

# Craig Watch Wind Farm

## Other Documents

### Planning Statement

June 2022



# Craig Watch Wind Farm

## Planning and Energy Statement

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# 1. Introduction

## 1.1. Background

- 1.1.1. This Planning and Energy Statement has been prepared by Savills UK Limited on behalf of Craig Watch Wind Farm Limited (the Applicant), which is wholly owned by Statkraft UK Ltd. It supports an application to the Scottish Ministers under Section 36 (S36) of the Electricity Act 1989 (the Electricity Act) for a development comprising up to eleven wind turbines, each with a maximum blade tip height of 200 m above ground level (agl), and battery energy storage system (BESS) (if required) together with ancillary infrastructure including a network of new and upgraded access tracks, borrow pit search area, electrical cabling, a meteorological mast, water course crossings and new vehicular access from the A941, collectively known as Craig Watch Wind Farm and hereafter referred to as the Proposed Development. Ancillary works comprise forest felling and replanting and the implementation of a habitat management plan.
- 1.1.2. The Proposed Development would have a total maximum capacity of 100 Megawatts (MW), consisting of approximately 72.6 MW turbine capacity and approximately 27.4 MW of BESS capacity. A description of the Proposed Development is set out in Chapter 1 'Introduction' of the Environmental Impact Assessment Report (EIAR) with individual components described in EIAR Chapter 2 'Development Description', Section 2.3.
- 1.1.3. This Planning and Energy Statement accompanies the EIAR for the Proposed Development. It does not form part of the EIAR, but draws upon its findings to inform conclusions on planning policy matters.
- 1.1.4. As part of the S36 process, 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. The Applicant is seeking consent to operate the Proposed Development for a period of 33 years.
- 1.1.5. This Planning and Energy Statement provides an assessment of the Proposed Development against relevant energy policy, national planning policy, local planning policy and associated Supplementary Guidance and other material considerations. 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.
- 1.1.6. This Planning Statement assesses the acceptability of the Proposed Development in land use and planning policy terms in light of the residual impacts identified in the EIAR. It also gives consideration to energy policy and other objectives, concluding with considered comments about the overall acceptability of the Proposed Development in the context of the full range of material considerations.

## 2. Electricity Act – Schedule 9

- 2.1.1. A decision on this S36 application under the Electricity Act is the principal decision to be made in this case. Schedule 9 to the Electricity Act requires an electricity generation licence holder to '*have regard to the desirability of preserving natural beauty, of conserving flora, fauna and geological or physiographical features of special interest and of protecting sites, buildings and objects of architectural, historic or archaeological interest*'.
- 2.1.2. There is also a requirement for the licence holder to '*do what he reasonably can to mitigate any effect which the proposals would have on the natural beauty of the countryside or on any such flora, fauna, features, sites, buildings or objects*'. Furthermore, Schedule 9 also sets out environmental features to which regard must be had by Scottish Ministers in their determination of a S36 application.
- 2.1.3. The Applicant is not an electricity generation licence holder and holds no exemption, therefore the Schedule 9 duties do not apply to it. Notwithstanding, through the design evolution process the Applicant has sought to avoid significant environmental impacts from arising and to then mitigate those that have been identified. It has, in effect, complied with the Schedule 9 duties as if it were a licence holder.
- 2.1.4. There is no specific requirement in Schedule 9 for licence holders or Scottish Ministers to preserve environmental qualities, but to have regard to the desirability of doing so. These matters are not development management tests per se, as confirmed by the Reporter's report into the Glenshero Wind Farm<sup>1</sup> in paragraph 2.3 (June 2021). As such, there is no requirement for a licence holder or Scottish Ministers to ensure that significant impacts upon the matters identified in Schedule 9 have been avoided entirely and there is no requirement for Scottish Ministers to approve only those schemes where no such effects are identified.
- 2.1.5. The language used in Schedule 9 is very clear, that Scottish Ministers 'shall have regard to the desirability of the matters mentioned in 2.1.1 above. (underlining added)
- 2.1.6. The identification of significant effects in an EIAR upon some receptors does not, therefore, mean that a development conflicts with Schedule 9. Identified environmental effects are one of a range of matters to be considered in the final planning balance, having regard to national energy policy, national planning policy and also how a development can be assessed against the Development Plan.

<sup>1</sup> <https://www.energyconsents.scot/ApplicationDetails.aspx?cr=ECU00000517&T=6>

## 3. The Site and Proposed Development

### 3.1. Site Description and Context

- 3.1.1. The Site is located within both the Moray Council and Aberdeenshire Council administrative areas. It extends to approximately 1,074 hectares (ha) in area and comprises areas of semi-mature coniferous plantation woodland, with some underlying marshy grassland and wet heath. Open areas of blanket bog and dry modified bog are located in the south western portion of the Site and around the slopes of Craig Watch. A mosaic of wet and dry heath, acid, improved and marshy grassland is located along the south western and south eastern areas of the Site. The Aberdeenshire and Moray administrative border runs through the north east corner of the Site. The Site location and Site boundary are shown on EIAR Figure 1.1.
- 3.1.2. Site topography is generally undulating at elevations of between 320 m to 501 m Above Ordnance Datum (AOD). The Site is bounded to the south west by the main A941 road and there are a number of scattered dwellings within and near to the Site boundary.
- 3.1.3. Areas of peat and organic material are present across parts of the Site. Most of the peat is shown as Class 4 or 5, with a very small area of Class 3; however, there are some areas of mapped Class 1 peat and carbon rich soils indicated to be located in the northern and central areas of the Site. Some smaller areas of mapped Class 2 peat and carbon rich soils are also indicated to be present in the central part of the Site, as shown on EIAR Figure 9.5. Peat depths across the Site are shown on EIAR Figure 3.3 which indicates that most of the developable area of the Site either has no peat present or only shallow peat deposits. The mean peat depth recorded was 0.31 m.
- 3.1.4. There are a number of other wind farms in the wider landscape around the Site at various stages in the planning process, as shown on EIAR Figure 5.7a. There are five operational wind farms within 10 km of the Site boundary at Dorenell, Hill of Towie, Edintore, Cairnborrow and Clashindarroch, see EIAR Figure 1.2. Hill of Towie II Wind Farm benefits from consent while Clashindarroch II and Garbet are both subject to undetermined applications or appeals. Two proposed wind farms within 10 km of the Site boundary (Clashindarroch Extension and Glenfiddich) are at scoping stage.
- 3.1.5. The Site is located approximately 8 km south east of Dufftown, while the settlement of Huntly is located approximately 12 km north east from the Site boundary. The River Deveron runs to the east of the Site, at its closest approximately 300 m from the Site boundary in the south east corner but approximately 1 km from the nearest piece of infrastructure. The nearest confirmed non-financially involved occupied property to a wind turbine is 'Backside' located approximately 1.3 km from Turbine 11. There are three other properties located closer to turbines at distances of between 1.1 km – 1.2 km, but these are currently unoccupied and appear abandoned.
- 3.1.6. NatureScot's (previously referred to as Scottish Natural Heritage (SNH)) revised National Programme of Landscape Character Assessment (2019)<sup>2</sup> identifies the Site as being primarily within the following Landscape Character Types (LCT): 32 Farmed and Wooded River Valleys and 292 Open Upland.

3.1.7. The Site itself is not subject to any landscape designations. There are a number of landscape designations and classifications within the Study Area adopted for the landscape and visual impact assessment (LVIA), as shown on EIAR Figure 5.4a including:

- Cairngorms National Park (CNP), located approximately 13.14 km south of the Proposed Development;
- Within Moray, there are the following Special Landscape Areas (SLAs):
  - Ben Rinnies, adjacent to the western boundary of the Site, approximately 3.9 km west of the nearest turbine;
  - Spey Valley, located approximately 11.5 km north west of the nearest turbine; and
  - Deveron Valley, located approximately 16.5 km north east of the nearest turbine.
- Within Aberdeenshire, there are the following SLAs:
  - Deveron Valley, located approximately 3.14 km north north east of the nearest turbine;
  - Bennachie, located approximately 18.4 km east of the nearest turbine; and
  - Upper Don Valley, located approximately 17.1 km south east of the nearest turbine.

3.1.8. In addition, there are two wild land areas (WLA) located within the LVIA Study Area, as follows:-

- The Cairngorms WLA, located approximately 31.3 km south south west of the Site; and
- The Lochnagar and Mount Keen WLA, located approximately 40 km south of the Proposed Development.

3.1.9. There are a number of nature conservation designations within 10 km of the Site, as shown on EIAR Figure 7.1. The River Spey Special Area of Conservation (SAC) is directly adjacent to the Site boundary, but it is approximately 4 km from any areas of proposed infrastructure.

3.1.10. Sites designated for nature conservation relating to ornithology are shown on EIAR Figure 8.1. The Tips of Corsemaul and Tom Mor Special Protection Area (SPA) and Site of Special Scientific Interest (SSSI) are located 1.28 km north of the Site boundary, at its closest point.

3.1.11. There are no designated cultural heritage assets within the Site boundary, but 53 non-designated assets have been identified within the Site which include farmsteads, boundary stones, buildings, hut circles, field systems, cairns, shooting butts and artefact findspots. Within 1 km of the Site boundary there is one Scheduled Monument at Craig Dorney, one Category C Listed Building at Blackwater Bridge and a further 85 non-designated assets as shown on EIAR Figures 6.1 and 6.1a. Between 1 km and 5 km of the Site boundary there are the following additional cultural heritage assets:-

- two Scheduled Monuments at Auchindoun Castle and Mortlach Symbol Stone;
- two Category A Listed Buildings at Beldorney Castle and Mortlach Parish Church, Watch House and Burial Ground;
- 13 Category B Listed Buildings; and
- and 18 Category C Listed Buildings.

<sup>2</sup> Scottish National Heritage, Landscape Character Assessment 2019. URL: <https://data.gov.uk/dataset/cce069c5-8a2b-4932-9fae-4f9023cd9d5b/sn-h-landscape-character-assessment-2019>

3.1.12. Beyond 5 km and out to 10 km from the Site Boundary there are the following additional cultural heritage receptors:-

- 11 Scheduled Monuments;
- two Category A Listed Buildings; and
- one Inventory Battlefield.

### 3.2. The Proposed Development

3.2.1. The Proposed Development is described in detail in EIAR Chapter 2 'Development Description'. The Site layout is shown on EIAR Figure 2.1 and has been informed by an iterative design process described in detail in EIAR Chapter 3 'Design Evolution and Alternatives' and the accompanying Design Statement (DS).

3.2.2. The candidate turbine dimensions for the purpose of the EIAR is 200 m to tip height (see EIAR Figure 2.2). The final choice of turbine model and the specification of hub height and rotor diameter will be subject to a selection process (prior to construction) considering technical, environmental and commercial aspects. Based upon current wind turbine technology, it is expected that each wind turbine will have a typical generation capacity of between 6 – 7 MW.

3.2.3. The grid references for the wind turbines and met mast are set out in Table 2.1 within Chapter 2 of the EIAR. The turbine locations and ancillary infrastructure are subject to a proposed micro-siting tolerance of 100 m in any direction. This tolerance allows for minor changes in turbine or infrastructure locations to respond to possible variations in ground conditions across the Site, which will be confirmed following detailed site investigation work carried out prior to construction. Micro-siting also provides scope for mitigation of localised potential environmental effects through further avoidance of sensitive features.

3.2.4. The battery energy storage system (BESS) would allow the Applicant to further maximise the electricity generated from the proposed wind turbines by providing a number of possible benefits including storage of energy generated by the wind turbines when the local grid is not capable of accommodating this and then releasing it back when there is capacity available. The BESS facility would be located within the substation compound and a typical layout for the BESS is shown on EIAR Figure 2.9.

3.2.5. Turbine components would be delivered by sea to the Port of Dundee. From there, the components would travel to the Site northbound on the A90, then onto the A96 travelling north west before turning onto the westbound A920 and then onto the A941 travelling south to the Site. EIAR Figure 10.4 shows the route to Site for abnormal loads.

3.2.6. Access to the Site would be taken directly from a new junction off the A941, which would be designed to accommodate all construction and operational traffic, including abnormal loads associated with wind turbine components. A general arrangement drawing of the proposed access junction is provided in Appendix A of Technical Appendix (TA) 10.1 'Transport Assessment'.

3.2.7. Approximately 9.4 km of on-site access tracks will be required for the Proposed Development comprising approximately 7.22 km of new track and approximately 2.18 km of upgraded track. In addition to the new and upgraded track, the Proposed Development would result in the construction of approximately 760 m of emergency access track.

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- 3.2.8. All of the tracks are proposed to be excavated with the exception of floating track which would be required to avoid areas of deeper peat. The specific requirements for floating track would be confirmed once further detailed peat sampling has been undertaken and would be subject to confirmation following ground investigations post consent. This is currently limited to the area west of Turbine 7. Most tracks would have a nominal running width of 6 m, with 0.5 m – 1 m shoulders on both sides, with some localised bend widening as required. Cabling and drainage will be installed adjacent to the tracks. Details of typical track construction details are set out in EIAR Figure 2.7.
- 3.2.9. The Proposed Development includes a borrow pit search area, measuring 160 m by 160 m, the location of which is shown in TA 2.2 ‘Borrow Pit Assessment’. Not all of the borrow pit search area would be extracted and the exact requirements would be determined post consent following further site investigations. Material won from the borrow pit search area would be used for construction activities and would reduce the need to transport material to the Site from local quarries, reducing the overall traffic impact associated with the Proposed Development.
- 3.2.10. While the Site layout has been designed to minimise the number of watercourse crossings, it is anticipated that two water (one new and one upgraded) and two field drain crossings will be required as part of the Proposed Development, the locations of which are shown in EIAR Figure 9.1.1.
- 3.2.11. A Forestry Impact Assessment is set out in TA 2.6, which quantifies the extent of permanent and temporary felling and compensatory planting requirements. A total of 93.46 ha of woodland requires to be felled to facilitate the Proposed Development. 61.1 ha of this total is temporary felling and includes the area of woodland which is felled for the construction of the Proposed Development. This would be replanted in situ once the construction phase is completed. The remaining 32.36 ha of felling would be permanent and would not be replanted in situ as these areas will be required for the operational period for wind turbines, associated infrastructure and buffers. Compensatory planting for this permanent felling would, however, be provided as summarised in Table 2.6.6 of TA 2.6. Areas of search within the Site to accommodate this compensatory planting are identified on EIAR Figure 2.6.7. The Ancient Woodland at Garbet Wood is unaffected by the Proposed Development.
- 3.2.12. Habitat management and enhancement forms an integral part of the Proposed Development and an Outline Habitat Management Plan (OHMP) is submitted as EIAR TA 7.5. The objectives of the OHMP are to restore degraded peatland habitats within the Site, mitigate habitat loss and provide habitat creation and enhancement for a range of species, including otter and wildcat. If permission is granted, a detailed Habitat Management Plan (HMP) would be prepared for approval prior to any development commencing.
- 3.2.13. The construction period for the Proposed Development would be approximately 18 months depending upon seasonal working and weather conditions. Table 2.4 of EIAR Chapter 2 ‘Development Description’ provides further detail on the likely sequencing of construction activities, which would be carried out concurrently where possible (including restoration activities) to minimise the overall duration of the construction period.

3.2.14. Normal hours of working during the construction period will be as follows:-

- Monday to Friday 0700-1900;
- Saturday 0700 – 1300; and
- No working on Sundays or public holidays without prior written approval from either Aberdeenshire or Moray Councils.

3.2.15. No audible works, with the exception of turbine delivery, the completion of turbine erection or emergency work, will take place outside these hours, and any such out-of-hours works will be subject to prior agreement with both Councils. The requirement for out-of-hours work could arise, for example, from delivery and unloading of abnormal loads or health and safety requirements, or to ensure optimal use is made of fair weather windows for the erection of turbine blades and the erection and dismantling of cranes.

3.2.16. The Applicant is committed to the provision of community benefits and will provide £5,000 per MW during the operational life of the Proposed Development, reflective of current Scottish Government best practice guidelines<sup>3</sup>. Based upon a total installed capacity of 66 – 77 MW, this would equate to between £10.9 million and £12.7 million over the proposed 33 year operational life of the Proposed Development. In addition to delivering a community benefit fund, the Applicant is actively considering how to bring about other benefits to the community such as the potential for improved access to broadband, shared ownership and using local suppliers. Further information in relation to the socio-economic benefits of the Proposed Development are set out in EIAR Chapter 13 'Socio-Economics'.

<sup>3</sup> <https://www.gov.scot/publications/scottish-government-good-practice-principles-community-benefits-onshore-renewable-energy-developments/>

## 4. Energy Legislation and Policy Considerations

### 4.1. Introduction

- 4.1.1. This section considers various pieces of energy legislation and policy considered to be of relevance to the Proposed Development. This includes a discussion on international, UK and Scotland legislation and policy.
- 4.1.2. As this section of the Planning and Energy Statement will demonstrate, there is an increasingly consistent recognition across various tiers of Government and policy advisors that climate change is a 'here and now' issue. In 2019 in particular global warming and climate change came to the forefront of political action with the publication of seminal documents from authoritative bodies such as the Committee on Climate Change (CCC) and the modification of legislation across the UK to take on board some of the key recommendations from the CCC.
- 4.1.3. There has also been a notable change in the everyday language used when discussing climate change – increasingly the term 'climate emergency' is being used, including by Governments and local authorities; a reflection of the severity of the current situation worldwide. Moray Council declared a climate emergency in June 2019 but Aberdeenshire Council has not declared a climate emergency.
- 4.1.4. Put simply, urgent action is required now to reduce our greenhouse gas (GHG) emissions if we are to avert the worst consequences of climate change. Sourcing an increasing proportion of our energy from renewable sources has a key role to play in achieving this objective and it is relevant to note that the UK and Scotland's current climate change ambitions are amongst the highest in Europe. The Scottish Government declared a climate emergency in May 2019 and passed the Climate Change (Emissions Reduction Targets) (Scotland) Act 2019, which amends the Climate Change (Scotland) Act 2009 and set a target for a 100 % reduction in CO<sub>2</sub> emissions by 2045. This is supported by the Scottish Energy Strategy's target of 50 % of all energy (including transport, heat and electricity) being supplied from renewables by 2030.
- 4.1.5. In addition, more recent events with the war in Ukraine have shed a spotlight on the importance of having greater security over our future energy supplies. Security of supplies has been a consistent theme across many of the energy publications but there can be no doubt that this issue has taken on a much greater degree of importance since the start of the Ukraine war, which has seen significant increases in the price of oil and gas and statements from the UK Government about the importance of diversifying our domestic energy supplies, including publication of the Energy Security Strategy in April 2022, which is discussed below.
- 4.1.6. The legislation and policy documents discussed below are material considerations in support of the Proposed Development which can, and should, be given significant weight in the determination of this S36 application.

### 4.2. The Legislative Context

#### Climate Change Act 2008

- 4.2.1. The Climate Change Act became law on 26 November 2008 and introduced a legally-binding target for the UK to reduce CO<sub>2</sub> emissions by at least 80% by 2050, relative to 1990 levels. Efforts to reduce emissions in Scotland would contribute to achievement of UK wide targets, as well as meeting Scotland specific targets as discussed below.

#### The Climate Change Act 2008 (2050 Target Amendment) Order 2019

- 4.2.2. The UK Government amended the Climate Change Act 2008 in June 2019 to increase the GHG reduction targets for the UK, reflecting the recommendations set out in the CCC Report from May 2019 'Net Zero - The UK's contribution to stopping global warming'<sup>4</sup>. The Climate Change Act 2008 (2050 Target Amendment) Order 2019 amended the 2008 Act by passing into law the target for UK GHG emissions to be at least 100% lower than the 1990 baseline by 2050 (net zero by 2050), an increase on the previous target for an 80% reduction by the same date.

#### The Climate Change (Scotland) Act 2009

- 4.2.3. The Climate Change (Scotland) Act 2009 created the statutory framework for GHG emission reductions in Scotland by setting a target for net Scottish emissions for the year 2050 to be at least 80% lower than the 1990 baseline level. An interim target of a 42% reduction by 2020 was also set out.

- 4.2.4. The 2009 Act also established the Public Bodies Climate Change Duties which came into force on 1 January 2011. It requires that Public Bodies, which includes the Scottish Ministers as decision-makers, exercise their functions:

- in a way best calculated to contribute to deliver the Act's emissions reduction targets;
- in a way best calculated to deliver any statutory adaptation programme; and
- in a way that it considers most sustainable.

- 4.2.5. In 2019 the Scottish Government amended the 2009 Act, to set a target for net-zero GHG emissions in Scotland, as discussed below.

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

- 4.2.6. The Climate Change (Emissions Reduction Targets) (Scotland) Act 2019 amends the Climate Change (Scotland) Act 2009, by introducing even more ambitious GHG reduction targets than those contained in the 2009 Act. It commits Scotland to becoming a net-zero society by 2045 (5 years earlier than the rest of the UK). By introducing the 2019 Act, Scotland became one of the first countries to legislate support for the aims of the Paris Agreement (discussed below).

<sup>4</sup> [https://www.theccc.org.uk/publication/netzero-the-uks-contribution-to-stopping-global-warming/](https://www.theccc.org.uk/publication/net-zero-the-uks-contribution-to-stopping-global-warming/)

- 4.2.7. The 2019 Act seeks to amend only those parts of the 2009 Act that relate to emission reduction targets and associated reporting duties. The detailed proposals and policies for delivering targets are to be set out in future Climate Change Plans.
- 4.2.8. In addition to setting a target date of 2045 for reaching net-zero emissions, the 2019 Act also introduced interim targets and states that the Scottish Ministers must ensure that the net Scottish emissions account for the year:
- 2020 is at least 56% lower than the baseline (1990 being baseline);
  - 2030 is at least 75% lower than the baseline; and
  - 2040 is at least 90% lower than the baseline.

### 4.3. International

#### The COP UN Paris Agreement

- 4.3.1. The 21<sup>st</sup> session of the Conference of Parties (COP21) was held in Paris in February 2015. The Paris Agreement, as it is commonly referred to, was negotiated by representatives of 196 countries. It sets out the ambition of holding the increase of global average temperature to '*well below 2°C*' and pursuing efforts to limit temperature increases to 1.5°C. Under the Paris Agreement, each country must determine plans and regularly report on the contribution that it undertakes to mitigate global warming.
- 4.3.2. The UK ratified the UN Paris Agreement in November 2016 and therefore contributes to the framework to ensure that global warming is kept well below 2°C, pursuing efforts to limit the temperature increase to 1.5°C.

#### COP 26 – The Glasgow Climate Pact

- 4.3.3. COP26, the follow up to the Paris Agreement, concluded in Glasgow in November 2021. The text agreed by the Parties (known as the Glasgow Climate Pact<sup>5</sup>) reaffirms the Paris Agreement aim of holding the increase in the global average temperature to well below 2°C above pre-industrial levels and pursuing efforts to limit the temperature increase to 1.5°C above pre-industrial levels. It further states that the impacts of climate change will be much lower if temperature increases are limited to 1.5°C compared with a 2°C rise, and resolves to pursue efforts to limit the temperature increase to 1.5°C.
- 4.3.4. It also acknowledges that restricting global warming to 1.5°C requires rapid, deep and sustained reductions in global GHG emissions, including reducing global carbon dioxide emissions by 45 % by 2030, relative to the 2010 level, and to net zero around mid-century, as well as deep reductions in other GHG.
- 4.3.5. While the 'phasing out' of the use of coal was removed from the final text, there was a pledge to '*phase down*' the use of coal. While there is disagreement amongst observers about the extent to which the language on coal usage was watered down, the Glasgow Climate Pact is nevertheless the first international climate agreement to mention fossil fuel controls at all. The Glasgow Climate Pact also called upon Parties

<sup>5</sup> <https://unfccc.int/process-and-meetings/the-paris-agreement/the-glasgow-climate-pact-key-outcomes-from-cop26>

to ‘accelerate’ the transition to low-emission energy systems ‘*including by rapidly scaling up the deployment of clean power generation*’.

- 4.3.6. The extent to which the Glasgow Climate Pact keeps 1.5°C temperature rises within grasp is subject to debate, but there was a recognised need for ‘*rapid action*’ amongst Parties. Major GHG emitters are required to reconvene in one year’s time to detail to the United Nations how their policies and plans will help achieve the temperature goals set out in the Paris Agreement.

### **Intergovernmental Panel on Climate Change (IPCC) – Special Report on Global Warming of 1.5°**

- 4.3.7. Following the Paris Agreement, the IPCC was invited to provide a Special Report in 2018 on the impacts of global warming of 1.5° above pre-industrial levels and related GHG emission pathways<sup>6</sup>.
- 4.3.8. The IPCC Special Report looks at a number of climate change impacts that could be avoided by limiting global warming to 1.5°C compared to 2°C or more. It identifies various actions required to limit global warming to a 1.5°C rise only, which are noted as requiring ‘*rapid, far-reaching and unprecedented changes in all aspects of society*’. On energy generation, it notes that to limit warming to 1.5°C the proportion of primary energy derived from renewables will need to increase while coal usage decreases. Table 2.5 states that in order to achieve the ‘*rapid and profound near-term decarbonisation of energy supply*’ a ‘*strong upscaling of renewables*’ is required in order to help achieve a ‘*rapid decline in the carbon intensity of electricity*’.

### **IPCC – AR6 Climate Change 2021: The Physical Science Basis**

- 4.3.9. In August 2021, the IPCC published a report from its Working Group 1<sup>7</sup> which provides an evaluation of the state of the climate, possible climate futures and steps to limit future climate change. The Headline Statements for Policymakers states that it is ‘*unequivocal*’ that human influence has warmed the atmosphere, ocean and land and that this human-induced change is ‘*already affecting many weather and climate extremes across every region of the globe*’. The report notes that ‘*global warming of 1.5°C and 2°C will be exceeded during the 21<sup>st</sup> century, unless deep reductions in carbon dioxide and other greenhouse gas emissions occur in the coming decades*’.
- 4.3.10. The report notes that every region of the globe is projected to be affected by a changing climate, and that these changes would be ‘*more widespread at 2°C compared to 1.5°C global warming and even more widespread and/or pronounced for higher warming levels*’. Limiting human-induced global warming to a specific level will require limiting cumulative carbon dioxide emissions, reaching ‘*at least net zero CO<sub>2</sub> emissions, along with strong reductions in other greenhouse gas emissions*’.
- 4.3.11. This IPCC report has been described as a ‘*code red for humanity*’ by the United Nations Secretary-General.

<sup>6</sup> <https://www.ipcc.ch/sr15/chapter/spm/>

<sup>7</sup> <https://www.ipcc.ch/report/sixth-assessment-report-working-group-i/>

### IPCC – AR6 Climate Change 2022: Mitigation of Climate Change

- 4.3.12. The IPCC Working Group III report *Climate Change 2022: Mitigation of Climate Change*<sup>8</sup> published on 4 April 2022. It is the third instalment of the IPCC's Sixth Assessment Report (AR6), which will be completed this year.
- 4.3.13. It focuses on climate change mitigation, assessing methods for reducing GHG emissions, and removing GHG from the atmosphere. It explains developments in emission reduction and mitigation efforts, assessing the impact of national climate pledges in relation to long-term emissions goals.
- 4.3.14. The Summary for Policymakers concludes that limiting global warming will require major transitions in the energy sector. Headline Statement C4 on page 36 notes that '*Reducing GHG emissions across the full energy sector requires major transitions, including a substantial reduction in overall fossil fuel use, the deployment of low-emission energy sources, switching to alternative energy carriers, and energy efficiency and conservation*'. (underlining added).
- 4.3.15. "*It's now or never, if we want to limit global warming to 1.5°C (2.7°F)*" said the IPCC Working Group III Co-Chair in an accompanying press release. "*Without immediate and deep emissions reductions across all sectors, it will be impossible.*"

### The United Nations Emissions Gap Report 2021 – The Heat is on, a world of climate promises not yet delivered

- 4.3.16. For more than a decade the United Nations (UN) Gap Reports have compared where GHG emissions are heading, against where they need to be, and highlights the ways to close the gap. The latest Gap Report, *The Heat is On: A World of Climate Promises Not Yet Delivered*, was published in October 2021<sup>9</sup>.
- 4.3.17. The Executive Summary to the report states that here is a fifty-fifty chance that global warming will exceed 1.5°C in the next two decades. Unless there are immediate, rapid and large-scale reductions in GHG emissions, limiting warming to 1.5°C or even 2°C by the end of the century will be beyond reach. The Report notes on page 23 that the emissions gap remains large, with pledges by various countries projected to reduce 2030 emissions by only 7.5 %, whereas 30 % is needed for 2°C and 55 % is needed for 1.5°C.
- 4.3.18. The Report also notes that following an unprecedented drop of 5.4 % in 2020, global CO<sub>2</sub> emissions are bouncing back to pre-COVID levels, and concentrations of GHGs in the atmosphere continue to rise. As such, it is noted that solving the climate problem requires rapid and sustained reductions in emissions. The Foreword notes that to get on track to limit global warming to 1.5°C significant reductions in global GHG emissions are required. The Foreword notes that we have eight years to make the plan, put in place the policies, implement them and ultimately make the cuts – it notes that '*the clock is ticking loudly*'.

<sup>8</sup> <https://www.ipcc.ch/report/sixth-assessment-report-working-group-3/>

<sup>9</sup> <https://www.unep.org/resources/emissions-gap-report-2021>

- 4.3.19. This latest Gap Report reinforces the severity of the problem posed by the climate emergency and reflects the messages that have been issued consistently over the last few years by the IPCC and CCC that we need to take action now, to avert the worst consequences of a changing climate.

### 4.4. UK Energy Policy

#### **British Energy Security Strategy – Secure, clean and affordable British energy for the long term**

- 4.4.1. In April 2022 the UK Government published the above Strategy<sup>10</sup>, 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.
- 4.4.2. 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*'.
- 4.4.3. 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*' (underlining added).

#### **Energy White Paper – Powering our Net Zero Future**

- 4.4.4. The UK Government published the above White Paper in December 2020<sup>11</sup>, which sets out the approach to tackling the inter-generational challenge of climate change. The Ministerial Foreword recognises that while the UK has set a world-leading net zero target, setting the target is not enough, '*we need to achieve it*'. The Foreword considers that achieving this target and tackling climate change will require decisive global action and significant investment, which can open up huge opportunities for economic growth and job creation.
- 4.4.5. 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*'. 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 on this topic 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*' (underlining added).

<sup>10</sup> <https://www.gov.uk/government/publications/british-energy-security-strategy/british-energy-security-strategy>

<sup>11</sup> [https://www.gov.uk/government/publications/energy-white-paper-powering-our-netzero-future](https://www.gov.uk/government/publications/energy-white-paper-powering-our-net-zero-future)

### Committee on Climate Change - Progress in Reducing Emissions and Progress in Adapting to Climate Change – 2021 Progress Reports to Parliament

4.4.6. The 2021 CCC Joint Progress Report to Parliament was published in June 2021<sup>12</sup> and comprises three separate reports covering progress in reducing emissions, progress in adapting to climate change and joint recommendations.

4.4.7. The key message coming out of the reports, as noted on the CCC website<sup>13</sup>, is:-

*'The Government has made historic climate promises in the past year, for which it deserves credit. However, it has been too slow to follow these with delivery. This defining year for the UK's climate credentials has been marred by uncertainty and delay to a host of new climate strategies. Those that have emerged have too often missed the mark. With every month of inaction, it is harder for the UK to get on track'. (underlining added)*

4.4.8. The Executive Summaries within the respective reports state that, *'in assessing the UK's progress in the last year, we acknowledge the increase in the scale of Government's efforts. But progress is not yet in step with the urgency of the challenge' and 'climate change impacts are increasing, but the UK Government's National Adaptation Programme has not delivered the necessary improved resilience to the changing climate as was intended under the UK Climate Change Act'*.

4.4.9. The Executive Summary in the 'Progress in Reducing Emissions' report advises that sustained progress in reducing emissions will need underlying, structural changes. While UK emissions are nearly 50% below 1990 levels, it notes that *'the journey to Net Zero is far from half done. Government must now match its bold statements of ambition with effective policies and implementation, and it must move at pace if it is to deliver against the UK's stretching targets'*.

4.4.10. The 'Progress in Reducing Emissions' report further states that *'projections for renewable deployment are being revised upwards, but investment needs to scale up faster. More than 80% of new electricity capacity added in 2020 came from renewable sources. The International Energy Agency (IEA) recently increased their forecast for capacity installations for wind and solar electricity generation over the coming years by around 40% relative to a year ago'*.

4.4.11. The CCC also produced a separate Progress Report for the Scottish Parliament in December 2021, which is discussed below.

### Committee on Climate Change – Net Zero, The UK's Contribution to Stopping Global Warming and The Sixth Carbon Budget

4.4.12. In December 2020 the CCC published 'The Sixth Carbon Budget'<sup>14</sup> 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 builds on a 2019 CCC Report and describes what the potential path options to net-zero

<sup>12</sup> <https://www.theccc.org.uk/publication/2021-progress-report-to-parliament/>

<sup>13</sup> <https://www.theccc.org.uk/publication/2021-progress-report-to-parliament/>

<sup>14</sup> <https://www.theccc.org.uk/publication/sixth-carbon-budget/>

look like and what steps must be taken to achieve this. A key recommendation of the 2020 CCC Report is that the UK Government requires a reduction in UK GHG emissions of 78% by 2035 relative to 1990, a 63% reduction from 2019 and that this should be coupled with a pledge by 2030 to reduce emissions by at least 68% from 1990 levels.

- 4.4.13. 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 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.
- 4.4.14. In discussing Scotland's contribution to net-zero in Chapter 4 of 'The UK's Path to Net Zero', the report describes the 75% reduction in Scottish GHG emissions by 2030 as '*extremely challenging to meet*'. Even allowing for the most '*stretching tailwind*' scenario, the 2020 CCC Report considers that a 69% reduction is more likely.
- 4.4.15. In the concluding section of Chapter 4 'Recommendations for Policy', the 2020 CCC Report discusses areas where devolved powers could be used to help emissions reductions take place. One area that is discussed is in relation to Planning. The report notes that:-

*'Planning frameworks are a useful lever over infrastructure that needs to be well aligned to objectives for emissions reduction in devolved administrations (e.g. through encouraging walking, cycling and the use of public transport, ensuring readiness for installation of electric vehicles charging points in new developments and a favourable planning regimes for low-cost onshore wind'* (underlining added).

- 4.4.16. Focussing on electricity generation in Chapter 4 of 'The UK's Path to Net Zero' volume of the 2020 CCC Report, it is stated that reducing GHG emissions from electricity generation to near-zero will require significant expansion of low-carbon generation, particularly in renewables and in tandem with more flexible use of storage. Action to achieve this must recognise an increasing demand for electricity (due to an increasing electrification of the economy) with decreasing carbon intensity of generation. Page 34 of 'The UK's path to Net Zero' volume of the report states that in increasing variable renewable energy production to 80% by 2050, wind power is established as the backbone of this system, requiring the deployment of 3 GigaWatts (GW) per year of new wind capacity, plus repowering of existing sites.
- 4.4.17. It is clear that the 2020 CCC Report serves to underline once more the importance of the continuing rollout of renewable energy generation. Whilst offshore wind is expected to meet an increasingly large portion of this, page 118 of the 'Policies for the Sixth Carbon Budget and Net Zero' volume of the 2020 CCC Report states that to meet demand a portfolio of renewable technologies will be needed and onshore wind remains a key element in this mix.

### 4.5. Scottish Government Energy Policy

- 4.5.1. The Scottish Government has published a number of climate change and energy policy documents which are discussed in the following pages.
- 4.5.2. The Scottish Government first declared the 'climate emergency' in April 2019 when, in her speech to the Scottish National Party conference, the First Minister of Scotland stated:

*'So today, as first Minister of Scotland, I am declaring that there is a climate emergency. And Scotland will live up to our responsibility to tackle it'.*

- 4.5.3. This was reiterated by the Climate Change Secretary, Roseanna Cunningham, in the opening section of her statement to the Scottish Parliament on 14 May 2019 where she noted:

*'There is a global climate emergency. The evidence is irrefutable. This science is clear'.*

### **Committee on Climate Change - Reducing Emissions in Scotland – 2021 Progress Report to the Scottish Parliament**

- 4.5.4. This latest CCC report was published in December 2021<sup>15</sup>. In the Executive Summary, its authors state that *'the 2020s is the critical decade in changing course for Net Zero'*.
- 4.5.5. This is the tenth annual Progress Report to the Scottish Parliament as required by the Climate Change (Scotland) Act 2009. The report notes on page 13 that on the 'GHG Account' basis against which performance against legislated targets is assessed, GHG emissions were 51.5 % below 1990 levels. The target set by the Climate Change (Emissions Reduction Targets) (Scotland) Act 2019 specifies a 55.0% reduction over the same period.
- 4.5.6. This means that for the latest reporting period, the GHG reduction target has not been met. This is the third year in a row where Scotland has missed its GHG reduction targets. Considering that the 2020 target requires at least a 56% reduction compared to baseline levels, there is a very real risk that this target could also be missed. Significantly, the 2030 target set by legislation requires at least a 75% reduction compared to 1990 levels and it is clear that a significant amount of work remains to be done to achieve these targets. Perhaps reflective of these missed targets, it is highly relevant to note that the Scottish Government's Climate Change Plan Monitoring Report (May 2021) notes that efforts to decarbonise the electricity sector need to be '*stepped up*', see further commentary below.
- 4.5.7. There are a number of key messages from this report including a recognition that the annual targets set for the 2020s will be very difficult to meet, even with strong climate policy support. Climate policy in Scotland must focus on the transition required to net zero in order to make rapid progress by 2030 and the focus must also be on implementation and delivery of real-world progress.
- 4.5.8. The report makes a number of recommendations including for the Scottish Government to *'set out an updated assessment of how much renewable and low-carbon electricity generation will be required to meet Net Zero in Scotland and contribute cost-effectively to Net Zero in the UK, with a clear trajectory to 2045'*, as well as to *'complete the definition and enforcement of a planning and consenting scheme for onshore wind and other low carbon generation in a manner that is consistent with other policies on land use, supporting repowering and life extension of existing wind power in Scotland, and aligning with adaptation priorities under the Scottish Climate Change Adaptation Programme'*.

<sup>15</sup> <https://www.theccc.org.uk/publication/progress-reducing-emissions-in-scotland-2021-report-to-parliament/>

### Climate Change Plan Monitoring Report – May 2021

- 4.5.9. This is the first set of monitoring reports<sup>16</sup> on the Climate Change Plan to be published since the Climate Change Act 2019 was commenced in March 2020. It provides an overview on a sector by sector basis of progress made against targets and the Outcomes set by the Climate Change Plan.
- 4.5.10. In terms of the electricity sector, the Monitoring Report notes that this sector is on track to meet the Outcomes set by the Climate Change Plan, including a reduced CO<sub>2</sub> electricity grid intensity, an increase in the installed capacity of renewable generation and an increase in the capacity of renewable energy projects at the planning stages.
- 4.5.11. Against these signs of progress, the Monitoring Report notes that:
- 'efforts to decarbonise the electricity sector will need to be stepped up in the face of Scotland's new Net Zero commitment, with sharp rise in capacity expected to be necessary in order to reach the target and to help drive decarbonisation across other sectors' (underlining added).*
- 4.5.12. The Monitoring Report notes that as of December 2020, total renewable energy capacity in the 'pipeline' was 14.0 GW, although this has since been updated to 15.2 GW as discussed later. Crucially, of this only 2GW was under construction, with a further 7.7GW awaiting construction and 4.3GW still in planning. The Monitoring Report notes that of this pipeline for onshore wind, only 5% is under construction, compared to 35% under construction for offshore wind.
- 4.5.13. This commentary reflects the fact that not all consented or in planning schemes will be built and, therefore, make a contribution to installed capacity and there remains a need for further development.

### Scotland's Energy Strategy Position Statement – March 2021

- 4.5.14. Published in March 2021, the Energy Strategy Position Statement<sup>17</sup> provided stakeholders with a clear overview of the Scottish Government's policies in relation to energy in the lead up to COP26, which took place in November 2021.
- 4.5.15. The Ministerial Foreword references the net-zero GHG targets set by legislation and notes that the 2030 interim target is '*particularly challenging*'. The significant growth in renewable electricity generation is also noted in the Foreword, with recognition that the '*potential remains for much more renewable capacity and development across Scotland*' from onshore and offshore wind, but also from tidal technologies and solar.
- 4.5.16. In the Section 'Onshore and Offshore Renewables' the Energy Strategy Position Statement notes that the continued growth of Scotland's renewable energy industry is '*fundamental*' to the ambition of creating sustainable jobs, in the transition to net zero. The Energy Strategy Position Statement notes that in 2019 onshore wind investment in Scotland generated over £2 billion in turnover and directly supported approximately 2,900 full-time equivalent jobs across the country. The same Section notes that:-

<sup>16</sup> <https://www.gov.scot/publications/climate-change-plan-monitoring-reports-2021-compendium/>

<sup>17</sup> <https://www.gov.scot/publications/scotlands-energy-strategy-position-statement/>

*'The Scottish Government is committed to supporting the increase of onshore wind in the right places to help meet the target of Net Zero'.*

### **Update to the Climate Change Plan 2018 – 2032: Securing a Green Recovery on a Path to Net Zero**

- 4.5.17. In December 2020, the 'Update to the Climate Change Plan 2018 – 2032: Securing a Green Recovery on a Path to Net Zero'<sup>18</sup> was published as an update to the Climate Change Plan 2018. This 2020 update focuses on the Scottish Government's legislative commitment to reduce emissions by 75 % by 2030 (compared with 1990) and to net zero by 2045, but setting this now within the context of a post-COVID green recovery.
- 4.5.18. The focus of the 2020 Update is on developing an understanding of what the green recovery will mean for Scotland and ensuring that this involves both actions to deliver on statutory climate change targets but making sure that this is on a just basis. Although the 2020 update is set out on a sector by sector basis there is also a focus on a co-ordinated approach. For example, the development of renewable energy supports decarbonisation across industrial and agricultural sectors, among others. This is integral to the commentary in the report that highlights that a green transition must transform all parts of society and the economy.
- 4.5.19. Part 3: Chapter 1 of the 2020 Update focuses on electricity. Firstly this part of the report emphasises the rapid growth and success to date of Scotland's renewable energy generation as well as the determination to continue and expand this further. Page 78 of the Update states that '*Planning has been, and will remain, a critical enabler of rapid renewables deployment in Scotland*'. Referring particularly to onshore wind generation, on page 84 it is stated that there is a motivation to reduce determination periods for applications so as to enable projects to be awarded consent to be developed more quickly.

### **The Scottish Energy Strategy (SES) 2017 and Scotland's Energy Strategy: Position Statement 2021**

- 4.5.20. The SES was published in December 2017<sup>19</sup> 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.
- 4.5.21. 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.
- 4.5.22. 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 continued growth of the renewable energy sector in Scotland*' (underlining added).

<sup>18</sup> [https://www.gov.scot/publications/securing-green-recovery-path-netzero-update-climate-change-plan-20182032/](https://www.gov.scot/publications/securing-green-recovery-path-net-zero-update-climate-change-plan-20182032/)

<sup>19</sup> <https://www.gov.scot/publications/scottish-energy-strategy-future-energy-scotland-9781788515276/>

- 4.5.23. 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) (underlining added).
- 4.5.24. The SES was updated with a Position Statement<sup>20</sup> in March 2021. The Ministerial Foreword references the net-zero GHG targets set by legislation and notes that the 2030 interim target is '*particularly challenging*'. The significant growth in renewable electricity generation is also noted in the Foreword, with recognition that the '*potential remains for much more renewable capacity and development across Scotland*' from onshore and offshore wind, but also from tidal technologies and solar.

### Onshore Wind Policy Statement (OWPS) 2017 and Statement Refresh 2021 – Consultative Draft

- 4.5.25. The OWPS was published in December 2017<sup>21</sup> and the Ministerial Foreword notes the '*dominant and hugely valuable role*' that the onshore wind sector will play in helping achieve Scotland's renewable energy targets. The OWPS notes in paragraph 3 that '*in order for onshore wind to play a vital role in meeting Scotland's energy needs, and a material role in growing our economy, its contribution must continue to grow*'. Paragraph 4 adds to this comment and acknowledges '*this means that Scotland will continue to need more onshore wind development and capacity*' (underlining added).
- 4.5.26. While the OWPS makes clear the Scottish Government's continued support for the further development of onshore wind, this is not at any cost and a balance needs to be struck between the continued development of wind farms and the need to consider, and where appropriate protect, landscapes, natural heritage and residential amenity interests.
- 4.5.27. The draft Onshore Wind Policy Statement Refresh<sup>22</sup>, released for consultation in October 2021, updates the 2017 OWPS to reflect the updated 2045 net zero emissions target. It also seeks views on the Scottish Government's ambition to secure an additional 8 to 12 GW of installed onshore wind capacity by 2030, how to tackle the barriers to deployment, and how to secure maximum economic benefit from these developments.
- 4.5.28. While in draft format only at present, it is worth noting those parts of the Draft OWPS where it is considered that consistent messages are conveyed, that have either already been set out in the OWPS 2017 or elsewhere.
- 4.5.29. The following paragraphs identify areas in the Draft OWPS where there is considered to be a parallel with messages set out in existing energy policy documents.

<sup>20</sup> <https://www.gov.scot/publications/scotlands-energy-strategy-position-statement/>

<sup>21</sup> <https://www.gov.scot/publications/onshore-wind-policy-statement-9781788515283/>

<sup>22</sup> <https://www.gov.scot/publications/onshore-wind-policy-statement-refresh-2021-consultative-draft/>

- 4.5.30. The Ministerial Foreword to the Draft OWPS notes that:

*'Onshore Wind remains vital to Scotland's future energy mix, and we will need much more....'*

- 4.5.31. This statement aligns with the Ministerial Foreword in the OWPS 2017 which notes that '*onshore wind is a vital component of the huge industrial opportunities that renewables more generally create for Scotland*'. Paragraph 3 of the OPWS 2017 also noted that in order to help meet Scotland's energy needs the contribution of onshore wind '*must continue to grow*'. On this key issue about the future of onshore wind as part of Scotland's future energy mix, there is consistency between the Draft OPWS and the OWPS 2017.
- 4.5.32. Paragraph 1.2.2 of the Draft OWPS states that '*we must go further and faster than before*' in order to meet the substantial increase in demand for electricity, a reflection of the changed legislative basis that sets the net zero target for 2045 and recognition perhaps that Scotland is currently lagging behind where it needs to be in terms of GHG emission reductions, with a step up in effort required to meet the 2030 interim target.
- 4.5.33. In Chapter 2, the Draft OWPS seeks to quantify the amount of new onshore wind capacity that needs to be installed in order to meet GHG reduction targets. In paragraph 2.1.6 the Draft OWPS suggests that an additional 8-12GW of onshore wind will need to be installed in Scotland by 2030 to help meet the legally binding net-zero commitment. For context, paragraph 2.1.3 notes that Scotland currently has 8.4GW of installed onshore wind capacity; therefore an approximately doubling of installed capacity is required within the next 8-9 years to meet GHG reduction targets. Paragraph 2.1.1 notes that '*a consistently higher rate of onshore wind and other renewables capacity will be required year on year*'.
- 4.5.34. In paragraph 3.4.13 the Draft OWPS notes that onshore wind can play a greater role in helping to provide greater security over energy supplies, a message set out in the SES from 2017, again showing a consistent message on the benefits of this technology, beyond just reducing GHG emissions. The importance of having greater security over our energy supplies has come into much sharper focus over the last few months following the war in Ukraine and this is a theme that is central to the British Energy Security Strategy, discussed earlier.
- 4.5.35. Like the OWPS 2017, the Draft OWPS notes that while there is clear support for the further development of onshore wind this must take place '*in the right places*' (paragraph 4.2.1), which links with paragraph 4 of the OWPS 2017. Importantly, however, Section 4.4 also notes that the decisive action required to address climate change means that the way Scotland looks will change as a result of the '*need to deploy significant volumes of onshore wind generation over the next decade*'. There is recognition in paragraph 4.4.2 that this will comprise modern, efficient and taller wind turbines, and this reflects the commentary in paragraphs 24 and 25 of the OWPS 2017.
- 4.5.36. Overall, the Draft OWPS provides further support for the Proposed Development. This commentary has demonstrated that many of the key themes discussed in the Draft OWPS already form key components of the OWPS 2017 and as such the Draft OWPS represents a continuation of the established policy support for the continued growth of the onshore wind set out in the OWPS 2017.

- 4.5.37. The Scottish Ministers recent decision on the Arecleoch Wind Farm Extension<sup>23</sup> in November 2021 confirms

<sup>23</sup> <https://www.energyconsents.scot/ApplicationDetails.aspx?cr=ECU00001864&T=6>

that the OWPS 2017 makes it clear that renewable energy deployment is a '*priority*' for the Scottish Government, a matter that they gave '*significant weight*' to in approving that development.

### Energy Statistics for Scotland – Q4 2021 Figures (March 2022)

- 4.5.38. The latest quarterly statistics for energy generation in Scotland were published in March 2022<sup>24</sup>. The statistics contain a number of graphs and comments that are of relevance to the Proposed Development. The Scottish Government has also launched a 'one-stop shop' website for all Scottish Energy Data, which is updated on a regular basis.
- 4.5.39. Figures for 2020 indicate that the equivalent of 98.6% of gross electricity consumption (i.e. total electricity generation minus net exports) was from renewable sources, rising from 89.8% in 2019. This falls just short of the 100% by 2020 renewable electricity target.
- 4.5.40. However, renewable electricity generation in the first three quarters of 2021 fell for the first time since 2016. A total of 18,370 GWh of renewable electricity was generated in the first three quarters of 2021, down 22% from the same period in 2020. The website notes that '*this is likely due to milder weather compared to previous years*'.
- 4.5.41. Scotland had 12.2 GW of installed renewable electricity generation capacity operational in September 2021. This has steadily risen over time, however, has levelled off since June 2019 '*possibly as fewer projects have been able to access subsidies*'. This may slow Scotland's progress in renewable electricity generation. Most of Scotland's operational capacity comes from onshore wind (8.7 GW), with offshore wind (0.9 GW) capacity increasing in the last few years.
- 4.5.42. As of December 2021, renewable electricity projects with a capacity of 15.2 GW are in the pipeline. Figure 1 overleaf illustrates the breakdown by renewable technology type.

<sup>24</sup><https://www.gov.scot/binaries/content/documents/govscot/publications/statistics/2018/10/quarterly-energy-statistics-bulletins/documents/energy-statistics-summary---march-2022/energy-statistics-summary---march-2022/govscot%3Adocument/Scotland%2BEnergy%2BStats%2BQ4%2B2021.pdf>

### Pipeline Capacity - December 2021

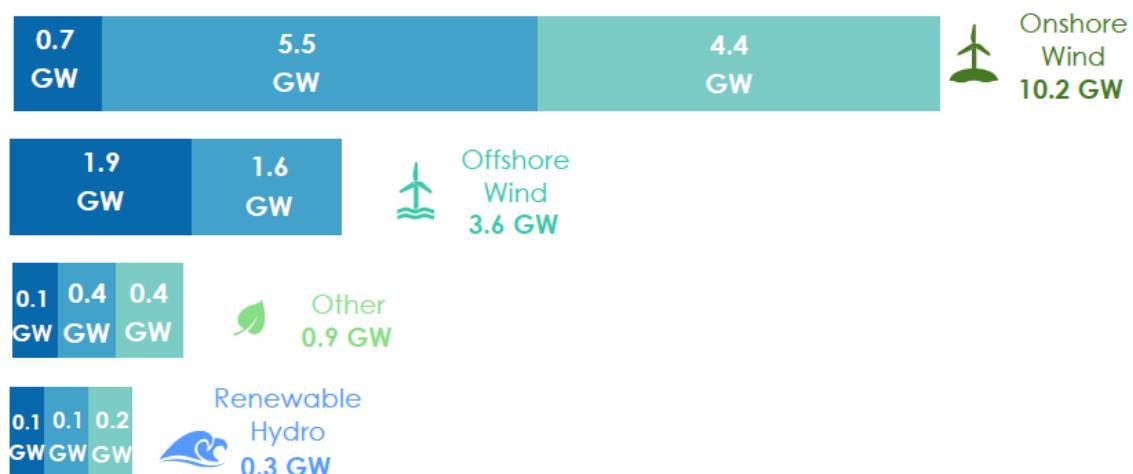


Figure 1: Pipeline Renewable Capacity by Technology (December 2021)

- 4.5.43. Of the 10.2 GW onshore wind pipeline, only 6.8 % is under construction. While this represents a slight increase in the 5 % noted in the May 2021 Climate Change Monitoring Report, it is unlikely that all consented or 'in planning' projects will come forward. In addition, Draft National Planning Framework 4 (NPF4) proposed that renewable energy schemes in excess of 50 MW will in the future benefit from National Development status. This means that the principle of the development does not need to be agreed later in the consenting process. NPF4 is discussed further in Section 4 and it is recognised that this is, at the time of writing, a draft document that may be subject to change.
- 4.5.44. As a final observation on these statistics, and linking with the NPF4 point above, it is worth remembering that the Scottish Government's Chief Planner from November 2015 (see Section 7) has previously confirmed that energy targets are not caps and that once achieved, the support for renewable energy developments, including on-shore wind, would continue. This position has been reaffirmed by the very recent appeal decision (March 2022) in respect of the wind farm at Land at Margree, St John's of Dalry

(reference PPA-170-2153<sup>25</sup>). In that appeal decision, in granting planning permission and in responding to objections regarding the need for the proposal, the Reporter noted in paragraph 32 that:-

*'as there are no caps to such development and as future electricity demand is forecast to increase significantly, that would not provide a reason to resist the current proposal'.*

### 4.6. Conclusions

- 4.6.1. There can be no doubt that over the last few years, the issue of global warming has escalated in importance towards the top of the political agenda. There has been a notable change in language used by the UK and Scottish Governments, that now recognise that there is a 'climate emergency' that demands immediate action. The adoption of a net-zero target for Scotland by 2045 is only part of the response – action on the ground is required if this target is to be met.
- 4.6.2. The various documents considered in this Section all present in stark terms the very real consequences of climate change for current and future generations and the need to take action now if we are to meet the net zero commitments. Taking action to deliver these targets will have ramifications for all aspects of society from reducing the demand for energy, to the electrification of heat and transport. What is clear, however, is that the move away from fossil fuel energy generation towards renewables must continue apace and the UK and Scottish Governments have signalled their clear intent on this front in various energy publications in the last 12 months.
- 4.6.3. It is clear also that the onshore wind sector has an important, indeed 'vital', role to play in helping to deliver Scotland's longer-term climate change targets while also helping to reduce the cost of electricity generation. The Proposed Development can help deliver these objectives by developing a renewable energy facility using a proven technology and one of the lowest cost forms of power generation, including non-renewables.
- 4.6.4. The weight attributable to energy policy considerations has been addressed in recent wind farm decisions including Blarghour Wind Farm<sup>26</sup> (October 2021) where the Ministers noted on page 18 of their determination letter that:-
- 'renewable energy deployment remains a priority of the Scottish Government. This is a matter which should be afforded significant weight in favour of the proposed Development'. (underlining added)*
- 4.6.5. Ministers arrived at similar conclusions in November 2021 in considering the Arecleoch Wind Farm Extension<sup>27</sup> at page 18 of their determination letter. This follows a recommendation from the Reporters in paragraph 9.68 of their report where they concluded that:-
- 'the increasing importance of tackling climate change and strong policy support for renewable energy is a matter of significance in favour of the proposal'. (underlining added)*
- 4.6.6. Given these very recent decisions and in light of the relevant recent publications such as the British Energy

<sup>25</sup> <https://www.dpea.scotland.gov.uk/CaseDetails.aspx?ID=121751>

<sup>26</sup> <https://www.energyconsents.scot/ApplicationDetails.aspx?cr=EC00005267>

<sup>27</sup> <https://www.energyconsents.scot/ApplicationDetails.aspx?cr=ECU00001864&T=6>

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Security Supply, which follows from the war in Ukraine there can be no doubt that the need for 'home grown' supplies of renewable energy is an absolutely essential part of making strides towards net zero as well as providing the UK with a much more secure future energy supply. These matters must therefore be accorded significant weight in determining this application.

## 5. National Planning Policy and Guidance

### 5.1. Introduction

- 5.1.1. This Section considers the Proposed Development against the relevant provisions of Scottish Planning Policy (SPP) and National Planning Framework 3 (NPF3). When adopted, the NPF4 will replace both NPF3 and SPP and will form part of the statutory Development Plan.
- 5.1.2. NPF3 and SPP were both approved by the Scottish Government in June 2014. With regards to energy targets, they were drafted within the context of the Scottish Government's headline targets of generating the equivalent of 100 % of gross electricity consumption from renewable sources by 2020 and a reduction of GHG emissions of at least 80 % by 2050, with an interim target of a 42 % reduction by 2020. Since June 2014 there have been significant developments in energy policy and the establishment of new targets, which are discussed in Section 4 of this Statement. Therefore, while NPF3 and SPP establish clear in principle support for the development of renewable energy projects, the need case has materially increased since their publication and this is an important material factor in support of the Proposed Development.

### 5.2. Scottish Planning Policy

- 5.2.1. SPP<sup>28</sup> sets out national planning policies for the development and use of land and provides policy commentary under two key themes, Principal Policies and Subject Policies. There are two Principal Policies in SPP (Sustainability and Placemaking) which are underpinned by several policy principles, as discussed in the following paragraphs.

- 5.2.2. SPP and NPF3 share a single vision for the planning system in Scotland, which is:

*'We live in a Scotland with a growing, low-carbon economy with progressively narrowing disparities in well-being and opportunity. It is growth that can be achieved whilst reducing emissions and which respects the quality of the environment, place and life which makes our country so special. It is growth which increases solidarity – reducing inequalities between our regions. We live in sustainable, well-designed places and homes which meet our needs. We enjoy excellent transport and digital connections, internally and with the rest of the world'* (underlining added).

- 5.2.3. To achieve this vision, SPP is focused on four planning outcomes, as is NPF3, which is discussed later. The four outcomes are:

1. A successful, sustainable place;
2. A low carbon place;
3. A natural resilient place; and
4. A more connected place.

- 5.2.4. SPP sets out a range of criteria that require to be assessed when considering development proposals, of most relevance here are the paragraph 29 principles and the paragraph 169 renewable energy assessment

<sup>28</sup> <https://www.gov.scot/publications/scottish-planning-policy/>

criteria. It is important that decision makers consider any detailed point by point assessment in the context of these four outcomes, where relevant, and then reach conclusions on how an individual proposal can '*make a positive difference*' towards achieving the single vision for the planning system in Scotland (SPP, para 13).

- 5.2.5. Not all of the Outcomes will be relevant in each and every case; however, Outcomes 1 – 3 are considered to be of relevance to the Proposed Development and these are discussed under separate sub-headings under the commentary on NPF3.
- 5.2.6. The key policy principle in SPP which is considered to be of relevance to the Proposed Development states that:-

*'This SPP introduces a presumption in favour of development that contributes to sustainable development'* (hereafter referred to as 'the presumption').

- 5.2.7. Decision makers need to consider whether a proposal benefits from the presumption on a case by case basis, and assessed according to the principles set out in paragraph 29 of SPP. The Proposed Development is considered against paragraph 29 principles in Table 1 below.

**Table 1 – SPP Paragraph 29 Principles**

SPP Paragraph 29 Principles	Commentary
1. Giving due weight to the net economic benefit of proposals	<p>EIAR Chapter 13 'Socio-economics' considers that the Proposed Development will give rise to positive economic benefits during the construction and operational phases. During the construction phase, the EIAR estimates that of the total construction costs, approximately £9.23 million could be spent within Aberdeenshire and Moray.</p> <p>During the operational phase, the annual operation and maintenance expenditure would equate to approximately £60,000 per MW. With a capacity of between 66 MW and 77 MW, this would equate to an operational expenditure of approximately £4 million to £4.6 million per annum.</p> <p>The assessment further identifies that the Proposed Development would support between 164 and 191 jobs during construction and 28 to 33 jobs during operation across the UK economy.</p> <p>The construction phase economic benefits are considered to be significant in Chapter 13. Operational phase economic benefits are not considered significant but they are beneficial overall.</p>

SPP Paragraph 29 Principles	Commentary
2. Responding to economic issues, challenges and opportunities as outlined in local economic strategies	<p>The Moray Economic Strategy was published in December 2018 and covers the period 2019 – 2029<sup>29</sup>. It makes no reference to the energy or renewables as key growth sectors and it is therefore not relevant to the Proposed Development.</p> <p>The Regional Economic Strategy for Aberdeenshire 2018 - 2023<sup>30</sup> identifies the oil, gas and energy economy as a key sector for the area. The Vision includes building on the region's existing infrastructure and 'know-how' to ensure the region plays a key role in energy transition towards a lower carbon energy system.</p> <p>A July 2020 Regional Economic Strategy Statement in response to Covid-19<sup>31</sup> notes the importance of diversifying the local supply chain to ensure the region and Scotland more broadly deliver energy transition objectives. One of the identified priorities relates to the delivery of net-zero to create a region with an integrated energy cluster that is a global leader in the development of energy transition and net zero carbon solutions.</p> <p>The Proposed Development responds positively to and will help deliver the aims of the Regional Economic Strategy for Aberdeenshire.</p>
3. Supporting good design and the six qualities of successful places	<p>This is of limited relevance to a wind farm application as the six qualities, as noted in paragraphs 41 – 46 of SPP, relate principally to non-renewable land uses and the following matters: 'distinctive', 'safe and pleasant', 'welcoming', 'adaptable', 'resource efficient' and 'easy to move around and beyond'.</p>

<sup>29</sup>

[http://www.moray.gov.uk/moray\\_standard/page\\_75361.html#:~:text=The%20strategy%20is%20for%20the,qualifications%20relevant%20to%20growth%20sectors.](http://www.moray.gov.uk/moray_standard/page_75361.html#:~:text=The%20strategy%20is%20for%20the,qualifications%20relevant%20to%20growth%20sectors.)

<sup>30</sup> <https://investaberdeen.co.uk/images/uploads/RES%20Action%20Plan%202018-2023%20FINAL.pdf>

<sup>31</sup> <https://www.aberdeenshire.gov.uk/media/25961/res-action-plan-covid19-iscfinal-4.pdf>

SPP Paragraph 29 Principles	Commentary
	<p>As far as it is relevant, it is significant to note the design evolution process that has been followed to arrive at the proposed Site layout. In particular, the reduction in turbine numbers from 18 at scoping stage, reduced to 16 through design optimisation and finally 11 following feedback from the EIA Project Team, see EIAR Chapter 3 'Design Evolution and Alternatives' and the DS. In total, there were seven main design iterations and the final layout means that there are no turbines within 1.3 km of the nearest occupied residential property. EIAR Chapter 3 discusses the design principles in more detail and explains how the Proposed Development was designed to take account of landscape and visual receptors, cultural heritage receptors, local properties, topography and other technical and environmental constraints. Layout design also sought to achieve consistent spacing, avoiding outlier turbines or excessive overlapping or large gaps.</p>
4. Making efficient use of existing capacities of land, buildings and infrastructure including supporting town centre and regeneration priorities	<p>Not relevant to the Proposed Development.</p>
5. Supporting delivery of accessible housing, business, retailing and leisure development	<p>Not relevant to the Proposed Development.</p>
6. Supporting delivery of infrastructure, for example transport, education, energy, digital and water	<p>The wind turbines will generate between 66 MW – 77 MW of renewable electricity, supported by a BESS, which will help meet the Scottish Government's renewable energy generation targets in the post 2020 period and help work towards the net zero GHG emission target by 2045.</p>
7. Supporting climate change mitigation and adaptation including taking account of flood risk	<p>The Proposed Development responds positively to the enhanced need case for further renewable energy development that has emerged in recent years. The Proposed Development is projected to save the equivalent of 128,785 tonnes of carbon dioxide (tCO<sub>2</sub>e) per year, over 33 years that would otherwise be emitted should the equivalent amount of electricity be produced from a fossil fuel mix of power generation (see EIAR Chapter 15 'Climate'). It is expected that the carbon lost in developing the Proposed Development will be paid back in approximately 1.9 years, based upon a fossil fuel mix.</p>

SPP Paragraph 29 Principles	Commentary
	EIAR Chapter 9 'Hydrology, Hydrogeology and Geology' considers flood risk and concludes that the Proposed Development would not be at significant risk of flooding nor would it lead to significant downstream flood risk during the construction, operational or decommissioning periods.
8. Improving health and well-being by offering opportunities for social interaction and physical activity, including support and recreation	Not relevant to the Proposed Development.
9. Having regard to the principles for sustainable land use set out in the Land Use Strategy	<p>The overarching purpose of the third Land Use Strategy 2021-2026<sup>32</sup> 'Getting the best from our land', is sustainable land use. However, its publication comes at a time when both the urgency and scale of change needed is unprecedented. As a result, this Strategy is different in scope and tone from its predecessors. In this respect, <i>'it moves away from a sector by sector approach towards an overarching holistic picture of what sustainable land use in Scotland could look like. It looks beyond its formal five year duration to our 2032 and 2045 targets and efforts to tackle the twin crises of climate change and biodiversity loss. It also highlights the actions we are taking right now across Scotland'</i>.</p> <p>The text on page 4 notes that '<i>Reducing emissions to net-zero is vital to tackling climate change</i>'. Page 12 notes that as Scotland moves to being a net-zero economy, significant land use change from current uses to forestry and peatland restoration will need to happen. However, this needs to happen alongside ensuring space for other essential activities such as food production and <u>onshore wind generation</u> (underling added).</p> <p>Page 27 states that '<i>Our energy will continue to be provided by a wide and diverse range of renewable technologies, including onshore wind. We will need to continue to develop wind farms, in the right places....</i>'</p> <p>The Proposed Development responds positively to these principles.</p>

<sup>32</sup> <https://www.gov.scot/publications/scotlands-third-land-use-strategy-2021-2026-getting-best-land/documents/>

SPP Paragraph 29 Principles	Commentary
10. Protecting, enhancing and promoting access to cultural heritage, including the historic environment	The Proposed Development would not inhibit or restrict access to cultural heritage, during the construction or operational periods. EIAR Chapter 6 'Cultural Heritage and Archaeology' concludes that while there would be significant effects on the settings of the Scheduled Monuments at Craig Dorney hillfort and Auchindoun Castle during the operational period, no significant effects upon the integrity of their settings are predicted. While there is the potential for direct impacts on both known and unknown archaeological features during the construction period, a programme of archaeological works is proposed which can be managed through planning condition. Overall, therefore, the Proposed Development will not conflict with this objective.
11. Protecting, enhancing and promoting access to natural heritage, including green infrastructure, landscape and the wider environment	During the construction phase, it will be necessary to implement a programme of mitigation to ensure that there will continue to be access to and use of Core Paths in the vicinity of the Site, along the A941. The Proposed Development will not restrict access to these Core Paths or the wider countryside, but in the interests of the safety and amenity of Core Path users, mitigation will be required to ensure that no significant effects arise during the construction phase. This is discussed further in Table 2.
12. Reducing waste, facilitating its management and promoting resource recovery	Not relevant to the Proposed Development.
13. Avoiding over-development, protecting the amenity of new and existing development and considering the implications of development for water, air and soil quality	<p>No significant environmental effects on water, air or soil quality are identified that cannot be addressed through further mitigation and the scale of development proposed does not constitute over-development. EIAR Chapter 3 'Design Evolution and Alternatives' and the DS details the process whereby turbines numbers were reduced to accommodate the various environmental constraints on Site and its environs, to achieve an appropriate level of development.</p> <p>A Residential Visual Amenity Assessment (RVAA) was carried out (see TA 5.7). This provides a detailed assessment of the likely effects of the Proposed Development upon the visual amenity of individual properties within 3.5 km of turbines and also within the zone of theoretical visibility (ZTV). Results of the RVAA are set out in Table 5.7.1 of TA5.7. The results conclude that while some of these properties may be subject to significant visual effects, none of these effects could be considered overbearing, overwhelming or pervasive. As such, the assessment concludes that at no property would the identified visual effects exceed the residential visual amenity threshold described in the Landscape Institute's guidance on</p>

SPP Paragraph 29 Principles	Commentary
	<p>the assessment of residential visual amenity.</p> <p>EIAR Chapter 14 'Shadow Flicker' assesses potential shadow flicker effects on identified properties within 10 rotor diameters of the proposed turbine locations (1,550 m). In the absence of mitigation, there would be adverse effects from shadow flicker at three properties, one of which would be significant. These effects can be overcome and the Applicant is proposing to submit a Shadow Flicker Protocol for agreement prior to the erection of the first wind turbine. This Protocol could include the programming of turbines or the provision of screening at properties.</p> <p>In addition, Chapter 11 'Noise and Vibration' confirms that with mitigation, no significant residual effects will arise from either noise or vibration as a result of the construction or operation of the Proposed Development. Further assessment is set out in the Development Plan assessment in Section 6.</p>

- 5.2.8. Taking these observations into account, it is considered that the Proposed Development is consistent with the guiding principles that underpin the 'presumption' in SPP. It is considered that the Proposed Development can reasonably and accurately be described as one that '*contributes to sustainable development*', and it therefore should benefit from the weight of the presumption in the planning balance.
- 5.2.9. The Proposed Development also requires to be considered against the renewable energy assessment criteria set out in paragraph 169 of SPP. Some of these criteria reflect the contents of SPP paragraph 29. The reason for this is that paragraph 29 of SPP applies to all forms of development but paragraph 169 applies specifically to renewable energy proposals. The Paragraph 169 assessment is set out in Table 2 below.
- 5.2.10. The second policy principle of SPP states '*planning should take every opportunity to create high quality places by taking a design-led approach*'.
- 5.2.11. This policy principle is considered to be of more relevance to the consideration of housing, mixed-use, commercial and other non-energy land uses. However, as already noted in Table 1, a number of technical and environmental constraints, including consideration of landscape and visual effects, influenced the design evolution process as explained in EIAR Chapter 3 'Design Evolution and Alternatives' and the DS.
- 5.2.12. These documents demonstrate that alongside environmental and technical issues, the Site layout was influenced by design factors including consideration of different turbine models with different tip heights and also how the design and layout of the turbines would be viewed from certain locations in the landscape. In some iterations turbines were either removed or relocated to avoid stacking or overlapping. It is clear therefore that design has influenced the final layout of the Proposed Development.

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- 5.2.13. The third policy principle of SPP states '*planning should direct the right development to the right place*'.
- 5.2.14. In the context of onshore wind farms, this means principally having regard to the Spatial Framework set out in Table 1 of SPP and any local guidance relevant to the Site. The sole Group 2 interest on the Site is the mapped presence of carbon rich soils and deep peat based upon the Scottish Natural Heritage (now NatureScot) Carbon and Peatland Map 2016<sup>33</sup> and the site specific peat probing results (see EIAR Figure 9.5). The Applicant has avoided any significant effects on this sole Group 2 interest through site design and mitigation, which can reasonably therefore allow the Site to be considered entirely as a Group 3 area.
- 5.2.15. In addition, within Moray, the turbines are located within an area identified as having some, albeit limited, potential for very large turbines, as discussed further in Section 7.
- 5.2.16. In principle, it is therefore considered that the Proposed Development can accurately be described as being in the 'right place' for a wind farm. Further consideration of detailed site specific impacts are required against the renewable energy assessment criteria set out in paragraph 169 of SPP. This assessment is set out in Table 2.

### A Low Carbon Place

- 5.2.17. Within this section of SPP, paragraph 153 comments on the vital role that an '*efficient supply*' of low carbon electricity from renewable energy sources can play in reducing GHG emissions. It notes in paragraph 152 that planning '*must*' facilitate the transition to a low carbon economy, described in paragraph 154 as requiring a '*transformational change*' to ensure that renewable energy targets are achieved. Paragraph 155 is clear that development plans '*should seek to ensure that an area's full potential for electricity and heat from renewable sources is achieved*'.
- 5.2.18. It is of relevance to note that new renewable energy and GHG reduction targets have been introduced since SPP was published, and these are discussed in Section 4. In particular the introduction of the 2045 net zero target significantly increases the need case for further renewable energy development and the Proposed Development can contribute positively to the creation of a Low Carbon Place, by offsetting 128,785 tonnes of GHG per year when compared to a fossil fuel mix electricity generation. Over the proposed 33 year operational life, this equates to just over 4 million tonnes of GHG savings, taking account also of the expected carbon losses for the Proposed Development (see EIAR Chapter 15 'Climate' and TA15.1 'Carbon Balance' for details).

### Table 1 – Spatial Frameworks

- 5.2.19. Table 1 of SPP sets out the specific criteria by which Spatial Frameworks for onshore wind energy proposals should be formed. Paragraph 163 of SPP states that the Spatial Framework is to be '*complemented by a more detailed and exacting development management process where the individual*

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<sup>33</sup> <https://www.nature.scot/professional-advice/planning-and-development/planning-and-development-advice/soils/carbon-and-peatland-2016-map>

*merits of an individual proposal will be carefully considered against the full range of environmental, community and cumulative impacts'.*

5.2.20. The SPP Spatial Framework categorises constraints and opportunities into three groups:

1. Group 1: Areas where wind farms will not be acceptable - '*National Parks and National Scenic Areas*'.
2. 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.*'
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.*'

5.2.21. Parts of the Site are Group 2 and parts Group 3. The sole Group 2 interest is the mapped presence of carbon rich soils and deep peat based upon the Scottish Natural Heritage Carbon and Peatland Map 2016. There are no turbines within areas of deep peat and the Applicant has demonstrated that significant effects upon this Group 2 interest can be overcome, thus meeting the key SPP test for development in these areas.

5.2.22. Furthermore, EIAR Chapter 9 concludes that there is the potential for a beneficial effect on peat carbon sequestration at the Site, where a proportion of the permanently felled areas around the turbines and Site infrastructure are restored to functional peatland habitat with peat-forming vegetation. While this benefit is not considered significant, it would more than offset any localised (non-significant) adverse effects on carbon rich soils and deep peat within the Site.

5.2.23. In addition, NatureScot's website<sup>34</sup> makes it clear that its Carbon and Peatland Map 2016 '*can only indicate that carbon-rich soils, deep peat and priority peatland are likely to be present*'. It goes on to clarify that '*the map should not be used in development management decision-making*'. Scottish Natural Heritage's (Now NatureScot) Guidance for Onshore Wind Turbines from 2015<sup>35</sup> makes the same observation in Section 3.2 and goes on to note that '*the location of a proposal in the mapped areas does not, in itself, mean that the proposal is unacceptable, or that carbon rich soils, deep peat and priority peatland habitat will be adversely affected*'.

5.2.24. These are significant points to bear in mind when considering the locational acceptability of the Site in the wider planning balance, noting that SPP acknowledges that in these areas '*wind farms are likely to be acceptable*', subject to individual assessments.

5.2.25. SPP sets out in paragraph 169 a checklist for assessing renewable energy planning applications, as discussed in Table 2 below. These matters duplicate some of the earlier comments on SPP paragraph 29. Where this is the case, comments have been kept brief.

<sup>34</sup> <https://www.nature.scot/professional-advice/planning-and-development/planning-and-development-advice/soils/carbon-and-peatland-2016-map>

<sup>35</sup> Scottish Natural Heritage (2015). 'Spatial Planning for Onshore Wind Turbines – Natural Heritage Considerations, Guidance'

**Table 2 – SPP, Paragraph 169 Assessment**

SPP Paragraph 169 Criteria	Commentary
Net economic impact, including local and community socio-economic benefits such as employment, associated business and supply chain opportunities	Positive effects during the construction and operational periods are identified in EIAR Chapter 13, see earlier commentary in Table 1.
The scale of contribution to renewable energy generation targets	The Proposed Development will make a significant and positive contribution to achievement of renewable energy generation targets, see earlier commentary in Table 1.
Effect on greenhouse gas emissions	The Proposed Development will make a significant contribution towards efforts to reduce GHG emissions, see earlier commentary in Table 1.
Cumulative impacts	<p>Each chapter of the EIAR considers the potential for and significance of cumulative impacts associated with the Proposed Development.</p> <p>Some significant cumulative landscape and visual effects are identified and significant cumulative effects upon the setting (but not the integrity of setting) of two Scheduled Monuments at Craig Dorney hillfort and Auchindoun Castle. It is the acceptability of these identified significant cumulative effects that is important in the final planning balance and this is discussed in relation to the key renewable energy LDP policies in Section 6 and also the conclusions in Section 8.</p>
Impacts on communities and individual dwellings, including visual impact, residential amenity, noise and shadow flicker	<p>The LVIA concludes that residual operational visual effects would be limited to the settlement of Dufftown only. While most of Dufftown would experience no significant visual effects, there would be localised significant effects on the southern edge of Dufftown, where the Proposed Development would cause a notable change to the skyline. These localised effects are considered significant in the LVIA.</p> <p>In the scenario where either Garbet and/or Glenfiddich Wind Farms are granted permission, the LVIA concludes that the cumulative effects along the southern extent of Dufftown would also be significant.</p> <p>The RVAA in Technical Appendix 5.7 concludes that none of the properties addressed in the assessment would be subject to visual effects that could be considered overbearing, overwhelming or pervasive. These effects are not considered to exceed the residential visual amenity threshold described in the Landscape Institute's guidance on the assessment of residential visual amenity.</p>

SPP Paragraph 169 Criteria	Commentary
	<p>EIAR Chapter 11 'Noise and Vibration' concludes that there would be no significant residual effects arising from noise (including cumulative) during the construction, operational or decommissioning phases. During the operational phase, wind turbine noise for dwellings in the vicinity of the Site would meet the noise criteria established in accordance with ETSU-R-97<sup>36</sup> (ETSU). No significant noise impacts would arise as a result of the operation of the BESS either, as set out in TA 11.3 'Battery Energy Storage System – Noise Impact Assessment'.</p> <p>EIAR Chapter 14 'Shadow Flicker' identifies that there are three residential receptors within the area potentially susceptible to shadow flicker, being a distance of 10 rotor diameters (1,550 m) around each turbine (see EIAR Table 14.1). At one property, Belcherrie, the assessment considers that the potential for shadow flicker may exceed 30 hours per year or 30 minutes per day. With mitigation to be agreed in advance through the submission of a Shadow Flicker Protocol, shadow flicker nuisance will not arise and no significant residual effects are predicted upon any property.</p>
Landscape and visual impacts, including effects on wild land	<p>The LVIA presented in EIAR Chapter 5 considers in detail the potential landscape and visual effects of the Proposed Development upon a range of landscape and visual receptors, as summarised in EIAR Table 5.12.</p> <p>Given the distance between the Site and the two closest WLAs – approximately 30 km to the Cairngorms WLA and approximately 40km to the Lochnagar and Mount Keen WLA, potential impacts upon WLAs were scoped out of the LVIA and a Wild Land Impact Assessment has not been undertaken.</p> <p>The LVIA considered the potential landscape and visual effects of the Proposed Development upon a range of landscape designations and visual receptors within both Aberdeenshire and Moray as well as LCTs. Impacts upon the CNP were also considered.</p> <p>In terms of landscape designations, the LVIA concludes that potentially significant effects would arise upon the Ben Rinnies SLA within Moray and also within the Deveron Valley SLA within Aberdeenshire and Moray. These effects are not considered to undermine the integrity of either designation.</p>

<sup>36</sup> [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/49869/ETSU\\_Full\\_copy\\_Searchable\\_.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/49869/ETSU_Full_copy_Searchable_.pdf)

SPP Paragraph 169 Criteria	Commentary
	<p>Given the distance of the Site from the CNP boundary, approximately 11 km, and taking cognisance of the pattern of existing wind farm development the LVIA concludes that the Proposed Development would not give rise to any significant effects upon the Special Landscape Qualities of the CNP. A detailed appraisal is set out in TA5.5 'Residual Effects on Landscape Designations'. The LVIA recognises that the Proposed Development would add to the emerging pattern of wind farm development in views from a number of summits from within the CNP but that the in-addition cumulative effects would not be significant and would not undermine the integrity of the CNP. The LVIA considers that the combined effect of wind energy development across parts of the CNP would vary from significant in more elevated parts to non-significant effects across the wider CNP. These effects are not considered to affect the Special Landscape Qualities of the CNP nor would they undermine the overall integrity of the designation.</p> <p>Some significant visual effects (including cumulative) upon local road users are identified in the LVIA, including upon sections of the A920, A941, B9009 and a local unnamed road in the vicinity of the Site. Similarly, some significant visual effects (including cumulative) are identified upon the users of Core Paths including Paths SP03, SP04, SP05, SP10, SP11 and SP30 and IW02, IW03 and IW04. It is important to note that only certain stretches of these roads and Core Paths will experience theoretical visibility of the Proposed Development and therefore experience significant visual effects. The identification of visual effects does not extend to the full extent of the Path or road in question. The ZTV relative to Core Paths and Roads is shown on EIAR Figure 5.5b.</p> <p>The LVIA considers visual effects at 19 representative viewpoints (VPs), as set out in TA5.6 'Viewpoint Assessment' and accompanying EIAR Figure 5.4a. Night time visualisations were included for VPs 6, 8 and 13 which illustrate the type of lighting proposed in the worst case scenario. A reduced lighting scheme was submitted to the Civil Aviation Authority (CAA) which has since been approved in June 2022.</p>

SPP Paragraph 169 Criteria	Commentary
	<p>The VP assessment presented in TA5.6 considers potential effects upon landscape character and visual effects at each VP, considering also cumulative effects. The findings of the detailed assessment for each VP are summarised in Table 5.6.1 of TA 5.6. This summary reveals that significant effects (whether upon landscape character, visual or cumulative) will arise at most VPs, except for VPs 3 and 14.</p>
Effects on the natural heritage, including birds	<p>EIAR Chapter 7 'Ecology' considers the potential impacts of the Proposed Development upon a range of species and non-avian designations, looking at impacts that could arise during the construction, operational and decommissioning phases. The assessment concludes that no significant residual effects are predicted to occur upon any important ecological feature during any phase of the Proposed Development, either alone or cumulatively with other developments via 'in-combination' effects or 'effect interactions'. As such, adverse residual effects for all important ecological features are considered not significant. Importantly, EIAR Chapter 7 considers that implementation of the HMP would provide beneficial effects (but not significant) in the long term particularly in terms of peatland restoration and positive impacts upon species such as otter and wild cat. A summary of potential effects upon ecological receptors is set out in EIAR Table 7.12.</p> <p>EIAR Chapter 8 'Ornithology' considers the potential effects of the Proposed Development on important ornithological receptors that could arise during the construction, operational and decommissioning phases. The assessment considered potential effects upon birds arising from collision risk as well as disturbance or displacement of bird species. Following the implementation of mitigation, where required, in the form of good practice protocols and adherence to a Construction Environmental Management Plan (CEMP) and a Construction Breeding Bird Protection Plan (CBBPP), the assessment concludes that no significant residual effects are predicted to occur upon any important ornithological feature or interest during any phase of the Proposed Development, either alone or cumulatively with other developments via 'in-combination' effects or 'effect interactions'. As such, residual effects for all important ornithological features are considered not significant.</p>

SPP Paragraph 169 Criteria	Commentary
	<p>EIAR Chapters 7 and 8 set out information to inform a Habitats Regulations Appraisal (HRA), given the proximity of the Site to the River Spey SAC and the Tips of Corsemaul and Tom Mor SPA and SSSI, which are located 0.05 km and 1.28 km from the Site respectively. The River Spey SAC is designated by virtue of its importance for otter, Atlantic salmon, freshwater pearl mussel and sea lamprey. The Tips of Corsemaul and Tom Mor SPA is designated for its breeding common gull colony. The assessment presented in Section 7.11 of EIAR Chapter 7 concludes that the Proposed Development would not result in any adverse effects on the integrity of the SAC. The assessment presented in Section 8.11 of EIAR Chapter 8 looks at collision risk and displacement effects upon the SPA species as a result of the Proposed Development and concludes that likely significant effects can be discounted.</p>
Impacts on carbon rich soils, using the carbon calculator	<p>EIAR Figure 9.5 shows the location of the Site relative to mapped carbon and peatland soils, based upon the 2016 SNH (now NatureScot) map. This shows most of the peat across the Site is Class 4 or Class 5 (with small areas of Class 3). There are some areas of Class 1 and 2 peat in the northern and central areas of the Site, which are classed by NatureScot as nationally important carbon rich soils, deep peat and priority peatland habitat.</p> <p>EIAR Chapter 10 'Hydrology, Hydrogeology and Geology' considers, amongst other issues, the potential for effects on carbon rich soils and deep peat. This confirms that areas of deep peat have largely been avoided through the iterative design process and the majority of the developable area would not include high sensitivity peat deposits. Whilst the turbine and hardstanding areas are likely to be located outside deep peat, there is the potential that some supporting infrastructure would be located on deep peat. However, this has been kept to a minimum and mitigation measures as set out in the Outline Peat Management Plan (OPMP) (TA 2.4) can be used to minimise potential impacts.</p> <p>The EIAR Chapter concludes that there will be no significant effect on carbon rich soils and peat as a result of the Proposed Development, following mitigation. The assessment notes that there is the potential for a beneficial effect on peat carbon sequestration at the Site, where a proportion of the permanently felled areas around the turbines and Site infrastructure are restored to functional peatland habitat with peat-forming vegetation. Given the scope, extent and scale of the proposed restoration the change is considered not significant, however the</p>

SPP Paragraph 169 Criteria	Commentary
	<p>benefit would more than offset any localised (non-significant) adverse effect on carbon rich soil and deep peat within the Site</p> <p>The OHMP submitted as EIAR TA7.5 provides further detail on proposals to restore degraded peatland habitats within the Site.</p> <p>A Carbon Balance Assessment is included as TA15.1 with associated results and charts in TA15.2. Using the figures from the 'expected case' scenario in Table 15.1.1, carbon losses associated with CO<sub>2</sub> released from soil organic matter amount to 3,282 tCO<sub>2</sub>e which equates to 1.35 % of total CO<sub>2</sub> losses associated with construction of the Proposed Development. Other CO<sub>2</sub> losses arise from the manufacture, construction and decommissioning of the wind turbines as well as losses due to forestry felling.</p> <p>TA15.1 calculates that the carbon payback period for the Proposed Development would be between 1.1 and 3.4 years, with an expected payback period of 1.9 years when compared to a fossil fuel mix generation. This is a relatively small percentage of the proposed 33 year operational lifespan of the Proposed Development and for the remaining approximate 31 years, the electricity generated is estimated to be carbon neutral, and will contribute to national objectives to reduce GHG emissions and help meet the net zero target by 2045.</p>
Public access, including impact on long distance walking and cycling routes and scenic routes identified in the NPF3	<p>There are no Core Paths, walking or cycling routes within the Site, but a number of Core Paths have been identified along the A941 near the Site, which are in the vicinity of the anticipated construction traffic route. The potential impacts of construction traffic upon users of these Core Paths is considered in EIAR Chapter 10 'Traffic and Transport'. That assessment considers that without mitigation, potentially significant effects upon Core Path users as a result of construction traffic could arise through severance, pedestrian amenity, fear and intimidation and safety.</p> <p>Mitigation in the form of a Core Path Management Plan is proposed to separate Core Path users from construction traffic, which would include the installation of temporary road signage, the application of advisory speed limits and the provision of crossing points where required, with Core Path users having the right of way. With the implementation of mitigation measures, the EIAR concludes that these effects would not be significant. In addition, it is noted that any effects upon Core Path users would be temporary in nature, lasting for the duration of the construction period only.</p>

SPP Paragraph 169 Criteria	Commentary
	<p>The Proposed Development could give rise to visual effects upon amenity of users of Core Paths and other recreation routes. These issues are considered in the LVIA in EIAR Chapter 5. That Chapter notes that there are three key long-distance routes within the LVIA 45 km study area, namely</p> <ul style="list-style-type: none"> <li>• The Speyside Way;</li> <li>• The Dava Way; and</li> <li>• The Moray Coastal Trail.</li> </ul> <p>All of these routes have been scoped out of the assessment due to no or very limited long-distance visibility of the Proposed Development.</p> <p>There are 16 core paths within 10 km of the Site, as shown on EIAR Figure 5.5. Of these 16, 11 have theoretical visibility of the Proposed Development (see EIAR Table 5.10). The extent of visibility does vary across the extent of each route. A number of these paths are directly linked and where this occurs, the LVIA assesses these as a single connected route.</p> <p>The LVIA concludes that there would be localised significant effects upon stretches of the following core paths, grouped where appropriate in the LVIA:-</p> <ul style="list-style-type: none"> <li>• Core Paths SP03;</li> <li>• Core Paths SP04; and</li> <li>• Core Path SP30.</li> </ul> <p>There are no National Cycle Network (NCN) Routes within 25 km of the Site. NCN 1 passes through the LVIA study area and some small areas of theoretical visibility are present in sections of the route to the east of Elgin. As these areas of theoretical visibility are over 30 km away, it is considered that actual views of the proposed turbines would be largely screened in views and therefore no assessment has been undertaken.</p>
Impacts on the historic environment, including scheduled monuments, listed buildings and their settings	<p>Potential impacts upon these receptors are considered in EIAR Chapter 6 'Cultural Heritage'. The assessment considers the potential for direct impacts upon archaeology and cultural heritage as well as indirect impacts upon the setting of historic environment assets. There are no designated historic environment assets within the Site boundary but as noted in Section 3 of this Planning Statement, there are a number of historic environment assets within the vicinity of the Site and three Study Areas, extending out to 10 km from the Site were adopted for the assessment.</p>

SPP Paragraph 169 Criteria	Commentary
	<p>The assessment concludes that there are four non-designated cultural heritage assets within the Site that could be potentially affected by construction works. At worst, impacts upon these assets would be negligible and not significant. Within the proposed Habitat Management Plan (HMP) Areas, see EIAR Figure 7.5.1 in TA 7.5, ten heritage assets have been identified which could be affected by works associated with the HMP. For nine of these assets, no significant effects are predicted. For one, Badiemulloch farmstead, a potentially significant effect is identified but with the implementation of mitigation, by fencing off the asset prior to works commencing, no significant residual effect is predicted.</p> <p>Significant effects (including cumulative) upon the setting of historic environment assets has been reduced through the design evolution process to two Scheduled Monuments, at Auchindoun Castle and Craig Dorney hillfort. While these effects are considered significant, the assessment concludes that they would not have an adverse effect upon the integrity of the setting of either asset. This is an important point to note, in terms of the test set by paragraph 145 of SPP which is discussed further below.</p>
Impacts on tourism and recreation	<p>As noted above, with the implementation of mitigation there will be no significant effects upon users of Core Paths in the vicinity of the Site during the construction period, as a result of the interaction with construction traffic. There will however be some significant effects upon the users of Core Paths during the operational period, as a result of the predicted visibility of the wind turbines from stretches of certain routes.</p> <p>Some of the VPs considered in the LVIA and TA5.6 'Viewpoint Assessment' were selected mountain summits, chosen to be representative of impacts likely to be experienced by hill walkers and Auchindoun Castle (VP 18), also a recreational/tourist attraction. As TA5.6 confirms, there will be some significant visual effects at these locations.</p>

SPP Paragraph 169 Criteria	Commentary
	<p>EIAR Chapter 13 'Socio-Economics' considers the potential impacts of the Proposed Development upon socio-economic indicators and tourism. In relation to tourism, the Chapter notes recent research undertaken on the issue of tourism and wind farms, including the 2021 study by BiGGAR Economics<sup>37</sup> which looked at whether there is any relationship between the growth in wind farm development and adverse impacts upon tourism employment. This Study found no link between the development of a wind farm and employment in the tourism sector.</p> <p>Given these findings and taking account of the findings of the assessment of impacts of the Proposed Development on tourism and recreational routes presented in EIAR Chapter 5, potential socio-economic impacts on tourism were scoped out of further consideration in EIAR Chapter 13. As such, no significant adverse effects on tourism or recreation are anticipated as a result of the Proposed Development.</p>
Impacts on aviation and defence interests and seismological recording	<p>As EIAR Chapter 12 'Aviation and Telecommunications' confirms consultation was undertaken with military and civil aviation interests. This assessment considered potential effects upon two key aviation receptors namely the Ministry of Defence Buchan Primary Surveillance Radar and impacts upon military low flying operations.</p> <p>The assessment has determined that the effects of the Proposed Development on these assets can be appropriately addressed through a combination of radar mitigation and aviation lighting. Subject to the submission of further details on matters such as the installation of lighting (which can be controlled by conditions) no residual significant effects upon aviation and defence interests are expected as a result of the Proposed Development.</p>
Impacts on telecommunications and broadcasting installations, particularly ensuring that transmission links are not compromised	<p>As EIAR Chapter 12 'Aviation and Telecommunications' confirms consultation was undertaken with a range of consultees with responsibility for these interests. An Airwave microwave link between Ardwell, Succoth and Invermarkie passes no closer than 2 km from any of the proposed turbine locations and would therefore be unaffected by the Proposed Development. No other assets were identified.</p>

<sup>37</sup> BiGGAR Economics. (2021). Wind Farms & Tourism Trends in Scotland: Evidence from 44 Wind Farms.

SPP Paragraph 169 Criteria	Commentary
Impacts on road traffic	<p>EIAR Chapter 10 'Traffic, Transport and Access' concludes that the Proposed Development would lead to an increase in traffic volumes on a number of roads in the vicinity of the Site during the 18-month construction phase. The maximum traffic impact associated with the construction phase is predicted to occur in month 8 with 115 heavy good vehicles (HGV) movements per day (58 inbound and 57 outbound) and 44 Car / Lights movements (22 inbound trips and 22 outbound trips). These figures suggest an average of approximately 5 additional HGV inbound trips per hour on the road network at the peak of construction activities, which is not considered significant in terms of overall traffic flows.</p> <p>No significant capacity issues are expected on any of the roads within the transport study area as a result of additional construction traffic movements. This is because background traffic movements are low, the links are of reasonable standard and appropriate mitigation is proposed. This mitigation would take the form of a Construction Traffic Management Plan (CTMP), which would comprise details such as the installation of wheel cleaning facilities at the Site entrance, training for all delivery drivers, the installation of temporary road traffic signs, the establishment of a project website and/or a newsletter to circulate information about key delivery dates, restriction on working hours etc.</p> <p>Following implementation of the CTMP, no significant residual effects are anticipated in respect of traffic and transport issues. Residual effects are assessed to be slight or insignificant and they would occur during the construction phase only. As such, all effects are temporary and reversible.</p>
Impacts on adjacent trunk roads	Following mitigation, no significant residual effects on the trunk road network were identified.
Effects on hydrology, the water environment and flood risk	<p>EIAR Chapter 9 'Hydrology, Hydrogeology and Geology' consider the potential impacts of the Proposed Development upon these receptors, which is accompanied by several associated TAs, including TA9.1 'Watercourse Crossing Assessment'; TA9.2 'Groundwater Dependent Terrestrial Ecosystem (GWDTE) Assessment' and TA9.3 'Private Water Supply Assessment'.</p> <p>In terms of flood risk, a very small area (&lt;1% of the total Site area) is within an area at high risk of flooding associated with the Burn of Findouran. No infrastructure associated with the Proposed Development is located in this area and the remainder of the Site is not considered to be at risk of flooding from rivers.</p>

SPP Paragraph 169 Criteria	Commentary
	<p>Very small, isolated areas of the Site (&lt;1% of the total Site area) are assessed to comprise a high probability of surface water flooding. However, these areas are highly localised and are considered to represent a negligible flood risk at the Site. Overall, due to the topography, hydrology and infrastructure locations it is predicted that no infrastructure would be affected by localised groundwater flooding.</p> <p>EIAR Table 9.6 and Figure 9.3.1 of TA 9.3 show the location of private water supplies (PWS). The potential impacts of the construction, operational and decommissioning phases of the Proposed Development upon these PWS are considered in EIAR Chapter 9. Some PWS are located within the Site boundary. Following the implementation of mitigation to ensure groundwater flows are maintained and the adoption of site drainage measures in line with good practice measures, no significant residual effects upon PWS are identified.</p> <p>During the construction phase, the excavation of soil and bedrock could cause localised disruption and interruption to groundwater flows potentially reducing the supply of groundwater to GWDTEs, thereby causing an alteration/change in the quality or quantity of the GWDTE characteristics. The location of GWDTEs were considered as part of the design evolution process such that most of the areas considered to be groundwater dependent are not directly impacted by the Proposed Development. Only very limited areas identified as being potential GWDTEs would be affected and these were subject to detailed assessment in TA9.2. To avoid significant effects upon GWDTEs mitigation is proposed including the implementation of cross drainage measures and Sustainable Drainage Systems (SuDS), which would be developed in detail through a Construction Environmental Management Plan (CEMP) which could be secured via condition. With the implementation of these further mitigation measures, no significant residual effects on GWDTEs would arise.</p>

SPP Paragraph 169 Criteria	Commentary
	EIAR Chapter 9 also considered the potential for significant effects upon hydrology and the water environment arising from other factors such as pollution, sedimentation and erosion. Most of these potential impacts would arise during the construction phase and it is proposed that good practice construction measures would be adopted to ensure construction works are carried out in a manner that avoids significant effects arising. These measures would be detailed in the CEMP and would also include the appointment of an Ecological Clerk of Works (ECoW) to oversee construction works in certain areas of the Site. Subject to the adoption of and adherence to measures set out in a future CEMP, no significant residual effects on the water environment would arise.
The need for conditions relating to the decommissioning of developments, including ancillary infrastructure, and site restoration	These matters can be covered by planning conditions as deemed necessary and would be discussed post submission with the Energy Consents Unit (ECU) and the respective Local Planning Authorities (LPAs).
Opportunities for energy storage	A BESS forms part of the Proposed Development. This facility will help increase the efficiency of the Proposed Development by enabling renewable electricity generated by the wind turbines to be stored on Site and released into the grid at times of need and potentially also help with the operation of the electricity transmission system through frequency regulation.
The need for a robust planning obligation to ensure that operators achieve site restoration	This matter can be covered by planning conditions consistent with other projects across the country.

- 5.2.26. Given that EIAR Chapter 6 ‘Cultural Heritage’ identifies the potential for significant effects upon the setting of two Scheduled Monuments, some brief commentary on SPP paragraph 145 is merited to discuss these findings in the context of national policy. As no direct impacts upon any Scheduled Monument are identified, these comments relate to impacts on setting only.
- 5.2.27. SPP paragraph 145 states that where there is the potential for a proposal to have an adverse effect ‘on a scheduled monument or the integrity of its setting, permission should only be granted where there are exceptional circumstances’ (underlining added). The assessment in EIAR Chapter 6 is very clear, that while significant effects (including cumulative) are identified upon the setting of the two Scheduled Monuments at Auchindoun Castle and Craig Dorney hillfort, the identified impacts do not have an adverse effect upon the integrity of the setting of these two Scheduled Monuments. In terms of paragraph 145, there is no requirement to demonstrate ‘exceptional circumstances’ in order for permission to be granted. The impacts upon the setting of these two Scheduled Monuments are material considerations to be considered in the wider planning balance.

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- 5.2.28. The LVIA in Chapter 5 does not identify any in-isolation significant effects upon the Special Qualities of the CNP given the distance of the Site from the CNP boundary and the limited theoretical visibility of the Proposed Development from within the CNP, with the exception of a number of summits. However, the assessment does note that some significant cumulative in-combination effects are predicted across some areas of the CNP.
- 5.2.29. SPP, paragraph 212, states that development that affects a National Park '*should only be permitted where the objectives of designation and the overall integrity of the area will not be compromised*'. Where these tests cannot be met, development should only be permitted where '*any significant effects on the qualities for which the area has been designated are clearly outweighed by social, environmental or economic benefits of national importance*'.
- 5.2.30. While the LVIA does identify some significant cumulative in-combination effects on parts of the CNP, none are considered to affect the key special qualities of the CNP to the degree, or geographical extent as to undermine the integrity of the CNP. The Proposed Development therefore is consistent with the first element of SPP, paragraph 212, and there is no need to demonstrate social, environmental or economic benefits of national importance as a pre-requisite to the granting of any permission.

### 5.3. **National Planning Framework 3 (2014)**

- 5.3.1. National Planning Framework 3<sup>38</sup> (NPF3) sets out the long-term vision for development and investment across Scotland for the next 20 to 30 years. It was published by the Scottish Government in June 2014 and the Ministerial Foreword notes that it has a '*five year lifespan*'. The current renewable energy context is significantly different now to that within which NPF3 was prepared. The document pre-dates the climate emergency, the net-zero target and the '*all energy*' targets set by the SES. In addition, a replacement Draft NPF4 has been published for consultation and may be approved some time in 2022. Draft NPF4 is discussed below.
- 5.3.2. The relevant commentary in NPF3 is supportive of renewable energy developments, with the key reference points and targets being the generation of the equivalent of at least 100% of gross electricity consumption from renewables by 2020, with an 80% reduction in GHG emissions by 2050. These targets have now been superseded with more recent and ambitious targets as discussed in Section 4.
- 5.3.3. As noted in the earlier commentary on SPP, that document and NPF3 share the same vision and four shared Outcomes. Outcomes 1-3 are considered relevant to the Proposed Development with the following commentary under each sub-heading considered especially pertinent.

#### **A successful, sustainable place**

- 5.3.4. This is the first shared Outcome. Paragraph 2.2 of NPF3 identifies energy as one of the key sectors of the Scottish economy while paragraph 2.7 seeks to '*ensure that development facilitates adaptation to climate change, reduces resource consumption and lowers greenhouse gas emissions*'. Paragraph 2.8 of NPF3 states that much can be gained by focusing on energy resources to deliver the '*growing low carbon*

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<sup>38</sup> <https://www.gov.scot/publications/national-planning-framework-3/>

economy' referenced in paragraph 1.2.

### A low carbon place

- 5.3.5. This is the second shared Outcome between SPP and NPF3. The stated ambition on page 30 seeks to '*achieve at least an 80% reduction in greenhouse gas emissions by 2050*'. This target has now been increased to a 100% reduction in GHG emissions by 2045 (net-zero). The more recent expressions of Scottish Government energy policy discussed in Section 4 of this Statement provide further detail on how the Scottish Government expects these targets to be met, with onshore wind acknowledged as playing a vital role in the future energy mix.
- 5.3.6. Paragraph 3.1 states that planning has a key role to play in delivering on the commitments set out in Low Carbon Scotland<sup>39</sup>, which includes full decarbonisation of electricity supply by 2030. The Proposed Development can make a significant contribution to the achievement of these objectives, leading to an overall reduction of 128,785 tCO<sub>2</sub>e per year, when compared to a fossil fuel mix, as reported in TA15.1 'Carbon Balance'.
- 5.3.7. Paragraph 3.9 confirms that the Scottish Government wants to continue to capitalise on Scotland's wind resource, a sentiment reflected and indeed strengthened in the more recent OWPS (2017) and Consultation Draft Statement Refresh (2021).
- 5.3.8. Paragraph 3.25 of NPF3 sets out the economic benefits of a growing renewable energy sector noting that there will be job opportunities for manufacturing and servicing to support the sector, as well as providing job opportunities in rural areas. The economic benefits of onshore wind energy developments must be accorded due weight in the overall planning balance as advocated by paragraph 29 of SPP.

### A natural, resilient place

- 5.3.9. The third Outcome of the NPF3 vision envisages a Scotland where natural and cultural assets are respected, improving in condition, and represent a sustainable economic, environmental and social resource for the nation. NPF3 acknowledges the important role that Scotland's landscapes play in contributing to overall quality of life, national identity and the visitor economy (paragraph 4.4).
- 5.3.10. Paragraph 4.7 states that the pressing issue of climate change means that action on the environment must continue to evolve, strengthening longer-term resilience.

### 5.4. Draft National Planning Framework 4 (2021)

- 5.4.1. In November 2021, the Scottish Government published its Draft Fourth National Planning Framework (Draft NPF4<sup>40</sup>). When adopted, NPF4 will replace both NPF3 and SPP and will form part of the statutory Development Plan.
- 5.4.2. Only limited weight can be given to the policies in the Draft NPF4 at this stage, given that it has only recently

<sup>39</sup>Low Carbon Scotland – Meeting the Emissions Reduction Targets 2010-2022, Scottish Government, 2011

<sup>40</sup> <https://www.gov.scot/publications/scotland-2045-fourth-national-planning-framework-draft/>

been consulted on and has not been formally adopted. However, statements in the document about the climate emergency, the net zero targets and the need for planning to play an important role in reducing carbon emissions are not new ideas. These are consistent messages already contained within key publications, including those referenced in Section 4 and, as such, reference to these important matters in Draft NPF4 represents a continuation of these important messages, rather than anything new that deviates from established policy.

- 5.4.3. The opening paragraphs of Draft NPF4 (page 3) state, '*we have set a target of net zero emissions by 2045, and must make significant progress towards this by 2030. This will require new development and infrastructure across Scotland*' (underlining added).
- 5.4.4. Part 1 identifies 'action areas' as part of the overarching spatial strategy of NPF4, with priorities established for each area. Moray falls within the 'Northern Revitalisation' area. It is noted on page 19 that '*this part of Scotland can make a strong contribution towards meeting our ambition for a net zero and nature positive country by demonstrating how natural assets can be managed and used to secure a more sustainable future*'. The 'North East Transition' area includes Aberdeenshire. Draft NPF4 advises that '*greener energy choices, including hydrogen and offshore renewables, have a natural home here and will be at the heart of the area's future wellbeing economy*' (page 27).
- 5.4.5. Part 2 deals with National Developments. They are defined as significant developments of national importance that will help to deliver the spatial strategy. National Development 12 'Strategic Renewable Electricity Generation and Transmission Infrastructure' sets out a list of developments that would benefit from National Development status including, '*electricity generation, including electricity storage, from renewables of or exceeding 50 megawatts capacity*'. The Proposed Development falls into this proposed National Development bracket.
- 5.4.6. The need for this National Development is stated on page 59 as '*additional electricity generation from renewables and electricity transmission capacity of scale is fundamental to achieving a net zero economy and supports improved network resilience in rural and island areas*' (underlining added). National Development status means that '*the principle of the development does not need to be agreed later in the consenting process, providing more certainty for communities, business and investors*'.
- 5.4.7. Part 3 sets out policies for the development and use of land, to be used by planning authorities in development plan production and in development management decisions. Some brief commentary on key draft policies is merited, as follows.
- 5.4.8. Policy 2 'Climate Emergency', states that when considering all development proposals '*significant weight should be given to the Global Climate Emergency*' (underlining added). Draft Policy 2(c) notes that '*in decision making, the scale of the contribution of development proposals to emissions in relation to emissions reduction targets should be taken into account*' (no emphasis added).
- 5.4.9. This requirement reflects the contents of SPP, paragraph 169, but it is relevant to note that the emissions reduction targets are now substantially increased to net zero by 2045, with at least a 75% reduction required by 2030 compared to 1990 levels. As noted in Section 4, Scotland's GHG emissions fell by 51.5% between 1990 (the baseline period) and 2019, the last year for which figures are available). The target set by the Climate Change (Emissions Reduction Targets) (Scotland) Act 2019 specifies a 55.0% reduction over the

same period so the target was missed. Efforts will need to be stepped up if the more challenging target of a 75 % reduction by 2030 is to be achieved.

- 5.4.10. Policy 19 'Green Energy' includes a number of supportive statements relating to how the planning system should support all forms of renewable energy. This draft policy notes that:-

*'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'.*

- 5.4.11. The accompanying narrative continues and notes that while a wide range of renewables will help achieve these objectives, *'onshore wind will play the greatest role in the coming years'*. This statement reflects comments elsewhere in relevant publications including the OWPS 2017 (and OWPS Refresh) and the SES.

- 5.4.12. Draft Policy 19 notes that:

*'Local development plans should seek to ensure that an area's full potential for electricity and heat from renewable sources is achieved'.*

- 5.4.13. This requirement reflects the statement contained in paragraph 155 of SPP.

- 5.4.14. Draft Policy 19 (b) states that proposals for all forms of renewable energy should be supported in principle; while (d) notes that new wind farms outside of National Parks and National Scenic Areas *'should be supported unless the impacts identified are unacceptable'*.

- 5.4.15. Finally, it is worth noting Part 5 Annex A 'NPF4 Outcomes Statement' of Draft NPF4. The Outcomes set out in Draft NPF4 differ in status from those set by the existing NPF3 and accompanying SPP in that these are now enshrined in statute, having been inserted into Section 3 of the 1997 Planning Act by Section 2 of the Planning (Scotland) Act 2019. Therefore, as a matter of law, NPF4 is required to deliver the six Outcomes set out in Part 5, the most relevant to the Proposed Development being:-

*(e) –'meeting any targets relating to the reduction of emissions of greenhouse gases, within the meaning of the Climate Change (Scotland) Act 2009, contained in or set by virtue of that Act'.*

- 5.4.16. The commentary in Annex A of Draft NPF4 sets out how the Scottish Government considers that development will contribute to achievement of each Outcome. With regards to Outcome (e) above, the text notes that the Draft NPF4 policies address *'electricity generation from renewable sources'*.

- 5.4.17. While Draft NPF4 can be accorded limited weight at this time, this commentary shows that much of the content which is relevant to the Proposed Development represents a continuation of several themes that are already set out elsewhere in associated established policy, including the need to reduce GHG emissions and meet the net-zero target, the need for further renewable energy generation and, crucially, recognition of the significant role than onshore wind will play in achieving these targets.

- 5.4.18. In their decision to grant consent for the Arecleoch Wind Farm Extension in November 2021, in the commentary on Draft NPF4, Scottish Ministers noted that while they gave Draft NPF4 limited weight, they observed that *'It does not reduce the current policy support for the proposed Development'*. That statement

is also of relevance to the Proposed Development.

### 5.5. National Policy Conclusions

- 5.5.1. The clear support for renewable energy in SPP and NPF3, including onshore wind, is balanced against the need for planning to ensure that the right development is directed to the right location. This means that environmental impacts need to be balanced against the broad locational acceptability of a site in terms of the SPP Spatial Framework and to balance these considerations against the wider environmental benefits of a proposal.
- 5.5.2. Application of the SPP presumption must be given weight as a material consideration in this case for the reasons previously discussed. Not all wind farm proposals can claim to benefit from the presumption simply on account of generating renewable electricity; however, in this case the point by point assessment against paragraph 29 of SPP has demonstrated that the Proposed Development can accurately and fairly be described as a form of development to which the presumption applies.
- 5.5.3. The assessment against paragraphs 29 and 169 of SPP has demonstrated that significant residual effects are limited to those affecting landscape and visual receptors and the setting of two Scheduled Monuments. These types of effects are not uncommon for a commercial scale wind farm and the identification of these significant environmental effects in the EIAR, does not mean that the impacts are unacceptable and permission will be refused. It would be unreasonable and unrealistic to expect a commercial scale wind farm to give rise to no significant environmental effects, a point noted in several wind farm cases including the Corlic Hill<sup>41</sup> appeal case, where the Reporter noted in paragraph 200:-

*'I have borne in mind that commercial-scale wind energy proposals will inevitably create significant effects within their immediate surroundings. If such effects were always considered to rule out a proposal, no commercial-scale wind energy projects would be approved. This would be contrary to Scottish Government policy'.*

- 5.5.4. The issue at stake here is not whether significant effects will arise, but the acceptability of these effects in the wider planning balance. An integral component of that assessment must also look to the Spatial Framework, which demonstrates the site is partially within a Group 2 area and partially within a Group 3 area. The sole Group 2 interest is the mapped presence of carbon rich soils and deep peat and it has been demonstrated that the Applicant has avoided any significant effects arising from this due to site design and mitigation. This reasonably allows the site to be considered as being located within a Group 3 area where SPP states that '*wind farms are likely to be acceptable*'.
- 5.5.5. The context within which SPP and NPF3 were prepared has materially altered in the intervening period, drastically so with regards to the climate emergency. The need for action to reduce GHG emissions is more urgent than ever following the climate emergency declared by the Scottish Government in 2019 and with recent events in Ukraine, the importance of security of energy supplies and reducing reliance upon imported fuels has taken on even more importance.
- 5.5.6. SPP and NPF3 provide a strong case for the Proposed Development, which has materially enhanced in

<sup>41</sup> <https://www.dpea.scotland.gov.uk/CaseDetails.aspx?ID=115647>

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more recent years and Draft NPF4 clearly shows the Scottish Government's direction of travel is to continue to offer strong support for the development of further onshore wind energy. Overall, therefore, national planning policy provides significant support for the Proposed Development.

## 6. Development Plan Assessment

### 6.1. Introduction

6.1.1. Unlike planning applications considered under the terms of Section 25 of the 1997 Planning Act, the Development Plan does not form the primary basis upon which this S36 application will be determined. The Development Plan will be an important material consideration in the determination of the application, however there is no legislative requirement for the S36 application to be determined in accordance with the provisions of the Development Plan.

### 6.2. The Development Plan

6.2.1. This Section of the Planning Statement considers the Proposed Development against relevant local planning policy. As the Site straddles both the Aberdeenshire and Moray Council administrative boundaries, the statutory Development Plan as it relates to this S36 application comprises documents from both Councils as follows:-

#### Aberdeenshire

- Aberdeen City and Shire Strategic Development Plan<sup>42</sup> (SDP) (approved August 2020); and
- Aberdeenshire Local Development Plan<sup>43</sup> (ALDP) (adopted April 2017).

6.2.2. In addition, Aberdeenshire Council is in the process of preparing a replacement LDP. At the time of writing, this LDP has not yet been adopted. It is currently at Examination and may be adopted by the time this application comes to be determined. Many of the draft LDP policies of relevance to the Proposed Development are either identical or very similar to adopted LDP policies, therefore to avoid unnecessary duplication, commentary on such policies in Section 7 has been kept brief.

#### Moray

- Moray Local Development Plan<sup>44</sup> (MLDP) (adopted July 2020).

#### Cairngorms National Park Authority

6.2.3. While the Site is located outside the CNP boundary, consultation with the Cairngorms National Park Authority (CNPA) confirms that it considers the Cairngorms National Park Partnership Plan (2017 – 2022) to be relevant to the Proposed Development, specifically Policy 3.3 which relates to supporting the low carbon economy. This Policy is considered in the Landscape and Visual Section below.

<sup>42</sup> <http://www.aberdeencityandshire-sdpa.gov.uk/>

<sup>43</sup> <https://www.aberdeenshire.gov.uk/planning/plans-and-policies/aberdeenshire-local-development-plan-2017/>

<sup>44</sup> [http://www.moray.gov.uk/moray\\_standard/page\\_133431.html](http://www.moray.gov.uk/moray_standard/page_133431.html)

- 6.2.4. While there is therefore a significant amount of local planning policies potentially of relevance to the Proposed Development, the subject matters that these local policies deal with are in most cases already covered by the commentary in Tables 1 and 2 against SPP. In order to keep this local policy appraisal proportionate, cross reference will be made to the earlier SPP commentary where this is considered to be directly applicable to the local policy in question. This Planning Statement considers relevant Development Plan policies on a topic by topic basis, identifying the relevant Aberdeenshire and Moray policies at the outset, commenting upon each in the context of the relevant EIAR chapter findings and then drawing overall policy conclusions.
- 6.2.5. The assessment considers policies on a topic by topic basis, before concluding with commentary against the principal renewable energy policies of the respective LDPs. The assessment commences with an overview of the Aberdeen City and Shire SDP, as the strategic land use planning document for Aberdeenshire. There is no SDP for Moray and the following paragraphs therefore concentrate solely on those aspects of the Aberdeenshire SDP that are considered relevant to the Proposed Development.

### 6.3. Aberdeenshire City and Shire Strategic Development Plan (2020)

- 6.3.1. The SDP is a strategic vision document rather than a detailed policy based document. The SDP objectives are strategic and set the broad principles within which the more detailed LDP must operate. Nevertheless, there are some strategic objectives set out within the SDP that are considered to be relevant to the Proposed Development.
- 6.3.2. The SDP has three main aims set out on page 7, one of which is to '*take on the urgent challenges of climate change*'. This is considered to be the most relevant of the SDP aims to the Proposed Development. As a form of development that will generate renewable electricity and help displace GHG that would otherwise be emitted from a fossil fuel mix of electricity generation, it is considered that in principle the Proposed Development is in accordance with this stated aim.
- 6.3.3. In terms of the Spatial Strategy in Section 3, the SDP notes that economic diversification and growth is required to meet local needs, and opportunities to service the renewable energy industry are identified as a key industry to promote, develop and encourage.
- 6.3.4. Section 5 'Our Economy' builds upon these comments and notes that the SDP Strategy supports a broadening and diversification of the economy across other sectors, one of which is the renewables sector.
- 6.3.5. Section 6 'Our Resources' identifies a list of objectives for the City Region which includes limiting the amount of non-renewable resources it uses and mitigating the effects of climate change. In paragraph 6.13, the SDP notes that '*Delivering sustainable development and responding to climate change are some of the most serious challenges we will face over the period covered by this Plan. Reducing the causes of climate change (known as mitigation) will be important*'.
- 6.3.6. To help deliver climate change mitigation, the SDP notes in paragraph 6.14 that an increasing use of renewables is required, along with other measures such as energy efficiency and demand reduction. Paragraph 6.15 specifically deals with the supply of energy and notes that there is a need to increase the supply of heat and power from renewable sources. In the same paragraph, the SDP specifically notes that '*there remains some additional capacity for onshore wind*'. Figure 7 shows, at a strategic scale areas with

the potential for onshore wind farms, based around the SPP Spatial Framework. The SDP notes that LDPs will produce detailed Spatial Framework maps for onshore wind and the previous commentary in Section 5 notes that none of the proposed turbines are located in any of the Group 2 areas, which are limited to discrete areas of peatland habitat within the Site boundary.

- 6.3.7. It is recognised that other key objectives of the SDP are relevant to the Proposed Development and include measures such as supporting and protecting biodiversity, the historic and natural environment and cultural heritage (paragraph 2.3). These issues require to be considered alongside the support for renewable energy generation. There is only one policy contained in the SDP which states that in assessing development proposals, '*we will balance the importance given to each Aim in coming to a decision, taking into account the Vision, Spatial Strategy, Objectives and Targets of this Plan*'.
- 6.3.8. It is acknowledged that the Proposed Development will give rise to some significant residual effects that cannot be mitigated. However, there are not considered to be any high level or in principle issues associated with this particular Site or Proposed Development that would compromise achievement of the wider Vision, Spatial Strategy, Objectives and Targets of the SDP.
- 6.3.9. The Proposed Development is therefore considered, in principle, to be a form of development that can help achieve the SDP aim of taking on the challenges of climate change and to deliver the objective of reducing GHG emissions, without leading to unacceptable environmental impacts. Overall, the Proposed Development benefits from support through the SDP.

### 6.4. Landscape and Visual

Local Authority	Relevant LDP Policies
Aberdeenshire Council	<ul style="list-style-type: none"><li>• E2 - Landscape</li></ul>
Moray Council	<ul style="list-style-type: none"><li>• EP3 – Special Landscape Areas and Landscape Character</li><li>• EP7 – Forestry, Woodland and Trees</li></ul>
Cairngorms National Park Authority (CNPA)	<ul style="list-style-type: none"><li>• Policy 3.3 – Supporting the development of a low carbon economy</li></ul>

#### *Aberdeenshire Assessment*

- 6.4.1. Policy E2 'Landscape' of the Aberdeenshire LDP relates to all forms of development and is not a topic which is specific to renewables. The policy states that the Council will refuse applications that cause 'unacceptable' effects on key natural landscape elements, historic features or landscape character through scale, location or design. The policy also notes that development should not otherwise significantly erode the characteristics of landscapes. The policy makes it clear that assessment of such impacts relates to individual as well as cumulative impacts.
- 6.4.2. Policy E2 is supported by Supplementary Guidance Note 9 'Aberdeenshire Special Landscape Areas', approved by the Council as part of the Development Plan in April 2017. Policy E2 makes it clear that a determining factor will be the 'acceptability' of any impacts upon the receiving landscape. This is a planning balance matter, which is considered later in the Conclusions Section; however, given the location of the

Site outside of the Deveron Valley SLA in Aberdeenshire, the localised effects and the LVIA conclusions that the overall SLA integrity will not be undermined, it is not considered that the identified effects on this SLA are considered unacceptable.

- 6.4.3. Significant effects on parts of some LCTs are noted in the LVIA but these effects would not be experienced across the entirety of each LCT and identified effects are not considered unacceptable when the benefits of the Proposed Development are also considered. See also subsequent commentary on Moray LDP Policy EP3.

### *Moray Assessment*

- 6.4.4. Policy EP3 'Special Landscape Areas and Landscape Character' of the Moray LDP states that development proposals within SLA's will only be permitted where they do not prejudice the special qualities of the designated area set out in the Moray Local Landscape Designation Review and minimises adverse impacts on the landscape and visual qualities the area is important for. In addition, Policy EP3 (ii) notes that new developments must be designed to reflect the landscape characteristics identified in the Landscape Character Assessment of the area in which they are proposed.
- 6.4.5. The Proposed Development is located outside of any SLA in Moray, but a small extent of the western edge of the Site Boundary lies adjacent to the Ben Rinnes SLA, see EIAR Figure 5.4a. The nearest proposed turbine to this SLA is located approximately 3.8 km to the east. The LVIA in EIAR Chapter 5 notes that from elevated areas within the Ben Rinnes SLA, the Proposed Development would be viewed in the context of other clusters of existing and consented wind energy development present across the upland landscapes to the east and south. From these elevated areas, significant effects upon the SLA would be experienced, reducing to non-significant levels elsewhere in the SLA as visibility reduces or there is no visibility at all. Similar conclusions relate to cumulative impacts. As EIAR Table 5.13 concludes, none of these impacts are considered to be so significant as to undermine the integrity of the SLA designation.
- 6.4.6. A key objective of the design evolution process was to reduce landscape and visual effects associated with the Proposed Development (see EIAR Chapter 5, Section 5.6), while taking account of other environmental and technical factors. To that extent, the design process has had at its core a key objective set out in Policy EP3, which is to minimise adverse landscape and visual impacts upon designated landscapes, including the Ben Rinnes SLA in Moray. While there will be theoretical visibility of the turbines from within parts of the SLA which will result in significant effects, these are generally limited to elevated areas. Importantly, the extent of this visibility will not undermine the integrity of the SLA designation and there is no conflict with Policy EP3 of the Moray LDP relating to the SLA.
- 6.4.7. Part (ii) of Policy EP3 relates to landscape character. The Site itself lies across two LCTs, the Open Upland LCT (LCT 292) and the Farmed and Wooded River Valleys LCT (LCT 32). A detailed assessment of the impacts of the Proposed Development upon LCTs is set out in TA5.4 'Residual Effects on Landscape Character Types'. EIAR Chapter 5 summaries in Table 5.13 that potentially significant effects are likely to arise on the following LCTs (not all of which are in Moray, some are in Aberdeenshire):-

- LCT 292 - Open Upland with Settled Glens;
- LCT 32 - Farmed and Wooded River Valleys;
- LCT 27 - Farmed Moorland Edge;

- LCT 28 - Outlying Hills and Ridges;
- LCT 289 - Upland Farmed Valleys;
- LCT 294 - Upland Valleys;
- LCT 123 - Smooth Rounded Hills (in-combination cumulative effects only); and
- LCT 291 - Open Rolling Upland (in-combination cumulative effects only).

- 6.4.8. Significant effects would not, however, be experienced across the entirety of each LCT. In many cases, significant effects are localised and there are parts of the LCTs where there is no theoretical visibility of the turbines, see EIAR Figure 5.3b. Any commercial onshore wind farm is likely to create some significant effects on landscape character and it is relevant to note the careful siting and design of the Proposed Development as set out in EIAR Chapter 3 and the DS. The identification of some significant effects upon landscape character is not unusual for a development of this type, and the identification of such impacts should not be seen as a reason to refuse permission or object to the Proposed Development. This point has been addressed in several wind farm cases including the aforementioned Corlic Hill appeal case (see Section 5).
- 6.4.9. The OWPS Refresh 2021, discussed in Section 5, realises that achievement of net zero targets will require the deployment of '*significant volumes of onshore wind generation over the next decade*' and that these decisive actions '*will change how Scotland looks*'. Overall, there is considered to be no conflict with Policy EP3 of the Moray LDP in relation to SLAs or LCTs.
- 6.4.10. Part (e) of Moray LDP Policy EP7 states that where trees or woodland are removed in association with development, developers must provide compensatory planting to be agreed with the planning authority either on site, or an alternative site in Moray which is in the applicant's control or through a commuted payment to the planning authority to deliver compensatory planting and recreational greenspace. Tree felling within Moray is required to facilitate the Proposed Development as shown on EIAR Figure 16.1.4, and quantified in the earlier commentary in Section 3. In accordance with this part of Policy EP7, compensatory planting is proposed in the areas identified in EIAR Figure 16.1.7. The largest proportion of these search areas are located within Moray.

### **CNPA Assessment**

- 6.4.11. The impact of the Proposed Development upon the CNP has already been discussed in terms of SPP paragraph 212. Policy 3.3 of the CNPA Partnership Plan 2017 – 2022 is considered relevant by the CNP. This Policy seeks to support the development of a low carbon economy by '*increasing renewable energy generation....that is compatible with conserving the special qualities of the National Park and maintaining the integrity of designated sites*'. It continues and states that '*large-scale turbines... are inappropriate within the National Park or where outside the Park they significant adversely affect its landscape character or special landscape qualities*'.
- 6.4.12. As the Site is located outside the CNPA, which is located approximately 11 km to the south west, the Proposed Development does not offend the first 'limb' of this part of Policy 3.3. In terms of the second 'limb', it is recognised that there is some theoretical visibility of the proposed turbines from within the CNP, as shown on EIAR Figure 5.4b.

- 6.4.13. The assessment of the impact of the Proposed Development on the CNP is set out in TA5.5 ‘Residual Effects on Designated and Classified Landscapes’. That assessment confirms that two of the representative VPs, VP 8 and 17, are located inside the CNPA. The assessment concludes that much of the CNP would not be afforded views of the Proposed Development, supported by EIAR Figure 5.4b. It further considers that given the limited proportion of the CNP impacted and its distance from the Site, the Proposed Development would not discernibly affect the Special Landscape Qualities of the CNP or its integrity as a nationally important designation. In isolation, the Proposed Development does not therefore fail the second ‘limb’ of Policy 3.3 either.
- 6.4.14. In cumulative terms, the assessment considers that from elevated areas within the CNP the Proposed Development would give rise to some significant effects, by adding a wind energy development to the emergent pattern of development in views from a number of summits within the CNP, where the Proposed Development would be viewed in the context of other operational, consented and in planning developments. While this would have a minor influence on the special qualities of the CNP, it would not be significant and would be insufficient to undermine the integrity of the CNP. While these effects are considered significant, they do not go so far as to significantly and adversely affect the special qualities of the CNP, which is what the second ‘limb’ of Policy 3.3. is concerned with. Therefore, it is considered that the Proposed Development does not conflict with Policy 3.3 of the CNPA Partnership Plan 2017 – 2022.

### 6.5. Cultural Heritage

Local Authority	Relevant LDP Policies
Aberdeenshire Council	<ul style="list-style-type: none"><li>• HE1 – Protecting Historic Buildings, Sites and Monuments</li><li>• HE2 - Protecting Historic and Cultural areas</li></ul>
Moray Council	<ul style="list-style-type: none"><li>• EP8 - Historic Environment</li><li>• EP10 - Listed Buildings</li><li>• EP11 - Battlefields, Gardens and Designed Landscapes</li></ul>

#### *Aberdeenshire Assessment*

- 6.5.1. Policy HE1 of the Aberdeenshire LDP states that the Council will not allow development that would have a negative effect on the character, integrity or setting of listed buildings, or Scheduled Monuments, or other archaeological sites. It continues and states that development on nationally or locally important monuments or archaeological sites, or on their setting, will only be allowed if there are imperative reasons of overriding public interest.
- 6.5.2. An assessment of the direct and indirect (setting) impacts of the Proposed Development upon listed buildings and Scheduled Monuments has been set out in Table 2 against the SPP 169 assessment criteria. The Proposed Development will not have a significant adverse effect upon the setting of any listed building but it will have an adverse effect upon the setting of two Scheduled Monuments, one of which at Craig Dorney hillfort is within Aberdeenshire, located approximately 0.9 km from the nearest turbine.

- 6.5.3. That assessment concludes that the adverse impacts on the setting of this Scheduled Monument, while significant, will not adversely affect the integrity of its setting. The difference between impacts upon setting and the impacts on the integrity of setting are two different matters as discussed in EIAR Chapter 6 'Cultural Heritage' and the earlier commentary on SPP paragraph 145. Drawing upon the findings of the assessment in EIAR Chapter 6, there are no conflicts with Policy HE1.
- 6.5.4. Policy HE2 of the Aberdeenshire LDP relates specifically to the impact of a development upon conservation areas, battlefields, historic gardens or designed landscapes. Table 6.7 of EIAR Chapter 6 'Cultural Heritage' identifies those assets that were taken forward for assessment of setting impacts. No conservation areas, battlefields, historic gardens or designed landscapes were taken forward for assessment on the basis that there are none within the ZTV. No significant direct or indirect effects would arise upon these receptors and there is no conflict with Policy HE2.

### *Moray Assessment*

- 6.5.5. Policy EP8 of the Moray LDP states that proposals will be refused where they adversely affect the integrity of the setting of Scheduled Monuments and unscheduled archaeological sites of potential national importance, unless the effects are clearly outweighed by exceptional circumstances. Policy EP8 therefore also recognises the importance of the integrity of setting, rather than just setting per se. Within Moray, there is one Scheduled Monument whose setting may be significantly affected by the Proposed Development, at Auchindoun Castle located approximately 3.99 km from the nearest turbine. The assessment in EIAR Chapter 6 concludes that the adverse impacts on the setting of this Scheduled Monument, while significant, will not adversely affect the integrity of the setting of this asset. There is therefore no conflict with Policy EP8.
- 6.5.6. Policy EP10 states that proposals will be refused where they would have a detrimental effect on the character, integrity or setting of a listed building. Table 6.7 of EIAR Chapter 6 'Cultural Heritage' demonstrates that a number of listed buildings were taken forward for assessment of potential setting effects, some of which are located in Moray. Table 6.9 of EIAR Chapter 6 summarises residual effects upon cultural heritage receptors, which demonstrates that there will be no significant effects upon the setting of any listed building. There is therefore no conflict with Policy EP10.
- 6.5.7. As no conservation areas, battlefields, historic gardens or designed landscapes were taken forward for assessment on the basis that there are none within the ZTV, there are no conflicts with Policy EP11 of the Moray LDP.

## 6.6. Hydrology, Hydrogeology, Geology and Soils

Local Authority	Relevant LDP Policies
Aberdeenshire Council	<ul style="list-style-type: none"><li>• PR1 - Protecting Important Resources</li><li>• C3 - Carbon Sinks and Stores</li><li>• C4 - Flooding</li></ul>
Moray Council	<ul style="list-style-type: none"><li>• EP12 - Management and Enhancement of the Water Environment</li><li>• EP14 – Pollution, Contamination and Hazards</li><li>• EP16 - Geodiversity and Soil Resources</li></ul>

### Aberdeenshire Assessment

- 6.6.1. Policy PRI of the Aberdeenshire LDP provides protection to a range of environmental resources associated with the water environment, important mineral deposits, prime agricultural land, peat and other carbon rich soils, open space, and important trees and woodland. The policy states that the Council will not approve developments that have a negative effect on these important resources. The most relevant element of this policy to the Proposed Development relates to the water environment and carbon rich soils. These issues are assessed in the EIAR Chapter 9 'Geology, Hydrology and Hydrogeology', which also considers GWDTE, which are types of wetland specifically protected under the Water Framework Directive<sup>45</sup>.
- 6.6.2. The Site is not classified as prime quality agricultural land. Even if it were, Policy PR1 makes it clear that time-limited proposals for renewable energy may be acceptable on prime agricultural land providing the site will be restored and returned to its original state. The agricultural land status of the Site is therefore not a barrier to progression of the Proposed Development in terms of Policy PR1.
- 6.6.3. The assessment of the Proposed Development on geology, hydrology and hydrogeology interests considered potential effects in terms of the types of effect (positive or negative etc), the duration of the impact, the probability of the impact occurring, the sensitivity of the feature affected and the impact magnitude. EIAR Chapter 9 confirms in Table 9.8 that no significant residual effects will arise upon hydrology or water environment interests as a result of the construction, operation or decommissioning of the Proposed Development, see also the earlier assessment against SPP in Table 2.
- 6.6.4. In order to minimise impacts upon peat and carbon rich soils, the Site layout has avoided areas of peat for the most part with only small sections of infrastructure located within areas of peat. An OPMP and Peat Landslide Risk Assessment are included as TAs 2.4 and 2.5 respectively. The OPMP calculates that 35,090 m<sup>3</sup> of peat requires to be excavated as part of the Proposed Development, but that 37,280 m<sup>3</sup> of peat would be reused to reinstate areas of extraction around turbine foundations, borrow pits and to backfill ditches for habitat management and restoration. These figures need to be revisited at the time of construction, but there is potential that the peat excavated as part of the Proposed Development can be reused on Site, with the potential for some minor environmental gains. In terms of Policy PR1, no significant adverse effects upon peat or carbon rich soils are predicted.
- 6.6.5. Policy PR1 also states that development resulting in the loss of trees or woodland will not normally be permitted. Where felling is proposed, this must be minimised and compensatory planting must also be provided. As noted in Section 3, a total of 93.46 ha of woodland requires to be felled to facilitate the Proposed Development, 32.36 ha of which would be permanent and would not be replanted in situ as these areas will be required for the operational period for wind turbines, associated infrastructure and buffers. Compensatory planting for this permanent felling would, however, be provided as summarised in Table 2.6.6 of TA 2.6, which is in line with the requirements for compensatory planting required by Policy PR1.
- 6.6.6. On the basis of these findings, it is considered that the Proposed Development will continue to provide protection for the receptors and features identified in Policy PR1 and no policy conflicts are envisaged.
- 6.6.7. Policy C3 of the Aberdeenshire LDP outlines protection for resources, including high carbon peat rich soils.

<sup>45</sup> <https://www.nature.scot/professional-advice/protected-areas-and-species/safeguards-beyond-protected-areas/water-framework-directive>

Proposals that involve the loss of or disturbance to peat will only be permitted where it can be demonstrated that the development, over its lifetime, will have no net effect on CO<sub>2</sub>. The policy specifically notes that Carbon Calculators can be used as a tool to undertake such analysis and a Carbon Balance Assessment for the Proposed Development is included as TA15.1.

- 6.6.8. The Carbon Balance Assessment calculates the CO<sub>2</sub> emissions that will be avoided by generating electricity using wind turbines rather than non-renewable forms of electricity generation, offset against the estimated loss of CO<sub>2</sub> from the construction phase.
- 6.6.9. Taking all of these factors into consideration, the expected payback period for the Proposed Development is calculated as 1.9 years compared to a fossil fuel mix electricity generation (see Table 15.1.2 of TA 15.1). Therefore, for the remaining approximate 31 years of the proposed turbines' operational life, the Proposed Development will contribute to a significant reduction in CO<sub>2</sub> emissions and contribute positively to achievement of net-zero ambitions, which is entirely in keeping with the aims and objectives of Policy C3.
- 6.6.10. Policy C4 of the Aberdeenshire LDP notes the requirement for flood risk assessments and notes that the Council will not approve development that may contribute to flooding issues elsewhere. It states that Sustainable Urban Drainage principles apply to all sites. As noted in the discussion in Table 2, small parts of the Site are located in areas of flood risk; however, due to the topography, hydrology and the location of infrastructure it is predicted that no part of the Proposed Development would be affected by localised groundwater flooding. Furthermore, the Proposed Development will not increase the risk of flooding downstream. SuDS are also proposed as an integral part of the Proposed Development and there are no conflicts with Policy C4.

### *Moray Assessment*

- 6.6.11. Policy EP12 of the Moray LDP states in part (a) that new development will not be supported if it would be at significant risk of flooding or would materially increase the risk of flooding elsewhere. It further notes in part (b) that surface water from development must be dealt with in a sustainable manner and all sites must be drained by SuDS. The assessment of flood risk and consideration of SuDS looked at the Proposed Development Site as a whole, based on the catchments of watercourses and wider Site drainage requirements (see EIAR Figure 9.2). These matters do not fall neatly along local authority boundaries and therefore the findings of the various assessments presented in EIAR Chapter 9 look at the Site holistically. The earlier policy commentary on SPP and the Aberdeenshire LDP are just as relevant to Policy EP12 of the Moray LDP; no significant risk of flooding on Site or downstream is predicted and SuDS will be employed to manage surface water drainage, as required by the policy.
- 6.6.12. Part (c) of Policy EP12 deals with the water environment generally, noting that proposals must be designed to avoid adverse impacts on the water environment including GWDTEs. Impacts upon the water environment and GWDTEs are discussed earlier in Table 2 with the detailed assessments set out in EIAR Chapter 9 'Hydrology, Hydrogeology and Geology'. This Chapter confirms in the Summary Table 9.8 that no significant adverse effects are predicted upon any aspect of the water environment, following mitigation, across the construction, operational or decommissioning phases. The Proposed Development therefore also complies with Part (c) of Policy EP12.
- 6.6.13. Policy EP14 of the Moray LDP deals with pollution in part (a), contamination in part (b) and hazardous sites

in part (c). Parts (b) and (c) are not considered relevant to the Proposed Development as the Site is not contaminated nor is it considered to be a hazardous site, or in the vicinity of a hazardous site. Part (a) notes that where significant or unacceptable impacts on, inter alia, water and soils are identified and these cannot be mitigated, permission will be refused. As already noted above, no significant impacts will arise on these receptors and there is no conflict with part (a).

- 6.6.14. Policy EP16 of the Moray LDP notes that for major renewable energy developments (over 20MW), development will only be permitted where it has been demonstrated that unnecessary disturbance of soils, geological interests, peat and any associated vegetation is avoided. It continues that proposals on areas of peat will only be permitted where the economic, social and/or environmental benefits of the proposal outweigh any potential detrimental effect on the environment and it has been clearly demonstrated that there is no viable alternative.
- 6.6.15. This issue has been discussed in the earlier commentary in Tables 1 and 2 and also Aberdeenshire Policies PR1 and C3. Those comments apply equally here, and it is important to note that the design evolution process sought to avoid areas of deep peat and carbon rich soils. The OPMP calculates that all peat disturbed during the construction process can be reused on Site and EIAR Chapter 9 concludes that there will be no significant effect on carbon rich soils and peat as a result of the Proposed Development. The assessment also notes that there is the potential for a beneficial effect on peat carbon sequestration at the Site, where a proportion of the permanently felled areas around the turbines and Site infrastructure are restored to functional peatland habitat with peat-forming vegetation.
- 6.6.16. In addition, it is also relevant to note the significant environmental benefits associated with the Proposed Development in terms of GHG reductions and renewable energy generation. These benefits clearly add to the supportive case for the Proposed Development and there are no conflicts with Policy EP16, resulting from peat disturbance and extraction.

### 6.7. Ecology and Ornithology

Local Authority	Relevant LDP Policies
Aberdeenshire Council	<ul style="list-style-type: none"><li>• E1 - Natural Heritage</li></ul>
Moray Council	<ul style="list-style-type: none"><li>• EP1 - Natural Heritage Designations</li><li>• EP2 - Biodiversity</li></ul>

#### *Aberdeenshire Assessment*

- 6.7.1. Policy E1 of the Aberdeenshire LDP states that the Council will not allow new development where it may have an adverse effect on a nature conservation site designated for its biodiversity or geodiversity importance except in certain specified circumstances. As already discussed in Table 2 and as reported in EIAR Chapters 7 'Ecology' and 8 'Ornithology', no significant adverse effects upon any designated nature conservation site are identified and the Proposed Development therefore complies with this element of Policy E1.
- 6.7.2. Policy E1 also states that development should seek to avoid any detrimental impact on protected species. A summary of the potential effects of the Proposed Development on protected species is set out in EIAR

Chapter Tables 7.12 and 8.12. In terms of ecology, some residual impacts (but not significant) are identified during the construction phase upon water vole and otter and during the operational phase on certain bat species. Cumulative construction impacts on otter and operational effects on bats are identified, but these are at worst of minor significance.

- 6.7.3. With regards to ornithology, some residual effects upon certain species of birds are identified through the construction, operational and decommissioning phases (including cumulative). These impacts relate to displacement, disturbance and collision risk mortality. In all cases, residual effects are at worst of minor significance. The Applicant has clearly sought to avoid detrimental effects upon protected species through the design evolution process and has been relatively successful in doing so, with no significant residual effects on any ecological or ornithological species identified. As such, it is considered that the Applicant has complied with the requirements of Policy E1.

### *Moray Assessment*

- 6.7.4. Policy EP1 of the Moray LDP set out varying degrees of protection for natural heritage designations, depending on whether they are European sites, national designations or local designation, under parts a-c of the policy respectively. Part (d) of the policy sets out protection for European Protected Species (EPS), noting that proposals that would have an adverse effects on a EPS will only be approved in certain circumstances. Finally, part (e) sets out protection for other protected species, noting legislative protection.
- 6.7.5. As discussed above in relation to relevant Aberdeenshire LDP policies, the Proposed Development will not result in any significant effects upon any areas designated for their nature conservation interests including at a European, national or local level. It is recognised that the Proposed Development will give rise to some residual effects upon certain species, but these are not significant and no EPS would be adversely affected by the Proposed Development. There are no conflicts with Policy EP1 of the Moray LDP.
- 6.7.6. Policy EP2 of the Moray LDP states that all development proposals must, where possible, retain, protect and enhance features of biological interest and provide for their appropriate management. One of the objectives of the design evolution process was to avoid sensitive habitats and interests and where this was not possible to then minimise environmental impacts to non-significant levels. This objective has been achieved. As part of the application, an OHMP has been prepared, see TA 7.5. The OHMP has five aims including:-
- enhancement of moorland for habitats;
  - enhancement of fisheries habitats;
  - enhancement of opportunities for black grouse;
  - enhancement opportunities for common gull; and
  - enhancement opportunities for wildcat.
- 6.7.7. The OHMP sets out measures to achieve these aims including the establishment of a Steering Group to review progress. This OHMP would be developed further should consent be granted, but it outlines the principles of habitat enhancement and as such is consistent with Policy EP2. The fact that there are no significant residual effects upon any protected species or natural heritage designations are also relevant observations in terms of Policy EP2.

### 6.8. Traffic and Transport

Local Authority	Relevant LDP Policies
Aberdeenshire Council	<ul style="list-style-type: none"><li>RD1 - Providing Suitable Services</li></ul>
Moray Council	<ul style="list-style-type: none"><li>DP1 - Development Principles</li></ul>

- 6.8.1. Policy RD1 of the Aberdeenshire LDP states that the Council will only allow development that provides adequate road, waste management, water or waste water facilities, connections and treatment as appropriate. The policy is considered relevant in terms of considering the impacts of construction and operational traffic on the local road network as one of the criteria identified under the policy relates to '*access to new development*'.
- 6.8.2. The transport and access effects associated with the Proposed Development are set out in EIAR Chapter 10 'Traffic and Transport' supported by TA10.1 'Transport Assessment'. The Study Area for the assessment is shown on EIAR Figure 10.1 while Figure 10.4 shows the Abnormal Indivisible Load (AIL) and construction traffic routes to the Site. Potential effects were considered upon a variety of receptors including local residents, all users of the construction traffic routes (including pedestrians) and considered matters such as driver delay, pedestrian delay, pedestrian amenity, fear and intimidation and accidents and safety.
- 6.8.3. The Proposed Development is most likely to have an impact on the road network during the construction phase when turbine components and other materials are delivered to Site. For AILs, the assessment assumes that turbine components will be delivered at the Port of Dundee and travel to Site from there via a route that in its final stages passes along the A96 in the vicinity of Huntly, the A920 between Huntly and Dufftown and then finally the A941 between the north of Dufftown and the Site Access, see EIAR Figure 10.4. Appendix A of TA10.1 provides details of the Site access junction from the A941.
- 6.8.4. The construction period is anticipated to be 18 months and Table 9 of TA 10.1 provides a breakdown of the average daily construction traffic profile for each month. This reveals that the highest traffic movements will occur in month 8 when there will be a total of 159 vehicle movements, of which 115 will be HGVs.
- 6.8.5. The assessment in Chapter 10 concludes that due to receptor sensitivity and predicted increases in traffic arising as a result of the construction phase, significant effects would arise upon users of the A941, including Core Path users in this area.
- 6.8.6. To address these significant effects, mitigation is proposed through the implementation of a CTMP, which is normal procedure for wind farm developments. The CTMP would be developed in detail in consultation with stakeholders prior to the commencement of development and would include a series of measures to ensure road safety for all road users during the construction phase, including the movement of AILs which will require a police escort. In addition, an Abnormal Load Management Plan is proposed along with a Core Path Management Plan. These various documents would set out a range of measures to ensure the safe delivery of construction materials to the Site, while minimising conflict with road users and pedestrians and would include measures such as the establishment of a Construction Liaison Committee, the installation of temporary road signage setting out local speed limits, the establishment of a protocol to liaise with emergency services prior to and during AIL deliveries and the creation of a project website and/or newsletter to provide a forum for regular updates on the construction works and key dates for certain works.

- 6.8.7. With the implementation of identified mitigation, the assessment in EIAR Chapter 10 concludes that no significant residual effects are anticipated in respect of traffic and access issues. The Proposed Development therefore complies with the aims of Policy RD1 as it relates to traffic and access issues.

### *Moray Assessment*

- 6.8.8. Policy DP1 of the Moray LDP applies to all forms of development and states that proposals will be supported if they conform to relevant LDP policies and meet specified criteria, one of which relates to transportation. This element of Policy DP1 states, *inter alia*, that proposals should provide safe entry and exit from the development and that it should address any impacts on road safety and the local road network including road widening and junction improvements where necessary.
- 6.8.9. The Transport Assessment included as TA10.1 considers transportation impacts in detail and, in accordance with Part (ii)(c) of the policy, junction improvements to the Site from the A941 are proposed (see TA10.1, Appendix A). Other mitigation is also proposed to manage the interface between construction traffic and local road users, including Core Path users, and no significant residual effects are predicted with this mitigation in place. This policy therefore covers similar issues to Policy RD1 of the Aberdeenshire LDP and for the reasons discussed in relation to that Policy, it is considered that the Proposed Development does comply with the requirements of Policy DP1 of the Moray LDP, as it relates to transportation matters.

## 6.9. Noise, Air and Light

Local Authority	Relevant LDP Policies
Aberdeenshire Council	<ul style="list-style-type: none"><li>P4 - Hazardous and Potentially Polluting Developments and Contaminated Land</li></ul>
Moray Council	<ul style="list-style-type: none"><li>EP14 - Pollution, Contamination &amp; Hazards</li></ul>

### *Aberdeenshire Assessment*

- 6.9.1. Policy P4 of the Aberdeenshire LDP states that Council will refuse permission for development if there is a risk that it could cause significant pollution, create a significant nuisance, or present an unacceptable danger to the public or the environment. This policy relates mainly to pipelines, wastewater treatment plants and waste disposal facilities, which are cited as examples of development that could create a nuisance. It is potentially relevant to the Proposed Development mainly due to the potential for noise and shadow flicker impacts.
- 6.9.2. The noise assessment presented in EIAR Chapter 11 'Noise and Vibration' considered construction and operational noise arising from the Proposed Development. The assessment identified various noise sensitive receptors (NSRs) for the construction and operational noise assessments, as shown in Tables 11.6 and 11.7 and accompanying Figures 11.1 and 11.2 respectively. The assessment concludes that predicted construction noise would be below relevant thresholds and no significant effects arising as a result of construction noise were predicted. During the operational period, no properties in Aberdeenshire are expected to experience operational noise levels (including cumulative) that exceed the ETSU thresholds.

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- 6.9.3. A separate assessment relating to noise associated with the BESS is contained within TA13.1. That assessment concludes that there would be no significant operational noise effects arising from the operation of the BESS on any property. There is therefore no conflict with Policy P4 as a result of noise generation.
  - 6.9.4. The shadow flicker assessment set out in EIAR Chapter 14 ‘Shadow Flicker Assessment’ identifies that within Aberdeenshire there are two properties that could be subject to shadow flicker from the proposed turbines at Backside Farmhouse and Craig Dorney Lodge. Potential impacts arising from shadow flicker at these properties is predicted to be 15.6 and 16.1 hours per year respectively, both of which are below the 30 hours per year recommended in Department of Energy and Climate Change (DECC) Guidance considered in the EIAR assessment. The Applicant is proposing a shadow flicker protocol which will mitigate any shadow flicker nuisance should a complaint arise. This can be controlled via a condition and would ensure no conflict with Policy P4 arising from shadow flicker.

### *Moray Assessment*

- 6.9.5. Policy EP14 of the Moray LDP states that proposals that may result in significant pollution will only be approved where it can be demonstrated that the pollution can be avoided or significantly mitigated. This policy is potentially relevant due to noise and shadow flicker impacts.
- 6.9.6. The wind turbine operational noise assessment considers that without mitigation, at noise assessment locations (NALs) 6 and 7, both of which are within Moray, a minor exceedance of 0.5 decibels (dB) would arise when the turbines are operating in full mode and under certain wind speeds. This would result in a significant effect. In order to meet the noise limits at NAL6 and NAL7, mode management of certain turbines may be required for a limited range of wind speeds and wind conditions depending upon the final turbine selected for the Site and also confirmation of final warranted turbine noise levels. If required, this type of mitigation would require the implementation of a turbine control system and is a common form of mitigation on wind farm projects, which can be secured through planning condition. With the implementation of mitigation, no significant residual effects from the operating wind turbines are predicted.
- 6.9.7. Within Moray, the assessment in TA13.1 concludes that operation of the BESS will result in a very slight rise in noise levels at one property, Rhinturk, located to the south west of the substation and BESS location. The increase of less than 1dB is considered to be slight and not significant but no specific mitigation measures are proposed for the BESS. From a noise perspective, the Proposed Development complies with Policy EP14.
- 6.9.8. The shadow flicker assessment set out in EIAR Chapter 14 ‘Shadow Flicker Assessment’ identifies one property in Moray at Belcherrie that could potentially be subject 34.6 hours per year of shadow flicker, and which exceeds the DECC threshold of 30 hour per year. The Applicant is proposing a Shadow Flicker Protocol which will mitigate any shadow flicker nuisance should a complaint arise. This can be controlled via a condition and would ensure no conflict with Policy EP14 arising from shadow flicker.

### 6.10. Aviation

Local Authority	Relevant LDP Policies
Aberdeenshire Council	<ul style="list-style-type: none"><li>• C2 - Renewable Energy</li></ul>
Moray Council	<ul style="list-style-type: none"><li>• DP9 – Renewable Energy</li></ul>

#### *Aberdeenshire Assessment*

- 6.10.1. Policy C2 of the Aberdeenshire LDP states that wind turbines must not compromise health and safety or adversely affect aircraft or airfields, including radar and air traffic control systems, flight paths and ministry of defence low flying areas. The potential effects of the Proposed Development on these interests are set out in EIAR Chapter 12 ‘Aviation and Telecommunications’, which considered potential effects upon two key aviation receptors namely the Ministry of Defence Buchan Primary Surveillance Radar and impacts upon military low flying operations.
- 6.10.2. The Applicant has commissioned a study looking at the use of the night low level airspace in the vicinity of the Site, to explore the potential for reducing the number and intensity of lights on the turbines. As a result of this study, it is proposed that 2000 candela lights would be fitted to Turbines 1, 2, 4, 5, 8, 9 and 11. Infrared lighting to Ministry of Defence specifications would be fitted to all turbines. This proposal was approved by the CAA for a reduced lighting scheme in June 2022.
- 6.10.3. It is considered that the requirement for aviation lighting can be covered by condition requiring the submission of details prior to the commencement of construction, to take account of emerging technology. In addition, potential risks to military low flying aircraft can be addressed through the pre-notification of turbine positions and heights, as well as lighting. Subject to the submission of further details on these matters, no residual significant effects upon aviation and defence interests are expected as a result of the Proposed Development.

#### *Moray Assessment*

- 6.10.4. Policy DP9 of the Moray LDP also identified aviation interests that requires to be assessed when considering wind energy applications. No significant adverse effects upon these interests are predicted following the implementation of mitigation, as discussed above in relation to Policy C2 of the Aberdeenshire LDP.

### 6.11. Socio-Economics, Recreation and Tourism

Local Authority	Relevant LDP Policies
Aberdeenshire Council	<ul style="list-style-type: none"><li>• C2 - Renewable Energy</li></ul>
Moray Council	<ul style="list-style-type: none"><li>• PP2 - Sustainable Economic Growth</li></ul>

### *Aberdeenshire Assessment*

- 6.11.1. Policy C2 is the principal renewable energy policy of the Aberdeenshire LDP and one of the items it identifies as requiring consideration relates to impacts upon tourism and recreation. The policy states that unacceptable significant adverse effects on the amenity of tourism and recreation should be avoided. The Moray Economic Strategy is considered in Table 1 and is not considered relevant to the Proposed Development as it makes no reference to the renewable energy sector.
- 6.11.2. Notwithstanding, more broadly EIAR Chapter 13 ‘Socio-Economics’ considers the potential impacts of the Proposed Development on socio-economic indicators and tourism. While it is recognised that there will be theoretical visibility of the turbines from some tourist and recreational receptors, such as Core Paths, no significant adverse effects upon tourism or recreational interests are identified, see also the earlier commentary in Table 2. A more comprehensive assessment of Policy C2 is set out at the end of Section 6.

### *Moray Assessment*

- 6.11.3. Policy PP2 of the Moray LDP notes that development proposals which support the Moray Economic Strategy to deliver sustainable economic growth will be supported where the quality of the natural and built environment is safeguarded, there is a clear locational need and all potential impacts can be satisfactorily mitigated. EIAR Chapter 13 considers potential impacts across Moray and Aberdeenshire (combined, not by individual local authority) as well as across Scotland that could arise from the construction and operational periods of the Proposed Development. The assessment considers that of the total construction costs of the Proposed Development, 12% could be spent in Aberdeenshire and Moray, 36% in Scotland and 47% in the UK. Locally, across Aberdeenshire and Moray EIAR Table 13.9 calculates this to be worth approximately £9.23 million.
- 6.11.4. The assessment considers that the construction phase would support between 164 and 191 jobs across the UK, (based on 2.49 jobs per MW). The Proposed Development would therefore generate an uplift in employment for the local area which is considered to be a significant and beneficial impact.
- 6.11.5. During the operational phase, the assessment in Chapter 13 states that the annual operation and maintenance expenditure of the Proposed Development would equate to approximately £60,000 per MW. With a capacity of between 66 MW and 77 MW, this would equate to an operational expenditure of approximately £4 million to £4.6 million per annum. It is estimated that of the total operations and maintenance costs up to 42% would be spent within Aberdeenshire and Moray and 58% across Scotland. The assessment consider that the benefits arising during the operational phase would be small in magnitude and not significant, but nevertheless they would be beneficial.
- 6.11.6. While it is not relevant in planning terms, it is worth noting to avoid any uncertainty that the Applicant is proposing to contribute to a local Community Benefit Fund (CBF) at the rate of £5,000 per MW, for the operational life of the Proposed Development. The total community funding would be between £330,000 to £385,000 per year, which would equate to approximately £10.9 to £12.7 million during the proposed 33 year project lifetime. This is considered in EIAR Chapter 13 to be a major, significant and positive impact of the Proposed Development.

- 6.11.7. EIAR Table 13.12 summarises that all socio-economic impacts arising from the Proposed Development are considered to be positive. These impacts will deliver local economic growth and many of the wider environmental impacts can be satisfactorily mitigated. All matters considered, it is concluded that the Proposed Development is consistent with Policy PP2 of the Moray LDP.

### 6.12. Development Principles, Sustainable Design and Servicing

Local Authority	Relevant LDP Policies
Aberdeenshire Council	<ul style="list-style-type: none"><li>• RD1 - Providing Suitable Services</li></ul>
Moray Council	<ul style="list-style-type: none"><li>• DP1 - Development Principles</li><li>• PP3 - Infrastructure and Services</li></ul>

#### *Aberdeenshire Assessment*

- 6.12.1. Policy RD1 of the Aberdeenshire LDP states that the Council will only allow development that provides adequate road, waste management, water or waste water facilities, connections and treatment as appropriate. This Policy has already been discussed under the Transport commentary, as it relates to '*access to new development*'.
- 6.12.2. Other elements of this policy are of limited relevance but, as far as they are relevant, the Proposed Development complies with the policy as the Applicant is proposing to install the necessary drainage and other services arising as a result of construction and operational activities, to ensure no significant residual effects arise upon hydrology, geology, hydrology, PWS etc.

#### *Moray Assessment*

- 6.12.3. Policy DP1 of the Moray LDP applies to all forms of development and states that Applicants may be asked to determine the impacts of a development proposal upon a range of receptors including the environment, flood risk, noise, air quality, landscape, trees, protected species and flood risk. The policy states that proposals will be supported if they conform to relevant LDP policies and meet specified criteria.
- 6.12.4. The issues identified in this policy have been assessed in detail in the EIAR and considered on a topic by topic issue in relation to the earlier LDP policy appraisals and also against SPP, in Tables 1 and 2. With mitigation in place the scope of significant residual environmental effects is limited to landscape and visual impacts and the setting (but not integrity) of two Scheduled Monuments only. The identification of some significant effects is to be expected for a commercial scale wind farm and the acceptability of these effects is a matter to which consideration needs to be given in the final planning balance.
- 6.12.5. It is important to note, however, that no significant environmental effects are identified upon any other interest referenced in Policy DP1. The Proposed Development can be positively assessed against other LDP policies and, crucially, Renewable Energy Policy DP9, discussed below. It is therefore considered that the Proposed Development can be positively assessed against Policy DP1.
- 6.12.6. Policy PP3 (b) of the Moray LDP states that development proposals that create new accesses onto key routes, including the A941, will not be supported unless significant economic benefits are demonstrated or

such access is required to facilitate development that supports the provisions of the development plan. A new access to the Site is required from the A941. This can be justified in terms of Policy PP3 as it is required to deliver wind turbines to the Site to deliver a new renewable energy project, the need for which is supported by national and local planning policy. In addition, significant local economic benefits will arise during the construction phase.

- 6.12.7. Policy PP3 (b) further notes that development proposals will not be supported when they adversely impact on active travel routes, core paths, rights of way, long distance and other access routes and cannot be adequately mitigated by an equivalent or better alternative provision in a location convenient for user. As already noted in Section 5, there will be some disturbance to Core Paths in the vicinity of the Site during the construction phase, which will require mitigation to ensure there is no conflict between construction traffic and Core Path users. This mitigation will be in place for the duration of the construction period and no conflict with Policy PP3 (b) will arise.

### 6.13. Renewable Energy LDP Policies

Local Authority	Relevant LDP Policies
Aberdeenshire Council	<ul style="list-style-type: none"><li>• C2 - Renewable Energy</li></ul>
Moray Council	<ul style="list-style-type: none"><li>• DP9 – Renewable Energy</li></ul>

- 6.13.1. This Section of the Planning Statement brings together in summary format the findings of the topic by topic policy appraisals and considers these 'in the round' against the terms of the two renewable energy LDP policies.

#### *Aberdeenshire Assessment*

- 6.13.2. Policy C2 of the Aberdeenshire LDP is not a wind energy specific policy, it applies to all forms of renewable energy development. The preamble to Policy C2 in the LDP (pg.71) notes that '*Climate change is possibly the greatest challenge facing the world today*'. The LDP notes that SPP supports development that contributes to sustainable development and considers that in an Aberdeenshire context this means reducing the use of energy (both in the distribution of development and within developments themselves), conserving water and promoting energy generation by renewable sources. Policy C2 is set within this overarching context.

- 6.13.3. Firstly, it is important to note that Policy C2 states that the Council '*will support*' proposals for renewable energy developments, including wind. This support is not, however, unqualified and the policy makes it clear that the support hinges on proposals being located on '*appropriate sites and of the right design*'.

- 6.13.4. With specific regards to wind energy, Policy C2 states that the Council will approve wind energy developments in appropriate locations taking into account the Spatial Framework mapping set out on page 74 of the LDP. As already discussed, the Site is located in a predominantly Group 3 area and Group 2 interests relate to the mapped presence of deep peat and carbon rich soils only. There are no turbines within areas of deep peat and overall the Applicant can 'substantially overcome' significant effects upon this sole Group 2 interest. In terms of Policy C2, therefore, the Site is considered to be in an '*appropriate location*' for a wind energy development.

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- 6.13.5. The in-principle support for renewable energy developments contained in Policy C2 requires a more detailed assessment of the identified environmental impacts of a proposal. It is important to note that the test set by Policy C2 relates to the 'acceptability' of identified impacts, not simply whether such impacts would arise. This is an important matter to consider when drawing conclusions about the extent of overall policy compliance. The identification of some significant environmental impacts in the EIAR does not give rise to an automatic conflict with Policy C2, it is the acceptability of these impacts in the wider planning balance that will dictate the extent of policy compliance.
- 6.13.6. As the earlier LDP and SPP commentary confirms, the Proposed Development has been sited and designed in a manner which avoids many significant environmental impacts arising. Some significant landscape and visual effects will arise and significant effects upon the setting of two Scheduled Monuments (but not the integrity of setting) are also identified. One of these, Craig Dorney hillfort, is within Aberdeenshire.
- 6.13.7. These matters have been discussed in depth in earlier commentary and there is no need to repeat those assessments here. In considering the 'acceptability' of these significant effects, it must be accepted as a starting point that commercial scale wind farms will give rise to some significant environmental effects. It is necessary therefore to consider the nature and sensitivity of identified receptors to enable a conclusion to be reached on 'acceptability'.
- 6.13.8. Taking Craig Dorney hillfort first, it is important to distinguish between impacts upon the setting of this Scheduled Monument and impacts upon the integrity of setting. This has been discussed in this Planning Statement including commentary against national planning policy, in SPP paragraph 145. The identified impacts upon the setting of Craig Dorney hillfort do not affect the integrity of the setting. The Proposed Development does not conflict with SPP, paragraph 145, or LDP Policy HE1 and it is considered these identified impacts can be considered acceptable in terms of Policy C2.
- 6.13.9. The LVIA in EIAR Chapter 5 identifies that the Proposed Development will give rise to some significant landscape and visual effects including those upon landscape character, visual impacts at representative VPs and some impacts upon restricted parts of some designated landscapes. The LVIA considers that significant landscape and visual effects would be geographically limited in extent, predominantly occurring across elevated areas of the surrounding landscape within 16 km of the nearest proposed turbine.
- 6.13.10. Significant effects outwith 5 km of the Proposed Development are predominantly localised to summits, to identified sections of the road network or recreational routes or to certain areas of LCTs or landscape designations. In considering the acceptability of identified landscape and visual impacts, it is relevant to note that the Site is not located within a designated landscape. Within Aberdeenshire, some significant effects (including cumulative) would be experienced across the southwestern parts of the Deveron Valley SLA with no or not significant effects experienced elsewhere. None of these impacts are considered to be so significant as to undermine the integrity of the SLA.
- 6.13.11. In visual terms, the VP assessment concludes that significant effects (whether upon landscape character, visual or cumulative) will arise at several VPs, some of which are in Aberdeenshire. The identification of significant landscape and visual effects is not particularly unique to the Proposed Development and in that regard it is no different from the many other operational wind energy developments throughout the country.

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- 6.13.12. Consideration of these identified significant landscape and visual effects must be considered against the socio-economic and renewable energy benefits associated with the Proposed Development. Policy C2 recognises that renewable energy developments can give rise to environmental effects but the question to be considered on a case by case basis is whether such impacts are deemed unacceptable in the wider planning balance. In this case, the benefits are considered to be positive and significant issues and do counter-balance the significant adverse effects identified in the EIAR.
  - 6.13.13. Taking account of all relevant factors and notably the findings that the identified landscape and visual effects will not affect the integrity of the Deveron Valley SLA and effects on Scheduled Monuments will not affect the integrity of their setting, it is considered that the significant environmental effects associated with the Proposed Development are not considered 'unacceptable'. As such, it is considered that the proposal can draw support from Policy C2.
  - 6.13.14. Policy C2 also makes reference to the Council's Strategic Landscape Capacity Assessment for Wind Turbines prepared by Ironside Farrar. This document, dated March 2014, does not form part of the Development Plan for Aberdeenshire and therefore the weight it carries in the decision making process is less than the SDP or LDP. It is discussed in Section 7.

### *Moray Assessment*

- 6.13.15. Policy DP9 is a policy that supports renewable energy developments, where a range of locational and environmental criteria can be met and proposals are compliant with other LDP policies.
- 6.13.16. Policy DP9 of the Moray LDP relates to all forms of renewable energy. Part (a) sets out criteria against which all renewable energy proposals are to be assessed, and include matters such as landscape and visual effects, noise impacts, air quality impacts, electromagnetic disturbance, impacts on the water environment, impacts on carbon rich soils and peat, ecological impacts and impacts on tourism and recreational interests.
- 6.13.17. Part (a) of the policy further states that the Council will take account of the contribution proposals make towards meeting renewable energy generation targets, its effect on GHG emissions and net economic impact, including socio-economic benefits such as employment. These matters have been discussed in Tables 1 and 2 also in the previous Moray topic by topic policy commentary.
- 6.13.18. Part (b) of Policy DP9 relates specifically to onshore wind turbines, noting that in addition to considering various environmental and technical impacts consideration will be given to the Spatial Framework for onshore wind farms, consideration of the Landscape Capacity Study (considered in Section 7) as well as a wider assessment of landscape and visual matters including whether the landscape is capable of accommodating the development, cumulative impacts, impacts on local communities and other matters such as impacts on aviation interests.
- 6.13.19. In terms of part (a), Policy DP9 again introduces 'acceptability' into the policy wording, thus recognising that the identification of significant effects in an EIAR, for example, does not automatically result in a policy conflict. Ultimately, therefore, consideration of Policy DP9 comes down to a balance between assessing the renewable energy benefits of the Proposed Development on the one hand and considering these in light of identified environmental effects on the other, including any positive or negative effects on the local

or national economy.

- 6.13.20. The various criteria set out in Part (a) of the policy have been discussed in Section 5 and the earlier Section 6 policy appraisal. They are not discussed in detail again here, except to note that significant environmental effects identified in the EIAR are limited to the previously noted setting effects upon two Scheduled Monuments (one of which, Auchindoun Castle, is in Moray) and some significant landscape and visual effects (including cumulative), including upon the Ben Rinnes SLA within Moray.
- 6.13.21. Part (b) of Policy DP9 considers onshore wind turbines and the Spatial Framework, which has already been discussed. The Applicant has substantially overcome significant effects upon the sole Group 2 interest within parts of the Site and, overall, it is considered reasonable to categorise the Site as Group 3.
- 6.13.22. Set against significant adverse residual effects of the Proposed Development, an appraisal against Policy DP9 requires considering of the extent to which a proposal contributes to renewable energy generation targets, its effects on GHG emissions and socio-economic benefits, such as employment. As the earlier commentary on SPP and LDP policies concludes, the Proposed Development will positively contribute to all these objectives. A significant level of renewable energy (up to 77 MW) will be generated by the wind turbines leading to the removal of just over 4 million tonnes of GHG from the atmosphere, that would otherwise be emitted from a fossil fuel mix. Significant positive economic benefits would arise during the construction period too. These are important factors in support of the Proposed Development that form part of the wider appraisal against Policy DP9.
- 6.13.23. Taking account of the above comments and the earlier analysis against other Moray LDP policies, it is clear that for the most part the Proposed Development will give rise to no significant effects upon identified receptors, and there will undoubtedly be beneficial impacts that arise in terms of renewable electricity generation and an associated reduction in GHG emissions, when compared to other forms of energy generation. The adverse effects of the Proposed Development are not uncommon for a commercial scale wind farm. When all criteria are considered, it is considered that the Proposed Development complies with Policy DP9.

## 7. Other Material Considerations

### 7.1. Letter from Chief Planner to Heads of Planning in Scotland - 11 November 2015

- 7.1.1. On 11 November 2015, the Scottish Government's Chief Planner sent a letter<sup>46</sup> to all Heads of Planning in Scotland following earlier announcements from the UK Government regarding the future of subsidy arrangements for the renewable energy sector.
- 7.1.2. While the letter is now over six years old, it is still relevant particularly given the more recent declaration of the climate emergency and the net zero target. Notable statements from the Chief Planner's letter include:
- The overall purpose of the letter was to '*re-emphasise that the Scottish Government's Scottish Planning Policy (2014) and Electricity Generation Policy Statement (2013) set out the Scottish Government's current position on on-shore wind farms and that this remains the case*';
  - Reaffirming the Scottish Government's target to generate at least the equivalent of 100% of gross electricity consumption from renewables by 2020 (now superseded by key 2030 and 2045 targets). Crucially, the letter reiterated the point that the target is not a cap and that once achieved, the support for renewable energy developments, including on-shore wind, would continue;
  - The letter emphasised the important role the Scottish Government requires the planning system to play in supporting the transformational change to a low carbon economy, consistent with national objectives and targets; and
  - That net economic impacts including the community socio-economic benefits such as employment, associated business and supply chain opportunities are relevant material considerations in the determination of planning applications for renewable energy applications, including on-shore wind. It is the Scottish Government's expectation that such considerations are addressed in the determination of applications for renewable energy technologies.

- 7.1.3. This letter remains a significant material consideration in support of this application, particularly so given the enhanced need case for a '*strong upscaling of renewables*' noted in the 2018 IPCC Report and other key energy publications from the UN, CCC, UK and Scottish Governments, as discussed in Section 4.

### 7.2. Strategic Landscape Capacity Assessment for Wind Energy in Aberdeenshire (2014)

- 7.2.1. The Strategic Landscape Capacity Assessment for Wind Energy in Aberdeenshire<sup>47</sup> is discussed in EIAR Chapter 5. It does not have formal Supplementary Guidance (SG) status and while it may be used as a strategic tool in considering the broad context for wind energy development, it does not provide the level of detailed project specific analysis contained in individual landscape and visual impact assessments.
- 7.2.2. Importantly, the Capacity Assessment contains a section in bold text at the start, paragraph 1.5, which identifies how the Capacity Study should be used:

*'It is emphasised that this is a strategic level landscape and visual study, providing a context for*

<sup>46</sup> <https://www.gov.scot/publications/energy-targets-and-scottish-planning-policy-chief-planner-letter/>

<sup>47</sup> <https://www.aberdeenshire.gov.uk/planning/plans-and-policies/the-strategic-landscape-capacity-for-windfarms/>

*consideration of capacity for, and the cumulative effects of, existing and potential future wind turbine developments in Aberdeenshire. No site specific conclusions should be drawn from it in relation to current proposed or future wind turbines and windfarms'.*

- 7.2.3. Within the Aberdeenshire administrative area, the Proposed Development turbines are located within the following two LCTs as identified in the Capacity Assessment:
- Grampian Outliers LCA which forms part of the Moorland Plateaux LCT (LCA22(i)); and
  - The Deveron and Bogie Straths LCA of the Straths and Valleys LCT (LCA25(i)).
- 7.2.4. The Capacity Study considers that these areas have no underlying capacity for wind turbine development above 15 m in height, as noted in Section 6.5.3 and Figure 6.4. These findings should be treated with some caution because they represent the output of strategic level study only, the limitations of which are noted above. It also pre-dates SPP, which was introduced in June 2014 and includes in Table 1 a Spatial Framework for wind farms.
- 7.2.5. The Spatial Framework for wind farms looks at more than just landscape considerations and represents a more up to date interpretation of Scottish Government Spatial Policy as regards wind farm locations and should therefore be accorded more weight than the Capacity Assessment.
- 7.2.6. In addition, it is important to note that this Capacity Assessment is now 8 years old, and in the intervening years turbine technology has evolved substantially as has the need argument for more renewable energy capacity as discussed in Section 4. The limitations associated with such strategic level studies must be noted and a greater emphasis instead placed upon the findings of a site specific assessment delivered through the EIAR. Overall, therefore, it is considered that this Capacity Assessment should be given limited weight in assessing the Proposed Development.

### 7.3. Moray Onshore Wind Energy Non-Statutory Guidance – October 2020

- 7.3.1. Moray Council adopted its Onshore Wind Energy Non-Statutory Guidance in October 2020. It provides further detail in respect of Policy DP9 ‘Renewable Energy’ of the LDP, but does not set additional or more stringent tests to those already set out in Policy DP9. The Guidance notes that it is a material consideration in assessing wind turbine proposals and when consulted on S36 applications within Moray the Council will use the Guidance, the Landscape Capacity Study and Local Development Plan policies as the basis for responding. The Moray Wind Energy Landscape Capacity Study 2017 forms a technical appendix to the Guidance as is discussed in the LVIA in EIAR Chapter 5.
- 7.3.2. The Guidance provides detailed mapping of constraints and guidance on areas with greatest potential for small/medium and large scale wind farms as required by SPP. Given that the Guidance addresses issues already discussed in the previous LDP commentary, a detailed assessment of the Proposed Development against the Guidance is considered not considered necessary as this would repeat earlier commentary.
- 7.3.3. It is worth, however, noting the location of the Site and turbines relative to Map 4 of the SG. Map 4 illustrates areas of landscape capacity for potential opportunities of very large turbines, extensions and repowering, of which there are only five. Very large turbines are defined as those between 130 – 150 m to blade tip.

- 7.3.4. Only four areas with the potential for such developments are identified on Map 4 and all of the turbines within Moray are located in one such area, specifically Area ii. The commentary on Map 4 relating to Area ii notes that there is:-

*'Limited scope to accommodate the large scale development typology in this landscape, The same siting principles apply for the extra large turbines up to 150m'.*

- 7.3.5. It is relevant to note that the categorisation of turbine typology in the Guidance does not reflect current wind turbine technology. Turbines with tip heights in excess of 150 m to blade tip are increasingly common across Scotland, and heights of 200 m and above are also now being promoted and consented. While the proposed turbines exceed 150 m to blade tip, it is important to note that the Guidance states:-

*'If turbines are proposed which exceed the turbine heights identified in the landscape capacity study the onus would be on the applicant to demonstrate how the impacts of the proposal on the key constraints and any significant adverse effects can be mitigated in an effort to show a proposal can be supported'.*

- 7.3.6. In addition, while the Guidance identifies 'limited scope' for very large turbines in Area ii, the other areas (i and iii) are noted as having 'very limited' scope for these turbines. This means that the turbines within Moray are located in an area considered to currently offer the greatest scope for this turbine typology.

- 7.3.7. The Moray Wind Energy Landscape Capacity Study 2017 (LCS) forms an Appendix to the Guidance. Those turbines within the Moray administrative area are located within LCT 12b – 'Open Uplands with Settled Glens' of the LCS, which itself is within LCT 292 'Open Upland'. LCT 12b from the LCS is discussed in EIAR Table 5.7 and some brief observations are pertinent to this Planning Statement.

- 7.3.8. The commentary on this LCT as summarised in EIAR Table 5.7 notes that it has a high sensitivity to turbines over 130 m to blade tip and there is limited scope to accommodate additional large turbines. The LVIA in EIAR Chapter 5 correctly notes that this publication represents a strategic appraisal and one based upon a 'snapshot' in time of the 2017 baseline context. Whilst material to the consideration of applications, it provides a high-level assessment which does not necessarily reflect the current status of wind energy development or technology. Therefore the LCS is by no means a definitive guide on development capacity. Detailed consideration of individual proposals and sites is therefore necessary as recognised by paragraph 163 of SPP.

- 7.3.9. Overall, the general requirements of the Guidance covering all topics including landscape and visual impacts, carbon rich soils and protected species have been considered in the design and assessment of the Proposed Development within earlier policy commentary against both SPP and the LDP. The Guidance and LCS deal with landscape issues only. Other matters will be relevant to consideration of the Proposed Development as a whole, but in terms of the Guidance it is important to note the location of the Moray turbines within one of the few areas identified as having at least some capacity for large or very large turbines and this reinforces the view that this is the right development in the right location.

### 7.4. Proposed Aberdeenshire Local Development Plan 2020

- 7.4.1. At the time of writing, in April 2022, the Proposed Aberdeenshire LDP 2020 is currently at Examination. The wording of Proposed Aberdeenshire LDP policies, as relevant to the Proposed Development, are very

similar in wording to those in the adopted LDP. In many cases the Proposed LDP policy numbers mirror those of the adopted LDP. There are no major substantive changes between the adopted and proposed LDP policies that merit detailed discussion here.

- 7.4.2. It is worth noting that there are a number of unresolved objections to the Proposed LDP relating to matters pertinent to the Proposed Development, including the detailed wording of Draft Policy C2 'Renewable Energy'. This proposed new LDP policy is very similar to the adopted LDP Policy C2, but with some variations. The draft Policy C2 states that the Council '*will approve*' wind energy developments in '*appropriate locations taking into account the spatial framework mapping*', just like the adopted Policy C2. However, the draft Policy C2 refers to the Landscape Capacity Study 2014 and states that '*This guidance remains valid even for the very large turbines now being proposed*'. The Applicant is one of a number of bodies who have objected to the detailed wording of this draft policy mainly to do with the statement regarding the continued relevance of the Landscape Capacity Study.
- 7.4.3. It is considered that the Proposed LDP cannot be accorded significant weight in assessing this application at the present time, as it remains subject to a number of unresolved objections. Aberdeenshire Council has also accepted that the Proposed LDP should have '*limited materiality at this stage*' in its September 2021 and January 2022 Hearing Statements in respect of the Fetteresso<sup>48</sup> and Clashindarroch II<sup>49</sup> Wind Farm Public Local Inquiries.

<sup>48</sup> <https://www.dpea.scotland.gov.uk/CaseDetails.aspx?id=121426&T=72>

<sup>49</sup> <https://www.dpea.scotland.gov.uk/CaseDetails.aspx?id=121575&T=72>

## 8. Conclusions

- 8.1.1. As an application for S36 consent and deemed planning permission the Development Plan does not have primacy in this case, as it would have in determining planning applications. Section 25 of the 1997 Planning Act is therefore not engaged. The Development Plan is an important material consideration but the principal issue to be considered in determining this application is for Scottish Ministers to have regard to Schedule 9 of the Electricity Act.
- 8.1.2. Schedule 9 refers to the need for Ministers to '*have regard to the desirability*' of preserving natural beauty, of conserving flora, fauna etc. when determining the application. Section 2 of this Planning Statement confirms that the Applicant is not an electricity generation licence holder and the Schedule 9 duties do not therefore apply. However, the Applicant has approached Site design and layout in a manner that is consistent with Schedule 9, including the identification of mitigation where required. As such, the Applicant has clearly done what he reasonably can to mitigate the effects which the Proposed Development would have on the natural beauty of the countryside or on any such flora, fauna, features, sites, buildings or objects.
- 8.1.3. While some significant residual effects have been identified in the EIAR, this does not give rise to a conflict with Schedule 9 as this does not place a duty on Scottish Ministers to ensure these environmental qualities are preserved, but to have regard to the desirability of doing so. In that regard Schedule 9 does not set strict development management tests that must be complied with.
- 8.1.4. In arriving at conclusions on the Proposed Development overall, Scottish Ministers can give weight to a range of matters such as national planning policy, the socio-economic benefits of the Proposed Development and the contribution that the Proposed Development would make towards attainment of GHG reduction and renewable energy targets.
- 8.1.5. Section 4 of this Planning Statement clearly demonstrates the seriousness of the problems posed to society by the global climate emergency. The most recent IPCC report from April 2022 leaves no room for doubt about the importance of rapidly reducing GHG emissions – it notes that time is running out if we are to limit global warming to 1.5° C and thus to avert the worst consequences of a warming planet. This 2022 IPCC report follows on from an equally alarming August 2021 IPCC report which was described as a '*code red for humanity*' by the UN Secretary General.
- 8.1.6. The ongoing war in Ukraine has added an even greater sense of urgency to the need to expand the UK's 'home grown' sources of energy, to reduce reliance upon imported supplies. Security of energy supply has been a feature of various energy publications in recent years, but there is no doubt that ongoing events in Ukraine have brought this into much sharper focus. Allied with the cost of living crisis, in part due to the significant increase in oil and gas prices, there is no doubt that collectively we are currently experiencing a significant crisis, which demands an appropriate response. Adopting a business as usual approach is not an adequate response to the severity of the issues that society currently faces.
- 8.1.7. The continued and rapid roll out of renewables is a key element of the response required to meet the projected rise in electricity demand over the coming years, to reduce GHG emissions and reduce our exposure to volatile fuel markets. The very recent April 2022 British Energy Security Supply notes 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 energy technologies'. It is within this energy policy context that the Proposed Development must be considered.*

- 8.1.8. There is no doubt that the national energy policy context discussed in Section 4 establishes a strong need case for the Proposed Development, which has been significantly enhanced in recent years. Most notably, the introduction of legislation in Scotland to establish a legally binding target of net-zero GHG emissions by 2045, with an important interim milestone of at least a 75% reduction by 2030. Significantly, the requirement to achieve a 75% reduction by 2030 has been described by the CCC in its Sixth Carbon Budget Report from December 2020 as '*extremely challenging to meet*', even allowing for the most '*stretching tailwind*' scenario. It is clear therefore, that significantly greater levels of renewables deployment, including onshore wind, are required to achieve these targets.
- 8.1.9. The OWPS Refresh from 2021 recognises this noting the '*need to deploy significant volumes of onshore wind generation over the next decade*'. As a result, the OWPS Refresh recognises that actions required to tackle climate change will change the way Scotland looks. This is an important statement to be mindful of when considering the acceptability of the identified landscape and visual impacts of the Proposed Development.
- 8.1.10. The Proposed Development can make a significant and positive contribution to efforts to reduce GHG emissions. It will generate up to 77 MW of renewable electricity and help displace just over 4 million tonnes of GHG that would otherwise be emitted if the equivalent amount of electricity were to be generated by a fossil fuel mix of electricity generation. Of particular relevance given ongoing events in Ukraine the Proposed Development responds positively to the recent British Energy Security Strategy and can help provide greater security over UK energy supplies, reducing reliance upon imported energy.
- 8.1.11. With regards to national planning policy, it is considered that the Proposed Development can draw support from both SPP and NPF3. These documents are now over seven years old but they continue to provide a supportive national policy basis for the continued development of onshore wind farms, and recent Ministerial decisions on other wind farms confirms that renewable energy deployment remains a '*priority*' of the Scottish Government and a matter to which Ministers have attached '*significant weight*'. It must also be recognised that energy policy and targets have moved on materially since publication of SPP and NPF3. There is now an even greater need case for more renewables than was the case when SPP and NPF3 were published almost eight years ago.
- 8.1.12. For the reasons discussed in Section 5, it is considered that the SPP presumption applies to the Proposed Development, which has been considered positively in terms of the SPP Spatial Framework. The Applicant has substantially overcome significant effects upon the sole Group 2 interest within the Site and the Site can reasonably be described as a Group 3 location, where SPP notes wind farms '*are likely to be acceptable*'.
- 8.1.13. A draft of NPF4 has been published and while only limited weight can be given to it at this stage, it does provide an indication of the potential direction of travel for new national planning policy. Importantly, Draft Policy 2 proposes that '*significant weight should be given to the global climate emergency*' when considering development proposals. This does not mean that less weight is given to other matters but decision makers should give more weight to the global climate emergency than has hitherto been the case.

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- 8.1.14. The Proposed Development also falls within the proposed category of 'national development 12', meaning that the principle of the development has been established, and does not need to be revisited later in the consenting process. Finally, Draft Policy 19 notes that outside National Parks and National Scenic Areas new wind farms should be supported, unless identified impacts are considered unacceptable.
  - 8.1.15. The layout of the Proposed Development has been subject to a careful and iterative design process but as is to be expected for a commercial scale wind farm, some significant effects will arise including cumulative effects. While there will be theoretical visibility from within parts of the SLAs within both Aberdeenshire and Moray and also from within parts of the CNP, these impacts will not adversely affect the overall integrity of the designations in question. Significant visual impacts from some representative VPs are identified in the LVIA, but these need to be considered in the context of the nature of the development proposed – it would be impossible to avoid views of wind turbines from certain locations, and unreasonable to expect an applicant to design such a scheme.
  - 8.1.16. Some residential properties in the vicinity of the Site may be subject to significant visual effects of the Proposed Development but none of these effects could be considered overbearing, overwhelming or pervasive. The RVAA concludes that at no property would the identified visual effects exceed the residential visual amenity threshold described in the Landscape Institute's guidance on the assessment of residential visual amenity.
  - 8.1.17. The assessment in Section 6 against the relevant policies of both the Aberdeenshire and Moray LDPs notes that both key renewable energy policies are supportive of further renewable energy developments where identified impacts are considered to be acceptable. The identified landscape and visual effects of the Proposed Development and the effects upon the setting of two Scheduled Monuments (but not the integrity of setting) have been considered against the LDP policy tests. These are but two matters to consider and these residual effects do not result in a conflict with the key LDP policies.
  - 8.1.18. Not all renewable energy projects will be deemed acceptable in the planning balance, but various critical factors all point to the Proposed Development clearly being worthy of support. The Site is not located within a natural heritage or landscape designation, it will not give rise to significant effects upon ecology or ornithology, there are no significant effects upon hydrology or water interests, impacts upon road users, pedestrians and aviation interests can be mitigated and there will be positive local economic benefits. The identified significant environmental effects associated with the Proposed Development are considered to clearly fall on the side of acceptability, when all material factors are considered and given appropriate weight.
  - 8.1.19. Taking account of these various matters it is considered that the Proposed Development is the **right development in the right place** and it is therefore respectfully requested that S36 consent and deemed planning permission is granted for the Proposed Development.

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