Chapter 5 Planning and Energy Policy

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List of Abbreviations

Abbreviation	Description
CCC	Committee on Climate Change
CCP	Climate Change Plan
EIA	Environmental Impact Assessment
GHG	Green House Gas
HwLDP	Highland Wide Local Development Plan
IMFLDP	Inner Moray Firth Local Development Plan
LDP	Local Development Plan
NPF4	National Planning Framework 4
OWESG	Onshore Wind Energy Supplementary Guidance
OWPS	Onshore Wind Policy Statement
SES	Scottish Energy Strategy

5. Planning and Energy Policy

5.1. Introduction

5.1.1. This chapter of the EIA Report describes the legislative and policy background relevant to the Proposed Development. A standalone Planning Statement, separate to the EIA Report, has been prepared to support the application which assesses the Proposed Development against planning policy.

5.2. Electricity Act 1989

5.2.1. This application is submitted to the Scottish Ministers under Section 36 (S36) of the Electricity Act 1989 (the Electricity Act). At the same time, the Applicant is also seeking that Scottish Ministers issue a Direction under Section 57(2) of the Town and Country Planning (Scotland) Act 1997 (the 1997 Planning Act), as amended, that deemed planning permission also be granted for the Proposed Development.

5.2.2. Schedule 9 paragraph 3 to the Electricity Act imposes no duties on an Applicant other than a generating licence holder or a person authorised by an exemption to generate electricity. The Applicant is not a holder of a generating licence or an exemption in respect of the Proposed Development and the duties under Paragraph 3 do not apply.

5.2.3. There is no 'primacy' of the Development Plan in an application made under the Electricity Act, as would be the case for an application under the 1997 Planning Act. Rather, weight can be attributed by the decision-maker to all material considerations including the various levels of national and local energy and planning related policy and guidance as deemed appropriate. Notwithstanding, National Planning Framework 4 as the national element of the Development Plan should be accorded significant weight, given it was adopted earlier in 2023.

5.3. International Climate Change and Energy Policy

5.3.1. Energy legislation and policy in the United Kingdom (UK) is driven by international co-operation to cut greenhouse gas (GHG) emissions, as a means of combating climate change. This includes the 'Paris Agreement', established through the 21st session of the Conference of Parties ('COP21'). Ratified in the UK on 17th November 2016, the Paris Agreement sets out the ambition of holding the increase of global average temperature to *"well below 2°C"* and pursuing efforts to limit temperature increase to 1.5°C (UN, 2015). This ambition has been consistently reaffirmed, most recently at COP27 in Egypt in November 2022.

5.3.2. The United Nations 'Emissions Gap Report 2022' shows that the world is on track for a global temperature rise of between 2.4°C -2.6°C by the end of this century. To keep global warming below 1.5°C this century, the aspirational goal of the Paris Agreement, the report states that global GHG emissions must be reduced by 45%, compared with current policy projections.

5.4. Scottish Climate Change and Energy Legislation and Policy

5.4.1. The Scottish Government has legislated to achieve net zero carbon emissions by 2045 and therefore five years earlier than the rest of the UK. Legislation, policy and other documents of most relevance to the application include:

- Climate Change (Scotland) Act 2009 and Climate Change (Emissions Reduction Targets) (Scotland) Act 2019;
- Onshore Wind Policy Statement (2022);
- Scottish Emissions Targets - First Five-yearly Review & Progress in Reducing Emissions in Scotland – 2022 Report to Parliament (2022);

- A Stronger and More Resilient Scotland - The Programme for Government 2022-23 (2022);
- Update to the Climate Change Plan 2018 - 2032: Securing a Green Recovery on a Path to Net Zero (2020); and
- Scottish Energy Strategy (2017) and Draft Energy Strategy & Just Transition Plan (2023)

Legislation

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

5.4.2. The Climate Change (Emissions Reduction Targets) Act 2019 (Climate Change Act 2019) amends the Climate Change (Scotland) Act 2009 and sets a target date of 2045 for reaching net zero emissions. The Climate Change Act 2019 states that the Scottish Ministers must ensure that the net Scottish emissions account for the year (with 1990 being the baseline year):

- 2020 is at least 56% lower than the baseline;
- 2030 is at least 75% lower than the baseline; and
- 2040 is at least 90% lower than the baseline.

Policy & Other Documents

Onshore Wind Policy Statement (OWPS) (2022)

5.4.3. The Onshore Wind Policy Statement (OWPS) was published on 21st December 2022 and clearly sets out that onshore wind will be a critical technology to help deliver the 2030 and 2045 climate change targets.

5.4.4. The Ministerial Forward notes that *"we must accelerate our transition towards a net zero society".* It adds that *"Scotland has been a frontrunner in onshore wind and, while other renewable technologies are starting to reach commercial maturity, <u>continued deployment of onshore wind will be key to ensuring our 2030 targets are met</u>"* (emphasis added) (Scottish Government, 2022).

5.4.5. The Vison Statement states that *"onshore wind is the biggest source of renewable energy in Scotland – of the total 13 GW of renewable energy in Scotland, almost 9 GW is supplied by onshore wind. Public acceptance for onshore wind has consistently increased over the last decade with the latest RenewableUK poll noting that more than 87% of the UK public either strongly support onshore wind development or have no opinion. Scotland's abundant natural resources and policy support for onshore wind have seen us lead the way in project deployment and the resulting economic benefit compared to other parts of the UK"* (Scottish Government, 2022).

5.4.6. Within this context, the OWPS sets out as a key ambition the need to deliver a **minimum** installed capacity of 20GW of onshore wind in Scotland by 2030. The OWPS describes the status of wind energy projects in the planning system as of June 2022, totalling 11.3GW. However, it recognises that not all of the consented projects will be built and not all application stage projects will receive consent. It also recognises that there may be an element of double counting in the figures, whereby schemes that already benefit from consent have applied again to vary the terms of the permission e.g. tip height increases.

5.4.7. Development proposals also need to maximise economic, social and environmental benefits, to help the just transition to a net zero society.

5.4.8. In terms of landscape and visual matters, Paragraph 3.6.1 notes that in order to ensure climate change targets are met, taller and more efficient turbines will be required and that *"<u>this will change the landscape</u>"* (**no** emphasis added). Not all renewable energy projects will receive permission however, and the OPWS recognises in paragraph 3.6.1 that the aspiration is to ensure *"the right development happens in the right place"*. (Scottish Government, 2023).

Scottish Emissions Targets – First Five-yearly Review & Progress in Reducing Emissions in Scotland – 2022 Report to Parliament

5.4.9. Published on 7th December 2022, these joint reports (required under the Climate Change (Scotland) Act 2009) provide the Scottish Ministers with advice on Scottish GHG emission targets and assess progress on reducing emissions to date. Written by the CCC, the advice is set out in two parts:

- The first provides a review of Scotland's targets in view of recent methodology changes for estimating emissions; and
- The second looks at Scotland's progress in emissions reduction, policy plans and delivery of those plans over the last year.

5.4.10. The analysis shows that the 2020 interim target was achieved. In this respect, Scotland's GHG emissions fell by 12% from 2019 and by 51% since 1990. However, the report noted that "*the fall in emissions in 2020 was largely due to travel restrictions in place during the Covid-19 pandemic, without which it is unlikely the interim target would have been met*". The CCC note that the annual targets in the 2020s will be much harder to achieve as emissions rebound.

5.4.11. There are a number of key messages including inter alia:

- Changes in emissions accounting methodology do not imply the need to change the legislated net zero and interim targets for 2030 and 2040; and
- Meeting the 2030 interim target remains extremely challenging. The analysis suggests that a 65-67% reduction in emissions is feasible. Policies must therefore go further to meet the legislated 75% reduction by 2030.

5.4.12. The CCC makes a series of recommendations to the Scottish Government, including an urgent need to *"provide a quantified plan for how its polices will combine to achieve the emissions reduction required to meet the challenging 2030, target. The plan must detail how each of Scotland's ambitious milestones will be achieved"* (CCC, 2022). It also urges working more closely with the UK Government given that many aspects of policy, especially in the industry and energy supply sectors, are reserved to Westminster (Executive Summary).

Equality, Opportunity, Community - Our Programme for Government September 2023

5.4.13. While the Programme for Government is not an energy policy specific publication, it does set out important statements about how the Scottish Government intends to address various matters relating to the climate emergency, nature crisis and renewable energy, amongst other issues. The Programme for Government was published in September 2023 and therefore represents a recent statement of the Scottish Government's priorities on a range of issues.

5.4.14. The First Minister's Foreword notes that the Programme for Government "*puts responding to the climate crisis at the very heart of this government".* This theme is revisited throughout the document and mirrors the foreword to NPF4 (discussed below) which puts the twin global climate and nature crisis at the heart of the future vision for Scotland. On page 6, the Programme for Government notes that it is a "*moral duty to respond to the climate and nature crises".*

5.4.15. In the commentary on 'Opportunity: Building a fair, green and growing economy', the Programme for Government notes that "*Responding to the climate crisis is a fundamental priority for this government"* and central to achievement of that is *"scaling up renewables".*

5.4.16. Commentary in the Programme for Government from the Cabinet Secretary for Transport, Net Zero and Just Transition recognises that "*Climate change presents an existential threat to all our futures".* There is recognition that action is required now and that "*change is necessary*" which can deliver a more biodiverse environment, cleaner air, greater energy security and new sources of economic vitality. The programme for Government also states that "*tackling the climate crisis also means protecting our natural environment by halting the loss of habitat and biodiversity".*

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

5.4.17. In December 2020, the 'Update to the Climate Change Plan 2018 - 2032: Securing a Green Recovery on the Path to Net Zero' (CCP Update) was published. The CCP Update sets the Scottish Government's legislative commitment to reducing emissions by 75% by 2030 (compared with 1990) and to net zero by 2045 in the context of a post-COVID green recovery.

5.4.18. The CCP Update highlights that a key part of the green recovery is a co-ordinated approach across sectors. The CCP Update emphasises the growth and success to date of Scotland's renewable energy generation as well as stating strongly the determination that this growth must continue. Page 78 of the Update states that *"planning has been, and will remain, a critical enabler of rapid renewables deployment in Scotland"*. Referring specifically to onshore wind generation, on page 84 it is noted that there is a motivation to reduce determination periods for applications to enable projects to be awarded consent to be developed more quickly.

Scottish Energy Strategy (SES) (2017) and Draft Energy Strategy & Just Transition Plan (2023)

5.4.19. The Scottish Energy Strategy (SES) was published in December 2017 and sets out the Scottish Government's strategy through to 2050, marking a 'major transition' over the next three decades in terms of energy management, demand reduction and generation.

5.4.20. The Strategy sets a new 2030 'all energy' target for the equivalent of 50% of Scotland's heat, transport and electricity consumption to be supplied from renewable sources. The Strategy also targets an increase by 30% in the productivity of energy use across the Scottish economy.

5.4.21. Page 57 acknowledges that the possible electrification of heat and transport on a large scale could place much greater demand on the renewable electricity sector. Accordingly, page 33 notes that achieving the equivalent of 50% of Scotland's heat, transport and electricity consumption to be supplied from renewable sources by 2030 will be challenging but the target *"demonstrates the Scottish Government's commitment to a low carbon energy system and to the <u>continued growth</u> of the renewable energy sector in Scotland"* (emphasis added) (Scottish Government, 2017).

5.4.22. Page 41 notes that renewable and low carbon energy will provide the foundation of our future energy system, offering Scotland a huge opportunity for economic and industrial growth. While the SES acknowledges that all renewable energy technologies will have a role to play in the future energy system, the nature of the energy and climate change goals means that *"onshore wind must continue to play a vital role in Scotland's future - helping to decarbonise our electricity, heat and transport systems, boosting our economy and meeting local and national demand"* (page 43) (Scottish Government, 2017).

5.4.23. The Scottish Government published the 'Draft Energy Strategy & Just Transition Plan' (the Draft SES) for consultation purposes in January 2023.

5.4.24. The Ministerial Foreword describes the 2020s as a 'decisive decade' when we must deliver an energy system that meets the challenge of becoming a net zero nation by 2045. It notes the need to reduce dependency on oil and gas, as a means of combating the climate crisis and reducing our exposure to global market volatility in the energy market, which has seen energy prices increase significantly since the start of the Ukraine war in 2022. The Draft SES seeks to reduce energy costs in the long term and reduce the likelihood of future energy cost crises. It also seeks to achieve the transition to a net zero society in a just manner, so that the employment and economic opportunities associated with it are fully realised.

5.4.25. It is clear that the Draft SES sees onshore wind as playing a key role in meeting the target of an additional 20GW of renewable energy capacity by 2030. In this respect, onshore wind is expected to provide 12GW of this additional capacity and the Draft SES notes at paragraph 3.1.2 that *"taller and more efficient turbines can be deployed at both new developments and when considering the repowering of existing sites, providing significantly increased capacity, often without increasing the footprint of an existing site. There are also substantial opportunities associated with repowering onshore wind farms as they come to the end of their lives"* (Scottish Government, 2023).

5.4.26. The Draft SES reaffirms the ambitions of the OWPS, providing a number of actions that will be taken to support the delivery of the strategy.

5.5. UK Climate Change and Energy Legislation and Policy

5.5.1. Energy policy in Scotland is a matter that is reserved to the UK Parliament. However, as the following section notes, the Scottish Government has published several of its own energy policy and strategy documents that apply to Scotland only and these are material to the determination of this application. Following comments on the legislative position, other key documents are considered in chronological order, the most recent first.

Legislation

Energy Security Act 2023

5.5.2. The Energy Security Act 2023 received Royal Assent on 26 October 2023. Originally introduced as the Energy Security Bill in 2022, it seeks to build on the commitment set out in the April 2022 British Energy Security Strategy to reduce the UK's dependence on volatile fossil fuel markets, by improving domestic energy production and make the UK more self-sufficient when it come to the energy it uses.

5.5.3. Following the introduction of the Act into law, the Energy Security Secretary Claire Coutinho commented that "*The Energy Act is the largest piece of energy legislation in a generation. It will boost investment in clean energy technologies and support thousands of skilled jobs across the country. It lays the foundations for greater UK energy independence, making us more secure against tyrants like Putin, and helps us to power Britain from Britain".*

Climate Change Act 2008 (as amended)

5.5.4. The Climate Change Act 2008 became law on 26th November 2008 and introduced a legally binding target for the UK to reduce CO_2 emissions by at least 80% by 2050, relative to 1990 levels.

5.5.5. In June 2019, the Climate Change Act 2008 (2050 Target Amendment) Order 2019 was introduced which amended the Climate Change Act 2008, by introducing a target for at least a 100% reduction of greenhouse gas emissions in the UK, compared to 1990 levels. This Order follows on from the recommendations presented by the Committee on Climate Change (CCC) 2019 publication 'Net Zero, The UKs Contribution to Stopping Global Warming'.

5.5.6. Efforts to reduce GHG in Scotland contribute to achievement of UK wide targets, as well as meeting Scotland specific targets as discussed below.

Policy and Other Documents

Climate Change Committee - Progress in Reducing Emissions – 2023 Progress Report to Parliament

5.5.7. The 2023 CCC Joint Progress Report to Parliament was published in June 2023 and considers the global picture with regards to emissions reductions and adaptation to climate change. It discusses the UK's role in a global context before discussing a range of sectors such as transport, building, manufacturing, electricity supply, fuel supply, aviation and shipping etc. Each sector is looked at in terms of emission trends and drivers, indicators of progress, next steps and major risks.

5.5.8. In the Foreword, the Chair of the CCC notes that the UK has shown leadership in accepting a legal obligation to deliver net zero. However, he is "*worried"* about the commitment of the Government to act to deliver these legally binding targets since our COP26 presidency. He notes there is "*hesitation"* from Government to commit fully to delivering the key pledges.

5.5.9. In the Introductory section, the report notes that 2022 was the UK's warmest recorded year and one of the six warmest years on record globally. The record-breaking temperatures seen in the UK in summer 2022 brought unprecedented numbers of heat-related deaths, wildfire incidents and significant infrastructure disruption. Human activities are causing our climate to change. The report considers that only decisive action will slow further changes.

5.5.10. The report notes that the UK has "*backtracked*" on fossil fuel commitment and considers it is critical that it re-establishes its climate leadership with a clearer strategy to deliver net zero. The report notes that the transition to net-zero is scheduled to take around three decades, "*but to do so requires a sustained high-intensity of action"*, made all the more critical due to the slow start to policy development so far.

5.5.11. On Planning, the report notes that the planning system must have an "*overarching requirement that all planning decisions must be taken giving full regard to the imperative of net zero*". In Scotland, these principles are now set by NPF4, discussed below.

5.5.12. The report notes on page 20 that in 2022 renewable electricity supply increased but not at the rate required to meet targets. Given the short lead times, the report notes that the "*rapid deployment of onshore wind and solar could have helped to mitigate dependence on imported gas during the fossil fuel crisis".* Later on page 204, the report notes that part of the reason for the slow deployment of onshore wind and solar is due to the barriers in the planning system. It also notes that these technologies are "*amongst the cheapest forms of electricity generation*".

5.5.13. The CCC also produced a separate Progress Report for the Scottish Parliament in December 2022, which is discussed below.

British Energy Security Strategy – Secure, Clean and Affordable British Energy for the Long Term

5.5.14. In April 2022, the UK Government published the above Strategy, primarily in response to rising global energy prices and following the Russian invasion of Ukraine. A key aim of the Strategy is to reduce our dependence on imported oil and gas and to help decarbonise the energy sector, achieving net zero by 2050.

5.5.15. The Introduction notes that *"the transition away from oil and gas then depends critically on how quickly we can roll out new renewables".* It continues and notes that *"the growing proportion of our electricity coming from renewables reduces our exposure to volatile fuel markets"* (UK Government, 2022).

5.5.16. The Strategy discusses a range of technologies including offshore and onshore wind, solar, hydrogen and nuclear. It recognises that *"onshore wind is one of the cheapest forms of renewable power"* and that there is *a "strong pipeline of future projects in Scotland". While there is a strong focus in the Strategy on new nuclear and the continued expansion of offshore wind, the report recognises that "…we need to be bolder in removing the red tape that holds back new clean energy developments and exploit the potential of all renewable technologies"* (emphasis added) (UK Government, 2022).

Committee on Climate Change – The Sixth Carbon Budget, The UK's Path to Net Zero

5.5.17. In December 2020, the CCC published 'The Sixth Carbon Budget' which comprises three documents: 'The UK's Path to Net Zero'; 'Methodology Report'; and 'Policies for the Sixth Carbon Budget and Net Zero'. The 2020 CCC Report describes what the potential path options to net zero look like and what steps must be taken to achieve this. A key recommendation of the Report is that the UK Government requires a reduction in UK GHG emissions of 78% by 2035 relative to 1990 and that this should be coupled with a pledge by 2030 to reduce emissions by at least 68% from 1990 levels.

5.5.18. The Foreword by Lord Deben highlights the importance of taking decisive action in the 2020s, noting that if efforts are not scaled up in this 'decisive decade' then the UK will not deliver net zero by 2050. The Foreword notes that *"utmost focus is required from government over the next ten years"* and that policy now needs to be *"scaled up across every sector"* to deliver net zero (CCC, 2020).

5.5.19. The Report recognises that reducing emissions from electricity generation to near-zero will require significant expansion of low-carbon generation. Emphasis is also placed on the increasing demand for electricity through the electrification of the economy. Wind power is highlighted in the 2020 Report as the backbone of renewable energy production, stating that the deployment of three GigaWatts (GW) per year of new wind capacity is required, plus repowering of existing sites.

Energy White Paper - Powering Our Net Zero Future

5.5.20. The UK Government published this White Paper in December 2020 which sets out the approach to be taken to tackle the challenge of climate change. Recognising the world-leading UK net zero target, the Foreword states that this will require decisive global action and significant investment to open up opportunities for economic growth and job creation.

5.5.21. The various actions set out in the White Paper are described as *"a strong signal to project developers and the wider investor community about the government's commitment to delivering clean electricity"* (UK Government, 2020). In the Section 'Our Key Commitments', the White Paper notes that *"onshore wind and solar will be key building blocks for the future generation mix, along with offshore wind".* The White Paper continues and states that *"we will need sustained growth in the capacity of these sectors in the next decade to ensure that we are on a pathway that allows us to meet net-zero emissions in all demand scenarios"* (emphasis added) (UK Government, 2020).

5.6. Planning Policy

The Development Plan

5.6.1. The Proposed Development lies within the boundary of The Highland Council. The statutory Development Plan comprises the National Planning Framework 4 (NPF4), the Highland Wide Local Development Plan (HwLDP), the Inner Moray Firth Local Development Plan (IMFLDP) and a suite of adopted Supplementary Guidance.

National Planning Framework 4 (NPF4) (2023)

5.6.2. National Planning Policy Framework 4 (NPF4) was adopted on 13th February 2023. It replaces both NPF3 and Scottish Planning Policy in their entirety. The following paragraphs provide a brief summary of the most salient parts of NPF4 only, with further detailed commentary set out in the supporting Planning Statement.

5.6.3. The opening paragraphs of NPF4 state, *"the global climate emergency means that we need to reduce greenhouse gas emissions and adapt to the future impacts of climate change. We will need to respond to a growing nature crisis, and to work together to enable development that addresses the social and economic legacy of the coronavirus pandemic, the cost crisis and longstanding inequality"* (page 3) (Scottish Government, 2023).

5.6.4. The National Spatial Strategy is supported by commentary on five Regional Spatial Strategies, each of which will contribute in their own different ways to achievement of the National Spatial Strategy. The Proposed Development site is located within the 'North' Regional Area, shown indicatively on the map on page 27. NPF4 notes under the 'Priorities' sub-heading that *'this part of Scotland can continue to make a strong contribution towards meeting our ambition for a net zero and nature positive country…'* (Scottish Government, 2023).

5.6.5. NPF4 notes that *"a large and rapid increase in electricity generation from renewable sources will be essential for Scotland to meet its net zero emissions targets"*. National Development 3 'Strategic Renewable Electricity Generation and Transmission Infrastructure', sets out a list of developments that have national status including *"on and off shore electricity generation, including electricity storage, from renewables of or exceeding 50 megawatts capacity". NPF4 confirms that National Development status means "the principle of the development does not need to be agreed later in the consenting process, providing more certainty for communities, business and investors"* (Scottish Government, 2023). The Proposed Development falls within this National Development category.

5.6.6. Policy 11 Energy is particularly relevant to the Proposed Development. Its objective is to *"encourage, promote and facilitate all forms of renewable energy development onshore and offshore. This includes energy generation, storage, new and replacement transmission and distribution infrastructure and emerging low-carbon and zero emissions technologies including hydrogen and carbon capture utilisation and storage (CCUS)"*.

5.6.7. It confirms that all forms of renewable, low carbon and zero emissions technologies will be supported. These include "*wind farms including repowering, extending, expanding and extending the life of existing wind farms*" and, "*energy storage, such as battery storage …*" Policy 11 also states that inter alia *"development proposals will only be supported where they maximise net economic impact, including local and community socio-economic benefits such as employment, associated business and supply chain opportunities"* (Scottish Government, 2022).

5.6.8. Other NPF4 policies potentially of relevance to the Proposed Development are briefly summarised in **Table 5.1** below.

Table 5.1: Summary of Relevant National Planning Framework 4 Policies

NPF4 Policy	Policy Summary
Policy 1: Tackling the Climate and Nature Crises	When considering development proposals, this policy confirms that significant weight will be given to the global climate and nature crises.

NPF4 Policy	Policy Summary
Policy 3: Biodiversity	The aim of this policy is to protect biodiversity, reverse biodiversity loss, deliver positive effects from development and strengthen nature networks. It confirms that proposals for national/major or EIA scale development will only be supported where it can be demonstrated that the proposal will conserve, restore and enhance biodiversity.
Policy 4: Natural Places	The intent of this policy is to protect, restore and enhance natural assets, making best use of nature-based solutions. It confirms that development proposals which by virtue of type, location or scale will have an unacceptable impact on the natural environment, will not be supported. It sets out specific requirements and assessment criteria in relation to European, national and local natural heritage and landscape designations. In relation to Wild Land Areas, it confirms that development proposals will only be supported where they *inter alia* support meeting renewable energy targets.
Policy 5: Soils	The aim of this policy is to protect carbon-rich soils, restore peatlands and minimise disturbance to soils from development. Development proposals on peatland, carbon-rich soils and priority peatland habitat will only be supported for *inter alia* essential infrastructure[1] (where there is a specific locational need and no other suitable site) or, the generation of energy from renewable sources that optimises the contribution of the area to greenhouse gas emissions reductions targets.
Policy 6: Forestry, Woodland and Trees	Development proposals will not be supported where they will result in *inter alia* i) any loss of ancient woodlands, ii) adverse impacts on native woodlands or, iii) fragmenting or severing woodland habitats.
Policy 7: Historic Assets and Places	The intent of this policy is to protect and enhance historic environment assets and places, and to enable positive change as a catalyst for the regeneration of places. It sets out specific requirements and assessment criteria in relation to *inter alia* listed buildings, conservation areas, gardens and designed landscapes, scheduled monuments, and non-designated historic assets.
Policy 23: Health and Safety	This policy covers *inter alia* air quality and noise. It confirms that development proposals likely to have significant adverse effects on air quality or, raise unacceptable noise issues will not be supported.

[1] Defined as *'digital communications infrastructure; telecommunications infrastructure; all forms of renewable, low-carbon and zero emission technologies for electricity generation and distribution and transmission electricity grid networks and primary sub stations; water and waste water infrastructure; and transport proposals and travel networks identified in the local development plan'* in the NPF4 Glossary.

Highland Wide Local Development Plan (HwLDP) (2012)

5.6.9. The Scottish Government's Chief Planner issued a letter on 8 February 2023 relating to 'Transitional Arrangements and to provide advice on NPF4 becoming part of the statutory Development Plan. The letter reiterates that, as per Section 13(2)(3) of the Planning (Scotland) Act 2019, in the event of any incompatibility between a provision of NPF4 and a provision of a LDP, whichever of them is later in date shall prevail. In the case of the Proposed Development therefore, in the event of any policy incompatibility, NPF4 is to prevail as the more recent document.

5.6.10. The key 'lead' policy in relation to the Proposed Development is HwLDP Policy 67 – Renewable Energy Developments. It is replicated in full below:

"Renewable energy development proposals should be well related to the source of the primary renewable resources that are needed for their operation. The Council will also consider:

- *the contribution of the proposed development towards meeting renewable energy generation targets; and*
- *any positive or negative effects it is likely to have on the local and national economy;*

and will assess proposals against other policies of the development plan, the Highland Renewable Energy Strategy and Planning Guidelines and have regard to any other material considerations, including proposals able to demonstrate significant benefits including by making effective use of existing and proposed infrastructure or facilities.

Subject to balancing with these considerations and taking into account any mitigation measures to be included, the Council will support proposals where it is satisfied that they are located, sited and designed such that they will not be significantly detrimental overall, either individually or cumulatively with other developments (see Glossary), having regard in particular to any significant effects on the following:

- *natural, built and cultural heritage features;*
- *species and habitats;*
- *visual impact and impact on the landscape character of the surrounding area (the design and location of the proposal should reflect the scale and character of the landscape and seek to minimise landscape and visual impact, subject to any other considerations);*
- *amenity at sensitive locations, including residential properties, workplaces and recognised visitor sites (in or out with a settlement boundary);*
- *the safety and amenity of any regularly occupied buildings and the grounds that they occupy- having regard to visual intrusion or the likely effect of noise generation and, in the case of wind energy proposals, ice throw in winter conditions, shadow flicker or shadow throw;*
- *ground water, surface water (including water supply), aquatic ecosystems and fisheries;*
- *the safe use of airport, defence or emergency service operations, including flight activity, navigation and surveillance systems and associated infrastructure, or on aircraft flight paths or MoD low-flying areas;*
- *other communications installations or the quality of radio or TV reception;*
- *the amenity of users of any Core Path or other established public access for walking, cycling or horse riding;*
- *tourism and recreation interests; and*
- *land and water-based traffic and transport interests.*

Proposals for the extension of existing renewable energy facilities will be assessed against the same criteria and material considerations as apply to proposals for new facilities.

In all cases, if consent is granted, the Council will approve appropriate conditions (along with a legal agreement/obligation under section 75 of the Town and Country Planning (Scotland) Act 1997, as amended, where necessary), relating to the removal of the development and associated equipment and to the restoration of the site, whenever the consent expires, other than in circumstances where fresh consent has been secured to extend the life of the project, or the project ceases to operate for a specific period.

The Onshore Wind Energy Supplementary Guidance will replace parts of the Highland Renewable Energy Strategy. It will identify areas to be afforded protection from wind farms; other areas with constraints; and broad areas of search for wind farms. It will set out criteria for the consideration of proposals. It will ensure that developers are aware of the key constraints to such development and encourage them to take those constraints into account at the outset of the preparation of proposals. It will seek to steer proposals, especially those for larger wind farms, away from the most constrained areas and ideally towards the least constrained areas and areas of particular opportunity. It will also set out criteria which will apply to the consideration of proposals irrespective of size and where they are located, enabling proposals to be considered on their merits. It will seek submission as part of the planning application of key information required for the assessment of proposals and provide certainty for all concerned about how applications will be considered by the Council" (The Highland Council, 2012).

5.6.11. Other HwLDP policies potentially of relevance to the Proposed Development are summarised in **Table 5.2** below.

Table 5.2: Summary of Relevant Highland Wide Local Development Plan Policies

HwLDP Policy	Policy Summary
HwLDP Policy 28 - Sustainable Design	Sustainable design, sensitive siting and climate change are to be taken into consideration in all development schemes. Proposals are to be assessed having regard to *inter alia* impacts on habitats, species, landscape, cultural heritage and scenery.
HwLDP Policy 30 – Physical Constraints	Sets out how various physical and technical factors, including those that affect public health and safety, need to be assessed when considering development proposals.
HwLDP Policy 52 - Principle of Development in Woodland	Development proposals will only be supported where they offer clear and significant public benefits. Where this involves woodland removal, compensatory planting will usually be required.
HwLDP Policy 55 - Peat and Soils	Relates to the unnecessary disturbance, degradation or erosion of peat and soils. Unacceptable disturbance has to be outweighed by a development's social, environmental or economic benefits.
HwLDP Policy 56 - Travel	Development proposals that involve travel generation must include sufficient information to enable THC to consider any likely on-site and off-site transport implications.

HwLDP Policy	Policy Summary
HwLDP Policy 57 - Natural, Built and Cultural Heritage	All development proposals are to be assessed taking into account the level of importance and type of heritage features, the form and scale of the development, any impacts on the feature and its setting, in the context of a detailed policy framework and considering the following criteria: • Local and regionally important features (mostly identified by the Council); • Nationally important features (identified by national organisations or by the Council under national legislation); or • Internationally important features (identified under government directives and European conventions).
HwLDP Policy 58 - Protected Species	Concerns a development's individual or cumulative effects on European Protected Species (EPS) and protected bird species. Development likely to have an adverse effect will only be permitted where there is no satisfactory alternative, there is an overriding public interest and, the favourable conservation status of the species concerned will be maintained.
HwLDP Policy 59 - Other Important Species	Concerns a development's individual or cumulative effects on species listed in Annexes II and V of the EC Habitats Directive (92/43/EEC), priority species listed in the UK and Local Biodiversity Action Plans and species included on the Scottish Biodiversity List. Detrimental effects will be avoided through the use of planning conditions and agreements.
HwLDP Policy 60 - Other Important Habitats	Considers features of major importance because of their linear and continuous structure, or as a habitat 'stepping stone'. It also relates to those habitats not protected through a nature conservation site designation, namely habitats listed in Annex I of the EC Habitats Directive, habitats of priority and protected bird species, priority habitats listed in the UK and Local Biodiversity Action Plans, and habitats included on the Scottish Biodiversity List. Planning conditions, agreements or mitigation measures, such as compensatory habitat enhancement, will be used where necessary.
HwLDP Policy 61 - Landscape	Requires new development to be designed to reflect the landscape characteristics and special qualities identified in the relevant Landscape Character Assessment. This includes consideration of appropriate scale, form and pattern, as well as potential cumulative effects.
HwLDP Policy 63 - Water Environment	The objectives of the Water Framework Directive (2000/60/EC) to protect and improve the water environment should not be compromised.
HwLDP Policy 64 – Flood Risk	Seeks to direct development proposals to avoid areas susceptible to flooding and promote sustainable flood management.
HwLDP Policy 66 - Surface Water Drainage	All development proposals must be suitably drained in accordance with the SuDS Manual (CIRIA C697).

HwLDP Policy	Policy Summary
HwLDP Policy 72 - Pollution	Development proposals that may result in significant pollution such as noise, air, water and light will only be approved where information is provided to demonstrate that the pollution can be appropriately avoided and, if necessary, mitigated.
HwLDP Policy 77 - Public Access	Requires development proposals to either retain Core Paths and access points to water or to provide suitable alternative access arrangements.

5.6.12. A review of the HwLDP commenced in 2016 when consultation was held on a Main Issues Report to inform the first stage of the replacement LDP process. However, work was paused in late 2017 when the Council confirmed its intention to wait until the Scottish Government's review of the planning system was complete. As details of the new arrangements for the preparation of LDPs are now known, the Council has recommenced the HwLDP review process with formal work anticipated to start shortly.

Inner Moray Firth Local Development Plan (IMFLDP) (2015)

5.6.13. The IMFLDP focuses on regional and local services and facilities, rather than planning policy with relevance to renewable energy and onshore wind. It identifies specific site allocations within settlement boundaries and as such the content of the IMFLDP is not directly relevant to the Proposed Development.

Supplementary Guidance

5.6.14. The Onshore Wind Energy Supplementary Guidance (OWESG) was adopted by the Council in November 2016 and forms part of the statutory Development Plan. An Addendum to the OWESG was adopted by the Council in December 2017. The latter presents two landscape sensitivity appraisals, one for the Black Isle, Surrounding Hills and Moray Firth Coast study area and one for the Caithness study area and is not therefore relevant to the Proposed Development.

5.6.15. The site lies within the boundary of the Loch Ness Study Area referenced in the OWESG. It concludes that any remaining capacity for larger scale wind turbines *"should be focused around existing clusters that are generally found in rolling uplands, rugged massif and rocky moorland Landscape Character Types, but only where these are well designed, integrated into the existing pattern of development and do not undo the landscape and visual mitigation agreed for existing schemes. These limitations will help to limit any additional cumulative effect and increase the potential for future development to share existing site infrastructure"* (The Highland Council, 2016).

5.6.16. HwLDP Policy 67 makes specific reference to the OWESG and its role in providing further criteria and associated thresholds to assist in the assessment of onshore wind energy proposals. However, while the OWESG assists decision makers in their assessment of onshore wind energy proposals, it introduces no additional tests or requirements beyond those already established by HwLDP Policy 67. OWESG paragraph 5.7 makes clear that *"finding the balance between the benefits of a particular scheme and the impacts it may present will be the subject of careful consideration on a case-by-case basis at the development management stage"* (The Highland Council, 2016). Assessment of the Proposed Development against the OWESG criteria and thresholds is contained in the accompanying Planning Statement.

5.6.17. Other adopted supplementary guidance potentially of relevance to the Proposed Development is the Highland Forest and Woodland Strategy (2018); the Highland Statutorily Protected Species SG (2013); and the Sustainable Design Guide SG (2013).

5.7. Summary

5.7.1. This chapter has set out the legislative background, a summary of the renewable energy policy framework, and the national and local planning policies and guidance relevant to the consideration of the Proposed Development. It provides a summary of the energy and planning policy considerations that have been taken into account in the preparation of the EIA Report. The accompanying Planning Statement considers the Proposed Development against the energy and planning policy framework drawing conclusions about the extent of policy compliance based upon the residual effects of the Proposed Development set out in the other technical and environmental chapters of this EIA Report.

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