Plan and other relevant material considerations. In doing so, this Planning Statement demonstrates the need for the Proposed Development and provides justification for the granting of consent.

1.3 An Environmental Impact Assessment (EIA) has been undertaken for the Proposed Development and an Environmental Impact Assessment Report (EIAR) has been submitted as part of this application. This Planning Statement should be read in conjunction with the EIAR submitted and draws evidence from it to demonstrate compliance where applicable.

The Applicant

1.4 Energiekontor UK Ltd is a wind energy development company with offices in Glasgow, Edinburgh and Leeds. The company was formed in 1999 and develops onshore wind farms throughout the United Kingdom. The company has built eight wind farms in the UK with many more currently in the development process.

1.5 Energiekontor UK Ltd is part of the Energiekontor Group. The parent company, Energiekontor AG, was established in 1990 in Bremerhaven in Northern Germany. It has since grown to become one of the leading wind energy companies in Europe, having built more than 118 wind farms across the continent.

Purpose of this Planning Statement

1.6 Along with Section 36 consent, deemed planning consent is also sought under Section 57(2) of the Town and Country Planning (Scotland) Act 1997 (as amended) (the TCPA). Section 57(2) of the TCPA requires all provisions of the Act to apply in relation to deemed planning permissions, meaning that section 25 applies in the determination of whether to grant deemed planning permission.

1.7 Section 25 of the TCPA states:

"Where, in making any determination under the Planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material considerations indicate otherwise."

1.8 Therefore, the provisions of the Development Plan requires determination of deemed planning consent to also be made in accordance with the Development Plan, unless material considerations indicate otherwise.

1.9 The purpose of this Planning Statement is therefore to set out the context and rationale for the proposed development and to demonstrate how it accords with the applicable planning policy framework against which the planning application must be assessed. In doing so, the objective of this Planning Statement is to provide clear and robust justification for the granting of consent for the Proposed Development.

EIA Screening and Scoping

1.10 Generally, a proposal is screened against the EIA Regulations to ascertain whether a development would constitute EIA development. The Proposed Development is of a type described within Schedule 2 of the EIA Regulations as an installation for the harnessing of wind power for energy productions. It is not located within a 'sensitive area' as defined by the EIA Regulations, however the project would exceed both of the applicable thresholds as it involves more than two wind turbines with hub heights of more than 15 metres ('m'). The requirement for an EIA was therefore determined based on whether the project would be likely to give rise to significant effects on the environment by virtue of its size, nature or location. The scale, nature and location of the Proposed Development were considered such that, in order to allow the environmental impacts of the project to be appropriately considered throughout the application process, an EIA Report would be required.

1.11 Pursuant to the provisions of Regulation 12 of the Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017, in March 2021 the Applicant submitted an EIA Scoping Report to accompany a request for an EIA Scoping Opinion from the Scottish Ministers. This Scoping Report is included within the EIAR as Technical Appendix 1.1.

1.12 The Scottish Ministers issued their Scoping Opinion in June 2021 which set out the topics to be addressed in the EIA. This Scoping Opinion is included within the EIAR as Technical Appendix 1.2. Scoping is a voluntary process and the responses received as part of this process are advice associated with the methodologies put forward by the Applicant for the determination and potential for likely significant environmental effects.

1.13 The EIA Scoping process therefore provides an accompanying background to the planning context for the policy analysis associated with the proposed development.

Structure of this Statement

1.14 This remainder of this Planning Statement is structured as follows:

- **Section 2 – The Proposed Development**: provides a summary of the main components associated with the Proposed Development, an overview of the Site and its surroundings, as well as a summary of the design evolution;

- **Section 3 – Renewable Energy Policy Framework**: provides a summary of the wider renewable energy policy context relevant to the proposed development;
- **Section 4 – Legislative & Planning Policy Framework**: outlines and surmises the relevant statutory Development Plan and other material considerations relevant to the Proposed Development
- **Section 5 – Planning Assessment**: provides a planning appraisal of the Proposed Development against the relevant provisions of the Development Plan and other material considerations;
- **Section 6 – Conclusions**: presents the overall summary and conclusions.

2 THE PROPOSED DEVELOPMENT

Introduction

2.1 This section describes the various elements associated with the Site and the Proposed Development, whilst providing details of what processes will take place at the various stages of the project's lifecycle (construction, operation and decommissioning).

The Site

2.2 The Site is situated within Strath Oykel forest, in the Sutherland region of the Scottish Highlands, circa 1.85km south of the River Oykel, 2km south of the A837 and 1.5km south east of Doune (see Figure 3.1 – Site Location Plan).

2.3 The site predominately consists of commercial forestry, hosting Sitka Spruce, Lodgepole Pine and Mixed Conifers. The topography of the Site generally rises from north to south, rising from areas of circa 100m above ordnance datum (AOD) to a high of circa 350m AOD in the south-western portion of the Site. The Site spans around 565 hectares (ha).

2.4 The landform of the site comprises north facing slopes below Beinn Ulbhaidh (496m AOD) to the south of the site. The site is covered with coniferous forest plantations and extends up to approximately the 350m contour that corresponds with the edge of the forest. The higher slopes of Beinn Ulbhaidh above the site are open moorland. The site extends downslope to the edge of the forest plantations above the minor road that runs along the south side of the strath, known as the Scree Road. The site boundaries to east and west are windbreaks through the forest or the edge of the plantation (to the north-west). The forest is at varied stages of development with some areas to the north-west (lower slopes) having been recently felled. There is a forest track the runs up the site from Inveroykel, past a small lochan, Loch Mhic Mharsaill, and exits the site area on the high south-west slopes.

2.5 The nearest settlement to the site is Rosehall/Invercassley, approximately 3km to the northeast of the site boundary, although a number of residential properties site along the minor road to the immediate north of the site boundary.

2.6 There are a number of cumulative wind farm developments within 30km of the Site. Adjacent to the Sites southern boundary lies the Meall Buidhe scheme (planning) with Braemore Wind Farm (consented) and Rosehall Wind Farm (operational) lying to the northeast. Within 20km lies the Lairg (installed) and Lairg II (consented) wind farms, and within 30km lie the consented Coire na Cloiche, Beinn Tharsuinn, Novar and Novar extension wind farms. Figure 3.2 provides a more detailed overview of the cumulative wind farms within these respective boundaries to the Site.

Description of the Proposed Development

2.7 The Proposed Development is illustrated on Figure 3.1. The development will consist of the following principal components:

- 11 turbines;
- Associated turbine compound areas including foundations and hardstanding areas for erecting cranes at each turbine location;
- On-site tracks connecting each turbine;
- An upgraded existing forestry track;
- An energy storage compound to store batteries with a 5MW capacity which would be within the construction compound footprint;
- Underground cables linking the turbines to the substation;
- Up to three borrow pits for the extraction of stone on-site (indicated on Figure 3.1, as borrow pit search areas);
- A temporary construction compound including provision for onsite concrete batching; and
- Forestry felling and restocking as proposed within Chapter 14: Forestry.

2.8 The proposed development would be time-limited to 35 years from the first date of commercial operation. The construction phase would last approximately eighteen months and decommissioning would last approximately six months.

2.9 Deemed planning permission is sought to permit a period of five years between the date of the Decision Notice and expiry of consent (should works not be commenced) rather than the usual three years. This is to accommodate any potential grid delays.

2.10 The proposed development would provide approximately 72.6 MW of installed capacity in addition to 5MW of battery storage capacity, depending on the turbine model chosen. It is estimated by the Applicant that this installed capacity could generate approximately 300,502MWh of renewable electricity each year which would be expected to power the equivalent of approximately 80,500 homes on average each year[1], or provide 1.6 million full battery charges for electric vehicles per year[2].

2.11 The planning application includes an allowance for micrositing of the wind farm infrastructure. If deemed planning permission is granted under Section 36 of the Electricity Act, the Applicant will commission detailed ground investigations and geotechnical surveys to determine the ground conditions. A 100m micrositing allowance is sought for the wind turbines (with restrictions in place to safeguard constraint buffers as applicable), and all other new elements of the proposed development.

2.12 Turbines would be of tubular steel construction, finished in a typical off-white matt colour and comprise three blades. The final turbine choice would be made post-consent during the procurement phase, but for the purposes of this EIA Report, representative candidate turbines of 200m tips with 155m rotor diameter and hub heights of 122.5m have been used.

2.13 Turbine co-ordinates, subject to a maximum of 100m micro-siting dependent upon localised constraints, are as follows within Table 2.1.

[1] Based on an average annual UK domestic electricity consumption figure of 3,731KWh as set out in the BEIS publication "Energy Consumption in the UK" July 2021

[2] Based on a large electric vehicle requiring 180kWh for a full charge.

Table 2.1: Proposed Wind Turbine Coordinates (subject to a 100 m micrositing allowance)

Turbine	Easting	Northing	Tip Height (m)
1	245075	898603	200
2	244561	898262	200
3	243913	898277	200
4	243499	898501	200
5	244456	898730	200
6	243960	898788	200
7	243527	899002	200
8	245495	898962	200
9	245030	899093	200
10	244572	899232	200
11	244100	899343	200

2.14 In order to carry the power generated to the local electricity network, each turbine would require a transformer to step up to a high voltage. Transformers will be internal to the turbine.

3 RENEWABLE ENERGY POLICY FRAMEWORK

Introduction

3.1 This section of the Planning Statement provides an overview of the renewable energy legislative and policy framework relevant to the Proposed Development. It covers International, European, UK and Scottish energy policy and legislation. It provides an overview of the relevant international agreements and targets which set the policy criteria for national energy policy and guidance.

3.2 The framework outlined under the respective subheadings below demonstrate clear and consistent policy support for renewable energy, as well as the need for further transition to low carbon electricity generation. There is firm support for onshore wind developments as part of a diverse energy strategy, with an overarching intention that renewable energy developments will make significant a contribution to achieving the legally binding renewable energy targets established by the renewable energy policy framework.

3.3 An emphasis on Net Zero and Climate Emergency at UK, Scottish and local authority level places significant weight on the overarching policy and legislative framework as a material consideration.

International and European Context

International Agreements and Obligations – The COP21 Paris Agreement

3.4 The Paris Agreement was adopted on 12th December 2015 by 196 parties to the UN Framework Convention on Climate Change, creating a legally-binding, international agreement towards tacking climate change. The UK is one of the signatories and is legally bound to the Paris Agreement.

3.5 The Paris Agreement came into force on November 4th, 2016, having been ratified by at least 55% (the point which triggers ratification) of the 196 countries. The meeting in Paris was considered a make-or-break opportunity to secure an international agreement on the approach to tackling climate change, commitment to a longer-term goal or near zero emissions in the second half of the century and supporting the transition to a clean economy and low carbon security.

3.6 The respective Governments involved agreed:

- A long-term goal of keeping the increase in global average temperature to well below 2 degrees Celsius above pre-industrial levels;
- To aim to limit the increase to 1.5 degrees Celsius since this would significantly reduce risks and the impacts of climate change;
- On the need for global emissions to peak as soon as possible, recognising that this will take longer for developing countries;

- To undertake rapid reductions thereafter in accordance with the best scientific guidance available.

3.7 Countries are legally obliged to make new post-2030 commitments to reduce emissions every five years.

Key EU Policy Targets

3.8 The Renewable Energy Directive 2009/28/EC was published by the European Commission ('EC') in 2009 and set out binding legislation to ensure the EU meets climate and energy targets by the year 2020. This includes three key targets for:

- A 20% reduction in primary energy use compared with projected levels, to be achieved by improving energy efficiency;
- A reduction in the EU's greenhouse gas emissions of at least 20% below 1990 levels; and
- Increasing the proportion of total EU energy consumption from renewable sources to 20% (i.e. 20% of the EU's total energy needs must be from renewable sources).

3.9 For the UK, the EC's obligations include a 16% reduction in UK greenhouse gas emissions and for 15% of all energy consumed in the UK to come from renewable sources by 2020. The position at the end of 2019 was that renewable energy accounted for approximately 12.3% of energy consumption in the UK, well short of the 15% target.

3.10 On 30th November 2016 the EC published a proposal for a revised Renewable Energy Directive designed to make the EU a global leader in renewable energy whilst ensuring that a target of at least 27% of the final energy consumption in the EU is delivered by renewable sources by 2030 is met. As part of the co-design procedure, a final text among the EU institutions was agreed and entered into force on 14th June 2018 as renewable energy directive 2018/2001/EU. This agreement includes raising the binding renewable energy target for renewable energy sources consumption within the EU to at least 32% by 2030. This goal is caveated with the provision that this target may be reviewed upwards in light of substantial cost reductions on the production of renewable energy. However, this binding target is designed to encourage the development of renewable energy technologies and requires member states to establish national energy strategies that achieve this target in the most appropriate manner.

3.11 In May 2019 the EC published Net Zero – The UK's Contribution to Stopping Global Warming, following a direct request from the respective UK, Welsh and Scottish Governments asking the EC to reassess the UK's long-term emissions targets. The EC Committee on Climate Change recommends a new emissions target for the UK: net-zero gasses by 2050 for the UK as a whole, with a 2045 net-zero target for Scotland reflecting Scotland's greater relative capacity to remove emissions than the UK as a whole. These targets are considered touch, but achievable, and the recommendations within this report are likely to influence future policy requirements for renewable and low-carbon energy generation to achieve net-zero targets.

UK Energy Policy

3.12 Energy policy is a matter resolved to Westminster; the UK Government have control of the overall direction of UK-level energy policy. However, although the overarching position is that energy policy is not a devolved matter, various documents have embraced and encouraged actions across the UK, with devolved Governments have an important part to play, particularly via the consenting of projects.

3.13 Overall, the UK Government is legally committed to the delivery of a reduction in emissions to 'net zero' by 2050 (with the Scottish Government committing to 2045).

3.14 The CCC published a landmark report entitled 'Net Zero – UK's Contribution to Stopping Global Warming in May 2019. The foreword sets out that "the CCC has reviewed the latest scientific evidence on climate change, including last year's IPCC special report on global warming of 1.50C and considered the appropriate role of the UK in the global challenge to limit future temperature increases". It adds, "Net Zero is a more fundamental aim than previous targets. By reducing emissions produced in the UK to zero, we *also end our contribution to rising global temperatures*".

3.15 The report makes recommendations for the UK economy including a new tougher emissions target of net zero green gases by 2050, therefore ending the UK's contribution to global warming within 30 years. This replaces the previous target of an 80% reduction by 2050 from a 1990 baseline and accords with the obligations under the Paris Agreement. The report makes clear that at a UK level "current policy is insufficient for even the existing targets".

3.16 In June 2019 the Prime Minister Theresa May brought forward legislation to turn Net Zero into law, and the UK became the first major economy in the world to pass legislation to end its global warming contribution by 2050. The target is now legally binding via the provisions of the Climate Change Act 2008 (2050 Target Amendment) Order 2019.

3.17 The Institute of Government published a report in September 2020 stating that "not nearly enough progress had been made a year on from the net zero approach being adopted". The CCC Annual Report to Parliament (June 2020) offered an update on the progress towards Net Zero following adoption of the Net Zero Target.

3.18 The report states that in terms of building a resilient post-Covid economy, "*success requires that net zero emissions and improved climate resilience are integra*l", whilst investments towards achieving net zero will "*help create jobs and stimulate economic recovery, whilst changing the course of UK emissions and improving our resilience to climate change*".

3.19 The National Audit Office offered an update report 'Achieving Net Zero' in December 2020 regarding progress on achieving Net Zero following the change to legislation in June 2019.

3.20 Key points from the report include that reducing emissions to achieve net zero will require wide raging changes to the UK economy including further investment in renewable energy, changes "*unprecedented in their overall scale*". Page 22 of the report sets out that a national fourfold increase in renewable energy capacity is needed.

3.21 The CCC set out the Sixth UK-wide carbon budget in December 2020 with recommendations from 2033 to 2037. This sets out the path the UK must follow to achieve Net Zero by 2050.

3.22 A key point includes the CCC's clear statement that new demand for electricity will mean that demand will rise 50% by 2035 and perhaps doubling or trebling by 2050.

3.23 The UK Energy White Paper in December 2020 set out a major shift in UK policy and highlights the importance of renewable forms of electricity. Page 38 states that a key objective is to "*accelerate the deployment of clean electricity generation through the 2020s*".

Scottish Climate Change and Energy Policy

3.24 The Scottish government has devolved authority over matters relating to the implementation of energy policy and there have been a number of policy documents and legislation produced in recent years dealing with climate change and renewable energy. The documents summarised below are considered to set out the Scottish Government's commitment to reducing carbon emissions via the promotion and development of renewable energy and the contribution this can make to energy generation throughout Scotland.

Climate Change (Scotland) Act 2009

3.25 The Climate Change (Scotland) Act 2009 provides a long-term framework to ensure a reduction in greenhouse gas emissions by 80% by 2050, with an interim milestone of 42% by 2020.

3.26 Whilst successive bills and legislation have increased the target to net zero emissions, as reported below, the Climate Change (Scotland) Act 2009 provides the wider context for Scotland's ambitious targets for the reduction of carbon emissions.

Climate Change (Emissions Reduction Targets) (Scotland) Act 2019

3.27 The Scottish Government introduced a new Climate Change (Emissions Reduction Targets) (Scotland) Bill to Parliament on 23rd May 2018. The Act was subsequently passed in September 2019.

3.28 The Bill raises the ambition of further reducing greenhouse gas emissions by amending the targets set out within the Climate Change (Scotland) Act 2009, hence superseding them and sets a legally binding net zero target for all greenhouse gases by 2045. This target date is five years ahead of the current date set for the rest of the UK and aims to ensure Scotland contributes to the worldwide efforts to deliver on the Paris Agreement. It requires net zero by 2045 at the latest, with challenging interim targets of a 75% reduction target by 2030 and 90% by 2040.

3.29 Setting a net-zero target by 2045 is an ambitious target and places Scotland at the forefront of efforts to combat climate change. Therefore, through this Act and other associated Government strategies and policies, the Scottish Government aim to provide

certainty and credibility to businesses, industries and investors that are vital partners in Scotland's transition to a low carbon economy.

3.30 The trajectory of net zero targets and the actions required to meet them have become steeper following the passing of the 2019 Act into law.

Climate Change Emergency

3.31 In April 2019, the Scottish Government declared a climate change emergency, which instigated a commitment to enforcing stronger climate change proposals and targets whilst delivering support to the transition to a low carbon economy. It is anticipated at this stage that this declaration will deliver revised approaches and shape future guidance for a range of policy decisions, affecting transport, oil and gas and renewable energy strategy.

3.32 The Highland Council opted to follow suit and declared its own climate emergency in May 2019.

Scottish Energy Strategy

3.33 The Scottish Energy Strategy 2017: The Future of Energy in Scotland outlines the vision for the future energy system in Scotland, up until 2050. Among the key priorities are the development of an integrated approach that considers both the use and supply of energy for heat, power and transport.

3.34 The Energy Strategy aims to strengthen the development of local energy projects, protect consumers and support Scotland's climate change ambitions. It states that Scotland's long term climate change targets will require the complete decarbonisation of our energy system, with renewable energy meeting a significant share of our needs. There is explicit recognition that onshore wind is amongst the lowest cost forms of power generation.

Onshore Wind Policy Statement

3.35 In December 2017 the Scottish Government published its Onshore Wind Policy Statement to sit alongside the Scottish Energy Strategy. The ministerial foreword by Paul Wheelhouse MSP highlights the "vital" role that onshore wind will continue to play in Scotland's future, "helping to substantively decarbonise our electricity supplies, heat and transport systems, thereby boosting our economy and meeting local and national demand." The ministerial foreword continues to highlight that this important role "*means we must support development in the right places, and increasingly – the extension and replacement of existing sites, where acceptable, with new and larger turbines, based on an appropriate, vase by case assessment of their effects and impacts.*"

3.36 Specifically in relation to the use of larger turbines, the policy statement makes the following points:

> *"In order for onshore wind to play its vital role in meeting Scotland's energy needs, and a material role in growing our economy, its contribution must continue to grow. Onshore wind generation will remain crucial in terms of our goals for a decarbonised energy system, helping to meet the greater demand*

from our heat and transport sectors, as well as making further progress towards the ambitious renewable targets which the Scottish Government has set.

This means that Scotland will continue to need more onshore wind development and capacity, in locations across our landscapes where it can be accommodated.

We know that new projects face a highly uncertain route to market. The arrangements which have enabled onshore wind to expand and to reduce its costs so successfully are no longer in place. Continued innovation and cost reduction, a supportive and well-resourced planning system, and continued advances in turbine and blade technology will help close the gap that currently exists – but not sufficiently, and not for all developments.

We 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.

The technology shift towards larger turbines may present challenges when identifying landscapes with the capacity to accommodate larger scale development, as not all will be suitable. However, fewer but larger wind turbines may also present an opportunity for landscape improvement, as well as increasing the amount of electricity generated.

The Scottish Government acknowledges the way in which wind turbine technology and design is evolving, and fully supports the delivery of large wind turbines in landscapes judged to be capable of accommodating them without significant adverse impacts…"

3.37 The Onshore Wind Policy Statement clearly states the Scottish Government's policy and support towards onshore wind, whilst ensuring suitable protection is afforded to the environment and residential amenity. There is clear support for protecting and enhancing community benefits.

3.38 Within the Policy Statement onshore wind is recognised as a mature technology and is expected the remain at the centre of a clean, reliable and low carbon energy future. To facilitate the role of onshore wind in meeting Scotland's future energy needs, it is considered that the installed capacity needs to continue to grow in locations where it can be suitably accommodated throughout the country.

Reports and Government advice since 2020

3.39 The CCC advice to the Scottish Government in May 2020 came after the Scottish Government approached the CCC requesting advice on a green recovery for Scotland in light of the Covid 19 pandemic. Within its response, the CCC sets out that "reducing greenhouse gas emissions and adapting to climate change should be integral to any recovery package". The CCC also note that many of the large infrastructure programmes are "critical to preparing for climate change and achieving net zero emissions". Reference is specifically made to onshore wind as part of the large infrastructure required, and the CCC add that "acceleration of these projects should take priority".

3.40 The Scottish Government's Advisory Group on Economic Recovery was formed to provide input to Government on Scotland's economic recovery post-Covid 19. The report provided to the Government in June 2020 recognises that there is a need to "*grasp the tremendous opportunities for a green recovery which such a transition offers*", and that the net zero imperative presents "*an increased and urgent challenge for existing policy, planning and licencing frameworks to identify and consent suitable projects with a sufficient level of impact in the light of the climate emergency*".

3.41 Shortly following the Economic Advisory Group's Report, the Report of the Climate Emergency Response Group (CERG) to the Scottish Government was published in July 2020, titled 'Eight Packages for Scotland's Green Recovery'. The CERG Report states that it "encourages the Scottish Government to embrace these policy packages as key components of its economic recovery plan for a fairer and greener Scotland", and that these should be reflected in key policy milestones. It states that green recovery must be investment led, and the Scottish Government must create "*an attractive policy environment for investors, resulting in a stronger business case for a climate neutral economy*". The Report concludes with the view that "*Scotland's response to Covid-19 is a massive opportunity to catapult and prioritise a just transition to a net carbon economy*".

3.42 In December 2020, the Scottish Government published an update to the Climate Change Plan, covering the period 2018 to 2032, and responding to the new requirement in Scotland to meet net zero by 2045. Page 9 in particular sets out the strategic goal of achieving "*decarbonisation across the whole energy system, including electricity, transport, industry and buildings*" and "*integrating climate change action into all of the decisions we make across Government*".

3.43 The Update sets out the intention to prepare an Energy Strategy in 2021 and an updated Electricity Generation Policy Statement by 2022. Page 19 refers to a 2032 'pathway' whereby decisions take account of benefits across all energy sectors as well as economic and social benefits they create across Scotland. By 2032 it is intended that we will generate at least the equivalent of 50% of our energy from renewable sources. It is stated on page 18, importantly, that "*there will be a substantial increase in renewable generation, particularly through new offshore and onshore wind capacity*".

3.44 The planning and consenting systems are recognised (p78) as remaining a "*critical enabler of rapid renewables deployment in Scotland*". The Climate Change Plan Update expects that renewable energy generation is expected to increase substantially between now and 2032 with an expectation of the development of between 11 and 16GW of new capacity to meet a rapidly increasing electricity demand.

3.45 The Scottish Energy Strategy Position Statement (March 2021) reinforces the consistent theme of the Scottish Government's support for a green, fair and resilient economy. Onshore renewables are addressed within section 8 of the Statement where it is reported 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*".

3.46 On 20thAugust 2021 the SNP-led Scottish Government and the Scottish Green Party signed the Bute House Agreement which represents a formal co-operation agreement for the next five years of Government. Page 12 of this agreement the Government set out that "the climate emergency means we need to use the limited powers we have to accelerate the decarbonisation of our energy system…our plans will see a significant increase in electricity demand for heating and transport. To accommodate this, we will support the continued and accelerated deployment of renewable energy".

3.47 In order to achieve this, subject to consultation the Government and Green Party state they aim to deliver "*an additional 8 to 12 GW of installed onshore wind by 2030, supported by changes to the planning system needed to permit the growth of this essential zero carbon sector*".

3.48 The Scottish Government's Programme for Government 2021-2022 followed the Bute House Agreement and is titled "A Fairer, Greener Scotland". It is the intention of the Government that all applications over 50MW have 'National Development' status which if adopted would give further importance and status to Section 36 applications. The Programme again re-iterates the importance of securing a further 8 to 12 GW of onshore wind capacity by 2030.

Compliance with and Weight to be Afforded to Energy Legislation and Policy

3.49 In the balance of material considerations, it is the role of the decision maker in terms of which weight to assign to each material consideration and then potentially groups of material considerations thereafter.

3.50 What is clear is that at a global, European, UK and Scottish level, there is a clear and determined effort to reduce global carbon emissions. It is also abundantly clear that onshore wind energy has a very significant part to play in this. Taken and read as a whole, there is a very clear policy priority upon the deployment of renewable technology.

3.51 The planning system (and its decision makers) is a critical enabler of this deployment. As per the next section of this Planning Statement, planning policy cannot keep pace with the rate of change in climate change policy and legislation however that should not mean that this becomes a barrier to deployment. It is legitimate for the planning system to take account of updated and emerging issues as material considerations in arriving at a decision.

3.52 The current weight to be afforded to the preceding matters is therefore, in the Applicant's view, significant.

4 NATIONAL AND LOCAL PLANNING POLICY FRAMEWORK

Introduction

4.1 This section sets out the planning policy framework relevant and material to the determination of the planning application. Consideration is given below to the following matters:

- The statutory Development Plan applicable to the Site; and
- Other material considerations, including Supplementary Guidance, National Planning Framework, Scottish Planning Policy, local planning guidance and relevant national policies, advice and guidance.

Development Plan

4.2 The statutory Development Plan applicable to the proposed development consists of the Highland-wide Local Development Plan (HwLDP),and the Inner Moray Firth LDP (IMFLDP), adopted in 2012 and 2015 respectively.

4.3 Both these plans have been considered along with the Onshore Wind Energy Supplementary Guidance (adopted November 2016) and the Addendum Supplementary Guidance (adopted December 2017).

Highland-wide Local Development Plan

4.4 On 5 April 2012 the Highland-wide Local Development Plan (HwLDP) was adopted by the Council and constituted as the Local Development Plan in law. It sets out the overarching spatial planning policy for the whole of the Highland Council area, except the area covered by the Cairngorms National Park Local Plan.

4.5 A planned review of the Highland-wide Local Development Plan (HwLDP) was halted in 2017 after the Scottish Government published Planning Bill outlining potential changes to the Scottish planning system. Following the introduction of the Planning (Scotland) Act 2019, further details of new arrangements in the Act for Development Plans are emerging, together with arrangements for transition to them. Scottish Government is preparing National Planning Framework 4 (NPF4). For the first time, the NPF will be part of the Development Plan. This will likely lead to a reduction in the number and range of policies that are required in the Highland-wide Local Development Plan. Following input into the preparation of NPF4, the review of the HwLDP under the new arrangements for Local Development Plans, with formal work is anticipated to start in spring/summer 2022.

4.6 The following policies require to be considered within the Planning Statement and eventual determination of the application. They are separated thematically and include additional Supplementary Guidance policies.

Overarching Renewable Policy

4.7 **Policy 67: Renewable Energy Developments** requires renewable energy developments to relate well to the source needed for its operation and sets out specific criteria THC will consider in the determination of any such application, including:

- The contribution of the proposed development towards meeting renewable energy generation targets; and
- Any positive or negative impacts a proposed development is likely to have, on the local and national economy.

4.8 Policy 67 confirms that renewable energy proposals will also be assessed against other policies within the Development Plan, the Highland Renewable Energy Strategy and Planning Guidelines, and will have regard to other material considerations, including demonstration of significant benefits such as making effective use of existing and/or proposed infrastructure or facilities. The Supplementary Guidance forms part of the Development Plan and supplements its key principles, whilst the Highland Renewable Energy Strategy has since been superseded.

4.9 Policy 67 confirms that THC will support proposals for renewable energy developments where they are satisfied that they are located, sited and designed in such a manner that they will not be significantly detrimental, either individually or cumulatively, with other developments, having particular regard to any significant effects arising on the following receptors:

- Natural, built and cultural heritage features;
- Species and habitats;
- Visual impact and impact on the landscape character of the surrounding area (reflecting the scale and character of the landscape seeking to minimise landscape and visual impact, subject to any other considerations);
- Amenity at sensitive locations (including residential properties, workplaces, recognised visitor sites);
- Safety and amenity of (regularly) occupied properties and grounds in relation to noise, ice throw, shadow flicker and shadow throw;
- Ground and surface water, aquatic ecosystems and fisheries;
- Aviation, 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; and
- Land based traffic and transport interests.

4.10 Policy 67 includes a requirement that seeks (via a legal agreement/obligation under section 75 of the Principal Act) suitable decommissioning of any development and associated infrastructure as part of the restoration of the site.

4.11 The **Onshore Wind Energy Supplementary Guidance** offers additional details on factors which the Council will take into consideration when determining applications. The Supplementary Guidance provides a draft spatial framework which applies to all turbines over 50m in height or more than one turbine with a height of 30m and above to blade tip. This framework is in line with the adopted SPP 2014 document. The proposed development lies predominately within a Group 3 area (area with potential for wind farm development subject to other policy consideration), however there is an area which falls within Group 2 (Areas of significant protection) owing to its classification as an area of Class 2 Carbon Rich Soil and Peat (the quality of this is explored further in Chapter 10: Hydrology, Geology and Peat).

Landscape and Visual

4.12 **Policy 28: Sustainable Design** states that the Council will support development which promote and enhance the social, economic and environmental wellbeing of the people of Highland'. The policy notes that the impact of proposals on individual and community residential amenity will be considered. Reference is also made to sensitive siting considerations as well as the impact on various resources including;

- Habitats;
- Freshwater systems;
- Species;
- Landscape;
- Cultural heritage, and:
- Scenery.

4.13 **Policy 29: Design Quality and Place-making** requires that development proposals should demonstrate sensitivity and respect towards the local distinctiveness of the landscape.

4.14 **Policy 30 Physical Constraints** requires consideration as to whether a development proposal is located within areas of constraint as set out within the Physical Constraints Supplementary Guidance;

4.15 **Policy 61 Landscape** sets out requirements for the evaluation of potential impacts on landscape character arising from a proposed development. Landscape Character Assessments, Landscape Capacity Studies and relevant supplementary guidance shall be taken into account by THC when assessing proposed developments;

Hydrology, Geology and Peat

4.16 **Policy 55 Peat and Soils** requires development proposals to minimise the disturbance, degradation or erosion of peat and soils. A peatland management plan may be required if development on peat is clearly demonstrated to be unavoidable;

4.17 **Policy 62 Geodiversity** states that development proposals which include measures to protect and enhance geodiversity interests of international, national and regional/local importance in the wider countryside, will be supported. The Council will also support improvement of accessibility and interpretation as an educational or geo-tourism

resource, where it is possible to integrate sympathetically development, geodiversity and other existing interests.

4.18 **Policy 63 Water Environment** states that proposals that do not compromise the objectives of the Water Framework Directive, which is aimed at supporting the protection and improvement of Scotland's water environment will be supported;

4.19 **Policy 64 Flood Risk** requires development proposals within or bordering medium to high risk flood risk areas will need to demonstrate compliance with Scottish Planning Policy through the submission of suitable information which may take the form of a Flood Risk Assessment;

4.20 **Policy 66 Surface Water Drainage** requires all proposed developments to be drained via Sustainable Urban Drainage Systems (SUDS);

Ecology and Ornithology

4.21 **Policy 58 Protected Species, Policy 59 Other Important Species and Policy 60 Other Important Habitats and Article 10 Features** sets out requirements for development proposals to adhere to a range of criteria regarding the avoidance of detrimental impacts upon biodiversity, flora and fauna. Consideration must also be given to any existing protected planting and wetland which have habitat and species value;

Cultural Heritage

4.22 **Policy 57 Natural, Built and Cultural Heritage** requires all development proposals to be assessed in consideration of designated heritage assets in close proximity to the development site. Furthermore, the design, layout and massing of the development in relation to designated heritage assets must avoid detrimental impacts upon the character and setting of these assets;

Transport and Access

4.23 **Policy 56 Travel** requires details of on and off-site transport implications, those criteria relevant to the proposal advise proposed development's should:

- Be well served by the most sustainable modes of travel;
- Be designed for the safety and convenience of all potential uses;
- Incorporate appropriate mitigation, through developer contribution if necessary, to improve and enhance all transport modes;
- Include appropriate parking provision, and;
- Green Travel Plans may be required for significant travel generating developments.

4.24 The Council will also take account of The Core Paths Plan.

4.25 **Policy 77 Public Access** requires developments which affect any route defined in a Core Paths plan, an access point to water or wider access rights, to maintain or enhance any existing path including its amenity value, or ensure alternative access provision is provided

which is no less attractive, is safe and convenient for public use, and does not damage or disturb habitats or species. Any proposal classed as a major development will need to be accompanied by an Access Plan, indicating existing public access provision alongside proposed public access provision both during and post-construction.

4.26 **Policy 78 Long Distance Routes** confirms the Council and partners will safeguard and seek to enhance long distance routes.

Forestry

4.27 **Policy 51 Trees and Development** states that trees, woodland and hedges will be protected and where appropriate a woodland management plan will be required to secure management of an existing resource. Where required, additional tree/hedge planting will be requested to compensate removal, as per the requirements of THC's Trees, Woodland and Development Supplementary Guidance

4.28 The HwLDP is accompanied by the following relevant supplementary guidance:

- **Sustainable Design Guide Supplementary Guidance:** This document outlines a number of criteria and relates to Policy 28 Sustainable Design and Policy 29 Design Quality & Place-Making. Development proposals must demonstrate consideration of the criteria relevant to the proposed development including in respect of:
    i. Site layout, design and siting; and
    ii. Landscape, natural and cultural heritage assets, including ecology, energy efficiency including mitigation of climate change effects, waste management, flooding and drainage, and accessibility.
- **Developer Contributions Supplementary Guidance:** This document sets out the expected level of developer contributions anticipated according to the type of development proposed. This SG suggests large scale development such as renewable energy schemes fully consider the provisions outlined within THC's Community Benefit Policy.
- **Flood Risk & Drainage Impact:** This document sets out the technical guidance and criteria regarding the implementation of flood risk and drainage into detailed planning, construction and maintenance practice.
- **Physical Constraints Supplementary Guidance:** This document sets out a range of physical constraints which must be considered by developers when bringing forward their proposals. The guidance includes a range of criteria to consider including proximity and presence of particular constraints.
- Trees, Woodland and Development Supplementary Guidance

The Caithness and Sutherland Local Development Plan

4.29 The Caithness and Sutherland Local Development Plan (CaSPlan) was adopted by THC in August 2018 and sets out the policies and land allocations to guide development in the area over the a 20-year period.

4.30 The CaSPlan sets out a strategic vision for the area and includes a number of development allocations. The CaSPlan does not include any specific designations or planning policies relating to onshore wind energy developments or the Site.

4.31 The CaSPlan is not accompanied by any relevant appropriate supplementary guidance.

The Highland Council Onshore Wind Energy Supplementary Guidance

4.32 THC adopted its Onshore Wind Energy: Supplementary Guidance in 2016 and subsequently adopted an addendum to the supplementary guidance in 2017, entitled 'Addendum Supplementary Guidance: Part 2b Highland Strategic Capacity', hereafter referred to as 'the Supplementary Guidance'.

4.33 The Supplementary Guidance recognises the potential social and economic benefits onshore wind developments can bring to communities, and outlines THC's positive stance towards renewable energy developments. The Supplementary Guidance also sets out how THC will manage onshore wind energy development proposals against a range of policy requirements in-line with Section 22 of the Town and Country Planning (Scotland) Act 1997 as amended by the Planning etc. (Scotland) Act 2006.

4.34 The guidance for potential onshore wind developments contained within the Supplementary Guidance is broadly structured around the following topics:

- Landscape and visual;
- Public access;
- Noise assessment;
- Natural and historic environment;
- Operational efficiency of other communications;
- Operational efficiency of wind energy developments;
- Water environment;
- Peat;
- Safety and amenity at sensitive locations;
- Tourism and recreation;
- Airport, defence and emergency service operations;
- Traffic and transport;
- Electricity and gas infrastructure;
- Borrow pits;
- Construction environmental management plans;
- Restoration bonds; and
- Repowering.

4.35 Each topic provides specific guidance to inform the nature and context of technical assessments, as well as guidance towards the acceptability of potential significant impacts arising from an onshore wind proposal. Where relevant, these policy provisions are considered further under specific topic headings in Section 5 of this Statement.

4.36 In addition to the topics listed above, Pages 18-20 of the OWESG list ten landscape and visual criteria that the Council use as a framework for assessing proposals. They are not absolute requirements but set out key considerations that proposed developments should be aware of and take into account the within design and assessment. The criteria should influence the proposals and supporting documents for any application should include the developer's assessment against these criteria. The following criteria are likely to be of particular significance:

- *1 - Relationship between Settlements/Key locations and wider landscape respected.*
- *2 - Key Gateway locations and routes are respected*
- *3 - Valued natural and cultural landmarks are respected*
- *4 - The amenity of key recreational routes and ways is respected.*
- *5 - The amenity of transport routes is respected*
- *6 - The existing pattern of Wind Energy Development is respected*
- *7 - The proposal contributes positively to existing pattern or objectives for development in the area*
- *8 - The perception of landscape scale and distance is respected*
- *9 - Landscape setting of nearby wind energy developments is respected*
- *10 - Distinctiveness of Landscape character is respected*

4.37 An assessment of the proposed development against the criteria listed above have been assessed in full in Section 5 of this Planning Statement.

National Planning Framework 3

4.38 National Planning Framework 3 (NPF3) was published on 23 June 2014. NPF3 is a long-term strategy for Scotland and is the spatial expression of the Government's Economic Strategy and plans for development and investment in infrastructure. Together, NPF3 and Scottish Planning Policy (SPP) applied at the strategic and local levels are intended to help the planning system deliver the Government's vision and outcomes for Scotland whilst contributing to the Government's central purpose.

4.39 The general and high-level support for renewables is provided through the 'vision' which is referred to as:

- A successful, sustainable place – "we have a growing low carbon economy which provides opportunities…"
- A low carbon place – "we have seized the opportunities arising from our ambition to be a world leader in low carbon generation, both onshore and offshore…"
- A natural resilient place – "natural and cultural assets are respected, they are improving in condition and represent a sustainable economic, environmental and social resource for the nation…"

4.40 Further support is provided in Chapter 3 'A Low Carbon Place' which sets out the role that planning will play in delivering the commitments set out in 'Low Carbon Scotland: The Scottish Government's Proposals and Policies'. It states:

> *"the priorities identified in this spatial strategy set a clear direction of travel which is consistent with our world leading climate legislation."*

4.41 The introduction to Chapter 3 states that the Government's ambition "is to achieve at least an 80% reduction of greenhouse gas emissions by 2020".

4.42 The introductory section acknowledges that, at present, the energy sector accounts for a significant share of the country's greenhouse gas emissions. To address this Scotland needs to employ skills and innovation to help capitalise on our outstanding natural advantages. A planned approach to development has ensured that onshore wind development has widely avoided internationally and nationally protected areas.

4.43 Paragraph 3.7 states that whilst there is strong public support for wind energy as part of the renewable energy mix, opinions about onshore wind in particular locations can vary. It adds that the technology is "…recognised as an opportunity to improve the long-term resilience of rural communities."

4.44 Paragraph 3.8 makes reference to targets and states that by 2020, the aim is to reduce total energy demand by 12%. In order to achieve this and to maintain energy supplies, further diversification or supplies will be required.

4.45 It adds that the Government's aim is to meet at least 30% of overall energy demand from renewables by 2020 as well as generating the equivalent of 100% of gross consumption from renewables.

4.46 Paragraph 3.9 states:

> *"Our Electricity Policy Statement sets out how our energy targets will be met. We are making good progress in diversifying Scotland's energy generation capacity, and lowering the carbon emissions associated with it, but more action is needed. Maintaining security of supplies and addressing fuel poverty remain key objectives. We want to continue to capitalise on our wind resource and for Scotland to be a world leader of offshore renewable energy. In time we expect the pace of onshore wind energy development to be overtaken by a growing focus on our significant marine energy opportunities including wind, wave and tidal energy."*

4.47 Overall it is clear that onshore wind development is recognised as a key technology in the energy mix which will contribute to Scotland becoming 'a low carbon place' which in turn will be a key part of the 'Vision' for Scotland (as set out at paragraph 1.2 of the NPF3). Furthermore, the Government has made it unequivocally clear that it wants to continue to "capitalise on our wind resource". Although the targets within it are outdated, the Proposed Development make an active contribution to meeting the goals of the currently adopted NPF3.

National Planning Framework 4 (Draft)

4.48 The Scottish Government set out a Draft NPF4 for consultation in November 2021, following the Position Statement in November 2020. It sets out an overarching approach to how

planning and development will help to achieve a Net Zero sustainable Scotland by 2045. It now forms a material consideration as it comprises draft policy.

4.49 The first section of the draft NPF4 states that we must "embrace and deliver radical change so we can tackle and adapt to climate change". The Scottish Government set out that there must be significant progress against the 2045 Net Zero target by 2030, and that this will "require new development and infrastructure across Scotland".

4.50 The draft NPF4 (part 2, page 44) continues the planning policy approach from the current NPF3 of identifying 'national development' which refers to specific land use allocations and also applies national development status to certain classes of development. The draft NPF4 states that "national developments are significant developments of national importance that will help to deliver our spatial strategy".

4.51 In the draft NPF4 18 national developments are proposed to support the delivery of the Spatial Strategy and it has set out that "*this designation means that the principle of the development does not need to be agreed and later consenting processes, providing more certainty for communities, business and investors*".

4.52 A statement for this national development is provided as follows (page 59):

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

A large increase in electricity generation from renewable sources will be essential for Scotland to meet its net zero emissions targets. Certain types of renewable electricity generation will also be required, alongside developments and increases in storage technology and capacity, to provide the vital services, including flexible response, that a zero-carbon network will require. Generation is for consumption domestically as well as for export to the UK and beyond, with new capacity helping to decarbonise heat, transport and industrial energy demand. This has the potential to support jobs and business investment, with wider economic benefits."

4.53 In terms of designation and classes of development, it is set out that a development within one or more of the classes of development set out in the NPF4 and that is of a scale or type that would otherwise have been classified as 'major' by the Town and Country Planning (Hierarchy of Development) (Scotland) Regulations 2009 is designated as a national development - these include: "Electricity generation, including electricity storage, from renewables of or exceeding 50 megawatts capacity".

4.54 Of particular relevance to the proposed development is Policy 2 entitled 'Climate Emergency'. This states at Part A that "when considering all development proposals significant weight should be given to the global climate emergency".

4.55 Under the theme of 'productive places' (page 90) contains draft Policy 19 in relation to 'Green Energy'. The preamble to the policy 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 a significant role to play in reducing carbon emissions ***and*** *contributing to a green, fair and resilient economic recovery. A wide range of renewable technologies are capable of delivering these benefits, although it is likely that the onshore wind sector will play the greatest role in the coming years. The planning system should support all forms of renewable energy development and energy storage, together with new and replacement transmission and distribution infrastructure."*

4.56 It is recognised that the detailed wording of the proposed policies may well change as a result of the public consultation and indeed through the Parliamentary process for NPF4. However, in terms of Policy 19 'green energy' (page 90) the key elements of the policy as currently proposed, include the following:

- *"Local Development Plans should seek to ensure that an area's full potential for electricity and heat from renewable sources is achieved. Opportunities for new development, extensions and repowering of existing renewable energy development should be supported.*

- *Development proposals for all forms of renewable energy and low carbon fuels, together with enabling work such as transmission and distribution and energy storage, such as battery storage should be supported in principle.*

- *Development proposals for wind farms in National Parks and National Scenic Areas should not be supported.*

- *Outwith National Parks and National Scenic Areas and recognising the sensitivity of any other national or international designations, development proposals for new wind farms should be supported unless the impacts are identified (including cumulative effect) are unacceptable. To inform this, site specific assessments including where applicable environmental impact assessments (EIA) and landscape and visual impact assessments (LVIA) are required.*

- *Areas identified for wind farms should be suitable for use in perpetuity. Consent may be time limited, but wind farms should nevertheless be sited and designed to ensure impacts are minimised and to protect an acceptable level of immunity for adjacent communities."*

4.57 It is worth also noting The Highlands Council's input to the NPF4 process.

4.58 A response to the NPF4 Position Statement by the Council in November 2020 agree and support climate change being an overarching guiding principle within NPF4 but felt that the wording should be more transparent in order to enact change through policy. This includes the policy and strategy for directing and prioritising future renewable energy generation and storage across the country.

4.59 The Council, in line with other Local Authorities in Scotland, provided an Indicative Regional Spatial Strategy (iRSS), produced in September 2020, to feed into the NPF4 process.

4.60 The IRSS highlights that the impacts of the changing climate are fully acknowledged and the Council are taking proactive measures to address this. Through the IRSS, the document highlights the areas capability to generate vast amounts of renewable energy which underpins its goal to forming the basis for the transition to a green, circular economy which maximises the value of Highlands industries and minimises the environmental footprint of the area's transport, waste and energy usage.

4.61 The IRSS also highlights several renewable bases with The Inner Moray Firth region (where the proposed development is situated) noted as a leading contender due to the potential for freeport status as part of the UK Government's post-BREXIT strategy. The document highlights the Inner Moray Firths placement as optimal to support the pipeline of renewable energy projects.

4.62 It is clear from the above that the policy direction highlighted within the NPF4 Position Statement and Draft is one where renewable energy in all its forms should be supported in respect of an increased need for (clean) electricity, and quickly. The Scottish Government is also clear that the planning system requires to keep up with the pace of change to facilitate this.

Scottish Planning Policy

4.63 On 23 June 2014, the Scottish Ministers published 'Scottish Planning Policy' (SPP). The purpose of SPP is to set out national planning policies which reflect Scottish Government Minister's priorities for the operation of the planning system and for the development and use of land. SPP is a statement of Scottish Government policy on how nationally important land use planning matters should be addressed.

4.64 Paragraph (iii) states that as a statement of Ministers' priorities, the content of SPP is a material consideration that carries significant weight, although it is for the decision maker to determine the appropriate weight to be afforded to it in each case.

4.65 Paragraph 13 of SPP introduces four planning outcomes which explain *"how planning should support the vision"* for the planning system in Scotland. Three of these outcomes are particularly relevant for renewable energy developments such as the Proposed Development, namely:

- Outcome 1: a successful sustainable place – supporting sustainable economic growth and the creation of well designed, sustainable places;
- Outcome 2: a low carbon place – reducing our carbon emissions and adapting to climate change; and
- Outcome 3: a natural, resilient place – helping to protect and enhance our natural and cultural assets and facilitating their sustainable use.

4.66 Outcome 2 'A Low Carbon Place' explains that NPF3 will facilitate the transition to a low carbon economy, particularly by supporting diversification of the energy sector. Paragraph 18 makes reference to the Climate Change (Scotland) Act 2009 which has set a target of reducing greenhouse gas emissions by at least 80% by 2050, with an interim target of reducing emissions by at least 42% by 2020. SPP explains that Section 44 of the 2009 Act places a duty on public bodies to act in the best way to contribute to the delivery

of emissions targets as set out in the Act, and to help deliver the Scottish Government's climate change adaptation programme.

4.67 SPP contains two Principal Policies - 'sustainability' and 'placemaking'. Sustainability is addressed at page 9. The SPP states at paragraph 24 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."*

4.68 Paragraph 25 adds that the Scottish Government's commitment to the concept of sustainable development is reflected in its Purpose.

4.69 Paragraph 27 cross refers to the Government's Economic Strategy which it states *"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"*.

4.70 A key 'Policy Principle' in SPP is the following statement set out at paragraph 27:

> *"This SPP introduces a presumption in favour of development that contributes to sustainable development"*.

4.71 Paragraph 28 continues:

> *"the planning system should support economically, environmentally and socially sustainable places by enabling development that balances the costs and benefits of a proposal over the longer term. The aim is to achieve the right development in the right place; it is not to allow development at any cost."*

4.72 Paragraph 29 of SPP sets out that policies and decisions should be guided by a number of principles. Those of relevance include:

- Giving due weight to net economic benefit;
- Supporting good design;
- Supporting delivery of infrastructure, for example […] energy;
- Supporting climate change mitigation and adaptation including taking account of flood risk;
- Having regard to the principles for sustainable land use as 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 […] landscape and the wider environment; and
- Protecting the amenity of new and existing development and considering the implications of development for water, air and soil quality.

4.73 The introduction of the presumption in favour of development that contributes to sustainable development has important consequences for development management practice. Paragraphs 32 and 33 of SPP explain how this policy principle is given effect in development management.

4.74 Paragraph 32 states that the "presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision-making." SPP directs decision makers as follows:

> *"proposals that accord with up-to-date plans should be considered acceptable in principle and consideration should focus on the detailed matters arising…"*

4.75 Paragraph 33 adds:

> *"Where relevant policies in a development plan are out-of-date or the plan does not contain policies relevant to the proposal, then the presumption in favour of development that contributes to sustainable development will be a significant material consideration. Decision-makers should also take into account any adverse impacts which would significantly and demonstrably outweigh the benefits when assessed against the wider policies in this SPP. The same principle should be applied where a development plan is more than five years old."*

4.76 SPP addresses 'A Low Carbon Place' as a 'subject policy' on page 36 and refers to 'delivering electricity'. Paragraph 152 refers to the NPF context and states that NPF3 is clear that planning must facilitate the transition to a low carbon economy and help to deliver the aims of the Scottish Government. It is stated that Scotland has significant renewable energy resources, both onshore and offshore.

4.77 Paragraph 153 states that terrestrial planning 'facilitates' development of renewable energy technologies and guides new infrastructure to appropriate locations. It adds that "efficient supply of low carbon and […] generation of […] electricity from renewable energy sources are vital to reducing greenhouse gas emissions." It explains that renewable energy also presents a significant opportunity for associated development, investment and growth of the related supply chain.

4.78 In terms of 'Policy Principles', paragraph 154 sets out that 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;
- 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
- Guide developments to appropriate locations and advise on the issues that will be taken into account when specific proposals are being assessed.

4.79 Onshore wind is specifically addressed at Paragraph 16,1 *et seq.* of SPP. Detailed guidance is provided for planning authorities regarding the preparation of spatial frameworks for onshore wind development, and it makes it clear that proposals for onshore wind turbine development should continue to be determined whilst spatial frameworks and local policies are being prepared and updated.

4.80 In terms of spatial framework guidance, a 'community separation for consideration of visual impact' is set out as 'an area not exceeding 2 km around cities, towns and villages identified on the local development plan with an identified settlement envelope or edge".

4.81 As with the previous SPP, this separation distance has the purpose of guiding the preparation of Spatial Frameworks and does not impose any requirement for a 'set back' to settlements or in relation to individual properties for wind farms in terms of development management.

4.82 Table 4.1: Spatial Frameworks of SPP (as replicated below) identifies three separate 'Groups' to help local planning authorities develop spatial frameworks for encouraging wind farm development. These are 'areas where wind farms will not be acceptable' (Group 1), 'areas of significant protection' (Group 2) and 'areas with potential for wind farm development' (Group 3).

Table 4.1 – Spatial Frameworks

<table>
<tr><td colspan="3">Group 1: Areas where wind farms will not be acceptable:
National Parks and National Scenic Areas.</td></tr>
<tr><td colspan="3">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.</td></tr>
<tr><td>National and international designations:
• 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.</td><td>Other nationally important mapped environmental interests:
• areas of wild land as shown on the 2014 SNH map of wild land areas;
• carbon rich soils, deep peat and priority peatland habitat.</td><td>Community separation for consideration of visual impact:
• 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.</td></tr>
<tr><td colspan="3">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.</td></tr>
</table>

4.83 In terms of development management, paragraph 169 of SPP sets out that "*proposals for energy infrastructure developments should always take account of spatial frameworks for wind farms*" and that considerations will vary relative to the scale of the proposal and characteristics of the area but are likely to include a number of matters, including:

- 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 the likely cumulative impacts arising from all of the considerations below;
- 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.

4.84 Paragraph 170 of SPP sets out that areas identified with wind farms should be suitable for use in perpetuity. It further adds that consent may be time limited, but nevertheless wind farms should be sited and designed to ensure impacts are minimised and to protect an acceptable level of amenity for adjacent communities.

5 PLANNING ASSESSMENT

Introduction

5.1 Following identification of the relevant planning policies, guidance and other material considerations in Section 4 of this Planning Statement, this section examines how the Proposed Development accords with the Development Plan, material considerations and other policy guidance considered in this statement.

5.2 Having regard to the relevant provisions within the Development Plan and other material considerations, the following determining issues have been identified:

- The principle of the proposed development;
- The conformity of the proposed development against the Development Plan and supplementary guidance;
- The acceptability of predicted environmental and other impacts arising from the Proposed Development, as assessed against the relevant Development Plan policies;
- The consideration of other material considerations that may weigh in support of the Proposed Development.

5.3 These determining issues are considered further under the relevant headings below.

The Principle of the Proposed Development

5.4 The proposed development seeks to deliver a sustainable renewable energy development that will make a valid contribution to low-carbon energy targets and net-zero goals.

5.5 The Scottish Government is unequivocally clear that it wants to continue to capture and capitalise our natural wind resource and projects such as the proposed development make a significant contribution to achieving the renewable energy generation goals established in national policies, as summarised in Section 3 of this Planning Statement. Furthermore, the proposed development will make an active contribution to achieving the ambitious net zero greenhouse gas target date of 2045, whilst promoting a sustainable form of low carbon electricity generation in the face of the climate emergency declared in 2019.

5.6 There is clear policy support for the principle of wind energy across the Development Plan and other material considerations including national policy and legislation. These are concisely summarised below.

5.7 The Development Plan supports wind energy through Policy 67: Renewable Energy Development subject to the level of associated effects. The location, design and scale of effects, as well as the contribution of any proposed development to renewable energy targets, would be tested through the acceptability of the environmental effects compared to the relevant policy tests.

5.8 Material considerations clearly support the principle of wind energy.

5.9 Under SPP, the proposed development is situated in a Group 3 area where wind farms are appropriate subject to detailed assessment. The Group 2 area of carbon rich soils and peat in the centre section of the site was not found to contain the characteristics of Class 2 carbon rich soils and peat. This is also reflected for the existing access track which passes through Class 2 peat. Therefore, the proposed development can draw support from being considered a Group 3 site as per SPP. Additionally, there is a limited amount of new infrastructure which has been placed in this section of the Site as efforts have been made to avoid watercourses and deeper peat, where possible.

5.10 Paragraph 33 of SPP gives advice on the determination of applications where the relevant Development Plan is more than 5 years old and contains a presumption in favour of sustainable development as a significant material consideration. Decision makers must take into account any adverse impacts which significantly and demonstrably outweigh the benefits when assessed against the wider policies within SPP.

5.11 Given onshore wind energy meets the principles of sustainable development, paragraph 33 therefore provides a 'tilted balance' whereby should a decision maker by inclined to object to the application, there is a requirement upon the decision maker to provide evidence that significantly and demonstrably outweigh the benefit.

5.12 Given the Development Plan dates from 2012 and its Supplementary Guidance dates from 2016/17, this is a significant material consideration in determining how the principle of the proposed development should be considered.

5.13 It is clear that the principle of onshore renewable development is well established within NPF3 and the emerging NPF4.

5.14 Overall it is clear that onshore wind development is recognised as a key technology in the energy mix which will contribute to Scotland becoming 'a low carbon place' which in turn will be a key part of the 'Vision' for Scotland (as set out at paragraph 1.2 of the NPF3). Furthermore, the Government has made it unequivocally clear that it wants to continue to "capitalise on our wind resource". Although the targets within it are outdated, the proposed development makes an active contribution to meeting the goals of the currently adopted NPF3.

5.15 The emerging NPF4 is currently in draft format but provides a sustained and enhanced emphasis on renewable energy as a key requirement for Scotland and the UK's transition to a just, Net Zero economy.

5.16 Although its contents may change in relation to the policy specifics, the NPF4 contains the clear and unequivocal policy direction that more onshore wind is needed in Scotland. The proposed development can make a clear contribution to the 8-12GW that has been identified by the Scottish Government as a requirement for deployment before 2030 in order to meet the challenging Net Zero aspirations by 2045.

5.17 All other material considerations including policy, guidance and legislation, at EU, UK and Scottish levels support the principle of onshore renewable energy development by means of the clear requirement to combat climate change, address the national and locally

declared Climate Emergency, and supply the necessary additional output to supply the forecasted major increase in electricity needed over the coming decades.

5.18 It is therefore considered that there is substantial support for onshore wind developments in appropriate locations, assuming any significant effects can be overcome by siting, design or other mitigating factors. In turn, compliance with the Development Plan must be assessed to provide this.

The Acceptability of the Proposed Development

5.19 Having regard to the characteristics of the Proposed Development and the potential environmental effects identified and assessed within the EIA Report, it is appropriate to test the policies of the Development Plan (as the main component under which decisions should be made as per Section 25 of the TCPA) and demonstrate compliance using the evidence gathered within the EIA Report. Topics include:

- Landscape & Visual;
- Archaeology & Cultural Heritage;
- Ecology & Ornithology;
- Transport;
- Geology, Hydrology & Hydrogeology;
- Noise; and
- Socioeconomics and Tourism.

5.20 These matters are considered further under the relevant subheadings below.

Landscape & Visual

5.21 Landscape and visual impacts are a key focus of any wind energy development, and throughout the design evolution and the assessment process any potential impacts have been fully considered. A Landscape and Visual Assessment (LVIA) has been undertaken as part of the application process and the findings in full are presented as Chapter 6 of the EIA Report.

5.22 The key planning policy relevant to onshore wind energy development is Policy 67 of the HwLDP, which advises that THC will support renewable energy proposals where it is satisfied that they are located, sited and designed in such a manner that they will not be detrimental overall, either on an individual or cumulative basis.

5.23 Additionally, the proposed development site sits within an area of both Group 3 "*Areas with potential for wind farm development*".

5.24 In landscape terms it would fall into Group 3: "*Areas with potential for wind farm development*" and a small area of Group 2: "*Areas of significant protection*", the latter due to the potential presence of peat. However, in landscape terms it would fall into Group 3: "*Areas with potential for wind farm development*" it performs well against THC's 10 Criteria listed in the Supplementary Guidance that provide a framework or checklist for assessing proposed wind farm development.

5.25 The proposed turbines would be located within coniferous forestry on the upper slopes between the low-lying Strath Oykel in the north and the rounded summit of Beinn Ulbhaidh (492m AOD) in the south. Beinn Ulbhaidh, together with adjoining hills to the south-east and west form a ridgeline between Strath Oykel and Strath Cuileannach which limits visibility to the south-west and south-east. In addition, the proposed development Site is within and surrounded by large areas of mixed and coniferous woodland plantation to the which limit both theoretical visibility and the numbers of likely visual receptors or people within 10km of the proposed turbines.

5.26 The 'simple' turbine layout is suitable for the underlying landform and simpler landscape character of the Rounded Hills – Caithness and Sutherland LCT and accords with general NatureScot guidance Siting and Designing Windfarms in the Landscape, Version 3a, 2017 for wind farm development to be simple, balanced and cohesive as well as being located within large-scale, broad and simple landscape character types. The proposed turbines have been cohesively located, slightly lower down within the landscape, set back from Strath Oykel and Kyle of Sutherland, to benefit from intervening screening and limit the visibility of the proposed turbines as well as reducing the horizontal and vertical extent of the proposed development from key views and particularly when perceived from Rosehall and the A837. The proposed development would create a simple, cohesive, balanced and clear design and visual composition that, to a reasonable degree, minimises excessive 'turbine clutter' in the form of uneven gaps / overlaps and outlying turbines.

5.27 Essentially the Site is located in an area with potential for wind farm development, which is made more suitable by the existing landscape character, forestry and landform of the area, which act to reduce the sensitivity of the Site and limit both the visibility and numbers of people close to the Site who might otherwise view the proposed turbines.

5.28 Cumulatively, the nearby existing wind farms of Achany and Rosehall are located at a higher elevation appearing higher up within the hills. In most views, the existing wind farms appear visually separate from the proposed development. Notwithstanding that the proposed development fits with the baseline group of Achany and Rosehall (and Braemore consent) wind farms, this visual separation allows the proposed development to be perceived as a separate wind farm such that differences in turbine height, scale and rotation speed can be appreciated as distinctly separate, allowing both the existing / consented wind farms and the proposed development to be reasonably accommodated in the views.

5.29 Significant landscape effects are restricted to an area of *Rounded Hills – Caithness and Sutherland* LCT: *South of Strath Oykel* LCA and *Strath – Caithness and Sutherland* LCT: *Strath Oykel* LCA, and a small area of the same Strath LCA due to the proposed Site entrance during the construction phase only.

5.30 Significant visual effects are restricted to the views from part of Rosehall, short sections of the A837, A839 and three minor roads and six recreational routes. The proposed turbines have been cohesively located, slightly lower down within the landscape, set back from Strath Oykel and Kyle of Sutherland, to benefit from intervening screening and limit the visibility of the proposed turbines as well as reducing the horizontal and vertical extent of the proposed development from key views and particularly when perceived from Rosehall and the A837.

5.31 There would be no significant effects on the Assynt - Coigach NSA (or any other NSAs and WLAs within the study area) and no significant effects on other locally designated landscapes (SLAs), or their Special Landscape Qualities and integrity. There would also be no significant effects that would result from the proposed aviation warning lights, due to the proposed Lighting Strategy. The exception to this is the WLQ's of WLA 34 would be significantly affected as a result of the un-mitigated aviation warning lights. These effects would affect the views out of the WLA from the southern lobes or extremities, within approximately 10km.

5.32 There would be no significant effects on local visitor and tourist attractions within 10km including the Achness Waterfall and Inveroykel Lodge.

5.33 As with any wind turbine development of this scale, the extent of the visual effects reduces the further away from the Site. Beyond 10km, visibility becomes fragmented and patchy and is mostly limited to the north, west and east. To the north, visibility continues along the facing slopes of Glen Cassley. To the west, patches of visibility continue in east-facing elevated areas to the south and south-west of Glen Oykel and along the River Conacher glen. To the east, visibility is indicated on the west facing slopes of Achany Glen. In other directions and further afield, visibility is limited to hill summits and sloping land orientated towards the proposed development that is not otherwise screened by intervening mountains and experienced as part of a much wider panorama and 360° views.

5.34 From ZTV analysis (calculated to blade tip) the proposed development is very limited in terms of visual effects, accounting for 9.68% of the total Study Area, reducing to 6.74% when considering hub height visibility. These percentages would be reduced further if forestry was taken into account.

5.35 In visual terms, the viewpoint analysis from selected locations, agreed with consultees indicates that significant visual effects are likely to affect limited, fragmented locations within approximately 10km distance from the proposed development, mainly to the north, northeast and east.

5.36 Of the 19 properties included in the assessment within Technical Appendix 6.3 Residential Amenity, located in Volume 4: Technical Appendices, none would be affected by the proposed development in terms of their residential visual amenity. This is due largely to the intervening distance, partial screening and use / orientation of the property, such that the living standards would not be affected, and the property would not be adversely affected by 'visual dominance' to the extent that it would become an unattractive place to live when judged objectively and in the public interest, on an individual basis or cumulatively.

5.37 There would be a significant visual effect as a result of the proposed development from a total of nine properties within 2km However The experience of a significant view of the proposed development is not the same as an unacceptable effect or indicative of a failure in terms of maintaining residential amenity.

5.38 Aviation lighting would apply to 8 of 11 turbines and be at maximum candela rating for approximately 5% of the time per year. No significant effects are found for the scenarios of the proposed aviation warning lights operating at either a reduced intensity of 10% which according to meteorological records is likely to occur for 95% of the time per year

(assuming good visibility >5km in all directions from all of the lit turbine locations) or as a result of the proposed aviation warning lights operating at maximum intensity in conditions of restricted (poor) visibility of <5km.

5.39 A separate night-time Wild Land Assessment has been undertaken to consider the potential effects on Wild Land Area (WLA) 29 (Rhiddoroch - Beinn Dearg - Ben Wyvis) and Wild Land Area 34 (Reay - Cassley) occurring from proposed aviation lighting, this is presented as Appendix 6.6 of the EIAR, located in Volume 4: Technical Appendices.

5.40 In summary, this assessment concludes that the proposed development has no significant effects on the WLQ or associated dark skies and associated perceptual responses within WLA 29, and that there would, be no significant effects on the WLQs of WLA 34 as a result of the proposed Lighting Strategy operating with a reduced light intensity (between 200cd to 75cd, during periods of clear visibility (>5km from the lit turbines) and affecting the views out of the WLA from the southern lobes or extremities, within approximately 10km. Similarly, there would be no significant effects on the WLQs of WLA 34, including perceptual responses of remoteness, sanctuary and solitude beyond 10km distance. The assessment confirms that there would be no significant lighting effects on the WLAs in terms of the special landscape qualities including the perceptual responses of remoteness, sanctuary and solitude associated with these areas, would remain strong and well expressed.

5.41 Accordingly, through the design of the proposed development, landscape character has been protected and visual impacts have been kept to a minimum based on the location of the wind farm. Siting and design have made best use of the landscape and protected the character of surrounding an adjacent landscape. Where visible, the wind farm has been designed to fit its surroundings, respect lateral spread and adjacent and surrounding topography.

Archaeology & Cultural Heritage

5.42 LDP policy related to cultural heritage includes Policy 57 which aims to ensure the design, layout and massing of the development in relation to designated heritage assets to avoid adverse effects upon the integrity of special qualities of international or nationally designated assets.

5.43 Chapter 11 of the EIA Report provides analysis and assessment of cultural heritage and archaeological assets within a 15km Study Area.

5.44 The ZTV analysis which accompanies the application within Volume 2 of the EIA Report and Technical Appendix 11.1 within Volume 4 of the EIAR demonstrates that from a total of 38 Listed Buildings[3] within the 15k Study Area, only two assets would experience limited visibility of the proposed development.

5.45 One heritage asset was identified within the site boundary, an undated enclosure (MHG7409). An assessment of the identified cultural heritage resource and consideration of the current and past land-use within and in the immediate vicinity of the site boundary,

[3] Total comprises two Category A, 19 Category B Listed Buildings and 17 Category C Listed Buildings

indicates that there is a low probability of hitherto unidentified archaeological remains present within the Site.

5.46 There were predicted to be no significant effects on any designated asset within the 15km Study Area.

5.47 Undesignated assets and/or unknown archaeological remains would be protected via construction marking, or via an Archaeological Written Scheme of Investigation to be agreed as a planning condition.

5.48 The proposed development therefore accords with the provisions of the relevant policy within the Development Plan.

Ecology & Ornithology

5.49 In relation to the natural environment and biodiversity, Chapters 8 & 9 of the EIAR provide an assessment of the potential effects of the proposed development on ecological and ornithological interests, respectively. Policies 58, 59 and 60 are all relevant, where the general policy requirements are to conserve, protect and where possible enhance biodiversity and designated sites.

5.50 The site has been designed to limit impacts upon watercourses and fish within them, by adhering to 50m buffers from any watercourse, and by managing runoff via a Construction and Environmental Management Plan (CEMP). Individual Species Protection Plans will be prepared as required, along with monitoring by a qualifying Environmental/Ecological Clerk of Works.

5.51 As part of the assessment, a Habitat Regulations Appraisal has been carried out to understand the potential effects of the wind farm on the Conservation Objectives of the SPA and informed by theoretical flight line modelling. No flight lines were recorder over the two-year survey period. The HRA concluded the integrity of the SPA and its conservation objectives would not be adversely affected as a result of the development. Additionally, the footprint of the proposed development has been designed so it lies 750m from the shore of Loch Loyne at its closest point. As such, the HRA concluded the integrity of the SPA and its conservation objectives would not be adversely affected as a result of the development.

5.52 Collision risk for all bird species resulted in no significant effects identified.

5.53 Following the implementation of good practice, embedded design mitigation, and detailed additional mitigation, no significant effects are predicted upon ecological or ornithological receptors.

5.54 Accordingly, there is no conflict with the policies of the Development Plan in this regard.

Geology, Hydrology & Hydrogeology

5.55 The primary Development Plans to demonstrate accordance with are Policy 55, 62, 63, 64, and 66 as discussed previously within this Planning Statement.

5.56 Design mitigation of the proposed development has minimised potential for adverse effects upon watercourses via implementing a 50m design buffer.

5.57 EIA Report Chapter 10 assesses that no significant potential effects on hydrological, geological and peat receptors have been predicted when taking account of mitigation by design and embedded mitigation such as the application of a Construction and Environmental Management Plan (CEMP) and floated roads over areas of deeper peat.

5.58 Potential impacts upon peat have been assessed via baseline collection of data through Phase 1 and Phase 2 surveys (undertaken in 2020 and 2021) along with supplementary ecological information to classify areas of potential groundwater dependence and the quality of peat within the site. The site is indicated as having no soil classification. There are two areas indicated as being Class 2 peat to the west and northeast of the site, outside the site boundary. There is an area indicated as being Class 1 peat to the south of the site boundary.

5.59 The provisions of SPP and the Carbon Rich soils and peatland mapping exercise contain an allowance for this classification to change should detailed survey determine that conditions are different. This is the case within the site, where Class 2 peat was not deemed to be present as any peat present was found to be degraded. This is explored more thoroughly within the EIA and its associated appendices.

5.60 Overall, of the 878 peat probes advanced during all of the peat surveys, peat depth was recorded as less than 50cm at 580 probe locations (66.1%), defined as peaty or organo-mineral soils. At 158 (18%), peat probes were recorded at between 51cm to 100cm depth, defined as peat. Peat depths over 100cm were recorded at 140 probe locations (15.9%), defined as deep peat.

5.61 The draft Peat Management Plan demonstrates that peat can be retained onsite, and no peat will be removed from the site.

5.62 The Peat Slide Risk Assessment states that hazard from peat slide on the site is considered to be low, to occasional medium.

5.63 Accordingly, with appropriate and standard construction controls there are not anticipated to be significant effects upon hydrology, geology or peat, and therefore the proposed development accords with Policy

Socioeconomics and Tourism

5.64 An assessment of the proposed development towards socioeconomic and tourism receptors has been undertaken and the findings of this are presented as Chapter 11 of the EIAR.

5.65 The proposed development would result in spend of between £2.5m and £5.5m in the Highland Council area during the construction phase, with 18-40 Full Time Employment direct jobs created and 45-100 FTE jobs supported in total. The construction and decommissioning effects on employment and economy and land use are found to be minor, beneficial, and not significant. Land use effects would not be significant, and only minimal and temporary disruption would occur during construction and decommissioning.

5.66 In terms of tourism and recreation, the temporary effects of construction and decommissioning have been scoped out.

5.67 The community benefit fund associated with the proposed development will result in significant local level benefits. Based on the current figures (in terms of gross MW capacity and recommended payments) £12.7 million would be made available during the 35-year operational period, for local communities to invest in projects and local priorities.

5.68 No significant adverse effects in respect to socioeconomics and tourism have been identified as a result of the proposed development, however a likely beneficial significant economic effect at a Council ward level has been identified. Residual economic effects during the operational and decommissioning phases of the proposed Development would be beneficial, but not significant at a regional and national level.

5.69 The Proposed Development is therefore considered to comply with HwLDP policy 67 and the provisions contained within the Onshore Wind Supplementary Guidance and the Developer Contributions Supplementary Guidance.

Noise

5.70 A noise impact assessment was undertaken and part of the EIA assessment to consider potential noise effects associated with the proposed development, the findings of which are presented in Chapter 12 of the EIAR.

5.71 Operational noise has been assessed in accordance with ETSU-R-97 (ETSU, 1996). Considered alone, the operational noise of the proposed development is shown to be below the ETSU-R-97 limit.

5.72 Considered cumulatively with other existing and planned wind farms, a simple modelling in accordance with ISO 9613-2 shows a small excess over the daytime limit. When wind direction is taken into account, this excess disappears.

5.73 Best practice measures will be employed to manage noise during the construction and decommissioning stages of the proposed development, and no effects associated with these stages are considered to constitute significant effects. Construction noise will be limited in duration and confined to working hours as specified by THC and can therefore be adequately controlled through the application of good practice measures and secured by an appropriately worded planning condition. Noise during decommissioning will be of a similar nature to that during the construction phase and will be managed

5.74 The proposed development is therefore not considered to represent any significant impact to nearby noise receptors, either in isolation or cumulatively. Therefore, the proposed development is considered to comply with the policy provisions outlined in HwLDP policies 67 and 72 as well as the provisions of THC's Onshore Wind Energy Supplementary Guidance.

Transport and Access

5.75 The relevant policies within the Development Plan are Policies 56, 77 and 78 which aim to maintain and improve connectivity, public transport, and ensure Traffic Impact

Assessments are undertaken where required in order to preserve the performance and safety of the road network. This is in addition to Policy 67 which also considers traffic and transport related access as well as public access.

5.76 Chapter 13 of the EIA Report deals with effects relating to Transport and Access. The proposed development would take access from an upgraded junction located on the C1136. The turbine blades will be delivered using a blade lifting trailer and will access the site from the A9 via the A839, A837 and the C1136. The turbine blades and components will be delivered from either the port of Invergordon or Nigg, southeast of the site.

5.77 It reports that the proposed development would lead to a temporary increase in traffic volumes on the study road network during the construction phase. Traffic volumes would decrease considerably outside the peak period of construction. The maximum traffic impact associated with construction is predicted to occur in Month 4 of the programme. The greatest impact would occur at the site access where an additional 139 trips (43 Cars & Lights and 96 HGVs) are included to the network.

5.78 No road capacity issues are expected on any of the roads within the study area due to the additional construction traffic movements associated with the proposed development as background traffic movements are low, the links are of a reasonable standard and appropriate mitigation is proposed.

5.79 The assessment of significance suggests traffic flows interacting with the existing road users and Core Path users to the west of Lairg are considered significant effects, prior to the application of mitigation measures.

5.80 The construction effects on residents in Lairg, Bonar Bridge and Ardgay are considered mainly Slight and not significant as there are located in the vicinity of an A Class road which is designed to accommodate HGV and higher traffic flows. Reduced speed limits are in place through these locations.

5.81 The effects of the road users along the B8024 and link road would be mitigated through the use of traffic management measures that can be secured by condition in a CTMP, while the effects of the Core Path users would be mitigated through the CTMP as well as a conditioned Core Path Management Plan. With the successful implementation of these measures, the effects can be considered as non-significant.

5.82 HGV traffic movements will increase to the west of Lairg. While the increases in flows are statistically significant, it is generally caused by low total flows along this network.

5.83 Traffic levels during the operational phase of proposed development would be one or two vehicles per week for maintenance purposes. Traffic levels during the decommissioning of the proposed development are expected to be lower than during the construction phase as some elements could be left in situ and others broken up on-site.

5.84 The movement of AIL traffic would road improvement works which could be made permanent along the network to the west of Lairg. The delivery of these measures would be secured by planning condition and delivered prior to construction works commencing.

Forestry

5.85 The relevant Development Plan policy for forestry include Policy 51. In general terms, these policies aim to minimise the loss of woodland and look to protect and conserved existing woodland. The policy also sets out that any development which has an adverse impact upon tree resource is required to provide provision for the preservation and where appropriate planting of new trees.

5.86 The forestry plans and assessment have been included as Chapter 14 of the EIA Report. The forestry study area within the proposed development consists of a single privately owned forest consisting of unplanted ground, native woodland and coniferous plantation.

5.87 Forestry felling and replanting has been demonstrated to reach a net balance. Modest corridor felling would be associated with the access tracks and infrastructure, whilst a separate area would be permanently felled for structural and wind resource purposes.

5.88 The proposed development requires felling of some 47.37 ha for permanent infrastructure with a further 19.18 ha of temporary management felling. The infrastructure felling is permanent woodland loss and will be mitigated through compensatory planting within the Site. Temporary felling will be replanted in situ. No woodlands listed in the Ancient Woodland Inventory are effected by the development.

5.89 As a result of the woodland permanently felled for the infrastructure including tracks, other permanent infrastructure and stand-off distances between trees and turbines and wind management zones would result in a total loss of 74.63 ha. In the absence of mitigation, the effects due to the felling of conifer plantation including the replanted area of native broadleaf to be removed for construction are not considered to be significant.

5.90 The species composition would remain materially unaltered resulting from the proposed development as permanent woodland loss is within conifer compartments.

5.91 In order to comply with the Scottish Government's Control of Woodland Removal Policy, compensation planting would be required to mitigate the loss of woodland area. The Applicant is committed to providing appropriate compensatory planting of approximately 27.93 ha, subject to further site investigation.

5.92 The extent, location and composition of such planting would be agreed with Scottish Forestry, taking into account any revision to the felling and restocking plans prior to the commencement of operation. Compensatory planting will be agreed with Scottish Forestry through an appropriately worded planning condition and the proposed planting plan shall be evaluated.

5.93 Following completion of the compensatory planting, the residual effect of the Proposed Development would be not significant and therefore the forestry proposals accord with the Development Plan.

Other Issues

5.94 Chapter 15 of the EIAR outlines the assessment of the Proposed Development against a variety of 'other issues', including infrastructure, aviation and radar, health and safety, telecommunications and television, and shadow flicker.

5.95 An aviation lighting scheme has been agreed with the CAA due to the height of the proposed turbines.

5.96 In terms of shadow flicker, given there are a number of properties within 10x rotor diameter in a 130 degree arc north of any turbine. Whilst there is no standard Scottish or UK guidance on a threshold for shadow flicker at which effects may be significant for the purposes of the EIA Regulations, it is possible that some of these properties on occasion experience shadow flicker at limited times of the year.

5.97 There is no potential for cumulative effects in relation to shadow flicker when considered alongside other wind farms within 5 km of the proposed development.

5.98 A shadow flicker management plan will be developed and agreed with The Highland Council prior to operation commencing. This will set out the procedure for managing shadow flicker during operation and detail appropriate mitigation measures.

5.99 In terms of ice throw, modern wind turbines are designed and manufactured to withstand the most extreme weather conditions which arise in the UK in terms of wind speeds, turbulence and temperature. Properly designed and maintained wind turbines are a safe technology and the likelihood of the occurrence of ice throw, given the history of the industry, is very low.

5.100 The carbon calculator is reported upon within Chapter 15. It concludes that the carbon payback time is 3.2 years for the scheme, and 1.9M tonnes of carbon would be saved.

THC Onshore Wind Energy Supplementary Guidance

5.101 Although it is not part of the Development Plan, assessment against the principles contained within the Onshore Wind Energy Supplementary Guidance (OWESG) is important to determine the balance that should be afforded to the OWESG and to what extent the proposed development accords with its provisions.

Table 5.1: THC OWESG Landscape and Visual Criteria

Criteria	Measure		Comments / Outcome
(Quoted from THC's *Onshore Wind Energy* Supplementary Guidance, pages 18-20)			
Criterion 1: Relationship between Settlements / Key locations and wider landscape respected.			
Relationship between Settlements / Key locations and wider landscape respected.	*The extent to which the proposal contributes to perception of settlements or key locations being encircled by wind energy development.*	✓	The settlement location within a 'wooded strath' at the eastern end of the Kyle of Sutherland means that there would be limited opportunity for settlements such as Rosehall to be 'encircled' by wind energy development

Criteria	Measure		Comments / Outcome
Development should seek to achieve a threshold where:	*Turbines are not visually prominent in the majority of views within or from settlements/Key Locations or from the majority of its access routes.*	✓	due to the screening and enclosing effects of landform and trees, woodland and forestry. The majority of the approach roads are well wooded and access to Rosehall is via wooded corridors along the A837 and A839. There would however be significant views of the proposed development from some locations within Rosehall at Invercassley to the north and south of the bridge over the River Cassley including Achness Hotel, but not from other areas of the village including the village hall, primary school and two churches. There would be no significant visual effects on any other settlements.
Criterion 2: Key Gateway locations and routes are respected			
Key Gateway locations and routes are respected.	*The extent to which the proposal reduces or detracts from the transitional experience of key Gateway Locations and routes.*	✓	No 'key gateways' or important areas of landscape transition were identified in the consultation or assessment process. Whilst there would be localised significant visual effects on a small number of nearby transport routes, the proposed development would not significantly affect any 'key gateways' or locations on routes and would not detract from any landscape characteristics which contribute a 'distinctive transitional experience' through the landscape.
Development should seek to achieve a threshold where:	*Wind Turbines or other infrastructure do not overwhelm or otherwise detract from landscape characteristics which contribute the distinctive transitional experience found at key gateway locations and routes.*	✓	
Criterion 3: Valued natural and cultural landmarks are respected			
Valued natural and cultural landmarks are respected.	*The extent to which the proposal affects the fabric and setting of valued natural and cultural landmarks.*	✓	The proposed development would not significantly the fabric and setting of valued natural and cultural landmarks
Development should seek to achieve a threshold where:	*The development does not, by its presence, diminish the prominence of the landmark or disrupt its relationship to its setting.*	✓	
Criterion 4: The amenity of key recreational routes and ways is respected			
The amenity of key recreational routes and ways is respected.	*The extent to which the proposal affects the amenity of key recreational routes and ways (e.g. Core Paths, Munros and Corbetts, Long Distance Routes etc).*	✓	The proposed development would have no significant effects on the amenity of 'key recreational routes'. There would however be a significant effect on the views from parts of six recreational routes including three Core Paths near Rosehall, two Rosehall Local Forest Walks and one long distance route (Cape Wrath Trail). The visual effects although significant would not be 'dominant' and would not affect the key focus or attractions along these routes.
Development should seek to achieve a threshold where:	*Wind Turbines or other infrastructure do not overwhelm or otherwise significantly detract from*	✓	

Criteria	Measure		Comments / Outcome
	the visual appeal of key routes and ways.		The level of effect, although significant would not be overwhelming.
Criterion 5: The amenity of transport routes is respected			
The amenity of transport routes is respected.	*The extent to which the proposal affects the amenity of transport routes (tourist routes as well as rail, ferry routes and local road access).*	✓	Although the proposed development would have a significant effect on the views from some locations along the A837. The level of effect would not be overwhelming, viewed at >2.1km distance such that the proposed development reflects the landscape character and 'fits' within the proposed landscape setting. The quality of the wind farm design also limits the potential for adverse effects on the amenity and visual appeal of these routes, with the wind farm being capable of being appreciated as an object in the landscape in its own right.
Development should seek to achieve a threshold where:	*Wind Turbines or other infrastructure do not overwhelm or otherwise significantly detract from the visual appeal of transport routes.*	✓	
Criterion 6: The existing pattern of Wind Energy Development is respected			
The existing pattern of Wind Energy Development is respected.	*The degree to which the proposal fits with the existing pattern of nearby wind energy development, considerations include:* *Turbine height and proportions,* *density and spacing of turbines within developments,* *density and spacing of developments,* *typical relationship of development to the landscape.* *previously instituted mitigation measures Planning Authority stated aims for development of area.*	✓	The proposed development would appear as a clearly recognisable scheme that 'fits' with the simplicity of the local landscape character, such that the aesthetics and visual composition of the turbines (appearing as a simple and reasonably balanced composition) can be appreciated in their own right where visible. The simple visual composition of the turbines reflects the character of the *Rounded Hills – Caithness and Sutherland* LCT and the pattern of other existing and consented wind farm development nearby. The nearby existing wind farms of Achany and Rosehall are located at a higher elevation appearing higher up within the hills. In most views, the existing wind farms appear visually separate from the proposed development. Notwithstanding that the proposed development forms part of a loose group or cluster of development with the baseline group of Achany and Rosehall (and Braemore consent) wind farms, this visual separation allows the proposed development to be perceived as a separate wind farm such that differences in turbine height, scale and rotation speed can be appreciated as distinctly separate, allowing both the existing / consented wind farms and the proposed development to be reasonably accommodated in the views.
Development should seek to achieve a threshold where:	*The proposal contributes positively to existing pattern or objectives for development in the area.*	✓	
Criterion 7: The need for separation between developments and / or clusters is respected			
The need for separation between developments and / or clusters is respected.	*The extent to which the proposal maintains or affects the spaces between existing developments and / or clusters.*	✓	The proposed development maintains an appropriate and effective separation of over 6km from the existing Rosehall and Achany, and consented Braemore wind farms.

Criteria	Measure		Comments / Outcome
Development should seek to achieve a threshold where:	*The proposal maintains appropriate and effective separation between developments and / or clusters.*	✓	
Criterion 8: The perception of landscape scale and distance is respected			
The perception of landscape scale and distance is respected.	*The extent to which the proposal maintains or affects receptors' existing perception of landscape scale and distance.*	✓	The proposed development would not adversely affect the receptors' existing perception of landscape scale and distance, being located within a suitably large scale landscape (Rounded Hills – Caithness and Sutherland) and designed to appear as a simple and balanced wind farm, the scale of which is distinctly separate from other existing wind farm developments in this area such that perceptions of intervening distance and scale are maintained, and is set back beyond the smaller scale straths and glens.
Appearance Development should seek to achieve a threshold where:	*The proposal maintains the apparent landscape scale and / or distance in the receptors' perception.*	✓	
Criterion 9: Landscape setting of nearby wind energy developments is respected			
Landscape setting of nearby wind energy developments is respected.	*The extent to which the landscape setting of nearby wind energy developments is affected by the proposal.*	✓	The proposed development maintains an appropriate and effective separation of over 6km from the existing Rosehall and Achany, and consented Braemore wind farms.
Development should seek to achieve a threshold where:	*Proposal relates well to the existing landscape setting and does not increase the perceived visual prominence of surrounding wind turbines.*	✓	
Criterion 10: Distinctiveness of Landscape character is respected			
Distinctiveness of Landscape character is respected.	*The extent to which a proposal affects the distinction between neighbouring landscape character types, in areas where the variety of character is important to the appreciation of the landscape.*	✓	The proposed development would be located clearly within the *Rounded Hills – Caithness and Sutherland* LCT with the 'simple' turbine layout being more suitable to the underlying landform and simpler landscape character. The turbines would not cross different landscape character types or otherwise blur the distinction between them. The *Rounded Hills – Caithness and Sutherland* LCT has a strong visual rational for wind farm development, being cohesively located within a windy location. Despite localised significant visual effects, the overall integrity of the landscape character would be maintained. The Site is located in an area with potential for wind farm development, that which is made more suitable by the existing landscape character, forestry and landform of the area, which act to reduce the sensitivity of the Site and limit both the visibility and numbers of

Criteria	Measure		Comments / Outcome
			people close to the Site who might otherwise view the proposed turbines.

5.102 The tip height of the proposed development does not accord with the overarching definition of a large-scale wind energy development, considered to be turbines of 30m or above to blade tip. This is largely because turbine technology has become more advanced, development costs have risen significantly, and the price of electricity has fallen. This means that greater wind speeds are required for which taller turbines are needed. This is consistent with other forthcoming and current applications in the Highlands.

5.103 The OWESG is a useful tool to inform design and to generally guide development into appropriate places. The proposed development accords with much of its design guidance which has been respected and adhered to, as demonstrated in Table 5.1.

5.104 The nature of wind energy development means that there will always be landscape and visual effects, usually of a significant nature. In this case however, none of the likely environmental effects that would result from the proposed development would, in our opinion, be unacceptable in respect of a planning balance. Additionally, given the sensitivity of the landscape in which the proposed development is situated, it is considered that the design is respectful of its surroundings and has been developed with both local and national planning policy as well as key gateways, locations, and environmental constraints within the surrounding area in mind.

6 CONCLUSION

6.1 This document provides a clear policy and legislative support for renewables and specifically onshore wind energy as a principle, in order to reach our Net Zero obligations by 2045 as set out in law.

6.2 The Scottish Government is clear and unequivocal about the requirement for new onshore wind generation through legislation and policy. Between 8 and 12 GW of new generation needs to be deployed before 2030. This is the equivalent to between 90 and 140 new wind farms the size of the proposed development, across Scotland. This demonstrates the size and scale of the task at hand.

6.3 The Scottish Government and the Highland Council are both supportive of the principle of onshore wind and have both declared their respective climate emergencies. The principle is not in doubt and the pace of change and deployment needs to be urgent to meet the challenging 2030 interim targets.

6.4 It is therefore a question of siting and design, and associated policy, upon which the acceptability of this proposed development must be based.

6.5 The design in this area is key which is made more suitable by the existing landscape character, forestry and landform of the area, which act to reduce the sensitivity of the Site and limit both the visibility and numbers of people close to the Site who might otherwise view the proposed turbines.

6.6 This is apparent through the Design Evolution detailed within Chapter 4 of the EIA Report, as well as the Design and Access Statement and within Volume 3: NatureScot Visualisations and Volume 5: THC Visualisations.

6.7 In policy terms, planning policy has not yet caught up with the new reality. This is not the fault of the Council or of the Government, but the reality remains that the policy upon which the assessment is being made is 10 years old in the case of the Local Development Plan and more than 5 years old for the OWESG. In addition to this, SPP is nearly 8 years old. These documents remain the Development Plan and the main national spatial planning guidance however, and therefore this Planning Statement has assessed acceptability against these policies.

6.8 Under Section 25 of the Town and Country Planning Act 1997 (as amended) and in respect of deemed planning consent, the decision must be made against the Development Plan unless material considerations suggest otherwise.

6.9 The Planning Statement assesses the relative merits of the proposed development in relation to the policies of the LDP and Supplementary Guidance, as organised by the evidence and assessment collected within the EIA Report.

6.10 The proposed development can draw support from the LDP and OWESG in terms of the siting and design of the wind farm. With the use of the mitigation measures which have been carefully inbuilt to the development and the additional mitigation measures that

have been supplied within Chapter 16 of the EIA Report (and would be subject to planning condition).

6.11 In light of other material considerations including the need for Net Zero in law, it is the view of the Applicant that the case for the proposed development is therefore very strong in line with the tilted balance consideration above and the fact that the proposed development largely accords with the Development Plan.

6.12 The Applicant is committed to providing community benefit in line with the prevailing Scottish Government recommendation of £5,000 per MW per annum. With an application capacity of 66.6MW across 10 turbines, at current scheme design and estimates, this would result in £11.65 million for relevant communities across the lifetime of development. Although this is not a material planning consideration per se, the resultant potential socio-economic benefit is significant, and is a material consideration in itself.

6.13 The results of the Carbon Calculator for the Proposed Development show that the Proposed Development is estimated to produce annual carbon savings in the region of 55,316 tonnes of CO2e per year, and lifetime savings of over 1.9 Mt of CO2e through the displacement of grid electricity, based on the current average grid mix.

6.14 In conclusion, the Scottish Government has made it clear that wind energy should be deployed in a timely manner to reach 2030 net Zero interim targets if we have any chance of becoming Net Zero by 2045 as is set out by law. The Development Plan is in situ and is what a decision should be based on, however material considerations play a strong role in reaching a conclusion of acceptability. If we require a further 8-12GW of new onshore deployment by 2030, the planning and consenting system must play its role in facilitating this in situations where the local or regional policy background has not yet caught up.

6.15 Despite this it is concluded that the proposed development when considered within a planning balance is in general accordance with the Development Plan, is in accordance with national policy and is in strong accordance with other relevant material considerations.

6.16 It is respectfully suggested that the Scottish Ministers, The Highland Council and other relevant consultees, stakeholders, and members of the public should support this application for the reasons stated within this document and based on the evidence collected within the EIA Report.