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4.0 Introduction

This Chapter identifies the climate change, energy and planning legislation, policies and targets relevant to the determination of the application for the proposed development.

It is important to note that it is not the purpose of this Chapter to provide an assessment of the proposed development against these climate change, renewable energy and planning policies and targets. Instead, it outlines the context in which the proposed development should be considered, including the urgent needs case for rapidly increased renewable energy generation over the next decade in response to the global climate emergency. More detailed analysis and assessment of the proposed development against these planning policy and other material considerations is contained in the separate supporting Planning Statement which accompanies this application.

This Environmental Impact Assessment (EIA) Report is prepared to support the application for consent for the proposed development under Section 36 of the Electricity Act 1989. In the consideration of the application, the Scottish Ministers have a duty to fulfil the requirements of Schedule 9 (paragraph 3) of the Electricity Act 1989. The applicant has had regard to the duties imposed upon it in terms of Schedule 9 and thereafter the Scottish Ministers will have to consider the *"desirability of preserving natural beauty, of conserving flora, fauna and geological or physiographical features of special interest and of protecting sites, buildings and objects of architectural, historic or archaeological interest"*. In addition, the Scottish Ministers are required to assess whether the applicant has fulfilled the requirement 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"*.

Deemed planning permission under section 57(2) of the Town and Country Planning Act 1997, as amended, is also sought.

In the case of Section 36 Applications the role of the Development Plan is not the same as in the case of applications submitted pursuant to the Town and Country Planning (Scotland) Act 1997. The test set out in Section 25 of the Town and Country Planning (Scotland) Act 1997 that development must accord with the terms of the Development Plan is not engaged in the case of a Section 36 application. The Development Plan is nonetheless material to the determination of the application.

Through the EIA process the applicant has sought to develop a scheme that takes account of the duties set out in Schedule 9 of the Electricity Act 1989. The matters that are raised in Schedule 9 have been considered in the EIA process and the findings are presented in this EIA Report.

4.1 Climate Change and Energy Policy

4.1.1 International and EU Context

In order to understand the need for a continuing increase of renewable energy generation in Scotland, it is important first to understand the international and European Union (EU) framework towards tackling climate change. The key targets and obligations in this regard are outlined below.

4.1.1.1 UK Withdrawal from the European Union

The UK formally submitted its intention to leave the EU under Article 50 of the Treaty of the EU in March 2017. The European Union (Withdrawal Agreement) Act 2020 received Royal Assent on 23 January 2020 and converts all EU laws, targets and rules into domestic UK governance. The existing EU renewable energy targets for the UK, including the requirements of the Renewable Energy Directive, remain applicable despite the UK formally leaving the EU on 31 January 2020, and the transition period ending on 31 December 2020.

4.1.1.2 The COP21 UN Paris Agreement

On 12 December 2015, delegates from nearly 200 different countries gathered at the Paris Climate Conference (COP21) and adopted a legally binding international agreement – known as 'the Paris Agreement' – by which all countries vowed to cut their carbon emissions. They agreed:

- a long-term goal of keeping the increase in global average temperature to well below 2 degrees Celsius (°C) above preindustrial levels;
- to aim to limit the increase to 1.5 °C, since this would significantly reduce risks and the impacts of climate change;
- on the need for global emissions to peak as soon as possible, recognising that this will take longer for developing countries; and
- to undertake rapid reductions thereafter in accordance with the best available science, so as to achieve a balance between emissions and removals in the second half of the century.
- Under the agreements, countries are also legally obliged to make new post-2030 commitments to reduce emissions every five years.
- The EU formally ratified the Paris Agreement on 5 October 2016, thus enabling its entry into force on 4 November 2016. On the agreement, the European Commission stated, "the Paris Agreement sends a clear signal to investors, businesses, and policy-makers that the global transition to clean energy is here to stay and resources have to shift away from polluting fossil fuels."

4.1.1.3 COP26 Glasgow

In addition to the above legislation and targets, consideration should also be given to the UN Climate Change Conference of the Parties (COP26) event held in Glasgow in November 2021 at which there was worldwide consensus on the severity of the current climate emergency, in particular, recognition of the loss and damage that the current impacts of climate change are already having.

Following two weeks of intense talks, nearly 200 countries agreed to the Glasgow Climate Pact to continue to pursue efforts to limit global average temperature increases to 1.5 °C in accordance with the Paris Agreement. All countries also agreed to speeding up the pace of climate action this decade and to revisit and strengthen their current emissions targets to 2030. These outcomes further emphasise the importance of rapidly increasing renewable energy generation capacity over the next decade in response to the global climate emergency.

4.1.2 UK Context

Although the overarching position in the UK is that energy policy is not a devolved matter, the UK Government has made it clear that the Devolved Administrations must play an important role in helping the UK meet international and EU climate change targets. The key UK targets in this regard are outlined below.

4.1.2.1 Net Zero: The UK's Contribution to Stopping Global Warming (2019)

At COP21, the Intergovernmental Panel on Climate Change (IPCC) was invited to publish a Special Report on the impacts of global warming of 1.5°C and associated greenhouse gas emissions pathways.

The IPCC released this Special Report on 8 October 2018. In response to the IPCC's Special Report, the UK Government requested advice from the Committee on Climate Change (a non-departmental public body that advises the Government on the climate) on the implications of the Paris Agreement. This included requesting advice on what further action was needed to meet the goals of the Paris Agreement.

On 2 May 2019 the Committee on Climate Change published its advice in 'Net Zero: the UK's Contribution to Stopping Global Warming'. The report made the following recommendations:

- UK overall: a new tougher emissions target of net zero greenhouse gases by 2050, ending the UK's contribution to global warming within 30 years. This would replace the previous target of an 80% reduction by 2050 from a 1990 baseline.
- Scotland: a target of net zero greenhouse gases economy by 2045, reflecting Scotland's greater relative capacity to remove emissions than the UK as whole.
- A net zero greenhouse gases target for 2050 would deliver on the commitment that the UK made by signing the Paris Agreement.

The UK targets in the report have since been legislated through the Climate Change Act 2008 (2050 Target Amendment) Order 2019, which came into force on 27 June 2019. Prior to this, the UK was committed under the Climate Change Act 2008 to reducing net greenhouse gas emissions by at least 80% of their 1990 levels by 2050. As discussed later in this chapter, the Scottish net-zero targets in the report have also since been legislated.

In terms of the new net-zero targets, the report makes it clear for both the UK and Scotland that *"this is only possible if clear, stable and well-designed policies to reduce emissions further are introduced across the economy without delay."* It continues that *"current policy is insufficient for even the existing targets."*

The Committee on Climate Change report sets out various scenarios for UK net zero greenhouse gases in 2050. These include one of extensive electrification, particularly of transport and heating. Page 23 of the Executive Summary states that this would need to be *"supported by major expansion of renewable and other low carbon power generation. The scenarios involve around a doubling of electricity demand, with all power produced from low carbon sources (compared to 50 % today)."*

The Committee on Climate Change scenarios for electricity generation estimate that to keep the UK on track to meet its net zero target, renewable energy deployment will require a fourfold increase across the UK from current levels. It identifies that this quadrupling of renewable energy will require approximately 22 to 29 gigawatts (GW) of onshore wind capacity by 2030 and solar capacity increased to 23 to 43 GW. Currently, capacity for both is approximately 13 to 14 GW each.

The technical annex to the report specifically addresses integrating variable renewables into the UK electricity system. The annex makes it clear that variable renewable electricity such as large-scale onshore wind energy is now the cheapest form of electricity generation in the UK and can be deployed at scale to meet UK electricity demands.

The report's 'further ambition scenario' for the power sector aims to see low-carbon sources providing 100% of power generation in 2050, with variable renewable sources (including onshore wind) anticipated to contribute some 57% of this total low carbon power generation.

Since the targets in the 'Net Zero: the UK's Contribution to Stopping Global Warming' report have been legislated through the Climate Change Act 2008 (2050 Target Amendment) Order 2019, the IPCC has released further reports on the impacts of climate change. The most recent report being the 'Synthesis Report of the IPCC Sixth Assessment Report (AR6)' which integrates the main findings of the Sixth Assessment Report (AR6) and the associated three Special Reports (including the 2018 Special Report detailed in paragraph 4.14 above). With regards current progress (globally) in climate change adaptation planning and implementation, the 'Synthesis Report of the IPCC Sixth Assessment Report (AR6)' states the following:

"Adaptation planning and implementation has progressed across all sectors and regions, with documented benefits and varying effectiveness. Despite progress, adaptation gaps exist, and will continue to grow at current rates of implementation. Hard and soft limits to adaptation have been reached in some ecosystems and regions. Maladaptation is happening in some sectors and regions. Current global financial flows for adaptation are insufficient for, and constrain implementation of, adaptation options, especially in developing countries.".

With regards to future climate change, the 'Synthesis Report of the IPCC Sixth Assessment Report (AR6)' states the following:

"Continued greenhouse gas emissions will lead to increasing global warming, with the best estimate of reaching 1.5°C in the near term in considered scenarios and modelled pathways. Every increment of global warming will intensify multiple and concurrent hazards.".

4.1.2.2 The Sixth Carbon Budget (2020)

In December 2020 the Committee on Climate Change published 'The Sixth Carbon Budget', describing what the potential path options to net zero by 2050 look like and detailing the steps that must be taken to achieve this.

A key recommendation of the report is that the UK Government requires a reduction in UK territorial greenhouse gases of 78% by 2035 relative to 1990 levels. The report advises that this can be done through the following four steps:

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

Key benefits for the UK are seen as including the opportunity for low carbon investment, recognised at a time when it is needed to support the UK's economic recovery from the COVID-19 health crisis.

Page 23 refers to the devolved nations and sets out that *"UK climate targets cannot be met without strong policy action across Scotland, Wales and Northern Ireland"* and recognises that although the main policy levers are held by the UK Government, that Scotland can take action through complementary measures at the devolved level including supporting policies such as *"planning and consenting"*.

4.1.2.3 The UK Energy White Paper, Powering our Net Zero Future (2020)

The UK Government published its Energy White Paper 'Powering our Net Zero Future' in December 2020. The White Paper sets out the UK Government's current thinking on the way in which the UK should work towards meeting its net zero targets. It advises that, although retiring capacity will need to be replaced, modelling suggests overall that the demand for electricity could double as transport and heat switch from petrol/diesel and gas, respectively, to electricity. It notes that this will require a fourfold increase in low-carbon generation by 2030 if the increased demand and net zero targets are to be met.

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 deliver clean electricity."* In the section 'Our Key Commitments', the White Paper states that *"onshore wind and solar will be the key building blocks for the future generation mix, along with offshore wind."*

4.1.2.4 Climate Change Committee Progress Report to Parliament (2022)

The most recent of the Climate Change Committee's progress reports to Parliament was published in June 2022. The report is clear that this is a decisive decade for tackling climate change and advises that *"This is a pivotal point in the UK's journey to Net Zero. The UK is one of the few countries with emissions targets in line with the long-term temperature goal of the Paris Agreement. Policy ambition has also moved substantially with the publication of the UK's Net Zero Strategy. In most areas, these ambitions are credible, in line with the required pace and scale of change. It is now time to deliver the promised action."*

Contained within the report on Reducing Emissions are recommendations for the Scottish Government. These recommendations include that the Scottish Government *"scale up action to deliver targets across all sectors in line with the ambition set out in the recent Climate Change Plan Update".*

4.1.2.5 British Energy Security Strategy (2022)

The British Energy Security Strategy policy paper was published in April 2022. The strategy identifies that if the UK is to reduce rapidly increasingly energy bills and keep them down for the long term, the UK needs to reduce its dependence on imported oil and gas and to source more of its energy domestically instead.

Whilst primarily focusing on offshore wind rather than onshore wind, the strategy highlights that onshore wind is one of the cheapest forms of renewable power, and advises that improvements will be made to infrastructure UK wide in order to facilitate more onshore wind development. The strategy seeks to increase deployment of wind and solar energy, and identifies that it expects the measures detailed in the strategy to result in an electricity generation mix that is 95% low carbon electricity by 2030.

4.1.3 Scotland Context

The Scottish Government has continually adopted more ambitious climate change and renewable energy policy and targets than that of the UK Government. These key targets, and the strategies and policies to delivering them, are outlined below.

4.1.3.1 The Climate Change (Scotland) Act 2009

The Climate Change (Scotland) Act 2009 initially established long term statutory targets for Scotland of reducing greenhouse gas emissions by at least 80% by 2050, with an interim target of reducing emissions by at least 42% by 2020. The Act also placed climate change duties on Scottish public bodies and included provisions on climate change including adaption, forestry, energy efficiency and waste reduction.

4.1.3.2 The Climate Emergency Declaration (2019)

At the SNP Conference in April 2019, Scotland's First Minister declared a climate emergency:

"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."

In May 2019 the Scottish Government formally declared a climate emergency. In a speech to the Scottish Parliament, the Climate Change Secretary stated:

"There is a global emergency. The evidence is irrefutable. The science is clear. And people have been clear: they expect action."

The Minister also highlighted the important role of the planning system in achieving climate change objectives, stating:

"…the next National Planning Framework and review of the Scottish Planning Policy will include considerable focus on how the planning system can support our climate change goals."

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

The Climate Change (Emissions Reduction Targets) (Scotland) Act 2019 received Royal Assent on 31 October 2019 and came into force in March 2020. The Act responds to the Paris Agreement and the declaration of a 'climate emergency' in Scotland. It amends the Climate Change (Scotland) Act 2009 and commits Scotland to a new target of net zero emissions of all greenhouse gases by 2045, with interim targets for reductions of at least 75% by 2030 and 90% by 2040. These new greenhouse emissions targets represent a substantial increase over the targets set in the previous Act.

Part 4 of the 2009 Act places climate change duties on Scottish public bodies. It states that a *"public body must, in exercising its functions, act: in the way best calculated to contribute to the delivery of (Scotland's climate change) targets; in the way best calculated to help deliver any (Scottish adaption programme); and in the way that it considers most sustainable"*. This means

that all public sector organisations, including local authorities, are obliged in exercising their functions to do so in a manner which is consistent with meeting the net zero climate change target.

To help ensure delivery of the long-term targets, the framework includes statutory annual targets for every year to net zero. The latest statistics published in June 2023 on the Scottish Government's energy statistics hub[1] identify that between 2020 and 2021, the Scottish source emissions basket of seven greenhouse gases rose by 2.4%, and that the target level of 55% fall from the baseline level was missed, with a reduction of 49.2%. Four of the last 5 years of targets have now been missed – for the years 2017, 2018, 2019 and 2021.

4.1.3.4 Climate Change Plan Update (2020)

The Scottish Government published its most recent Climate Change Plan in December 2020. The Climate Change Plan Update responds to the declared climate emergency and considers what policies and proposals are necessary to deliver against the new targets set under the Climate Change (Emissions Reduction Targets) (Scotland) Act 2019.

The Climate Change Plan Update states that it is essential that a recovery from the COVID-19 pandemic "*responds to the climate emergency*" and *"continues the rapid growth in renewables over the past 20 years, moving from a low to a zero-carbon electricity system"*.

Looking specifically at seeking to achieve Scotland's emissions targets out to 2032, the Climate Change Plan Update states that there will need to be *"a substantial increase in renewable generation, particularly through new offshore and onshore wind capacity"*. It seeks to quantify this by identifying that it expects between 11 to 16 GW of new renewable capacity will need to be developed during this period.

4.1.3.5 A Fairer, Greener Scotland: The Government's Programme for Scotland 2021-22 (2021)

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

The Scottish Government's 'A Fairer, Greener Scotland' was published in September 2021. This document reaffirms the Scottish Government's commitment to ensuring a green recovery by *"securing an economic recovery which is green and fair – for everyone and in every part of Scotland – and delivers our ambition to become a net zero nation"*.

Page 64 notes that the development of renewable energy *"presents an immense opportunity for Scotland to lead by example showing how a clean energy future is possible at home, and as a net exporter of renewable energy, attracting further investment and ensuring our progress to net zero is environmentally and economically beneficial"*.

4.1.3.6 2020 Routemap for Renewable Energy in Scotland (2011)

The 2020 Routemap for Renewable Energy in Scotland was initially published in July 2011. Further updates to the Routemap were subsequently published in October 2012, December 2013 and September 2015. The Routemap and subsequent updates were therefore prepared in the context of the lower greenhouse gas emissions targets set initially under the Climate Change (Scotland) Act 2009.

The Routemap committed Scotland to generating an equivalent of 100% of electricity demand from renewable sources by 2020. It stated that *"The successful delivery of the capacity required to deliver the equivalent of 100% of Scottish electricity consumption will demand a significant and sustained improvement over the deployment levels seen historically."*

Sectoral routemaps were provided for each of the key renewable technologies that it was anticipated would contribute towards achieving the 2020 targets. With regard to onshore wind, the

[1] https://www.gov.scot/publications/scottish-greenhouse-gas-statistics-2021/

stated ambition was *"that by 2020, onshore wind developments ranging from small and community-scale to large power utility scale maximise engagement with communities; contribute electricity to renewables targets; and through displacement of fossil fuel generation, help to reduce fossil fuel consumption."*

The Routemap identified that "*onshore wind is a mature and relatively low cost renewable technology with a large supply chain already established. It is capable of being deployed at a high rate. Onshore wind turbines can make a very large contribution to the progress to Scotland's renewable electricity target, and help establish Scotland's reputation as rapidly becoming the green powerhouse of Europe.*"

A letter from the Scottish Government Planning and Architecture Division to all Heads of Planning entitled 'Energy Targets and Scottish Planning Policy' was published on 11 November 2015. The letter set out the Scottish Government's position on onshore wind energy developments. With regard to the 100% of gross electricity consumption from renewables target by 2020, the letter states that "*the target is a statement of intent and that it is known that Scotland has the potential resource to deliver and exceed it.*" The letter adds that there is no cap on the support for renewable energy development, including onshore wind, once the target has been reached.

The latest statistics from the Scottish Government's Energy Statistics Hub identify that in 2020 the equivalent of 98.1`% of gross electricity consumption was from renewable sources. In 2021 this figure fell to 85%, likely due to weather patterns affecting generation. Both years fell short of the 2020 target of 100% by 2020 renewable electricity target. The 2020 target of 100% gross electricity consumption equates to approximately 16 GW of installed renewable energy capacity. The latest statistics identify that as of June 2021 Scotland has 12 GW of installed capacity operational, a shortfall of approximately 4 GW.

4.1.3.7 Scottish Energy Strategy (2017)

The Scottish Energy Strategy (SES) was published in 2017 and was therefore also prepared in the context of the lower greenhouse gas emissions targets set initially under the Climate Change (Scotland) Act 2009. The SES sets out the Scottish Government vision for the future energy system in Scotland for the period through to 2050. The Strategy identifies that Scotland's long-term climate change targets will require the near complete decarbonisation of our energy system by 2050, with renewable energy meeting a significant share of our needs.

The SES sets a target for the equivalent of 50% of the energy for Scotland's heat, transport and electricity consumption to be supplied from renewable sources by 2030. This 50% target roughly equates to of 17 GW of installed capacity in 2030. The latest figures on the Scottish Government's Energy Statistics Hub identify that in 2020, 25.4% of total Scottish energy consumption came from renewable sources.

The SES also sets a second target for an increase by 30% in energy productivity by 2030 across the Scottish economy from a baseline of 2015. The latest figures on the Scottish Government's Energy Statistics Hub (Scottish Government 2021) estimate that energy productivity in Scotland in 2020 was 1.6% above the 2015 baseline.

Alongside these energy targets, the SES also sets out six strategic priorities. These include:

- *"System security and flexibility – we should have the capacity, the connections, the flexibility and resilience necessary to maintain secure and reliable supplies of energy to all of Scotland's homes and businesses as our energy transition takes place.*
- *Renewable and low carbon solutions – we will continue to champion and explore the potential of Scotland's huge renewable energy resource, and its ability to meet our local and national heat, transport and electricity needs – helping to achieve our ambitious emissions reduction targets."*

The SES advises that onshore wind energy development is essential to Scotland's transformation to a fully decarbonised energy system by 2050 and brings opportunities which underpin the Scottish Government's vision to grow a low carbon economy and build a fairer society.

The SES notes that the Scottish Government wants to *"see a significant increase in shared ownership of renewable energy projects in Scotland – putting energy into the hands of local communities and delivering a lasting economic asset to communities across Scotland"*. The ambition is for at least half of newly consented renewable energy projects by 2020 to have an element of shared ownership. The Scottish Government believes that "*Shared ownership will play a key part in helping to meet our targets of 1 GW of community and locally-owned energy by 2020 and 2 GW by 2030."* The Scottish Government *"expect community involvement in onshore wind developments to continue to play a vital role in reaching these targets."*

4.1.3.8 Onshore Wind Policy Statement 2022

The Scottish Government's 'Onshore Wind Policy Statement 22' (OWPS 22) was published in December 2022, focusing on the following areas:

- main ambitions and aspirations;
- delivering on their ambitions in Scotland;
- environmental considerations: how to achieve a good balance and maximise benefits;
- benefits to local communities and financial mechanisms;
- benefits to Scotland;
- aviation considerations;
- technical considerations; and
- energy systems and regulation.

The OWPS '22 has been published with a purpose of restating the importance of onshore wind as a tool to accelerate Scotland's transition towards a net zero society. The policy cites the Russian invasion of Ukraine, and subsequent global energy crisis as an additional reason for the further development of onshore wind in Scotland. The statement emphasises the importance of onshore wind in Scotland as a cheap and reliable source of zero carbon electricity. Within the statement, the Scottish Government commits to an overall ambition of 20 GW of total installed onshore wind capacity by 2030, increasing the current installed capacity by 11.3 GW. Referring to the projection that Scotland's peak demand for electricity will at least double within the next two decades, the report states that *"This will require a substantial increase in installed capacity across all renewable technologies"*.

The statement highlights the relative inexpensiveness to develop, and increasing profitability of onshore wind, showing that the cost of onshore wind has continued to fall over the contract for difference allocation rounds – showing costs of around 45% lower than in 2015.

The necessity for taller turbines has been reaffirmed in section 3.4.6 of the OWPS "*…What would previously have been considered 'taller' turbines are now more common and must continue to be deployed in appropriate locations…"* whilst in section 3.4.7 of the document it reiterates why these turbines are a necessity *"Taller turbines have a higher installed capacity which results in the need for fewer turbines per site"*.

The statement clarifies the Scottish Government's position on the construction of new wind farms and their effect on the landscape further in section 3.6.2 of the OWPS *"The only areas where wind energy is not supported are National Parks and National Scenic Areas. Outside of these areas, the criteria for assessing proposals have been updated, including stronger weight being afforded to the contribution of the development to the climate emergency, as well as community benefits"* in accordance with NPF4.

The OWPS '22 promotes community benefits, and the Scottish Government continues to encourage community benefits from all renewable energy businesses, as outlined in section 4.2 of the OWPS. Along with community benefits, the statement advocates for an increase in shared ownership of renewables developments. The Scottish Government has set a target of 2GW of

community and locally owned energy by 2030 as a minimum and encourages developers to consider shared ownership opportunities in all projects.

4.1.3.9 Draft Energy Strategy and Just Transition Plan 2023

On 10 January 2023, the Scottish Government published the Draft version of its 'Energy Strategy and Just Transition Plan - delivering a fair and secure zero carbon energy system for Scotland'. This plan outlines the key ambitions for Scotland's energy future, with an even greater focus on renewable energy. It is predicted that these policies would result in a net jobs gain across the energy production sector and will increase renewable energy exports whilst also reducing exposure to future global energy market fluctuations.

The Plan outlines several of the government's targets to reach a net zero Scotland, with the main milestones and dates outlined as:

- to substantially increase Scotland's renewable electricity generation capacity from the current level of 13.4 Gigawatts (GW) with an additional 20GW resulting in an overall capacity of at least 33.4GW by 2030;
- aims to have 8-11GW of installed offshore, and an additional 12GW of installed onshore wind capacity by 2030;
- for renewable and low-carbon hydrogen power to provide 5GW (the equivalent of 15% of Scotland's current energy needs) by 2030, increasing to 25GW by 2045; and
- to phase out the necessity for new petrol and diesel cars by 2032, and to reduce total car kilometres by 2030.

The plan also outlines general commitments made by the Government to assist with the transition to net zero, which include the following:

- to establish a national public energy agency – 'Heat and Energy Efficiency Scotland';
- to increase the contributions of solar, hydropower and marine energy within Scotland's energy mix;
- to accelerate the decarbonisation of domestic industry, transport and heat in buildings;
- to generate surplus electricity – allowing for the export of electricity and renewable hydrogen to support decarbonisation across Europe;
- to create energy security – through the development of Scotland's resources and additional energy storage;
- to allow for a just transition by maintaining or increasing employment in Scotland's energy production sector against a decline in North Sea production; and
- to maximise the use of Scottish manufactured components in the energy transition, ensuring high-value technology and innovation.

4.2 Planning Policy

4.2.1 National Planning Policy

The Scottish Government adopted the National Planning Framework 4 (NPF4) on 13 February 2023. NPF4 has now replaced National Planning Framework 3 (NPF3) and the Scottish Planning Policy 2014 (SPP). NPF3 and SPP no longer represent Scottish Ministers' planning policy and should not form the basis for (or be taken into consideration when) determining planning applications or Section 36 applications. Both have been repealed entirely.

NPF4 is now also part of the statutory Development Plan alongside Local Development Plans (LDPs), in this case Moray Local Development Plan (2020).

The NPF4 and the relevant LDP are to be read together as the Development Plan. Where there is an incompatibility between one document and the other, the legislation prescribes that the later document prevails. For present purposes that is NPF4. The National Planning Policies which are contained within NPF4 take precedence over the policies of the Local Development Plan. Local planning policy constitutes a material consideration in the determination of this application, although the Development Plan does not have elevated status for Section 36 applications.

4.2.2 National Planning Framework 4 (NPF4)

The Revised Draft of the National Planning Framework 4 (NPF4) was approved in January 2023 and was adopted on 13 February 2023. NPF4 sets out an overarching spatial strategy for Scotland until 2045. It is based upon two prior rounds of consultation. These consultations identified the need for a rebalancing of the planning system to ensure that climate change is a guiding principle for all future plans and decisions. As expected, the urgency of the need to tackle climate change and the fundamental role of the planning system in delivering the radical change required to tackle and adapt to climate change is therefore a central focus for much of the NPF4: *"The world is facing unprecedented challenges. The global climate emergency means that we need to reduce greenhouse gas emissions and adapt to the future impacts of climate change."*.

Within the spatial strategy, the NPF4 identifies that there will be significant climate challenges for the North Area (which includes the proposed site), stating that climate change risks *"include changing levels of rainfall, increased storm events, temperature rise, flood risk, rising sea levels and associated erosion. Tailored measures will be required to assist communities in adapting to climate change and transitioning to net zero."*

In terms of national planning policy, the main policies that are most relevant to the proposed development are Policies 1, 3, 5, 6 and 11. The following will look at the relevant aspects of these policies in more detail.

4.2.2.1 Policy 1: Tackling the climate and nature crisis

A key new policy is Policy 1: Tackling the climate and nature crises. This policy requires that *"significant weight will be given to the global climate and nature crises*" when considering all development proposals. The addition of this policy is reflective of the increased prominence and weight which the Scottish Government now expect to be given to the climate emergency in all planning decisions. It goes on to state that Local Development Plans must: *"address the global climate emergency and nature crisis by ensuring the spatial strategy will reduce emissions and adapt to current and future risks of climate change by promoting nature recovery and restoration in the area."*.

4.2.2.2 Policy 3: Biodiversity

Policy 3: Biodiversity is another policy which will impact the decision-making process for the proposed development. This policy intends to: *"protect biodiversity, reverse biodiversity loss, deliver positive effects from development and strengthen nature networks"* and states that Local Development Plans should *"protect, conserve, restore and enhance biodiversity in line with the mitigation hierarchy. They should also promote nature recovery and nature restoration across the development plan area, including by: …restoring degraded habitats or creating new habitats…"*.

For applications that require an EIA such as the proposed development, the policy states that applications "*will only be supported where it can be demonstrated that the proposal will conserve, restore and enhance biodiversity, including nature networks so they are in a demonstrably better state than without intervention."*

4.2.2.3 Policy 5: Soils

Policy 5: Soils intends to *"protect carbon-rich soils, restore peatlands and minimise disturbance to soils from development.*" and is relevant to this proposed development due to the presence of peatland across some areas of the Site, and the amount of peatland present within the region as a whole. Policy 5 (a) goes on to say that:

"Development proposals will only be supported if they are designed and constructed:

i. In accordance with the mitigation hierarchy by first avoiding and then minimising the amount of disturbance to soils on undeveloped land".

Policy 5 (d) goes into further detail regarding what is required of developments that are proposed on peatland, carbon rich soils, or priority peatland habitat. It states that in these instances:

"a detailed site-specific assessment will be required to identify:

i. the baseline depth, habitat condition, quality, and stability of carbon rich soils;

ii. the likely effects of the development on peatland, including on soil disturbance; and

iii. the likely net effects of the development on climate emissions and loss of carbon.

This assessment should inform careful project design and ensure, in accordance with relevant guidance and the mitigation hierarchy, that adverse impacts are first avoided and then minimised through best practice. A peat management plan will be required to demonstrate that this approach has been followed, alongside other appropriate plans required for restoring and/ or enhancing the site into a functioning peatland system capable of achieving carbon sequestration.".

4.2.2.4 Policy 6: Forestry, Woodland and Trees

Policy 6: Forestry, Woodland and Trees seeks to protect and expand forests, woodland and trees and states:

"Development proposals that enhance, expand and improve woodland and tree cover will be supported;

Development proposals will not be supported where they will result in:

- *Any loss of ancient woodlands, ancient and veteran trees, or adverse impact on their ecological condition;*
- *Adverse impacts on native woodlands, hedgerow and individual trees of high biodiversity value, or identified for protection in the Forestry and Woodland Strategy;*
- *Fragmenting or severing woodland habitats, unless appropriate mitigation measures are identified and implemented in line with the mitigation hierarchy;*
- *Conflict with Restocking Direction, Remedial Notice or Registered Notice to Comply issued by Scottish Forestry.*
- *Development proposals involving woodland removal will only be supported where they will achieve significant and clearly defined additional public benefits in accordance with relevant Scottish Government policy on woodland removal. Where woodland is removed, compensatory planting will most likely be expected to be delivered.*
- *Development proposals on site which include an area of existing woodland or land identified in the Forestry and Woodland Strategy as being suitable for woodland creation will only be supported where the enhancement and improvement of woodlands and the planting of new trees on the site (in accordance with the Forestry and Woodland Strategy) are integrated into the design".*

4.2.2.5 Policy 11: Energy

Regarding onshore wind, Policy 11: Energy, intends to *"encourage, promote and facilitate all forms of renewable energy development onshore and offshore."* Policy outcomes are identified as: *"expansion of renewable, low carbon and zero emission technologies"*. The policy declares that development proposals for wind farms outwith National Parks and National Scenic Areas should be supported, whilst also considering the impacts that have been identified. It is recognised that *"significant landscape and visual impacts,…. are to be expected for some forms of renewable energy. Where impacts are localised and/or appropriate design mitigation has been applied, they will generally be considered to be acceptable".*

In terms of the impacts, the policy goes on to state that: *"In considering these impacts, significant weight will be placed on the contribution of the proposal to renewable energy generation targets and on greenhouse gas emissions reduction targets".*

Policy 11: Energy is as follows:

"a) Development proposals for all forms of renewable, low-carbon and zero emissions technologies will be supported. These include:

i. wind farms including repowering, extending, expanding and extending the life of existing wind farms;

ii. enabling works, such as grid transmission and distribution infrastructure;

iii. energy storage, such as battery storage and pumped storage hydro;

iv. small scale renewable energy generation technology;

v. solar arrays;

vi. proposals associated with negative emissions technologies and carbon capture; and

vii. proposals including co-location of these technologies.

b) Development proposals for wind farms in National Parks and National Scenic Areas will not be supported.

c) Development proposals will only be supported where they maximise net economic impact, including local and community socio-economic benefits such as employment, associated business and supply chain opportunities.

d) Development proposals that impact on international or national designations will be assessed in relation to Policy 4.

e) In addition, project design and mitigation will demonstrate how the following impacts are addressed:

i. impacts on communities and individual dwellings, including, residential amenity, visual impact, noise and shadow flicker;

ii. significant landscape and visual impacts, recognising that such impacts are to be expected for some forms of renewable energy. Where impacts are localised and/or appropriate design mitigation has been applied, they will generally be considered to be acceptable;

iii. public access, including impact on long distance walking and cycling routes and scenic routes;

iv. impacts on aviation and defence interests including seismological recording;

v. impacts on telecommunications and broadcasting installations, particularly ensuring that transmission links are not compromised;

vi. impacts on road traffic and on adjacent trunk roads, including during construction;

vii. impacts on historic environment;

viii. effects on hydrology, the water environment and flood risk;

ix. biodiversity including impacts on birds;

x. impacts on trees, woods and forests;

xi. proposals for the decommissioning of developments, including ancillary infrastructure, and site restoration;

xii. the quality of site restoration plans including the measures in place to safeguard or guarantee availability of finances to effectively implement those plans; and

xiii. cumulative impacts.

In considering these impacts, significant weight will be placed on the contribution of the proposal to renewable energy generation targets and on greenhouse gas emissions reduction targets.

Grid capacity should not constrain renewable energy development. It is for developers to agree connections to the grid with the relevant network operator. In the case of proposals for grid infrastructure, consideration should be given to underground connections where possible.

f) Consents for development proposals may be time-limited. Areas identified for wind farms are, however, expected to be suitable for use in perpetuity."

It is noted that there are other policies, such as Policy 4, Policy 25 and Policy 29 that may be relevant to the proposed development, however these are not discussed in detail in this chapter.

4.2.3 Local Development Plan Policy

The Local Development Plan applicable to the proposed development comprises the Moray Local Development Plan (MLDP) (2020) and associated statutory Supplementary Guidance. The MLDP was formally adopted on the 27 July 2020 and sets out how Moray Council (MC) sees the MLDP area developing over the next 10 years and beyond.

The key policy within the Moray Local Development Plan 2020 relevant to the proposed development is Policy DP9 and is outlined below.

Policy DP9 states:

"All renewable energy proposals will be considered favourably where they meet the following criteria:

i) They are compliant with policies to safeguard and enhance the built and natural environment;

ii) They do not result in the permanent loss or permanent damage of prime agricultural land;

iii) They avoid or address any unacceptable significant adverse impacts including:

- *Landscape and visual impacts.*
- *Noise impacts.*
- *Air quality impacts.*
- *Electromagnetic disturbance.*
- *Impact on water environment.*
- *Impact on carbon rich soils and peat land hydrology.*
- *Impact on woodland and forestry interests.*
- *Traffic impact -mitigation during both construction and operation.*
- *Ecological Impact.*
- *Impact on tourism and recreational interests.*

In addition to the above criteria, detailed assessment of impact will include consideration of the extent to which the proposal contributes to renewable energy generation targets, its effect on greenhouse gas emissions and net economic impact, including socio-economic benefits such as employment.

b) Onshore wind turbines

In addition to the assessment of the impacts outlined in part a) above, the following considerations will apply:

i) The Spatial Framework

Areas of Significant Protection (Map 2): where the Council will apply significant protection and proposals may be appropriate in circumstances where any significant effects on the qualities of these areas can be substantially overcome by siting, design and other mitigation.

Areas with Potential (Map 1): where proposals are likely to be acceptable subject to Detailed Consideration.

ii) Detailed Consideration

The proposal will be determined through Site specific consideration of the following on which further guidance will be set out in supplementary guidance and as informed by the landscape capacity study:

Landscape and visual impact:

- *the landscape is capable of accommodating the development without unacceptable significant adverse impact on landscape character or visual amenity.*
- *the proposal is appropriate to the scale and character of its setting, respects the main features of the Site and the wider environment and addresses the potential for mitigation.*

Cumulative impact

- *unacceptable significant adverse impact from two or more wind energy developments and the potential for mitigation is addressed.*

Impact on local communities

- *the proposal addresses unacceptable significant adverse impact on communities and local amenity including the impacts of noise, shadow flicker, visual dominance and the potential for associated mitigation.*

Other

- *the proposal addresses unacceptable significant adverse impacts arising from the location within an area subject to potential aviation and defence constraints including flight paths and aircraft radar.*
- *the proposal avoids or adequately resolves other impacts including on the natural and historic environment, cultural heritage, biodiversity, forest and woodlands and tourism and recreational interests - core paths, visitor centres, tourist trails and key scenic routes.*
- *the proposal addresses any physical Site constraints…"*

Other key policies that will be referred to in the EIA Report as appropriate are in **Table 4.1**.

Table 4.1 Moray Local Development Plan Policies

Volume 1 - Vision, Spatial Strategy and Policies
Primary Policies
PP2: Sustainable Economic Growth
Development Policies
DP9: Renewable Energy
Environment Policies
EP1: Natural Heritage Designations
EP2: Biodiversity
EP3: Special Landscape Areas and Landscape Character
EP7: Forestry, Woodlands and Trees
EP8: Historic Environment
EP9: Conservation Areas
EP10: Listed Buildings
EP12: Management and Enhancement of the Water Environment

Volume 1 - Vision, Spatial Strategy and Policies
EP13: Foul Drainage
EP14: Pollution, Contamination & Hazards
EP16: Geodiversity and Soil Resources
Volume 5 - Supplementary Guidance
Moray Onshore Wind Energy Policy Guidance, including Moray Wind Energy Landscape Sensitivity Study
Flood Risk and Drainage Impact Assessment for New Developments
Moray Forestry and Woodland Strategy
Developer Obligations

4.2.3.1 Moray Onshore Wind Energy (MOWE) NON Statutory Guidance 2020 and Moray Wind Energy Landscape Capacity Study 2017

The MOWE was originally approved as statutory supplementary guidance in support of the Moray Local Development Plan 2015. The MOWE was subsequently updated by MC in 2020 as non-statutory guidance.

The MOWE supported Policy DP9 of the MLDP 2020 and provided more detailed policy guidance on the benefits and constraints that MC will take into account when considering wind farm proposals. This includes detailed guidance on landscape sensitivity/capacity and landscape strategy, which is discussed in greater detail below in the context of the Moray Wind Energy Landscape Capacity Study (MWELCS) 2017 from which it originates.

Moray Council originally commissioned a landscape capacity study for wind energy development in 2012. This study comprised an assessment of landscape and visual sensitivity of Landscape Character Types (LCTs) to different sizes of wind turbine. The 2012 Moray Wind Energy Landscape Capacity Study was replaced by an updated and revised assessment in 2017. This principally took account of the changing cumulative context, as more wind farm developments were constructed and consented in Moray and the surrounding area and considered sensitivity to larger wind turbines due to the changes in technology that had occurred since 2012. The 2017 study informed a review of the Council's Onshore Wind Energy Policy Guidance, providing supporting information to the spatial framework set out in the current Local Development Plan.

Both the MOWE and MWELCS have now been superseded by the Moray Wind Energy Landscape Sensitivity Study, adopted in 2023.

4.2.3.2 Moray Wind Energy Landscape Sensitivity Study (MWELSS) 2023

The MWELSS provides guidance on the capacity of the local landscape in Moray to accommodate wind turbines. The MWELSS was prepared on behalf of MC and NatureScot by Carol Anderson in 2023 and was originally adopted as statutory supplementary guidance by MC in May 2023.

As made clear in the supporting text to Policy DP9 of the MLDP, the MWELCS (now MWELSS) is intended to be used as a supportive study that provides strategic level guidance. It is therefore not intended to be used to replace proposal-specific detailed assessment contained in an individual Landscape and Visual Impact Assessment. Section 1.7 of the MWELSS states "*The assessment identifies constraints and opportunities at a strategic scale and Landscape and Visual Impact Assessment (LVIA) will provide more detailed assessment of specific wind energy developments*".

The MWELSS supersedes the Moray Onshore Wind Energy (MOWE) Non-Statutory Guidance 2020 and the Moray Wind Energy Landscape Capacity Study (LCS) 2017 and is a material consideration in the determination of planning applications and to inform responses to Section 36 consultations.

4.3 References

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