Planning and Renewable Energy Statement

Cruach Clenamacrie Wind Farm

Voltalia UK Ltd

November 2024

ReAmp Consultancy Limited

Document History

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Contents

Abbreviations

Abbreviation	Description
1989 Act	Electricity Act 1989
1997 Act	Town and Country Planning (Scotland) Act 1997
2008 Act	The Climate Change Act 2008
2023 Act	The Energy Act 2023
ABC	Argyll and Bute Council
ABLDP	Argyll and Bute Local Development Pan 2
ANO	Air Navigation Order
AOD	Above Ordnance Datum
BESS	Battery Energy Storage System
The Bill	The Climate Change (Emissions Reduction Targets) (Scotland) Bill
CCC	UK Climate Change Committee
DES&JTP	The Draft Energy Strategy and Just Transition Plan
ECoW	Ecological Clerk of Works
ECU	Energy Consents Unit
EIA	Environmental Impact Assessment
EIA Regulations	Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017
EIA Report	Environmental Impact Assessment Report
FTE	Full Time Equivalent
GDL	Gardens and Designed Landscapes
GHG	Greenhouse Gas
HESPS	Historic Environment Scotland Policy Statement
LLA	Local Landscape Area
LMP	Land Management Plan
MW	Mega Watt
NDC	Nationally Determined Contribution
NPF4	National Planning Framework 4
NSA	National Scenic Area
oHMP	outline Habitat Management Plan
OWPS	Onshore Wind Policy Statement
PAC	Pre Application Consultation
PRES	Planning and Renewable Energy Statement
SAC	Special Area of Conservation
SEPA	Scottish Environment Protection Agency
Sector Deal	The Onshore Wind Sector Deal
SES 2017	Scottish Energy Strategy
SESPS	Scotland's Energy Strategy Position Statement
SPA	Special Protection Area
SSEN	Scottish and Southern Energy Networks
SSSI	Site of Special Scientific Interest

Executive Summary

The UK and Scottish Governments have declared a climate emergency and set ambitious climate change targets with a Net-Zero CO_2 target for 2045 in Scotland. Key to reaching this target is the generation of green clean electricity.

Voltalia UK Ltd. (the Applicant) is seeking consent from the Scottish Ministers under the terms of Section 36 of the Electricity Act 1989 (the 1989 Act) and deemed planning permission under the terms of the Town and Country Planning (Scotland) Act 1997 (the 1997 Act) to construct and operate the Cruach Clenamacrie Wind Farm (the Proposed Development).

The Proposed Development is located in Argyll approximately 7km east of Oban. It covers an area of approximately 363 hectares. The average Above Ordnance Datum of the Site is 300m.

The Proposed Development will comprise six wind turbines, with a maximum tip height of 200m. Based on the current turbine unit capacity of 7.2MW, the combined generating capacity of the turbines will be up to 45MW. The Proposed Development includes a Battery Energy Storage System with an output capacity of up to 20MW, giving a total generation output capacity in the region of 65MW. The colocation of BESS and wind turbines seeks to optimise the potential of the Site to contribute to renewable energy targets.

Any proposal to construct or operate a power generation scheme with a capacity in excess of 50MW in Scotland requires Scottish Ministers' consent under Section 36 of the 1989 Act. The Applicant is therefore submitting an application for the Proposed Development under the requirements of Section 36 of the 1989 Act.

Schedule 9 of the 1989 Act places on the Scottish Ministers, as decision maker, a duty *to "have regard to the desirability of preserving the natural beauty of the countryside, of conserving flora, fauna and geological and physiological features of special interest and of protecting sites, buildings and objects of architectural, historic or archaeological interest".* Schedule 9 also places a duty on the Scottish Ministers to do what they *"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".* Finally, Schedule 9 imposes duties on the Scottish Ministers, in their decision making, in so far as is possible, to avoid injuries on fisheries and fish.

The Applicant has undertaken an Environmental Impact Assessment (EIA) under the Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017 (the EIA Regulations) and produced its findings in an Environmental Impact Assessment Report (EIA Report). The EIA Report informs readers of the nature of the Proposed Development, likely significant environmental effects and measures proposed to protect the environment during site preparation, construction, its operation and decommissioning. The Scottish Ministers must not grant Section 36 consent or deemed planning permission for the Proposed Development unless they have taken account of the conclusions of the EIA Report.

Allied to a significant wind resource availability in the Argyll area, onshore wind continues to be the cheapest form of renewable energy and the Site has been predominantly selected for its potential to generate energy from wind turbines. Additional to this, the challenge is to meet the Scottish Government targets.

The energy generation estimated for the Proposed Development is the result of the overall positive impact of maximising the scale of the turbines whilst continuing to respect the environmental constraints of the Site. In maximising the turbine rotor diameters (swept area) the resultant efficiency, economics and commerciality of the scheme would enable the Applicant to reduce the cost of energy from the Proposed Development, giving a positive benefit to consumers in terms of electricity cost. The Proposed Development would also contribute to the ability of the UK to generate its own energy thus reducing the need to import energy and making the country more self-sufficient.

The Proposed Development will help to support climate action plans, emission reduction targets and contribute towards future electricity demands in Scotland and the UK by creating enough electricity to meet the average annual domestic needs of approximately 48,733 average UK households (wind based on annual domestic household consumption, of 3,078kWH per year).

Additionally, in line with national planning policy contained within National Planning Framework 4 (NFP4) (Policy 11c), the Applicant has sought to maximise the net economic impact of the Proposed Development as set out in the Socio-Economic Statement.

In accordance with NPF4 the Application includes works which would result in the Proposed Development enhancing biodiversity. The Proposed Development, will aim to improve the overall biodiversity value and condition of the Site by providing meaningful enhancement measures to improve habitat connectivity across the Site and in defined locations in its vicinity, manage these areas for a variety of wildlife and increase climate resilience.

1. INTRODUCTION

1.1 Scotland's current climate change targets are amongst the most ambitious in Europe. The Scottish Government declared a climate emergency in May 2019 and passed the Climate Change (Emissions Reductions Targets) (Scotland) Act 2019, which amends the Climate Change (Scotland) Act 2009. This sets a target for a 100% reduction in greenhouse gas (GHG) emissions by 2045.

1.2 In late 2022 The Scottish Government published the Onshore Wind Policy Statement (OWPS) which sets a minimum target for an operational capacity of 20 GW from onshore wind by 2030. Chapter 1 of the OWPS contains specific acknowledgement of the need for the further speedy deployment of onshore wind. It states *"We must now go further and faster than before. We expect the next decade to see a substantial increase in demand for electricity to support net zero delivery across all sectors, including heat, transport, and industrial processes".*

1.3 The Proposed Development is located within the Argyll and Bute Council (ABC) administrative area. ABC declared a climate emergency in September 2021. The notice of the motion to the Council meeting advised that ABC renewed its commitment, made in September 2019 to play its part in the global effort to address climate change. The Notice of Motion advises that *"Argyll and Bute aim to become the UK's first net zero region and its action plan target is net zero by 2045 – with ambitious interim targets of reaching 75% reduction by 2030."*

1.4 Key to achieving the net zero goals is the decarbonisation of many sectors of the economy and in order to do this the generation of renewable electricity needs to be increased. An essential component of decarbonising power generation will be the development of onshore wind farms.

1.5 The Proposed Development comprises six wind turbines (of approximately 45MW), additional Battery Energy Storage System (BESS) provision (up to 20MW) and associated infrastructure.

1.6 The Site is located approximately 7km east of Oban. The Site is approximately 262 ha and is bordered by Fearnoch Forest to the east, south and west. The Lusragan Burn and Black Loch's tributaries run through the Site. The landscape within the Site is characterised as craggy upland with oak-birch woodland, rounded knolls, rocky outcrops and numerous lochs in low-lying hollows and glens. The terrain is hilly with an average elevation of 300m above ordnance datum (AOD).

1.7 The Applicant fully supports the fight against climate change and the need for more energy security and proposes to develop Cruach Clenamacrie Wind Farm (the Proposed Development) in ABC. This would be a renewable energy solution which responds to the need to meet national and international climate change targets. The Proposed Development would provide infrastructure that both generates and stores electricity. As a consequence of the holistic energy generation and storage elements of the Proposed Development, the infrastructure, once operational, will be able to regulate output and provide clean power to people's homes when they need it most. As well as contributing to targets for renewable energy, the Proposed Development

would provide opportunities for community investment and create further employment opportunities in the local area.

1.8 The generating capacity of the Proposed Development would exceed 50MW, and it is considered likely that it will have significant impacts on the environment. Therefore the Proposed Development constitutes a Schedule 2 development as provided for by the Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017 (the EIA Regulations).

1.9 Where legislation which is referenced, in this Planning and Renewable Energy Statement (PRES), has been amended reference is made to the legislation as amended and in force as at the date of this PRES.

1.10 Green Cat Renewables Limited has been appointed to undertake an Environmental Impact Assessment (EIA) to determine and evaluate the potential effects of the Proposed Development. The results of the EIA are presented in the EIA Report which is submitted as part of the Application.

The Application

1.11 The Application for the Proposed Development is submitted to the Scottish Ministers under Section 36 of the Electricity Act 1989 (1989 Act). The Applicant, by way of the Section 36 process, requests that the Scottish Ministers issue a Section 36 Consent in respect of the Proposed Development, together with a Direction under Section 57(2) of the Town and Country Planning (Scotland) Act 1997, (the 1997 Act) that planning permission is deemed to be granted for the Proposed Development.

Purpose of this Planning and Renewable Energy Statement

1.12 This PRES sets out the background and policy and planning considerations relevant to the Proposed Development. It is structured as follows:

- Chapter 1 includes the introduction to the PRES, provides the framework for decision-making and provides background information on the Applicant.
- Chapter 2 provides a brief description of the Proposed Development and a context to the Site.
- Chapter 3 outlines the statutory framework for the consideration of the Application for the Proposed Development.
- Chapter 4 sets out the renewable energy framework and includes information in relation to the climate emergency declared by both the Scottish Government and ABC and details the key renewable energy policies.
- Chapter 5 outlines the renewable energy targets set in law and the progress towards the targets in Scotland.
- Chapter 6 details the relevant planning policy, including national policy, and the Development Plan.
- Chapter 7 provides an assessment against the relevant policy set out in Chapter 6.
- Chapter 8 provides the conclusions of the PRES.

The Applicant

1.13 Founded in 2005, Voltalia is an experienced global renewable energy developer and Independent Power Producer developing, constructing, and operating solar, wind, hydro, biomass, and storage projects. Voltalia has assets with 2.37GW of installed capacity, with a 16.6GW pipeline of projects globally and has a long-term commitment and experience to development in the UK.

1.14 Voltalia UK Ltd is focused on providing renewable energy schemes to help decarbonise the UK's electricity generation and combat the climate crisis by supplying an affordable and renewable source of clean electricity.

1.15 The Proposed Development is the first in a series of renewable energy projects which Voltalia are proposing to construct and operate in Scotland. If consented, international experience and expertise will allow Voltalia to develop their ~600MW of onshore renewables in Scotland to help achieve the current net zero targets and fight the climate crisis.

Pre-Application Consultation

1.16 The carrying out of pre-application consultation with the public is considered good practice and applicants are encouraged to have meaningful engagement at the earliest possible stage with any communities or groups who would be affected by the Proposed Development.

1.17 The Energy Consents Unit Good Practice Guidance for Applications under Section 36 and 37 of the Electricity Act 1989 sets out minimum expectations for public consultation. These minimum expectations have been met and include:

- Two rounds of in person public consultation events in October 2023 and February 2024. The public events, which included seven separate sessions, gave members of the public the opportunity to make comments to the applicant in relation to the Proposed Development.
- Engagement with the host Community Council (Taynuilt Community Council) and others in the vicinity of the Proposed Development including Connel, Kilmore and Kilbride, Ardchattan, Glenorchy and Innishall, Dunbeg and Oban Community Councils.
- The Application is accompanied by a Pre-Application Consultation Report which sets out the consultation undertaken, any commentary received on the Proposed Development and how this has been responded to by the Proposed Development.

1.18 The Applicant sought to undertake pre application consultation with ABC. A request was made but no response was forth coming from ABC.

2. THE PROPOSED DEVELOPMENT

2.1 In respect to a significant wind resource availability in Argyll, onshore wind continues to be the cheapest form of renewable energy and the Site has been predominantly selected for its potential to generate energy from wind turbines in an environmentally acceptable manner. Additional to environmental constraints, the challenge is to meet the Scottish Government targets.

Site Selection

2.2 Chapter 4 of the EIA Report sets out the approach to site selection across Scotland and in respect of the Site in particular. The EIA Report advises that the Site has been selected for a number of reasons including the following:

- The Site is not within an area of high natural or cultural heritage sensitivity or international or national nature conservation designations;
- The Site has a suitable wind resource;
- It has good access through Fearnoch Forest via the A85;
- The Site is within proximity of Taynuilt substation offering a viable grid connection location;
- The Site is a suitable proximity, over 1km, from any residential properties;
- The landowner is locally based and wishes to diversify the estate through the potential to host a wind energy development; and
- There is a feasible local grid connection date.

The Site and Surrounding Area

2.3 The location of the Site is shown in **Figure 1**. The Site is located approximately 7km east of Oban within the ABC area. The Site is bordered by Fearnoch Forest to the east, south, and west. The Lusragan Burn and Black Loch's tributaries run through the Site. The Site is part of an estate of agricultural and sporting enterprise.

2.4 The A85 lies approximately 3km north of the Site and is a key transportation route within the immediate area, connecting the local area with the central belt. The A85 joins the A82, A816 and A8.

2.5 The landscape within the Site is characterised as craggy upland with oak-birch woodland, rounded knolls, rocky outcrops, and numerous lochs in low-lying hollows and glens. The terrain is hilly with a maximum elevation of 273m Above Ordnance Datum (AOD). Deadh Choimhead Hill is situated south of the Site.

2.6 The nearest settlement is Fearnoch which located approximately 2km north-east of the Site. Glenamachrie is the nearest residential property, located approximately 0.8km south-west of the Site.

Environmental Designations

2.7 There are no national or internal environmental designations within the Site.

2.8 The Lynn of Lorn National Scenic Area (NSA) is located 8.8km to the north-west. The Ben Nevis and Glen Coe NSA is located 15km to the north-east of the Site.

2.9 The nearest locally designated landscapes are the North Argyll Local Landscape Area (LLA) located 6.4km to the north-west, North West Argyll (Coast) LLA 6.5km south-west and Knapdale / Melfort LLA 8.4km to the west.

2.10 The Achnacloich Inventory Gardens and Designed Landscape (GDL) is 3.1km, north of the Site and the Ardchattan Priory GDL is 5km to the north of the Site.

2.11 The Clais Dhearg Site of Special Scientific Interest (SSSI) and Loch Etive Woods Special Area of Conservation (SAC) are located directly to the north of the Proposed Development. Airds Park and Coille Nathais SSSI is located 170m east of the main access track from the A85. Two marine based SACs are within the ecology search area which are Inner Hebrides and the Minches SAC and Loch Creran SAC.

2.12 The Site does not overlap with any international or national sites designated for ornithological purposes. The Glen Etive and Glen Fyne Special Protection Area (SPA) is located 8.5 km east of the proposed wind turbines. This area is designated for its important population of breeding golden eagle.

2.13 There are no Scheduled Monuments within the Site. Glenamachrie Cairn and An Dun, dun and Glenamachrie Standing Stone are the closest Scheduled Monuments located approximately 0.8km south-west of the Site.

2.14 The Carbon and Peatland Map (Scottish Natural Heritage) 2016 indicates that most of the Site is underlain with Class 2 peat with pockets of Class 5 peat dispersed across the Site. The largest area of Class 5 peat is found towards the south-west of the Site.

2.15 There are a number of areas of Ancient Woodland Inventory in the forestry through which the access track is located and in the wider area surrounding the Site.

Cumulative

2.16 Figure 6.8 of the EIA Report shows the existing, consented and proposed wind farm developments at the time of submission. These developments include the following:

- An Carr Dubh;
- An Suidhe;
- Barachander;
- Barran Caltum;
- Beinn Ghlas- and its repowering;
- Blarghour;
- Corr Chnoc;
- Carraig Gheal;
- Eredine; and
- Ladyfield.

2.17 The potential for cumulative effects with these developments, and others where it is appropriate to do so, has been assessed throughout the EIA Report, as described in each of the technical chapters.

The Proposed Development

Design Evolution

2.18 The way in which the design of the Proposed Development has evolved is set out in the EIA Report at Chapter 4. The design has evolved as information has become available for surveys and studies. It has included revisions as a result of the following:

- Wind resource and quality of wind flow to optimise generation outputs;
- Suitable separation distance from dwellings so that unacceptable impacts related to potential noise, shadow flicker and residential visual amenity can be avoided;
- Topography of the Site is compatible with the construction and operation of a commercial scale wind farm;
- Avoidance of watercourses and water bodies;
- Avoidance of areas of deep peat, following detailed survey work;
- Avoidance of ecologically sensitive habitats, including 'Very High Value' habitats;
- Avoidance of areas used by ornithologically sensitive species, including Hen Harrier and Black Grouse;
- Landscape and visual impacts; and
- Stakeholder feedback.

2.19 Chapter 4 of the EIA Report sets out the options that were considered and the evolution of the Proposed Development from eight turbines to that for which consent is sought.

2.20 The access route for the Proposed Development, from the public road was a matter which was carefully considered and is reported in the EIA Report. This includes the approach to minimising the impact on native woodland at Dailnamac and junction alignment with the A85.

Description of the Proposed Development

2.21 The Proposed Development infrastructure is described in detail in the EIA Report at Chapter 5. The layout is shown on **Figure 2** of this PRES. It is summarised here for ease of reference.

2.22 The Proposed Development infrastructure includes the following:

- Felling of 18.1 hectares of commercial forestry;
- New Access tracks, passing places, and turning heads;
- Site entrance from the A85;
- Access route through Fearnoch Forest;
- Turbine foundations;
- Hardstanding areas for cranes at each turbine location;
- Blade laydown areas;
- Temporary construction compound, including parking, and welfare facilities;
- Watercourse crossings;
- Drainage works;

- Power cables, linking the wind turbines, laid in trenches underground, including cable markers;
- An on-site electrical substation, parking, and a small storage compound;
- Borrow Pits; and
- Aviation obstacle lighting fitted to turbines.

2.23 Consent is being sought for the installation and operation of six three-bladed, horizontal axis turbines with blade tip heights of 200m. It is expected that the maximum tip height proposed for each turbine will be fixed by a condition on the Section 36 consent such that the maximum tip height will not exceed 200 m for all turbines.

2.24 Five turbines will be fitted with Air Navigation Order (ANO) visible red lighting (turbines 1,2,3,5 and 6) and Turbine 4 will be fitted with infra-red hub mounted obstruction lighting. No turbines will be fitted with mid tower lighting.

2.25 It is assumed that the Proposed Development would take in the region of 18 months to construct from mobilisation and site establishment to site restoration and demobilisation. An indicative construction programme is contained in Chapter 5 of the EIA Report.

Micrositing

2.26 Although the layout of the Proposed Development has been the subject of detailed consideration in the design process to date, there remains the potential for the precise locations to be altered at the construction stage. A micro-siting allowance of up to 50m in all directions is being sought in respect of all turbines. Movement of infrastructure will, however, be dependent on other onsite constraints and subject to advice from an Ecological Clerk of Works (ECoW). This allowance will ensure that the environmental effects of the final position of the turbines and associated infrastructure will not exceed those assessed in the EIA Report.

2.27 It is expected that micrositing will be the subject of a planning condition to any consent forthcoming.

Access

2.28 The EIA Report advises that until the turbine supplier is finalised, and their preferred delivery port is confirmed, the Applicant assumes that Corpach Harbour will be used for turbine delivery to the Scottish mainland. The proposed route to the Site for abnormal loads can be seen in Figure 5.3 of the EIA Report. Delivery vehicles will navigate the A830 eastbound from Corpach to the A82 until Tyndrum, where they will join the A85 travelling west towards the Site.

2.29 The Proposed Development would be accessed from the A85. An upgraded access junction is proposed from the A85 at Dailnamac through Fearnoch Forest and into the Site.

Grid Connection

2.30 The electrical power produced by the individual wind turbines would be transmitted to the proposed Substation via underground cables. A connection to the national grid's electricity transmission/distribution system will be required. This does not form part of the Proposed Development and is not the subject of the Application.

2.31 The proposed Substation Compound includes space for both the proposed Substation that is part of the Proposed Development and the substation that would be required by Scottish and Southern Energy Networks (SSEN), which they will design, build, and operate. Energy generated by the Proposed Development would be exported to the grid by a direct connection from the SSEN substation to the grid connection location. Underground power cables would run alongside the access tracks in trenches from each of the wind turbines to the proposed on site Substation.

2.32 The grid connection point will be at the Taynuilt substation. The nature and location of the connection will be determined by SSEN in a separate application process. The grid connection does not form part of the Application.

Life Time of the Proposed Development

2.33 Consent is being sought for the Proposed Development with a life time of 50 years. After 50 years it is the intention that the infrastructure on the Site would be decommissioned.

2.34 It is expected that at the time of decommissioning a plan will be prepared and submitted to ABC for their approval. It is expected that this Decommissioning Plan will be the requirement of a planning condition attached to the consent for the Proposed Development.

2.35 The Decommissioning Plan will be expected to adhere to the environmental regulations and technological standards in place at the time. The Decommissioning Plan will detail matters including safety and environmental protocols.

Mitigation

2.36 The Proposed Development includes mitigation. This is set out in the EIA Report in so far as it is relevant to the technical specialism of each specialist topic chapter. Chapter 18 of the EIA Report summarises all of the mitigation which forms part of the Proposed Development.

2.37 Where required, mitigation would be secured by planning conditions. Mitigation measures are separate to the embedded design measures which are also detailed in the technical chapters. This is discussed further in Chapter 3: EIA Methodology of the EIA Report.

2.38 Key elements of mitigation include the following:

- A Construction Environnemental Management Plan (CEMP);
- A Pollution Prevention Plan;
- Compensatory Woodland Planting;
- Waste Management Plan;

- Noise Management Plan;
- Emergency Environmental Response Procedure;
- Dust Management Plan;
- Peat Management Plan;
- Construction Traffic Management Plan (CTMP);
- A Species Protection Plan (SPP);
- Employment of an ECoW;
- Outdoor Access Management Plan; and
- Deer Management Plan.

Enhancement

2.39 As part of the Proposed Development, and in accordance with National Planning Framework 4 (NPF4) Policy 3 which requires that major and EIA developments conserve, enhance and restore biodiversity, the Applicant has committed to the provision of an outline Habitat Management Plan (oHMP) to reduce adverse environmental effects, provide significant enhancements for important ecological features, and biodiversity enhancement. These measures are set out in the EIA Report Technical Appendix 10.5.

2.40 The oHMP provides a holistic framework for the good practice, avoidance, mitigation, compensation, restoration and enhancement measures adopted for the Proposed Development with respect to biodiversity, landscape and hydrology. The oHMP aims to provide appropriate enhancement measures taking account of the Site's environmental characteristics and potential for enhancement.

2.41 The oHMP aims to improve the overall biodiversity value and condition of the Site, and in specified areas in its vicinity, by providing meaningful enhancement measures to improve habitat connectivity, manage these areas for a variety of wildlife and increase climate resilience. The oHMP has been informed by baseline surveys (i.e. ecological, ornithological, hydrological surveys) undertaken to inform the EIA process.

2.42 The oHMP takes cognisance of the requirement to protect heritage assets present within the vicinity of the areas identified in the oHMP, with regard to ensuring that these features are not adversely affected by habitat enhancement measures which would involve ground disturbance.

2.43 It is expected that a condition will be used to secure the preparation of a final HMP prior to the commencement of the Proposed Development in discussion with NatureScot, ABC and Scottish Environment Protection Agency (SEPA). The oHMP will enable the conservation, restoration and enhancement of biodiversity within the Site and surrounding locations in a manner which would not be possible without direct intervention.

2.44 The proposed measures, contained in the oHMP, falls into 2 categories, habitat management and grazing management. These are summarised as follows:

Habitat Management

- Drainage improvements: Existing local drainage features could be 'stopped' using single dam structures such as peat dam or an appropriate plastic piling. In the offsite areas, this would be focussed on the edge of the bog to reduce run-off. No mechanical excavations would be required to achieve this. The aims, therefore, will be to raise the water table and reduce erosion, allow rewetting of peatland and bog areas on the Site, and to reduce drying out of Northern Emerald habitat offsite.
- Removal of invasive non-native species: manual removal of self-seeded regenerating young Sitka spruce on the Site. No mechanical excavations would be required to achieve this, although stump removal would be desirable where feasible. The aim of this measure is to reduce the drying out of peatland on Site.
- Removal of invasive non-native species: Removal of Rhododendron would be undertaken. Works would be undertaken in line with the Forestry Commission Practice Guide. Hand pulling of smaller plants would be recommended, with cutting and periodic stump treatment undertaken on larger plants. No mechanical excavations would be required to achieve this.
- Control of undesirable plant species - bog myrtle and bracken: manual cutting/ removal to reduce cover. Machinery likely to be employed would be a Softrak 75 Low Ground Pressure vehicle, fitted with a hammer flail harvester and collector bin. No mechanical excavations would be required to achieve this. Mechanical scraping of rhizomes close to the surface may be required to reduce the cover of dense bracken. Cattle would further break up dense areas, following mechanical removal. This measure aims to prevent further drying out of the Northern Emerald habitat, and also to encourage the development of devil's bit scabious (Marsh Fritillary caterpillar foodplant).

Grazing management

- Deer: The Deer Management Plan (contained in EIA Report Technical Appendix 10.6) outlines recommended deer control measures in unfenced areas in order toto improve the condition of woodland and peatland. Deer fencing is proposed around known and historical hen harrier nest sites to maintain habitat conditions.
- Cattle: Within the off-site areas, cattle grazing would be adapted with the aim of reducing the cover of undesirable plant species thereby improving the habitats for Northern Emerald and Marsh Fritillary.

Community Benefit

2.45 The Applicant wants each of their projects to not only help improve the global environment by reducing carbon emissions but also help improve the local environment. The Applicant is committed to providing environmental, social and economic benefits to the communities where their projects are based and encourage communities to engage with them on their needs and aspirations so that the package of community benefits offered can be tailored accordingly.

2.46 Previous examples of community benefits delivered by the Applicant include the sponsorship of local community events; delivery of renewable energy workshops in schools and site visits to support education in renewable energy.

2.47 Whilst is it understood that community benefit is not a material consideration in the planning balance, when considering the acceptability of the Proposed Development, the Applicant supports the principle of the Scottish Government's targets and has aligned the Proposed Development with the Scottish Government Good Practice Principles for Community Benefits via a Community Benefit Fund.

2.48 The Community Benefit Fund would provide long-term revenue which could be used to support community projects. Local communities would have the flexibility to choose how the money is spent and prioritise it on the things which matter most to them. It is anticipated such a fund would be , based on £5,000 (index linked) annually per MW of wind generation.

2.49 The Applicant is actively exploring the opportunity for communities in the area around the Proposed Development to invest in the project. This has the potential to provide long-term economic benefits for the local communities hosting the Proposed Development.

Socio-economic Benefits

2.50 If consented, the Proposed Development will create significant opportunities for local businesses through the construction and operation phases. This will include; accommodation providers, manufacturers and suppliers, contractors, and transpeople across a wider range of specialities, including construction, groundworks, landscaping, and plant hire.

2.51 The expected socio-economic benefits of the Proposed development are set out in the Socio-Economic Statement, provided as Technical Appendix 5.1 of the EIA Report, which is submitted with the Application. It is expected that the Proposed Development will generate local employment.

2.52 The key findings of the Socio-Economic Statement are as follows:

- Up to £8.2 million is anticipated to be spent within the local economy during phase the construction and up to £1.3 million is anticipated to be spent annually during the operational phase.
- Net employment benefit of up to 43 jobs (direct, indirect and induced) will be created across Argyll and Bute during the construction phase, as well as up to 8 jobs (direct, indirect and induced) during the operational phase. This will provide up to 66 Full Time Equivalent (FTE) job years during the construction phase and up to 382 job years during the operational phase.
- Net economic benefit of up to £4.3 million during the construction phase and up to £786,344 (annually) during the operational phase.

2.53 It is expected that the Proposed Development would contribute commercial rates to the local economy.

Capital Expenditure of the Proposed Development

2.54 The Socio-Economic Statement submitted with the Application advises that within Argyll and Bute, during the capital expenditure phase of the Proposed Development, there will be an estimated:

- Net employment impact of 43 FTE jobs (36 direct, 2 indirect and 5 induced);

- Net employment impact of 66 FTE job years (54 direct, 4 indirect and 8 induced); and
- Net economic impact of £4.3 million (£3.6 million direct, £235,787 indirect and £503,727 induced).

2.55 The Socio-Economic Statement submitted with the Application advises that within Argyll and Bute, during the operational expenditure phase of the Proposed Development, there will be an estimated:

- Net employment impact of 8 FTE jobs (6 direct, 1 indirect and 1 induced);
- Net employment impact of 382 FTE job years (300 direct, 4 indirect and 8 induced); and
- Net economic impact of £786,344 (£639,824 direct, £56,305 indirect and £90,215 induced).

Cabon Saving

2.56 The Proposed Development is expected to produce GHG emissions due to manufacture, construction and decommissioning activities but these emissions will be offset and all wind-generated electricity would displace conventionally generated electricity. The carbon calculations associated with the Proposed Development are set out in the EIA Report at Chapter 17.

2.57 At the time of the Application submission the extant version of the Scottish Government Carbon Calculator was not available. Therefore, an earlier version of the Carbon Calculator has been used. The data will be updated once the extant Carbon Calculator is available. It is calculated that over its proposed lifetime the Proposed Development is expected to result in a CO_2 saving of ~1,471,000 tonnes compared to a grid-mix emissions counterfactual.

2.58 Chapter 17 of the EIA Report advises that the carbon payback time of a proposed development is an estimate of how long it will take a project to offset the carbon emissions, emitted as a result of its construction, operation and decommissioning. The carbon payback time of all the emissions associated with the lifetime operation of the Proposed Development, based on a fossil-fuel mix of electricity generation, is two years and against a grid-mix of electricity generation it is expected to be 4.1 years

3. STATUTORY FRAMEWORK

3.1 The following text sets out the statutory framework with respect to the 1989 Act and the EIA Regulations and the Proposed Development.

The Electricity Act 1989

3.2 The Applicant is not a licensed electricity generator in terms of the 1989 Act.

3.3 Under Schedule 9 of the 1989 Act the Scottish Ministers, in the consideration of an application for Section 36 Consent, are required to have regard to "*to the desirability of preserving natural beauty, of conserving flora, fauna and geological or physiographical features or special interest in protecting sites, buildings and objects of architectural, historic or archaeological interest."* A generation licence holder, or a person authorised by exemption, is under a duty to do what they 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. Schedule 9 also imposes duties to avoid impact on fisheries and fish where possible. While the Applicant is not bound by these duties they have had regard to these matters in the formulation of the EIA process and design evolution.

3.4 The Applicant has demonstrated their commitment to addressing the matters set out in Schedule 9 of the 1989 Act by undertaking the project formulation as reported in the EIA Report accompanying the Application. The design evolution of the Proposed Development encompasses consideration of all the matters set out in Schedule 9 of the 1989 Act. The EIA Report accompanying the Application sets out in detail how the Applicant has approached the design of the scheme and how very careful consideration has been given throughout that process to the matters that are listed. In the circumstances, the Scottish Ministers can be satisfied that the statutory requirements of Schedule 9 have been fulfilled.

3.5 Under Section 36 of the 1989 Act there are considerations which have to be taken into account and dealt with both in terms of Schedule 9 and under the EIA Regulations. In that context, Section 36 decision making incorporates consideration of a wide policy framework which will include elements of National Energy Policy, National Planning Policy and Guidance. The Development Plan does not enjoy primacy in consideration of a Section 36 application as it would for a planning application, The Development Plan is a relevant consideration in the decision-making process and weight may be given to it by the decision-makers as they consider appropriate.

Environmental Impact Assessment

3.6 The Proposed Development does not fall within the definition of Schedule 1 development included in the EIA Regulations.

3.7 The Proposed Development does fall within Schedule 2 of the EIA Regulations. An EIA Scoping Opinion was requested by the Applicant in June 2023, in accordance with Regulation 12 of the EIA Regulations. Having consulted the relevant consultees, the Scottish Government's Energy Consents Unit (ECU) provided a scoping Opinion (ECU00004841) in September 2023.

3.8 The EIA Report is based on the Scoping Opinion that was received from the Scottish Government and it demonstrates the Applicant's compliance with the requirements set out in EIA Regulations.

4. RENEWABLE ENERGY FRAMEWORK

4.1 The Proposed Development is the subject of an application under Section 36 of the 1989 Act, therefore, it must be recognised that it is progressed in an environment where the need for renewable energy is becoming increasingly important in addressing important global issues associated with climate change and energy supply. The framework of international agreements, legally binding targets and renewable energy policy is the foundation upon which national (UK and Scottish) energy policy is based.

4.2 The context set out in this PRES is a relevant consideration in the determination of the application. It is a consideration which should attract significant weight in the decision-making balance. This chapter of the PRES first acknowledges that both the Scottish Government and ABC have declared a climate emergency and what their position on that is.

The Climate Emergency

4.3 In May 2019, the Scottish Government declared a climate emergency. At the same time as the UK Parliament voted to declare a climate change emergency. In a speech to the Scottish Parliament the Climate Change Secretary stated:

"The Climate Change Committee has been stark in saying that the proposed new targets will require "a fundamental change from the current piecemeal approach that focuses on specific actions in some sectors to an explicitly economy wide approach". To deliver the transformational change that is required, we need structural changes across the board: to our planning, procurement, and financial policies, processes and assessments. And as I've already said, that is exactly what we will do."

4.4 The Climate Change Secretary went onto say that:

"subject to the passage of the Planning Bill at stage 3, the next National Planning Framework and review of the Scottish Planning Policy will include considerable focus on how the planning system can support our climate change goals."

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

4.6 ABC declared a climate emergency in September 2021. The notice of the motion to the Council meeting advised that ABC renewed its commitment, made in September 2019 to play its part in the global effort to address climate change. The Notice of Motion advises that *"Argyll and Bute aim to become the UK's first net zero region and its action plan target is net zero by 2045 – with ambitious interim targets of reaching 75% reduction by 2030."*

Renewable Energy Policy and Legislation

4.7 The UK and Scottish Governments have developed a suite of comprehensive policies and Legislation which are broadly supportive of renewable energy. The following

documents are considered to be the most relevant to the consideration of this Application:

- The Scottish Energy Strategy 2017;
- The UK Government Energy White Paper 'Powering our Net Zero Future' (December 2020);
- Scottish Energy Strategy Position Statement (March 2021);
- UK Government Net Zero Strategy (October 2021);
- The Scottish Onshore Wind Energy Policy Statement 2022;
- The Energy Act 2023;
- The UK Battery Strategy 2023;
- The Draft Energy Strategy and Just Transition Plan 2023 (DES&JTP);
- The Scottish Government Programme for Government 2024-25; and
- Green Industrial Strategy (September 2024).

4.8 The key parts of these documents are considered in the following text.

The UK Policy and Legislation

The Energy White Paper December 2020

4.9 On 13th December 2020, the UK Government published its Energy White Paper, Powering our Net Zero Future (the Energy White Paper), this document set out current thinking on the way in which the UK should work towards meeting its Net Zero targets by 2050. It not only advises that retiring fossil fuel generation capacity will need to be replaced but presents modelling which suggests that overall demand could double by 2050. It notes that this would require a four-fold increase in clean electricity generation with decarbonisation of electricity increasingly underpinning the delivery of the Net Zero target.

4.10 Page 4 of the Energy White Paper sets out three key themes as follows:

- Transform energy;
- Green recovery; and
- Fair deal for consumers.

4.11 It is clear that the UK Government was looking for a transformation to the delivery of renewable energy which, at the time of the Energy White Paper, was identified to form part of a green recovery post-COVID and deliver fair prices for the consumers of energy. Page 9 of the document is clear on what decarbonisation of the energy system means, stating *"Decarbonising the energy system over the next thirty years means replacing – as far as it possible to do so – fossil fuels with clean technologies such as renewables, nuclear and hydrogen.".*

4.12 The Energy White Paper looks at what needs to be achieved in terms of clean electricity production in order to reach Net Zero and Figure 1.4 on page 9 summarises the situation clearly, it is as follows:

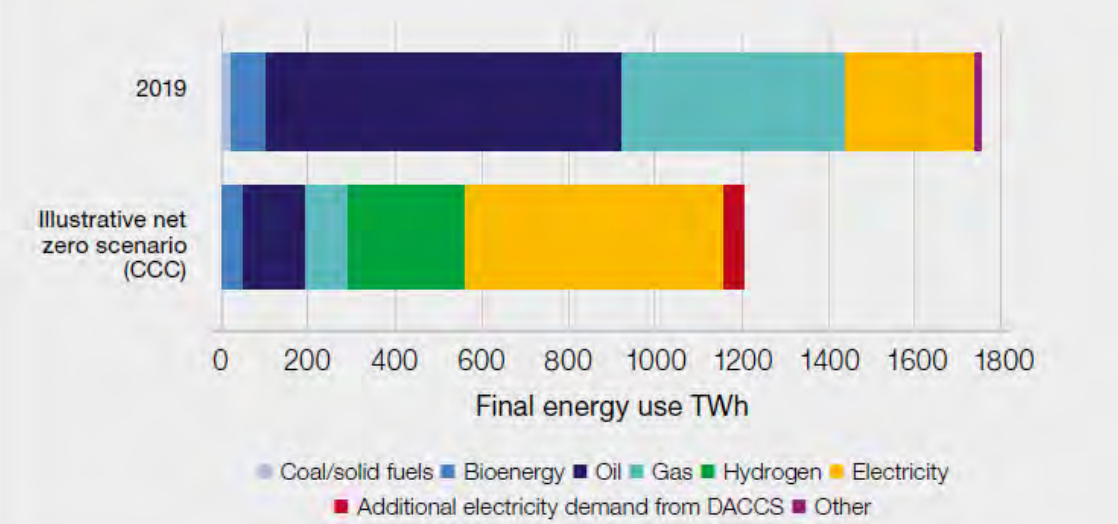

Figure 4.1: Illustrative UK Final Energy User in 2050
Source: Energy Trends Table 1.2; CCC Net Zero Report

4.13 Page 10 of the Energy White Paper is clear that clean electricity is key to reaching Net Zero – it states, *"Clean electricity will become the predominant form of energy, entailing a potential doubling of electricity demand and consequently a fourfold increase in low-carbon electricity generation."*

4.14 Chapter 2 of the Energy White Paper outlines the UK Government's goal in relation to power. It states, *"Electricity is a key enabler for the transition away from fossil fuels and decarbonising the economy cost-effectively by 2050."* To the do this the UK Government will:

- *"Accelerate the deployment of clean electricity generation through the 2020s.*
- *Invest £1 billion in the UK's energy innovation programme to develop the technologies of the future such as advanced nuclear and clean hydrogen.*
- *Ensure that the transformation of the electricity system supports UK jobs and new business opportunities, at home and abroad."*

4.15 Page 43 of the Energy White Paper is clear on the expected role of wind farm developments as a key generator of low-cost clean energy. It advises that while the UK Government *"are not planning for any specific technology solution, we can discern some key characteristics of the future generation mix. A low-cost, net zero consistent system is likely to be composed predominantly of wind and solar.".*

4.16 The Energy White Paper is clear that onshore wind is part of the overall solution stating that: *"Onshore wind and solar will be key building blocks of the future generation mix, along with offshore wind…We will need sustained growth in the capacity of these sectors in the next decade to ensure that we are on a pathway that allows us to meet net zero emissions"*.

4.17 Page 10 of the Energy White Paper is clear that clean electricity is key to reaching Net Zero – it states, *"Clean electricity will become the predominant form of energy, entailing a potential doubling of electricity demand and consequently a fourfold increase in low-carbon electricity generation."*

4.18 Chapter 2 of the Energy White Paper outlines the UK Government's goal in relation to power. It states*, "Electricity is a key enabler for the transition away from fossil fuels and decarbonising the economy cost-effectively by 2050."* To the do this the UK Government will:

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4.19 Page 43 of the document is clear on the expected role of wind farm developments as a key generator of low-cost clean energy. It advises that while the UK Government *"are not planning for any specific technology solution, we can discern some key characteristics of the future generation mix. A low-cost, net zero consistent system is likely to be composed predominantly of wind and solar.".*

4.20 The document is clear that onshore wind is part of the overall solution stating that: *"Onshore wind and solar will be key building blocks of the future generation mix, along with offshore wind…We will need sustained growth in the capacity of these sectors in the next decade to ensure that we are on a pathway that allows us to meet net zero emissions".*

UK Government Net Zero Strategy 2021

4.21 In October 2021 the UK Government published their Net Zero Strategy. The Net Zero Strategy set out for the first time how the UK Government intends to halve UK emissions in little over a decade, and to eliminate them by 2050. The Climate Change Committee has advised that *"it is an achievable, affordable plan that will bring jobs, investment and wider benefits to the UK"*.

4.22 In considering power the Net Zero Strategy advises that *"the net zero economy will be underpinned by cheap, clean electricity made in Britain. A clean, reliable power system is the foundation of a productive net zero economy as we electrify other sectors."*

4.23 It is clear from the Net Zero Strategy that renewable energy generation is a key part of the solution. It is also clear that storage measures to help smooth out future price hikes are to be deployed.

The UK Government Energy Security Strategy

4.24 The UK Government published the British Energy Security Strategy in April 2022. The strategy was published in response to concern over the security, affordability and sustainability of the UK's energy supply.

4.25 The British Energy Security Strategy proposes to accelerate the UK towards a low-carbon energy independent future. The foreword states, *"we're going to bring clean, affordable, secure power to the people for generations to come."*

4.26 The introduction, of the British Energy Security Strategy, states, *"All of these steps will accelerate our progress towards net zero, which is fundamental to energy security. By 2030, 95% of British electricity could be low-carbon; and by 2035, we will have decarbonised our electricity system, subject to security of supply. This is a transition which reduces our dependence on imported oil and gas and delivers a radical long-term shift in our energy with cleaner, cheaper power, lower energy bills and thousands of high wage, high skilled new jobs".*

4.27 The British Energy Security Strategy focuses on expanding domestic UK energy supply alongside commitments to completely remove Russian oil and coal imports by the end of 2022, and Russian gas *"as soon as possible thereafter"*. The relevant policies outlined in the strategy include:

- a proposal for over 40% reduction in gas consumption by 2030;
- increased targets for low-carbon power generation compared to previous targets in the Energy White Paper; and,
- reduced consent times for offshore wind planning from four years to one.

4.28 With regards to onshore wind, the British Energy Security Strategy notes that onshore wind is one of the cheapest forms of renewable energy. The strategy states, *"The government is serious about delivering cheaper, cleaner, more secure power, so we need to consider all options."*

The Energy Act 2023

4.29 The Energy Act 2023 received Royal Assent on 26 October 2023 (the 2023 Act). The 2023 Act was originally introduced as the Energy Security Bill in 2022 and its purpose is to build on the commitment to reduce the UK's dependence on volatile fossil fuel markets, through the improvement of domestic energy production, to make the UK more energy self-sufficient.

4.30 Once The Energy Act 2023 came into law, the then Energy Security stated that *"The Energy Act is the largest piece of energy legislation in a generation. It will boost investment in clean energy technologies and support thousands of skilled jobs across the country. It lays the foundations for greater UK energy independence, making us more secure against tyrants like Putin, and helps us to power Britain from Britain".*

The UK Battery Strategy 2023

4.31 The UK Battery Strategy was published but the UK Government on 26 November 2023. The UK Battery Strategy brings together Government activity to achieve a globally competitive battery supply chain by 2030 that will support economic prosperity and the net zero transition in the UK. In the foreword to the document, the then Minister of State for Industry and Economic Security at the Department of Business and Trade states that (page 3):

"Batteries will play an essential role in our energy transition and our ability to successfully achieve net zero by 2050."

4.32 The Government's vision is for the UK to continue to grow a UK based thriving battery innovation system. The UK Battery Strategy wants to see the UK become a world leader in sustainable design, manufacture and use of BESS.

4.33 The UK Battery Strategy is based around the design, build, sustain approach with the key objectives that the UK will:

- design and develop batteries for the future;
- strengthen the resilience of UK manufacturing supply chains; and
- enable the development of a sustainable battery industry.

New UK Government

4.34 Since coming to power in July 2024 the new UK government have been clear on their aspiration for renewable energy. The Labour Party Manifesto used during the recent election was clear that the Labour Party has *"a national mission for clean power by 2030"* and it explicitly states that this is achievable *"and should be prioritised".* The Manifesto was clear that the Labour Party saw the clean energy transition as having real potential to generate economic growth and tackle the cost-of-living crisis. This objective is set out as Labour's *"second mission"* for the UK.

4.35 The Energy Secretary, Edward Milliband, has announced a number of Task Forces in order to accelerate the delivery of clean power to help the UK reach its 2050 targets. The UK Government in the last few months have announced a number of consents for solar farms and energy transmission connections. The creation of GB Energy, a new, publicly owned, clean energy company has been announced and it will be located in Aberdeen.

Scottish Policy

4.36 Tackling climate change is a devolved matter and therefore the Scottish Government has a responsibility to set policy to ensure compliance with targets set at EU and UK level. The Scottish Government are responsible for their climate change and planning policy. The following text sets out the current Scottish policy relevant to the consideration of the application for the Proposed Development.

4.37 In December 2017, the Scottish Government published The Scottish Energy Strategy 'The Future of Energy in Scotland' (SES); At the time, this policy document along with one relating specifically to onshore wind farms, represented the Scottish Government's intended energy and climate change strategy for the period to 2050. In 2021 the Scottish Government published the Scotland Energy Strategy Position Statement (SESPS)and in January 2023 the Scottish Government published the Scottish Energy Strategy and Just Transition Plan (SES&JTP). Further information in respect of these documents is contained in the following text.

Scottish Energy Strategy 2017

4.38 The Scottish Government published its SES in December 2017. The SES set out a vision for a strong and sustainable low carbon economy. SES described the Scottish Government's vision for the future energy system in Scotland beyond 2020 looking forward until 2050.

4.39 The SES was designed to provide a long-term vision to guide detailed energy policy decisions over the coming decades. It set out the priorities for an integrated system-

wide approach that considers both the use and the supply of energy for heat, power and transport. It contained six energy priorities including increasing renewable energy production and increasing flexibility, efficiency and resilience of the energy system.

4.40 The SES advised that for Scotland to meet the domestic and international climate change targets, the Scottish Government will set a new 2030 'all-energy' target for the equivalent of 50% of Scotland's heat, transport and electricity consumption to be supplied from renewable sources. It advised that it has a vision for:

"a flourishing, competitive local and national energy sector, delivering secure, affordable, clean energy for Scotland's households, communities and businesses."

4.41 The SES set two new targets for the Scottish energy system by 2030. These were:

"The equivalent of 50% of the energy for Scotland's heat, transport and electricity consumption to be supplied from renewable sources; and
An increase by 30% in the productivity of energy use across the Scottish economy."

4.42 Reaching 50% in the 13 years from the publication of the SES would be challenging, despite the progress being made, and the SES acknowledged this.

4.43 Renewable and low carbon solutions are identified as one of six energy priorities around which the 2050 vision is built. The document advised that the Scottish Government *"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."*

4.44 The SES advised *that "changes to how we store energy across the system, and particularly in terms of electricity and heat, could have a profoundly important bearing on our low carbon future."* The Proposed Development is for the provision of a renewable energy scheme which, at approximately 65MW of capacity, would have an important contribution to Scotland's capability to store clean energy.

4.45 Under the heading of Renewable Energy SES it is clear that the Scottish long term climate change targets will require the near complete decarbonisation *"of the Scottish energy system by 2050 and that renewable energy is anticipated to meet a significant share of this".*

4.46 In the section on Onshore Wind, SES advised that at that time *"onshore wind is now amongst the lowest cost forms of power generation of any kind and is a vital component of the huge industrial opportunity that renewables create for Scotland".* This remains the case. Onshore wind was identified, in 2017, as being required to play a vital role in the future of Scotland, helping to decarbonise electricity, boosting the economy and meeting demand.

4.47 The SES noted that in order to achieve the targets means developers and communities working together and striking the right balance between environmental impacts, local support, benefit and where possible economic benefits deriving from community ownership.

Scotland's Energy Strategy Position Statement

4.48 The Scottish Government published SESPS in March 2021 which provided an overview of the Scottish Government's key priorities for the short to medium-term in ensuring a green economic recovery, whilst remaining aligned to Net Zero ambitions, in the lead up to COP 26.

4.49 SESPS provided an overview of the Scottish Government's policies in relation to energy. It was clear, at the time, that the Scottish Government would remain guided by the key principles set out in the SES and the SESPS reinforced *"the importance the Scottish Government attaches to supporting the energy sector in our journey towards net zero, thus ensuring a green, fair and resilient recovery for the Scottish economy".*

4.50 The Ministerial Foreword referenced the challenge of COVID 19 which, it stated, had created an economic crisis and noted that the Climate Emergency *"has continued unabated". The Foreword stated that "in this context, the need for a just transition to net zero greenhouse gas emissions by 2045, in a manner that supports sustainable economic growth and jobs in Scotland, is greater than ever".*

4.51 The SESPS made reference to Scotland's ambitious and world-leading legislative framework for emissions reduction and *"a particularly challenging interim target for 2030"*. This is the ambitious target of achieving a 75% reduction in GHG emissions by 2030 in advance of Net Zero by 2045.

4.52 The summary of the SESPS was clear that the current SES remains in place until any further Energy Strategy refresh is adopted by Ministers. The SES remains in place at the time of writing this PRES.

4.53 Section 5 of the SESPS considered 'a green economic recovery' and stated that creating green jobs was, at the time, at the heart of the Scottish Government's plans for a green economic recovery.

4.54 Onshore renewables was specifically considered in Section 8, of the SESPS where it stated that *"the continued growth of Scotland's renewable energy industry is fundamental to enable us to achieve our ambition of creating sustainable jobs as we transition to net zero".* It added that *"the Scottish Government is committed to supporting the increase of onshore wind in the right places to help meet the target of net zero. In 2019, onshore wind investment in Scotland generated over £2 billion in turnover and directly supported approximately 2,900 full time equivalent jobs across the country".*

4.55 If the UK is to meet its Net Zero targets, then there needs to be a fundamental shift away from the use of fossil fuels to generate power for sectors such as transport and heat. The shift away from the use of fossil fuels must be replaced by renewable energy and electricity generated from renewable forms is a fundamental part of the solution. The generation of renewable electricity is key to the decarbonisation of a wide number of sectors. The progress towards meeting the renewable energy targets is considered to be a key relevant consideration in the determination of the application for the Proposed Development.

Draft Energy Strategy and Just Transition Plan- Delivering a Fair and Secure Zero Carbon Energy System for Scotland

4.56 On January 10th, 2023, a route map to secure Scotland's fastest possible fair and just transition away from fossil fuels towards a fair and secure zero carbon energy system for Scotland, was published for consultation. The DES&JTP sets out a plan for Scotland's renewables revolution to be accelerated as North Sea basin resources decline. The document is a consultative draft and as such should only be attached limited weight in the decision-making process.

4.57 The Ministerial foreword is clear that now more than ever there is a need for energy security. It reinforces the importance of acting now to deliver on the net zero targets. It states:

"The imperative is clear: in this decisive decade, we must deliver an energy system that meets the challenge of becoming a net zero nation by 2045, supplies safe and secure energy for all, generates economic opportunities, and build a just transition."

4.58 The DES&JTP is clear that the situation in Ukraine, which has resulted in volatility in the global energy supply market, has heightened the need for domestic energy generation and security. It is also very clear that there is a need to reduce fuel poverty and to ensure that energy is available to consumers at a reasonable price. The foreword sets out key ambitions for Scotland's Energy Future, and identifies 10 which include the following, that are relevant to the Proposed Development:

- More than 20 GW of additional renewable electricity on and offshore by 2030;
- Generation of surplus electricity, enabling export of electricity to support decarbonisation across Europe;
- Energy security through development of own resources and additional storage; and
- Just transition by maintaining or increasing employment in Scotland's energy production sector against a decline in North Sea production.

4.59 Onshore wind is covered at 3.1.2 and energy storage is considered at 5.1 of the DES&JTP. The Applicant is clear that they are also committed to maximising the contribution that energy storage can make to a just, inclusive, transition to net zero.

4.60 Published as part of the DES&JTP is a Just Transition Plan for the energy sector. This details the support being provided to grow Scotland's highly skilled energy workforce, increase jobs in energy generation and the supply chain, while enabling communities and businesses to prosper.

4.61 The DES&JTP advises that analysis shows the number of low carbon production jobs is estimated to rise from 19,000 in 2019 to 77,000 by 2050 as the result of a just energy transition, meaning there will be many more jobs in energy production in 2050 than there are now. It is estimated that the Proposed Development would result in net employment benefit of up to 43 jobs (direct, indirect and induced) across Argyll and Bute during the construction phase, as well as up to 8 jobs (direct, indirect and induced) during the operational phase. This will provide up to 66 FTE job years during the construction phase and up to 382 job years during the operational phase.

4.62 The Proposed Development has been designed to operate in the current and emerging market conditions and, as such, will contribute positively towards reaching the targets set out in the DES&JTP.

Onshore Wind Policy Statement 2022

4.63 The Scottish Government published the OWPS on the 21st December 2022. As a document, it dovetails with NPF4 (which is considered in this document in Chapter 6) and there are specific references within the OWPS which link the two documents. To some degree the OWPS explains some of the context for the policies that are contained in NPF4. In considering the issues relating to the Proposed Development, it is submitted that the two documents should be read together.

4.64 The key headline in the OWPS is the identification in Scottish Government Policy that we need *to "go further and faster than before"* along with the inclusion in policy of the "minimum installed capacity of 20GW" ambition for onshore wind in Scotland by 2030.

4.65 The following text considers the weight that should be attached to the climate emergency in the decision-making process. It then considers the elements of the OWPS that are relevant to the Proposed Development and makes cross reference to Section 7.2 of this PRES in respect of NPF4 as it is considered appropriate.

4.66 The key policies set out in OWPS are focused on the change of ambition and the formal agreement to the higher minimum target by 2030. The following text identifies a range of matters, relevant to the consideration of the application within the OWPS.

Weight to be Attached to the Climate Emergency

4.67 The Ministerial Foreword of the OWPS provides important context to the subsequent emergence of the ambition to achieve a minimum of 20GW onshore wind by 2030. The Cabinet Secretary acknowledges the specific contribution that onshore wind can make to meeting climate change objectives and the transition towards a net zero society.

4.68 The Cabinet Secretary's foreword, paragraph two, identifies the issues caused to security of energy supply by the invasion of Ukraine. The Ukraine invasion has resulted in serious concerns about the extent to which Scotland's current energy system can meet demands for energy. The second aspect raised in respect of the invasion of Ukraine is the consequence for energy prices. This is one of the key contributors to the current cost of living crisis and is counter intuitive when considered in the context of the long-standing policy of providing consumers with affordable energy sources.

4.69 The Ministerial Foreword demonstrates how price competitive onshore wind is, paragraph 11 is clear that onshore wind is "good value for consumers" and it can therefore make a contribution to an energy future which seeks to provide greater price certainty for consumers whilst also providing additional generation which can help to meet the future security of supply.

4.70 The Ministerial Foreword is also clear that it is not onshore wind at any cost, paragraph 13 is clear that the ambition needs to be delivered in a way which continues to enhance Scotland's rich natural heritage and native flora and fauna and supports actions to address the nature crisis and the climate crisis.

4.71 The OWPS sets a specific renewable target which itself relates to the legally binding energy generation targets which are themselves referenced in Policy 11 of NPF4. To date, the focus of the justification for most renewable energy projects has been in relation to climate change and emissions reduction with links made to the legally binding targets which are set out in The Climate Change (Emissions Reduction Targets) (Scotland) Act 2019. This link is a clear change and one which should carry material weight in the decision-making process.

4.72 Chapter 1 of the OWPS contains specific acknowledgement of the need for the further speedy deployment of onshore wind. It states *"We must now go further and faster than before. We expect the next decade to see a substantial increase in demand for electricity to support net zero delivery across all sectors, including heat, transport, and industrial processes".* As a result of this policy ambition there is a need for a minimum installed capacity of 20 GW by 2030. If that ambition is to be achieved, consents need to be granted in early course to allow deployment as quickly as possible. Schemes consented now are likely to be delivered in 2025/2026 and an increase in deployment has to occur now.

Environmental Considerations

4.73 Chapter 3 of the OWPS is entitled Environmental Considerations; Achieving Balance and Maximising Benefits, this is clear that it is all about balance. The following text considers what the OWPS says in respect of landscape and biodiversity in the order in which they are covered in that document.

Biodiversity

4.74 Paragraph 3.5.6 of the OWPS refers to the role in which onshore wind can play in addressing the biodiversity crisis. It states:
"the resolution of the balance between its [onshore wind] deployment and biodiversity interests requires careful discussion and planning at a local level. As the rate of onshore wind deployment increases in the coming years, we see a great opportunity for wind energy developments to further contribute significantly to our biodiversity ambition. By proactively managing intact habitats and the species they support, restoring degraded areas and improving connectivity between nature-rich areas, onshore wind projects will contribute to our climate change targets and help address the biodiversity crisis.".

4.75 It is clear in the OWPS that there is an expectation that onshore wind farm development has a role to play in addressing the nature crisis and to contributing to biodiversity improvements. Annex one of the OWPS contains an example of biodiversity enhancement related to habitat management and peatland restoration. It is also clear that there is work in progress in the form of the Scottish Biodiversity Strategy and the way in which the aspiration of the OWPS in respect of biodiversity can be achieved.

Landscape

4.76 The OWPS Chapter 3 includes a section which covers landscape and visual matters. In paragraph 3.6.1 there is acknowledgement of the need for taller and more efficient turbines and the recognition that these will inevitably change the landscape. It states:

"Meeting our climate targets will require a rapid transformation across all sectors of our economy and society. This means ensuring the right development happens in the right place. Meeting the ambition of a minimum installed capacity of 20 GW of onshore wind in Scotland by 2030 will require taller and more efficient turbines. This will change the landscape.".

4.77 Paragraph 3.6.2 of the OWPS states:

"Outside of these areas [National Parks and National Scenic Areas (NSA)], 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."

4.78 This must be seen as a clear acknowledgement, from the Scottish Government, that in order to achieve the 2030 targets, a higher level of landscape and visual impact will need to be accepted, this expressly includes landscape change. It is clear that there is a need to accept change to the landscape and that increased weight should be given to the contribution of the development to the climate emergency as well as community benefits in considering the decision-making balance.

4.79 It is submitted that the OWPS provides a positive framework for considering the landscape and visual effects of wind farm proposals.

Other Environmental Matters

4.80 It is submitted that in terms of Chapter 3, the Application material has dealt with all the environmental matters raised in the OWPS. With the exception of landscape and visual matters no adverse significant effects, subject to mitigation being implemented, have been identified during the EIA.

Benefits to Local Communities and Financial Mechanisms

4.81 Chapter 4 of the OWPS devotes attention to benefits to local communities and financial mechanisms. While neither shared ownership nor the delivery of monetary community benefits are relevant to the consideration of the application for deemed planning permission it is important to recognise the benefits which such arrangements bring to the local area.

The Onshore Wind Sector Deal

4.82 The Onshore Wind Sector Deal (the Sector Deal) for Scotland was signed, by the Scottish Government and renewable energy industry representatives, in September 2023.

4.83 The Sector Deal sets out the ambition for the next era of onshore wind delivery in Scotland. The Foreword advises that Scotland stands on *the "threshold of a pivotal era"* in the energy transition. It contains a number of key measures which are designed to support the Scottish Government in reaching its ambition, as set out in the OWPS of a minimum installed capacity of 20 GW of onshore wind, in Scotland, by 2030.

4.84 The Sector Deal is focused on onshore wind in particular and it describes how the Scottish Government, and the onshore wind sector (developers, consultants, consultees and stakeholders) will work collaboratively so that onshore wind farms

can be delivered quickly and in a way that is sustainable. This approach will provide the best chance of Scotland meeting its net zero targets (the targets are set out in the Climate Change (Scotland) Act 2009 which was amended by the Climate Change (Emissions Reduction Targets) (Scotland) Act 2019. It sets out a clear intent to ensure that as much is done, as is possible, to secure the 20 GW ambition set out in the OWPS.

4.85 The Sector Deal foreword (page 1) advises that: *"The Government is committed to working with developers and stakeholders, understanding the operational barriers to delivering onshore wind projects and setting out processes to help reduce them. We also commit to speeding up consenting decisions, working with planning authorities and statutory consultees to increase skills and resources, as well as streamlining approaches. Jointly, we will work together on ensuring a balance is struck between onshore wind and the impacts on land use and the environment. We will collaborate to enable information to be collected and shared from monitoring and evidence purposes, and we jointly want to capitalise on the unique opportunity for Scotland to become a world leader in decommissioning, remanufacturing and recycling of onshore wind assets."*

4.86 It goes on to state that: *"The Sector Deal is more than just a document; it is a testament to our determination, a celebration of our potential, and a promise to future generations. Let us work together to usher in an era where innovation, sustainability, and prosperity converge, as we power Scotland's greener future through the boundless energy of onshore wind"* (page 2).

4.87 The Sector Deal sets out a number of matters which are to be actioned through a collaborative approach, as well as specific actions, relating to the matters, from the onshore wind sector and the Scottish Government. These matters are set out under the following headings:

- Supply chain, skills and the circular economy;
- Community and benefits;
- Land use and the environment;
- Planning;
- Legislative and regulatory actions; and
- Technical actions.

4.88 It is submitted that of most relevance to the Application are those relating to Land use and the environment and planning.

4.89 With regards to land use and the environment, the Sector Deal reiterates the fact that out that NPF4 Policy 1 is clear that significant weight needs to be given to the global climate and nature crisis and that *"New onshore wind projects in Scotland will enhance biodiversity and optimise land use and environmental benefits"* (page 11).

4.90 It goes onto state that *"Balancing the need for more wind farms with the safeguards defined in NPF4 will be a crucial aspect of achieving the 2030 onshore wind ambition. Scotland will continue to be a world leader in responsible onshore wind development,*

demonstrating how onshore wind can coexist with a diversity of species, sensitive habitats, peatland, carbon rich soils and forestry, ensuring positive outcomes for the climate and nature."

4.91 Under the heading of Planning the Sector Deal advises that the aim is to reduce the time it takes for Section 36 applications to be determined. The Sector Deal (page 13) states that *"The ambition of 20 GW of installed onshore wind capacity by 2030 will require a significant number of new sites, the repowering and extension of existing sites and the realisation of unbuilt consented sites. Meeting this ambition will require the determination of applications to be made much more quickly than in recent years."*

Green Industrial Strategy

4.92 The Scottish Government published the Green Industrial Strategy in September 2024. The single aim of the strategy is to help Scotland realise the economic benefits of the global transition to net zero. The document is clear that the development of all renewable energy technologies is a key focus of the Scottish Government.

Programme for Government

4.93 The 2024-25 Programme for Government was published by the Scottish Government in September 2024. It advises that the government will focus on a number of matters including tackling the climate emergency. It is clear that the Green Industrial Strategy along with the Just Transition Plans will set out plans to build internationally competitive clusters in five key opportunity areas. These include onshore wind. It advises that the Green Industrial Strategy also addresses how action will be taken across Government to ensure an attractive enabling environment and deliver the economic benefits of the transition to net zero.

4.94 Under the heading of Tackling the Climate Emergency the Programme for Government is clear that *"the twin crises of climate change and biodiversity loss represent the existential threat of our times, underlined by recent confirmation that the global temperature has pushed past the internationally agreed 1.5 degrees Celsius warming threshold for a 12-month period. We must reduce emissions and our vulnerability to the future impacts of climate change and restore our natural environment".*

4.95 Chapter 3 of the Programme for Government states that Scotland's *"potential for renewable energy generation is one of our greatest environmental and economic opportunities."*

Conclusion

4.96 The international, UK and Scottish contexts set a framework of ambitious targets associated with climate change including those for renewable energy and Net Zero emissions. If these targets are to be met, and the economy is to decarbonise, then the need for generation of renewable energy is critical, without renewable energy it will not be possible to achieve the targets.

4.97 Scotland offers the potential for renewable energy opportunities which can be home grown and provide economic benefits which can help to ensure that the Scottish economy becomes more resilient and less reliant on traditional carbon-based fuels.

Renewable energy developments, such as the Proposed Development, has the ability to play a leading role in this.

4.98 In the recent decision letter in respect of Hollandmey Renewable Energy Development (ECU reference 00003353) which has a generating capacity of 65MW from onshore wind along with 15MW of battery, the Scottish Ministers are clear that *"The seriousness of climate change, its potential effects, and the need to cut carbon dioxide emissions, remain a priority for the Scottish Ministers."* They went onto agree with the Reporter that *"the proposed Development would make an important contribution in support of Renewable Energy Policy Objectives."*

4.99 In their recent decision on Lethans Extension Wind Farm (ECU reference 00002221), located in East Ayrshire, The Scottish Ministers advise that *"Scotland's renewable energy and climate change targets, energy policies and planning policies are all material considerations when weighing up this proposed Development".*

4.100 The Proposed Development offers an opportunity to contribute valuable renewable energy management which is assisting Scotland in addressing the climate change emergency in a relatively short timeframe, and in a key decade for Scotland to address climate change.

5. RENEWABLE ENERGY AND CLIMATE CHANGE TARGETS

5.1 This chapter of the PRES outlines the targets set in law for both the UK and Scottish Governments, in respect of renewable energy targets, and sets out the progress towards the targets in Scotland.

5.2 Through legislation and policy, the UK and Scottish Governments have set very clear and ambitious legally binding targets for renewable energy and GHG emissions. These targets, and progress against these targets, are important relevant considerations in the decision-making process for the application.

5.3 The Proposed Development could make an important contribution to renewable energy targets, in particular it could assist in meeting targets before 2030.

5.4 On 11th June 2019, Theresa May, the then Prime Minister, announced that the UK Government would bring forward legislation which would make the Net Zero target law. On 27th June 2019, the UK passed legislation to end its part in global warming by 2050 through the reduction in GHG by at least 100%. The amendment to the Climate Change Act 2008 makes this legally binding.

5.5 Paul Wheelhouse, the then Minister for Energy, Connectivity and the Islands, in his Ministerial Foreword in the Annual Energy Statement 2019 made it clear, in the context of Scotland's net zero target by 2045 *"we [Scotland] have the most stringent statutory targets in the world".*

5.6 The Climate Change Act 2008 and the Climate Change (Scotland) Act 2009 set the UK and Scottish targets for reaching Net Zero. These Acts and targets are covered in the following text.

UK and Scottish Renewable Energy Targets

5.7 As this is a project in Scotland it will contribute to the Scottish targets first and foremost, however it will also contribute to the UK targets and so those are also considered to be relevant.

UK Energy Targets

5.8 The recently elected labour Government has been very clear on its ambition for homegrown clean energy projects to boost the UK's energy security. One of the five national missions of the labour party is *"to make Britain a clean energy superpower with zero carbon electricity by 2030, and accelerating our journey to net zero"*.

5.9 An early move by the new government has been to increase funding for the energy auction (the Contracts for Difference) process and in September 2024 this delivered support for a wide variety of renewable energy projects.

5.10 The UK Government have set up a task force, a mission control and a number of working groups looking to deliver green energy across the UK.

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

5.11 The Climate Change Act 2008 (the 2008 Act) became law on 26th November 2008. Scotland is a partner in delivering the UK emissions reduction target set out in the 2008 Act.

5.12 Two key aims underpin the 2008 Act, these are:

- To improve carbon management and help the transition towards a low carbon economy in the UK; and
- To demonstrate strong UK leadership internationally.

5.13 The 2008 Act introduced for the first time a legally binding framework to tackle the challenges of climate change. It set legally binding targets for the UK to reduce carbon dioxide emissions by 80% by 2050 relative to 1990 levels. Energy generated from renewable sources was identified as a key component for meeting the challenge of reducing carbon emissions and the fight against climate change.

5.14 The 2008 Act was amended in 2019 by the Climate Change Act 2008 (2050 Target Amendment) Order 2019 to include revised targets. These included a reduction in GHGs of at least 100% from 1990 levels by 2050. The key aims were not altered.

Scottish Energy Targets

5.15 The electricity sector has been a focus for change in climate change policy and Governments have set increasingly ambitious targets for electricity generation by means which do not produce carbon dioxide (a recognised GHG). In Scotland, whilst the electricity sector is largely decarbonised, it is recognised going into the future that additional electricity generation capacity is required as ambitious targets to decarbonise the heat and transport sectors are set.

5.16 It is clear that Scotland has set very ambitious targets to reach Net Zero and there is a lot of work to be done to achieve these targets. Renewable energy generation is critical to moving forward and part of that must be the development of onshore wind given its ability to be deployed within the timescales required to deliver the targets.

The Climate Change (Emissions Reduction Targets) Scotland Act 2019

5.17 The Climate Change (Emissions Reduction Targets) Scotland Act 2019 was passed by the Scottish Parliament in 2019. It amended the Climate Change (Scotland) Act 2009 and sets targets to reduce Scotland's emissions of all GHG to net-zero by 2045 at the latest, with interim targets for reductions of at least 56% by 2020, 75% by 2030, 90% by 2040.

5.18 The target of net-zero emissions by 2045, five years ahead of the UK, is, the Scottish Government state, firmly based on what the independent Climate Change Committee (CCC) advise is the limit of what can currently be achieved. Progress towards the targets is measured against 1990 levels of carbon dioxide, methane and nitrous oxide and 1995 levels of hydrofluorocarbons, perfluorocarbons, sulphur hexafluoride and nitrogen trifluoride.

Climate Change (Emissions Reduction Targets) (Scotland) Bill

5.19 In April 2024 the Scottish Government announced that the 2030 target would be scrapped. In September 2024 Legislation to create a carbon budget approach to setting climate targets was published. The purpose of the Climate Change (Emissions Reduction Targets) (Scotland) Bill is to amend the Climate Change (Scotland) Act 2009 in response to the CCC's advice that Scotland's interim emissions reduction target for 2030 is not achievable.

5.20 On 5th November 2024 the Scottish Parliament debated The Climate Change (Emissions Reduction Targets) (Scotland) Bill (the Bill). The Bill scraps annual targets and the 2030 and 2040 interim targets for reducing GHG emissions but keeps the aim of reaching net-zero by 2045.

5.21 The Climate Change (Emissions Reduction Targets) (Scotland) Bill was passed by Holyrood. As well as amending the Climate Change (Emissions Reductions Targets) Scotland 2019, the Bill makes a change to a five-year cycle of carbon budgeting, from an approach of reducing gradually by a set time. Once Royal Assent is received the Climate Change (Emissions Reduction Targets) (Scotland) Bill will become an Act of the Scottish Parliament.

5.22 The requirement for Scottish Ministers to lay an annual report before Parliament reporting on Scotland's GHG emissions and progress against Scotland's Climate Change Plan will remain in place. The overall target of reaching net zero by 2045 remains in place.

Progress towards UK Renewable Energy Targets

Progress in Reducing Emissions 2024 Report to Parliament

5.23 The CCC Progress in Reducing Emissions Report to Parliament was published in July 2024. It advised (page 8) that urgent action is needed to get on track if the UK is to hit the 2030 target. It states: "*The UK has committed to reduce emissions in 2030 by 68% compared to 1990 levels, as its Nationally Determined Contribution (NDC) to the Paris Agreement. It is the first UK target set in line with Net Zero. Now only six years away, the country is not on track to hit this target despite a significant reduction in emissions in 2023."*

5.24 The Introduction of the document contains a number of key messages which include the following:

- UK GHG emissions – fell in 2023 and are 49.5% lower than they were in 1990. The rate of emissions reduction seen in 2023 represents a significant increase from recent sustained rates and is roughly in line with the pace of change needed out to 2030.
- Change from 2022 to 2023 – were the greatest since 2016 other than during the Covid pandemic. This was largely due to a fall in the total gas demand.
- Pace of change - the reduction in emissions in 2023 was roughly in line with the annual pace of change needed to meet the UK's 2030 NDC (5.7% per year from 2023 to 2030). However, the average annual rate over the previous seven years was insufficient. This rate will need to double over the next 7 years if the UK is to meet its target for 2030.

Climate Change Committee, COP 28: Key Outcomes and Next Steps for the UK (January 2024)

5.25 The CCC published a report and related Statement in January 2024 with looking at COP28 and the next steps for the UK. The Key Outcomes and Next Steps for the UK advised that:

"2023 was the hottest year on record, with worsening extreme weather events across the world. With global greenhouse gas emissions at an all-time high, COP28 took important steps to try to change the direction of travel.

The UK played an important role in this hard-fought COP28 outcome. We may be further into the decarbonisation journey than many nations, but the obligation on every country is now to push even harder. This also frames the economic challenge."

5.26 In the context of the next steps for the UK the CCC *"noted a significant delivery gap to the UK's Nationally Determined Contribution (NDC) of reducing emissions by 68% by 2030. The agreements made at COP28 require a sharper domestic response and time is now short for the gap to be bridged.*

Achieving the 2030 NDC will require the rate of emission reductions outside of the electricity sector to quadruple from that of recent years. Addressing these gaps in a transparent way remains one of the most important ways for the UK to show climate leadership."

5.27 The related COP28: Key Outcome and next Steps for the UK Report set out the following points inter alia:

- *"The Global Stocktake undertaken at COP28 marks the first formal assessment of progress of the Paris Agreement process and it reinforced the growing momentum in renewables and other low carbon technology deployment.*
- *Countries were called upon to support a trebling of renewables globally…... Alongside this was the crucial brokering of recognition of the need to transition away from all fossil fuels to achieve a net zero energy system by 2050.*
- *The UK can continue to lead by example and support actions elsewhere to accelerate the pace of the low carbon transition and develop resilience to climate impacts. It must demonstrate delivery towards to its ambitious 2030 and 2035 targets on the path to Net Zero."*

5.28 The COP28: Key Outcome and next Steps for the UK Report sets out the 'next steps for the UK'. In this context there is reference to opportunities for climate leadership. The COP28: Key Outcome and next Steps for the UK Report identifies actions that will be important for ensuring domestic action is consistent with the language that the UK committed to at COP28. These include:

- Delivering rapid deployment of renewables.
- The UK must continue to focus on addressing delivery gaps to the 2030 NDC. Reference is made to the CCC findings in 2023 that if the UK is to achieve its 2030 NDC then the rate of emissions reduction *"outside electricity supply must almost quadruple from 1.2 % annual reductions to 4.7 %".*

- The UK Government only has renewables deployment targets for offshore wind (aiming for up to 50 GW by 2030) and solar PV (aiming for up to 70 GW by 2035).

5.29 At the time the CCC published these documents there was a lack of policy support for onshore wind in England. Scotland and Wales were both delivering contributions to targets. The CCC made it clear that:
"UK targets for offshore wind and solar PV are broadly consistent with COP28 calls to triple renewable energy capacity by 2030. However, a tripling of total renewable energy capacity (on 2022 levels) would also require growth in onshore wind."

5.30 The CCC made it clear that, according to their findings the UK Government is currently not on line to meet its renewables targets. It advised that in order to support the ambitions agreed at COP28 *"and to meet the target of a decarbonised electricity supply by 2035, the Government must increase efforts to deliver against its existing targets on time".*

Progress towards Scottish Renewable Energy Targets

Climate Change Committee, Progress in Reducing Emissions in Scotland 2023, Progress Report to Parliament (March 2024)

5.31 The CCC published Progress in reducing emissions in Scotland in March 2024. The CCC was clear in its view at that time that Scottish Government's 2030 climate goals were no longer credible.

5.32 Progress in Reducing Emissions in Scotland was clear that it was the view of the CCC that Scotland's Climate Change Plan required urgent application to enable the CCC assess it and identify the actions to deliver on future targets.

5.33 Progress in reducing emissions in Scotland states that *"The Scottish Government should build on its high ambition and implement policies that enable the 75 % emissions reduction target to be achieved at the earliest date possible."*

5.34 The Progress in reducing emissions in Scotland considers electricity supply, and it advises that there has been progress in the delivery of renewable electricity generation in Scotland. The Progress in reducing emissions in Scotland notes that the Scottish Government aims to develop 20 GW on onshore wind capacity, by 2030. The Progress in reducing emissions in Scotland notes that *"The growth in onshore wind capacity has slowed, however, and is slightly off track to deliver its 2030 target, which will require operational capacity to more than double."*

5.35 Progress in reducing emissions in Scotland advises that Scotland must increase the deployment rate for onshore wind by more than a factor of 4 to an average annual rate of 1.4 GW.

Progress Towards Renewable Energy Targets

5.36 The Scottish Government had a long-standing target to generate the equivalent of 100% of gross energy consumption in Scotland from renewable sources by 2020. This is a target that was not achieved.

5.37 The SES 2017 contained a target for 50% energy from renewable sources by 2030 which it advised may require in the region of 17 GW of installed renewables capacity by 2030 ((SES page 34). This is considered to be a less ambitious target than more recent targets, the most up to date of which is contained on the OWPS.

5.38 Figures released in the Energy Statistics for Scotland (September 2024) show that as of June 2024, 15.6 GW of renewable electricity installed capacity in Scotland. They also show that Scotland's renewable energy generation was up in the first half of 2024 from the same time in 2023.

5.39 Figure 6.1 is an extract from the Energy Statistics for Scotland Q2 2024 figures which clearly shows the position in respect of the key targets.

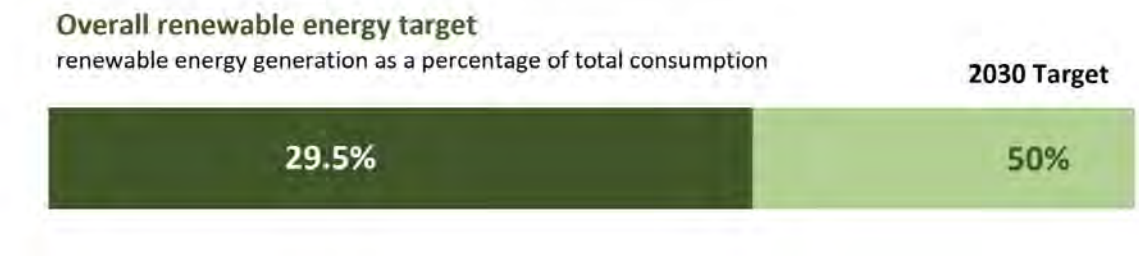

Figure 6.1: Latest progress towards energy targets
Source: Energy Statistics for Scotland – Q2 2024 – www.gov.scot

Progress Towards Greenhouse Gas Emissions Targets

5.40 With regards to progress in reducing GHG emissions in Scotland 2022, the Report to Parliament CCC, December 2022 advised that:

"On the basis of the latest greenhouse gas (GHG) inventory, emissions in 2020 fell by 12% from 2019 to 40.6 $MtCO_2e$ and by 51% since 1990. On the 'GHG Account' basis, on which performance against the legislated targets is assessed, emissions were 59% lower than in 1990 and the 2020 interim target of 56% was achieved. The fall in emissions in 2020 was largely due to travel restrictions during the COVID 19 pandemic, without which it is unlikely the target would have been met. The annual targets in the 2020s will be much harder to achieve as emissions rebound."

5.41 It went on to state:*"There is now a significant risk of Scotland failing to meet its annual targets in the 2020s and the interim 2030 target.".*

5.42 The fact that Scotland would not meet the target of a 75% reduction by 2030 was acknowledged by the Scottish Government in April 2024 when the Net Zero Secretary announced that Scotland was not going to meet its 2030 targets and that the annual targets would be replaced by carbon budgets covering each parliamentary term. The legislation for this has been approved by the Scottish Parliament but is still to come in force, but is imminent, and until it is in place the annual targets remain in place.

5.43 In June 2024 it was confirmed that the figures for 2022 showed that emissions fell by 50% from its 1990 baseline. This is well short of its target of a 53.8% reduction. It

means ministers have now missed nine of the past 13 annual benchmarks for tackling climate change.

5.44 The evidence is clear that in the early stages of these challenging targets, Scotland is not achieving what is required to reach the overall Net Zero target. We need to do more. It is understood that renewable energy production is not the sole answer to this, but it is part of the solution, and the Proposed Development provides a way to contribute to the targets being met. The targets as they ramp up will become more and more challenging to meet if the early targets are not fulfilled.

5.45 The Proposed Development would have a maximum installed capacity of up to 65MW, which would make an important contribution to Scottish Government targets on renewable energy and carbon emission reductions.

5.46 The targets are challenging, and the Proposed Development seeks to assist in meeting these objectives whilst also ensuring it is acceptable in terms of environmental impact and residential amenity considerations. The impacts of the Proposed Development are considered in the EIA Report and summarised in Chapter 7 of this PRES.

Progress Towards Onshore Wind Targets

5.47 The OWPS sets a target of a minimum installed capacity of 20 GW of onshore wind in Scotland by 2030. It further advises that Scotland has 8.7 GW of installed onshore wind capacity. The first consents for commercial onshore wind farms were issued in 1994 so it has taken nearly 30 years to move from the first consented commercial onshore wind farm to less than 10 GW of installed capacity – the challenge of moving from the current situation to 20 GW of installed capacity for onshore wind in less than seven years is clear.

5.48 The OWPS advises that there is some 5.53 GW of potential capacity which is in planning or consenting and 1.17 GW under construction. It is acknowledged that these figures will have now changed however revised figures are not readily available.

5.49 It must be remembered that not all of the schemes in 5.53 GW of potential capacity will be consented and not all of the projects consented will be constructed for a variety of reasons including the fact that some projects are no longer viable, not all will have grid connection dates before 2030 and some are constrained by Eskdalemuir to name but a few reasons.

Proposed Development Contribution to Targets and National Policy Objectives

5.50 The proposed turbines would have a combined rated output of up to 45MW. A BESS would also be installed with a capacity of up to 20MW giving a total capacity for the Proposed Development of up to 65MW. The prospective electricity generation from the proposed wind turbines equates to the annual power consumed by up to

approximately 48,733 average Scottish households[1]. The Proposed Development would provide a flexible balance of fully renewable electricity to meet the demands of the National Grid.

5.51 The proposed turbines which would be installed at the Proposed Development seek to optimise the energy return by implementing infrastructure with a higher rated energy capacity. Such equipment can only achieve their predicted energy capacity by accommodating a larger rotor (swept area) and, consequently, higher turbine heights. However, the optimisation of the turbines has only been possible through a thorough assessment of the Proposed Development on the environmental impacts and constraints.

5.52 In the case of Lethans Extension Wind Farm (ECU reference 00002221) the Scottish Minister's decision letter stated that: *"The Scottish Ministers are satisfied that the proposed Development will provide a contribution to renewable energy targets and carbon savings in support of the ambitions of the SES and OWPS*". Lethans is a development with an installed capacity of approximately 60MW.

5.53 In the case of Hollandmey Renewable Energy Development (ECU reference 00003353) the Scottish Ministers advised *"that the proposed Development would provide a positive contribution towards meeting Scottish Government targets".* Hollandmey Renewable Energy Development has an anticipated generating capacity of 65MW.

5.54 In the case of Clachaig Glen Wind Fram (ECU reference ECU00002103) the Scottish Ministers found that the development, of 90MW would make a valuable contribution towards meeting renewable energy, electricity and emissions targets.

5.55 The Proposed Development would make a not dissimilar contribution to generating capacity as Lethans Extension Wind Farm or Hollandmey Renewable Energy Development to the energy targets. The contribution of the Proposed Development to renewable energy targets should be seen as positive and valuable in the decision making process.

[1] Based upon an average UK electricity consumption of 3,078kWh per household[12], the turbines are expected to provide enough electricity to power an additional ~48,733 homes per year. This is calculated by taking the annual energy output (MWh) multiplied by 1000 to covert to kWh, then dividing by 3,078 (150,000 x 1000/3,078)

6. PLANNING POLICY AND GUIDANCE

6.1 This chapter of the PRES sets out details of the relevant planning policy when considering the application for the Proposed Development. It first considers the Development Plan and then other relevant Scottish Planning Guidance. This chapter does not provide an assessment against the policies, rather it identifies the policy, which the Proposed Development is then assessed against in Chapter 7.

6.2 The Development Plan comprises the NPF4 and the Local Development Plan. Where the Local Development Plan has been adopted following the adoption and publication of NPF4, as is the case in this situation, the Scottish Ministers will have considered the LDP in the context of NPF4 and have satisfied themselves that the LDP aligns with NPF4.

6.3 The following text sets out the relevant national policy in the form of NPF4 before setting out the local policy contained in the Local Development Plan.

National Planning Framework 4

6.4 NPF4 was laid before the Scottish Parliament on the 8th November 2022 for approval. NPF4 received final approval from the Scottish Parliament on the 11th January 2023 and was adopted by the Scottish Ministers on the 13th February 2023.

6.5 In the context of the Proposed Development, which is subject to an application submitted under Section 36 of the Electricity Act 1989, the Development Plan does not have primacy. That said, the weight to be attached to NPF4 as a relevant consideration is considered to be substantial given its recent approval by the Scottish Parliament, its detailed focus on renewables and other relevant topics, and given its very recent adoption.

6.6 NPF4 contains a strong and clear spatial strategy, it is clear on the weight that should be given to addressing the climate emergency and nature crisis when assessing applications. In the case of Clashindarroch the first inquiry into the proposed development was held prior to the addition of NPF4. Following the inquiry the Reporter recommended that the proposed development be refused consent on landscape and visual grounds. The Inquiry was reopened following the adoption of NPF4 and the Reporter revised her recommendation and recommended that consent be granted for the proposed development. In their decision the Scottish Ministers found that although the proposed development would have a significant landscape and visual effect that development was acceptable. The decision letter states:

“the proposed Development will have significant adverse landscape and visual effects (including some on views from houses and on visitors to Tap o’ Noth), however the Scottish Ministers find that these negative impacts on the natural environment are acceptable in the context of the net economic benefits and significant renewable energy benefits, in support of climate change mitigation, that would arise if the proposed Development were deployed.”

6.7 This is clear evidence of the revised balance which is to be struck between the benefits and impacts of renewable energy as a result of NPF4.

6.8 NPF4 removes the Spatial Framework for Onshore Wind Farms (Spatial Framework) and replaces it with a strategic spatial strategy which clearly supports onshore wind electricity generation and associated grid infrastructure throughout Scotland. Policy 11 is clear that wind farms in NSAs and National Parks will not be supported. Outwith these areas, NPF4 states that proposals for all forms of renewable energy, including onshore wind farms "will be supported". Applications will instead only be required to be considered against detailed policy factors.

NPF4 Part 1:A National Spatial Strategy for Scotland

6.9 Part 1 of NPF4 sets out the national spatial strategy and regional spatial priorities for different parts of Scotland. There are six spatial principles identified which will influence all plans and decisions, comprising:

- Just transition;
- Conserving and recycling assets;
- Local living;
- Compact urban growth;
- Rebalanced development; and
- Rural revitalisation.

6.10 Application of these spatial principles will support the planning and delivery of:

- Sustainable Places – where we reduce emissions, restore and better connect biodiversity;
- Liveable Places – where we can all live better, healthier lives; and
- Productive Places – where we have a greener, fairer and more inclusive wellbeing economy.

6.11 The commentary on 'Sustainable Places' is the most relevant section of NPF4 Part 1 to this application. The commentary on page 6 notes the legislative basis for Scotland's net-zero GHG emissions target by 2045 and notes that *"we must make significant progress towards this by 2030"*.

6.12 On page 7 it goes on to note that *"every decision on our future development must contribute to make Scotland a more sustainable place"*. There is encouragement for the expansion of renewable energy generation as well as a statement that "to respond to the global biodiversity crisis, nature recovery must be at the heart of future places".

6.13 Six national developments are identified on page 7 which will help deliver sustainable places, one of which includes 'Strategic Renewable Electricity Generation and Transmission Infrastructure' which *"supports electricity generation and associated grid infrastructure throughout Scotland, providing employment opportunities for community benefit, helping to reduce emissions and improve security of supply"* .

6.14 Annex B (page 97) of NPF4 sets out that 18 National Developments have been identified. These are described as *"significant developments of national importance that will help to deliver the spatial strategy… National development status does not grant planning permission for the development and all relevant consents are required".*

6.15 It adds that:

"Their designation means that the principle of the development does not need to be agreed in later consenting processes, providing more certainty for communities, businesses and investors. … In addition to the statement of need at Annex B, decision makers for applications for consent for national developments should take into account all relevant policies.".

6.16 Annex B sets out the Statements of Need for all 18 - National Developments. It explains that these are significant developments of national importance that will help to deliver the Spatial Strategy. It states on page 99 that:

"The statements of need set out in this annex are a requirement of the Town and Country Planning (Scotland) Act 1997 and describe the development to be considered as a national development for consent handling purposes.".

6.17 Page 103 of NPF4 describes National Development 3, stating:

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

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

The electricity transmission grid will need substantial reinforcement including the addition of new infrastructure to connect and transmit the output from new on and offshore capacity to consumers in Scotland, the rest of the UK and beyond. Delivery of this national development will be informed by market, policy and regulatory developments and decisions.".

6.18 Under the commentary on 'Need', NPF4 states that *"Additional electricity generation from renewables and electricity transmission capacity of scale is fundamental to achieving a net zero economy…"*.

6.19 The location for this National Development is set out as being all of Scotland and in terms of need it is described 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.".

6.20 Reference is made to the designation and classes of development which would qualify as such, and it states in this regard:

"A development contributing to 'Strategic Renewable Electricity Generation and Transmission' in the location described, within one or more of the Classes of Development described below and that is of a scale or type that would otherwise have been classified as 'major' by 'The Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009', is designated a national development:
(A) on and off shore electricity generation, including electricity storage, from renewables exceeding 50 megawatts capacity;
(B) new and/or replacement upgraded on and offshore high voltage electricity transmission lines, cables and interconnectors of 132kv or more; and
(C) new and/or upgraded Infrastructure directly supporting on and offshore high voltage electricity lines, cables and interconnectors including converter stations, switching stations and substations."

6.21 The Proposed Development exceeds the 50MW threshold set for a National Development and therefore has National Development status as per these provisions of NPF4.

6.22 While not every National Development will be granted permission, the fact that the Proposed Development falls within this category is an important starting point in any policy assessment. NPF4 clearly recognises the need for these developments which are considered to be of such a scale that they are "fundamental" to the achievement of Scotland's net zero emissions targets. When this National Development status is combined with the requirement for decision makers to give "significant weight" to the renewable energy benefits of a scheme, a compelling case for granting consent emerges.

6.23 Page 8 of NPF4 sets out 'Cross-cutting Outcome and Policy Links' with regard to reducing GHG emissions. It states:

"The global climate emergency and the nature crisis have formed the foundations for the spatial strategy as a whole. The regional priorities share opportunities and challenges for reducing emissions and adapting to the long-term impacts of climate change, in a way which protects and enhances our natural environment."

6.24 It then goes on to note that the nature crisis and the global climate emergency underpin the spatial strategy as a whole within the 'Improving Biodiversity' outcome and policy link.

6.25 These policy links clarify how NPF4 will help achieve the stated Outcomes through reference to relevant policies and summary commentary on each. The most relevant policies to the Proposed Development are discussed later in this statement.

6.26 Commentary on the National Spatial Strategy in Part 1 of NPF4 is supported by commentary on five Regional Spatial Priorities, each of which will contribute in their own different ways to achievement of the National Spatial Strategy. The Proposed Development is located within the 'North West Coast and Islands Regional Area, shown indicatively in the map on page 24 of NPF4. The priorities note that "*Emissions here are partly offset by the climate sequestration from land use and forestry so that the area acts as a net carbon sink overall".* It goes onto advise that "*This part of*

Scotland cab continue to 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."

6.27 National Development 3 'Strategic Renewable Energy Generation and Transmission Infrastructure' is identified as one of 18 National Developments that will support delivery of the spatial strategy for the North and West Coast and Islands.

NPF4 Part 2: National Planning Policy

6.28 Part 2 of NPF4 sets out 33 national planning policies, under the headings of:

- Sustainable Places;
- Liveable Places; and
- Productive Places.

6.29 Most of the policies of relevance to the Proposed Development are set out under the Sustainable Places heading, which considers tackling the climate and nature crises. For each policy, NPF4 provides commentary on Policy Intent and Policy Outcomes and then discusses implications of the policy for Local Development Plans. Following the policy wording, NPF4 then sets out statements on Policy Impact and cross references to other Key Policy Connections.

6.30 In terms of 'Sustainable Places', relevant policies for the Proposed Development include the following:

- Policy 1: Tackling the Climate and Nature Crisis;
- Policy 2 Climate Mitigation and adaptation;
- Policy 3: Biodiversity;
- Policy 4: Natural Places;
- Policy 5: Soils;
- Policy 6: Forestry Woodland and Trees
- Policy 7: Historic Assets and Places;
- Policy 11: Energy; and
- Policy 22: Flood Risk and Water Management.

6.31 These policies are considered in more detail in the following text. The assessment of the Proposed Development against each policy is contained in Chapter 7 of this PRES.

Policy 11 – Energy

6.32 Policy 11 is the most relevant to the Proposed Development and is considered to be the lead policy for the consideration of the application. Policy 11's intent is set out as:

"to encourage, promote and facilitate all forms of renewable energy development onshore and offshore. This includes energy generation, storage, new and replacement transmission and distribution infrastructure and emerging low carbon and zero emission technologies including hydrogen and carbon capture utilisation and storage."

6.33 Policy Outcomes are identified as *"expansion of renewable, low carbon and zero emission technologies".*

6.34 The intent and desired outcome of the policy is expressly clear – the expansion of renewable energy, through encouragement, promotion and facilitation which the Proposed Development, as a nationally important development, would help further.

6.35 The following text sets out the elements of the policy which need to be considered in the context of the Proposed Development.

Location

6.36 The first part of Policy 11 states (inter alia):

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

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

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

Net Economic Benefit

6.37 NPF4 Policy 11c) details that *"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".*

6.38 NPF4 does not prescribe how the bar is set in respect of demonstrating that net economic impact has been maximised. In the recent decision of Hollandmey (ECU reference 00003353) the Reporter's report advised, at paragraph 265, that *"There are no standards set by guidance that enable me to fully understand how maximisation of net economic impact could be demonstrated and measured, or how it would subsequently be secured". In their decision letter, paragraph 92, the Scottish Ministers stated that "it is always difficult to precisely quantify overall net economic benefits".*

National and international Designations

6.39 NPF4 Policy 11d) advises that development proposals that impact on international or national designations will be assessed in relation to Policy 4.

Impacts to be Addressed

6.40 Policy 11(e) requires that a proposed development, through its design and mitigation, demonstrates how a number of impacts are addressed by the development. These matters are as follows:

"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".

6.41 The way in which the Proposed Development responds to these matters is set out in Chapter 7 of this PRES.

6.42 Policy 11, part e) also incorporates a paragraph which is important in considering the acceptability of renewable energy proposals. At the end of part e) there is the following statement, *"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 1 – Tackling the Climate and Nature Crises

6.43 Policy 1 states significant weight will be given to the global climate and nature crises. The intention of the policy is to *"encourage, promote and facilitate development that addresses the global climate emergency and nature crises"*. The Policy Outcomes are *"Zero carbon, nature positive places".*

6.44 This policy applies to all forms of development and not just renewable energy proposals. The reference to the need to give 'significant weight' to the global climate and nature crises in this overarching policy aligns with Policy 11 and shows the seriousness with which Ministers are treating these issues. In the Explanatory Report accompanying NPF4, and in response to comments from consultees, it is noted in the table on page 73 that Policy 1 *"gives significant weight to the global climate crisis in order to ensure that it is recognised as a priority in all plans and decisions"*.

Policy 2 Climate Mitigation and Adaption

6.45 This is a policy which applies to all development and is designed to encourage, promote and facilitate development that minimises emissions and adapts to the current and future impacts of climate change. It requires proposals to be located and designed to minimise GHG emissions and to adapt to current and future risks for climate change.

Policy 3 – Biodiversity

6.46 The Policy Intent of Policy 3 is *"to protect biodiversity, reverse biodiversity loss, deliver positive benefits from development and strengthen nature networks". The Policy Outcomes is stated as "Biodiversity is enhanced and better connected including through strengthened nature networks and nature-based solutions".*

6.47 The policy sets out a range of criteria that vary depending upon the scale and type of development proposed. Part (a) applies to all scales of development and states that proposals will contribute to the enhancement of biodiversity including, inter alia, restoring degraded habitats and building and strengthening nature networks and the connections between them.

6.48 Part (b) relates to national or major development or for development that requires an EIA. This part of Policy 3 states that proposals will only be supported where they will conserve, restore and enhance *biodiversity "so that they are in a demonstrably better state than without intervention"*. Part (b) continues and sets five criteria that proposals will be expected to meet.

6.49 Policy 3 does not provide any guidance on how 'significant enhancements' will be considered in the decision making process. The letter from the Chief Planner issued on 08 February 2023 refers to the application of policy where specific supporting guidance for assessment is not available. The document states:

"recognising that currently there is no single accepted methodology for calculating and / or measuring biodiversity 'enhancement' – we have commissioned research to explore options for development a biodiversity metric or other tool, specifically for use in Scotland. There will be some proposals which will not give rise for opportunities to contribute to the enhancement of biodiversity, and it will be for the decision maker to take into account the policies in NPF4 as a whole, together with material considerations in each case".

6.50 The Scottish Government published 'Draft Planning Guidance: Biodiversity' in November 2023. Paragraph 1.1 states that it: *"Sets out the Scottish Minister's expectations for implementing NPF4 policies which support the cross cutting NPF4 outcome 'improving biodiversity."*

6.51 The Draft Planning Guidance: Biodiversity makes reference to Scotland's Biodiversity Strategy, which it states sets targets for halting biodiversity loss by 2030 and restoring and regenerating biodiversity by 2045. The guidance states that *"The terms 'enhance' and 'enhancement' are widely used in NPF4. In order for biodiversity to be 'enhanced' it will need to be demonstrated that it will be in an overall better state than before intervention, and that this will be sustained in the future. Development proposals should clearly set out the type and scale of enhancements they will deliver".*

6.52 The Draft Planning Guidance: Biodiversity considers development planning and, in terms of development proposals and sets out some 'core principles.' It states that *"Applying these principles will not only help to secure biodiversity enhancements, they can also help to deliver wider policy objectives including for green and blue infrastructure, open space, nature based solutions, nature networks and 30 x 30. Development proposals which follow these steps are also much more likely to result in more pleasant and enriching places to live, work and spend time."* The principles are as follows:

- *"apply the mitigation hierarchy as defined in the glossary of NPF4;*
- *consider biodiversity from the outset;*
- *provide synergies and connectivity for nature;*

- *integrate nature to deliver multiple benefits;*
- *prioritise on-site enhancement before off-site delivery;*
- *take a place-based and inclusive approach;*
- *ensure long term enhancement is secured; and*
- *additionality."*

6.53 The Draft Planning Guidance: Biodiversity makes reference to the determination of planning applications. Paragraph 4.1 makes it clear that NPF4 must be read and applied as a whole. Specific reference to NPF4 Policy 3 (Biodiversity) Part 3 b) is made and the guidance includes the following:

- NPF4 does not specify or require a particular assessment approach or methodology to be used, although the policy makes clear that best practice assessment methods should be followed;
- Assessments can be qualitative or quantitative (including the use of a metric);
- NatureScot is to develop a biodiversity metric which is suitable for use in supporting the delivery of NPF4 Policy 3 b). Further information will be provided on this work "in due course".
- The absence of a universally adopted Scottish methodology/tool should not be used to delay decision making.
- A flexible approach is required to applications coming forward prior to a methodology being prescribed.
- Relevant, information and evidence gathered for statutory and other assessments including EIA, can be utilised to demonstrate the ways in which the policy tests set out in NPF4 policy 3 have been met.
- Where a developer chooses to use an established metric or tool, the submission should define the way in which it has taken account of Scotland's habitats and environmental conditions. In the event that an established metric or tool has been modified, the changes made and the reasons for such changes should be set out.
- It is for a planning authority to determine whether the relevant policy criteria have been met, taking into consideration the circumstances of the proposed development.

6.54 The Draft Planning Guidance: Biodiversity advises that *"NPF4 does not specify how much enhancement or 'net gain' should be delivered, though biodiversity should clearly be left in a 'demonstrably better state' than without intervention. Rather, the selection and design of enhancements will be a matter of judgement based on the circumstances of the individual case, taking into account a range of considerations."*

6.55 The Draft Planning Guidance: Biodiversity refers to off-site delivery of enhancement proposals, such as those proposed in the Proposed Development and states at that: *"Where the relevant policy tests cannot be met on site, off-site provision may be considered alongside on site. In these circumstances, off-site delivery should be as close as possible to the development site, with consideration being given firstly to the immediate landscape context and existing ecological value of the site."*

6.56 In early 2024 NatureScot consulted on 'a Biodiversity Metric for Scotland's Planning System'. The document set out work that NatureScot was commissioned by the Scottish Government to develop a biodiversity metric for Scotland's planning system, to support delivery of NPF4 policy 3(b).

6.57 The consultation did not suggest solutions or provide conclusions on specific aspects of the Scottish biodiversity metric which is to be developed. While work on developing a Scottish biodiversity metric is ongoing.

6.58 In online advice dated 20 September 2024 NatureScot advise that:

- *"Development proposals should clearly set out the type and scale of enhancement they will deliver, ensuring that applications clearly distinguish between those elements mitigating or compensating for adverse effects and those delivering enhancement.*
- *Developers should prioritise on-site enhancement before off-site delivery. Where purely on-site enhancement is not possible, the Scottish Government draft guidance sets out further considerations for off-site delivery.*
- *It is also important that applications demonstrate that the enhancement is to be secured within a reasonable timescale and with reasonable certainty, including appropriate management and monitoring arrangements, and sustained for the future (preferably in perpetuity) in order to deliver a lasting legacy.*
- *Information on predicted losses, and the proposed mitigation, compensation and enhancement should be clearly set out, and also concisely summarised, in any application, so that this can be easily understood by decision makers.*
- *Enhancement requires consideration of all biodiversity (including birds and other protected species), not just the significant effects that are the focus of EIA."*

6.59 It is clear from recent decisions in respect of onshore wind farm development that a qualitative rather than a quantitative assessment of biodiversity enhancement is appropriate to satisfy policy 3 (b) of NPF4. In recent cases such as Clachaig Glen (ECU reference ECU00002103) the Scottish Ministers agreed with the Reporters that the proposed development included sufficient evidence that the application site would be in a better state than without intervention. In the case of Hollandmey (ECU reference 00003353) the Reporter was clear that the proposed development was capable of achieving net biodiversity enhancement.

Policy 4 – Natural Places

6.60 This policy sets the basis for assessing applications that affect European natural heritage designations such as SPAs as well as proposals affecting National Parks and NSAs and also local level natural heritage and landscape designations. The Policy Intent is to *"protect, restore and enhance natural assets making best use of nature-based solutions"*.

6.61 There are two Policy Outcomes, including (i) *"Natural Places are protected and restored"* and (ii) *"Natural assets are managed in a sustainable way that maintains and grows their essential benefits and services"*.

6.62 Part a) of Policy 4 advises that development proposals which would have an unacceptable impact on the natural environment will not be supported.

6.63 Part f) of Policy 4 is relevant to species protected by legislation. It states:

"Development proposals that are likely to have an adverse effect on species protected by legislation will only be supported where the proposal meets the relevant statutory tests. If there is reasonable evidence to suggest that a protected species is present on a site or may be affected by a proposed development, steps must be taken to establish its presence. The level of protection required by legislation must be factored into the planning and design of development, and potential impacts must be fully considered prior to the determination of any application."

Policy 5 – Soils

6.64 The Intent of Policy 5 is to *"protect carbon-rich soils, restore peatlands and minimise disturbance to soils from development".* The Policy Outcomes include *"valued soils are protected and restored".*

6.65 Part (c)(ii) of the policy notes that proposals for the generation of energy from renewable sources are one of the identified land uses potentially permitted on areas of peatland, carbon-rich soils and priority peatland.

6.66 Part (d) of this policy notes the requirements for a detailed site-specific assessment to help understand the presence of peat and carbon-rich soils on site and to enable the likely effects of a development proposal on these resources. It continues that this should inform careful project design and that impacts should first be avoided and then minimised through best practice.

Policy 6 - Forestry, Woodland and Trees

6.67 This policy seeks to protect and expand forests, woodland and trees.

6.68 Part b) of the policy provides a set of criteria which would result in a development not being supported. These include the loss of ancient woodland and trees, adverse impact on native woodland and hedgerows which have a high biodiversity value, fragmentation of woodland habitats and conflict with restocking directions.

6.69 Part c) of Policy 6 requires development proposals which result in woodland removal to provide compensatory planting in accordance with the Scottish Government policy on woodland removal.

Policy 7 – Historic Assets and Places

6.70 This policy seeks to protect and enhance historic environment assets and places and to enable positive change as a catalyst for the regeneration of places.

Policy 22 – Flood Risk and Water Management

6.71 The policy seeks to strengthen resilience to flood risk by promoting avoidance as a first principle and reducing the vulnerability of existing and future development to flooding.

Policy 23 – Health and Safety

6.72 The policy seeks to promote development and in particular only provides policy support to development that will not be detrimental to air quality and will not introduce unacceptable noise issues.

Summary

6.73 The policy direction contained with NPF4 is clear in its unambiguous support for the expansion of renewable energy of all forms. We are in a global climate emergency and NPF4 leaves us in no uncertainty that significant weight should be applied to National Developments that will contribute to alleviating it.

6.74 Specifically, Policy 11 of NPF4 supports renewable energy development. It is clear that the Scottish Government expects that the potential of a development to contribute to meeting emissions targets should be afforded significant weight in the decision-making process. The scale of the Proposed Development, up to 65MW of renewable energy generation, would be a valuable and meaningful contribution to Scotland's renewable energy and GHG targets.

The Local Development Plan

6.75 The Proposed Development is located within the administrative area of ABC. The Local Development Plan for the Proposed Development comprises the Argyll and Bute Local Development Plan 2 (ABLDP).

Argyll and Bute Local Development Plan 2 2024

6.76 ABC adopted the ABLDP in February 2024. The ABLDP contains general development policies for the whole of the ABC area. The policy contained in the ABLDP, in respect of renewable energy, is considered to be relevant to the consideration of the Application.

6.77 The access track runs through and area that is defined as countryside in the ABLDP. The area where the proposed turbines are located is defined as remote countryside.

6.78 The key ABLDP policy for the Proposed Development is Policy 30 – Sustainable Growth of Renewables. The preamble to this policy is clear that the policy should be read in the context of the development plan as a whole including the specific polices contained in Policy 11 of NPF4. Policy 30 of the ABLDP states that:

"The Council will support renewable energy developments where these are consistent with the principles of sustainable development and it can be adequately demonstrated that there would be no unacceptable environmental effects, whether individual or cumulative, on local communities, natural and historic environments, landscape character and visual amenity, and that the proposals would be compatible with adjacent land uses.

Applications for all wind turbine developments will be assessed against the following criteria:

- *Impacts on communities and individual dwellings, including visual impact, residential amenity, noise and shadow flicker.*

• Landscape and visual impacts.
• Effects on the natural heritage, including birds.
• Impacts on carbon rich soils, using the carbon calculator.
• Public access, including impact on long distance walking and cycling routes an those scenic routes identified in the NPF.
• Impacts on the historic environment, including scheduled monuments, listed buildings and their settings.
• Impacts on tourism and recreation.
• Impacts on aviation and defence interests and seismological recording.
• Impacts on telecommunications and broadcasting installations, particularly ensuring that transmission links are not compromised.
• Impacts on road traffic.
• Impacts on adjacent trunk roads.
• Effects on hydrology, the water environment and flood risk.
• Cumulative impacts arising from all of the considerations above.
• Net economic impact, including local and community socio-economic benefits such as employment, associated business and supply chain opportunities.
• The scale of contribution to renewable energy generation targets.
• Effect on greenhouse gas emissions.
• Impacts on trees, woods and forests.

In assessing any application the Council will additionally have regard to the opportunities for energy storage, local energy networks, and long term environmental management of the site."

6.79 The criteria set out in Policy 30 of the ABCLDP are largely covered in the context of NPF4 policies. The exception is the reference to tourism. The matters which are raised in Policy 30 are considered in Table 6.1 of this PRES.

6.80 The remaining policies of the ABLDP which are also considered potentially relevant to the Proposed Development are set out in Table 6.1.

Table 6.1 Argyll and Bute Local Development Plan 2024 Policy Summary

Policy	Policy summary
Policy 02: Outwith Settlement Areas	This policy advises that outwith the defined settlement areas development will only be acceptable where it can be demonstrated that it accords with an allocation of the plan, or with parts A Countryside Areas, B Remote Countryside Area or C Helensburgh and Lomond Green Belt, as set out, together with other relevant policies. Renewable energy development is a use which will generally be supported in Remote Countryside Areas.
Policy 04: Sustainable Development	Much of Policy 4 relates to traditional built/urban development and therefore is not considered to be relevant to the Proposed Development. It advises that in preparing new development proposals, developers should seek to demonstrate a number of sustainable development principles

Policy 05 Design and Placemaking	This policy sets out overarching principles which set out the key aspects to be considered for successful placemaking. This policy sets out a number of criteria which proposals should endeavour to comply with.
Policy 06: Green and Blue Infrastructure	This policy applies to non householder developments and requires that such developments demonstrate how green and blue infrastructure has been integrated into the design of the Proposed Development.
Policy 08: Sustainable Siting	This policy is focused on built development. It sets out the general principles that must be adhered to in order to meet the concept of sustainable development. It is supplemented by detailed Sustainable Design Guidance, which will be consolidated and updated during the plan period
Policy 09: Sustainable Design	This policy requires development proposals to consider the use of renewable sources in order to reduce emissions and energy use and to be carbon neutral.
Policy 10: Design: All Development	This policy provides a set of criteria that all development proposals must address.
Policy 15: Supporting the Protection, Conservation and Enhancement of Our Historic Built Environment	This is a generic policy which, along with its associated detailed policies Conservation Area Appraisals & Management Plans and relevant Technical Guidance notes, provide the general basis for the consideration of all development proposals which may have an effect on the historic built environment, whether designated or undesignated, and including war memorials
Policy 16: Listed Buildings	This policy seeks to protect Listed buildings from unacceptable impacts as a result of development.
Policy 17: Conservation Areas	This policy seeks to protect Conservation Areas from unacceptable impacts as a result of development.
Policy 19: Scheduled Monuments	This policy seeks to protect Scheduled Monuments from unacceptable impacts as a result of development. This policy advises that there will be a presumption against development that does not retain, protect, conserve or enhance a Scheduled Monument and the integrity of its setting. It is clear that developments that have an adverse impact on Scheduled Monuments, or their settings, will not be permitted unless there are exceptional circumstances.
Policy 20: Gardens and Designed Landscapes	This policy seeks to protect GDLs from unacceptable impacts as a result of development.
Policy 21: Sites of Archaeological Importance	This policy seeks to protect Argyll's wide variety of archaeological features ranging from prehistoric features such as ancient forts and duns, to early Christian

	chapels, mediaeval castles and recent industrial archaeology from unacceptable impacts as a result of development.
Policy 55: Flooding	This policy sets out the approach that ABC will take to Flood Risk. It sets out the approach to be undertaken in respect of various flood risk areas and sets requirements for these areas.
Policy 59: Water Quality and the Environment	This policy sets out the way in which the impact of new development on the water environment will be assessed.
Policy 61: Sustainable Drainage Systems	This policy embraces two separate issues; the enhancement and protection of natural watercourses and the use and promotion of sustainable drainage systems. Where major new developments are planned the Council will seek to encourage the retention of existing watercourses and the creation of buffer zones on development sites to reduce the risk of flooding which can occur through the forcing of water through alternative/man made route
Policy 70: Development Impact on National Scenic Areas	The aim of this policy is to provide landscapes of national importance located within Argyll and Bute with adequate protection against damaging development that would diminish their outstanding scenic value.
Policy 71: Development Impact on Local Landscape Areas	The aim of this policy is to provide locally important landscapes in Argyll and Bute, with adequate protection against damaging development that would diminish their high scenic value.
Policy 73: Development Impact on Habitats, Species and Biodiversity	This policy sets out the consideration which is given to legislation, policies and conservation objectives on biodiversity. The level of protection depends on the species concerned. European Protected Species receive the highest level of protection. All proposals will be assessed for their impact on European Protected Species and other nationally protected species.
Policy 74:Development Impact on Sites of International Importance	This policy sets out the way in which impacts, as a result of development proposals, on sites of international importance for nature conservation will be considered.
Policy 75: Development Impact on Sites of Special Scientific Interest and National Nature reserves	This policy sets out the way in which impacts, as a result of development proposals, on SSSIs will be considered.
Policy 76: Development Impact on Local Nature Conservation Sites	This policy seeks to protect Local Nature Conservation Sites from development which would have significant adverse effects on them.

Policy 77: Forestry, Woodland and Trees	This policy sets out the requirements for the removal of woodland resources.
Policy 78: Woodland Removal	This policy sets out the requirements for compensatory planting.
Policy 79: Protection of Soil and Peat resources	This policy seeks to protect soil and peat resources from inappropriate development.

Scottish Government Planning Guidance

6.81 The Scottish Government provides advice and guidance for planning applications which has relevance to renewable energy development. This guidance is for planning applications and covers many of the issues that have been identified in the context of renewable energy policy, the Local Development Plan and NPF4 and is, therefore, not set out in this PRES.

Historic Environment Scotland Policy Statement

6.82 The Historic Environment Scotland Policy Statement (HESPS) contains Scottish Ministers' policies and provides direction for Historic Environment Scotland and related policy frameworks. HESPS is a policy statement directing decision-making that affects the historic environment. It is non-statutory, which means that it is not required to be followed as a matter of law or statute. It is relevant to a wide range of decision-making at national and local levels. It is a relevant consideration for planning proposals that might affect the historic environment.

6.83 HESPS sets out a number of policies and core principles which set out Historic Environment Scotland's understanding of how the historic environment should be managed and how to apply these principles. The principles contained in the document are the fundamental ideas that underpin desirable and positive outcomes for the historic environment. The principles are the basis for the policies outlined in the document and the policies describe how the principles should be implemented.

7. ASSESSMENT

7.1 The decision-making framework is clear that the decision maker in the case of this Application should have regard to a number of matters. These are, in no particular order, as follows:

- Climate change and renewable energy policy;
- Contribution to renewable energy targets;
- Spatial policy for wind farm development; and
- Environmental criteria.

7.2 Chapter 4 of this PRES has set out the relevant climate change and renewable energy legislation and policy and the weight that should be attached to such matters in the decision-making process. That is not repeated here other than to note that significant weight should be attached to such policy in the decision-making process.

7.3 The contribution of the Proposed Development to renewable energy targets has been considered in Chapter 4 of this PRES. It is noted that significant weight should be attached to the renewable energy targets and the contribution of the Proposed Development to such targets. The conclusions of Chapter 4 are not repeated here.

7.4 Chapter 6 of the PRES provides details of planning policy for framework. As noted in Chapter 6 of this PRES there are a number of criteria which require to be considered both in NPF4 and the ABLDP, in respect of renewable energy applications. The response to each of these criteria is set out in this chapter of the PRES.

7.5 The following text provides an assessment of the Proposed Development against the relevant planning policy. It follows the policies of NPF4, in the first instance, rather than the ABLDP as the matters which are raised in the ABLDP are largely the same as those in NPF4 Policy 11 with the exception of the reference to tourism and recreation on policy 30 of the ABLDP.

Policy 11 Energy

Location

7.6 The Proposed Development is renewable energy development of up to 65MW, which once developed will add to the renewable energy capacity of Scotland. The Proposed Development is a National Development, as defined in NPF4, which is considered to be acceptable in principle.

7.7 The Proposed Development is not in a National Park or NSA. It is therefore concluded, given the Spatial Strategies and Policy emphasis within NPF4, that there is support in principle for the Proposed Development.

7.8 NPF4 Policy 11, part d) requires that development proposals which impact on international or national designations are assessed in relation to Policy 4. The EIA Report carried out on the Proposed Development assessed the impact on designated areas.

7.9 It is concluded that the Proposed Development would not have a significant effect on an international or national designation and therefore Policy 4 of NPF 4 is not triggered by Policy 11 of NPF4. The location of the Proposed Development is considered to be acceptable in principle.

Net Economic Impact

7.10 The socio economic benefits of the Proposed Development are set out in the Socio-Economic Statement which is submitted with the Application. It is concluded that the Proposed Development would generate:

- Up to £8.2 million which is anticipated to be spent within the local economy during phase the construction. Up to £1.3 million is anticipated to be spent annually during the operational phase.
- A net employment benefit of up to 43 jobs (direct, indirect and induced) created across Argyll and Bute during the construction phase, as well as up to 8 jobs (direct, indirect and induced) during the operational phase. This will provide up to 66 FTE job years during the construction phase and up to 382 job years during the operational phase.
- A net economic benefit of up to £4.3 million during the construction phase and up to £786,344 (annually) during the operational phase

7.11 It is clear that as a result of the Proposed Development there will be employment opportunities during construction, both at the local and more strategic level. The Proposed Development will contribute to socio economic development, locally, regionally and nationally, both through the construction of the Proposed Development providing opportunities and the contribution to supporting the generation and use of renewable energy.

7.12 The Proposed Development will maximise net economic impact as required by part c) of NPF policy 11.

7.13 In addition to the net economic benefit which is set out the Proposed Development would result in Community Benefit. The Applicant is committed to continuing engagement with the local community regarding community benefit as the Proposed Development progresses.

7.14 If the Proposed Development is consented, it is proposed that a Community Benefit Fund will be established with the express intention of delivering local benefits. It is not considered appropriate for this to be the subject of a planning condition attached to the consent, should it be forthcoming. This is due to the fact that the condition would not meet the tests for planning conditions which are set out in Scottish Government Circular 4/1998.

Environmental Matters to be Addressed

7.15 Table 7.1 considers the matters which are relevant considerations for all renewable energy development which are contained in Policy 11(e) of NPF4 and provides information on how the design and mitigation has addressed the potential impacts of the Proposed Development.

7.16 The EIA Report Chapter 4 sets out the approach to the design evolution as part of the EIA process. It is clear that careful consideration has been paid to the potential for mitigation of likely significant effects, as a result of the Proposed Development as part of the design process in accordance with the principles of the mitigation hierarchy.

7.17 The contents of Table 7.1 draw on the EIA Report submitted as part of the Application.

Table 7.1 Environmental Matters to be Addressed and Application Responses

Matter	Response
Impacts on communities and individual dwellings, including, residential amenity, visual impact, noise and shadow flicker.	Chapter 4 of the EIA Report sets out the design evolution process and the design mitigation which has formed part of the consideration of the Proposed Development. It is clear that the impact on residential receptors was one of the key design criteria. **Residential Visual Amenity** Chapter 6 of the EIA Report considers the potential for Residential Visual Amenity effects as a result of the Proposed Development. A Residential Visual Amenity Assessment is provided as Technical Appendix 6.4. Five properties are considered and it is concluded that none of the properties would experience effects of the highest magnitude and the RVAA threshold would not be reached for any home as a result of the Proposed Development. **Settlements** The impact of the Proposed Development on settlements as a result of the Proposed Development. Chapter 7 of the EIA Report advises that visibility from within settlements will be limited to occasional more elevated locations in Connel and Taynuilt and short, more open stretches of the A85 near the garden centre at Dunbeg and east of Taynuilt. **Noise** Chapter 8 of the EIA Report considers the potential noise impacts associated with the construction, operation and decommissioning of the Proposed Development. The operational noise impact assessment demonstrated that a 35dB(A) constraint for the Proposed Development can be accommodated and is appropriate to protect the amenity of the nearest receptors. This would be secured by a planning condition. It is concluded that the Proposed Development would not have a significant noise impact on individual dwellings. **Shadow Flicker** Chapter 15 of the EIA Report considers the potential for shadow flicker to occur as a result of the Proposed Development. Two properties were assessed as having the potential to experience shadow flicker. The EIA Report concludes that following the application of realistic climactic and operational conditions, all receptors are predicted to receive less than 7 hours per year of shadow flicker effects considerably lower than the 30 hours per year threshold of significance. It is concluded that shadow flicker is not

Matter	Response
	expected to have a significant effect on nearby sensitive receptors. In the event that shadow flicker subsequently becomes problematic in practice, and a verified complaint is received, individual turbines can be programmed to reduce flicker. Complaint investigation and mitigation would be managed through a suitable planning condition. **Private Water Supplies (PWS)** The impact of the Proposed Development on 19 PWS which are located within 2km of the Application Boundary is considered in the EIA Report at Chapter 9. Mitigation is proposed to ensure that the Proposed Development would not have a significant effect on PWS. It is expected that such mitigation would be secured by a condition which would be part of any consent. It is concluded that the impact of the Proposed Development on PWS is not significant.
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.	The EIA Report Chapter 4 advises on the way in which the landscape has influenced the overall design of the Proposed Development. It is clear that the design has had regard to landscape considerations. Chapter 6 of the EIA Report considers the impact of the Proposed Development on landscape and visual receptors. It is concluded that significant effects on landscape character would be limited to those on the following: • Landscape Character Type (LCT) 7a Craggy Upland with Settled Glens, which is the host LCT. Wind turbines would not be a new feature within this landscape, however the two existing turbines at Barran Caltum are smaller in scale. • LCT 20 Rocky Mosaic which runs along the shores of Loch Etive to the north of the Site. These significant effects on landscape character would arise as a result of changes within up to 6km north and north-east and 3-4km south and south-west of the proposed turbines. This is considered to be a localised effect which is considered to be acceptable. Significant visual effects would arise as a result of changes to views experienced by the following: o people living in, visiting and/or travelling: o through Glen Lonan – including visitors to Angus' Garden; o the area to the west of the Site between the woodlands east of Oban and Fearnoch Forest; and o along the north shore of Loch Etive – including visitors to the gardens at Ardchattan Priory. These effects are considered to be localised. The potential for nighttime effects as a result of the visibility aviation lighting on the proposed turbines is considered in the EIA Report. It is

Matter	Response
	concluded that significant adverse effects would arise for local residents and road users within Glen Lonan and between Barranrioch and Ardchonnel to the south and west of the Site. The most extensive area of visibility of the aviation lights would be from the road and settlements north of Loch Awe between Connel Bridge and Bonawe. From this area, the aviation lights would be seen above the skyline, to the left of the red lights on the turbines at Barran Caltum, and above the moving vehicle lights seen along the A85. Taking account of the existing lights seen from this area, these effects would not be significant. Overall the EIA Report chapter 6 concludes that the significant landscape and visual effects would be within 6km of the Site. These are considered to be localised and acceptable.
Public access, including impact on long distance walking and cycling routes and scenic routes.	Chapter 6 of the EIA Report considers the visual impact of the Proposed Development. It is concluded that from the key transport routes, settlement along the south shore of Loch Etive and from Oban, visibility would be limited by the hills rising to the south and by woodland and buildings. This would not be significant. Chapter 12 of the EIA Report advises that consideration has been given to pedestrians and cyclists alike due to potential interactions between construction traffic and users of the forest paths. It advises that an Outdoor Access Management Plan (OAMP) will be prepared prior to the commencement of development. It is assumed that this would be secured by a planning condition.
Impacts on aviation and defence interests including seismological recording.	Chapter 14 of the EIA Report considers the effect of the Proposed Development on aviation interests. The Site is designated as a low priority for low flying by the Ministry of defence and therefore the impact on this activity is not significant. A number of mitigation measures are proposed in ensure that the impacts on Oban Airport are not significant. Subject to the inclusion of this mitigation, which would be secured through conditions should consent be forth coming, the EIA Report concludes that the effects of the Proposed Development on aviation would not be significant. The location of the Site is such that there are no concerns with seismological recording.
Impacts on telecommunications and broadcasting installations, particularly ensuring that transmission links are not compromised.	Telecommunication links have been considered in the mapping of constraints as part of the evolution of the design of the Proposed Development. Chapter 16 of the EIA Report sets out the potential effects of the Proposed Development on telecommunications. Consultation has been undertaken with the operators of all fixed

Matter	Response
	telecommunications links in the vicinity of the Site. It is concluded that there will be no significant effects on fixed telecommunications links.
Impacts on road traffic and on adjacent trunk roads, including during construction.	Chapter 12 of the EIA Report considers the likely significant effects on receptors along the transport routes as a result of vehicle movements associated with the construction of the Proposed Development. Details of mitigation including the measures which would be implemented through a Construction Traffic Management Plan (CTMP) are set out in the EIA Report at 12.7. It is assumed that the CTMP would be the subject of a planning condition should consent be forth coming for the Proposed Development. It is concluded that, subject to mitigation, there would be no significant effects as a result of the Proposed Development on traffic and access.
Impacts on historic environment.	Chapter 4 of the EIA Report advises that the impact of the Proposed Development on the historic environment has been a key design criteria. The Proposed Development turbine layout has been designed to minimise impacts on the settings of designated heritage assets such as scheduled monuments, listed buildings, GDLs, and conservation areas. Chapter 7 of the EIA Report considers the archaeological and cultural heritage value of the Site and assesses the likely significant effects on archaeological features and heritage assets resulting from the construction, operation, and decommissioning of the Proposed Development. Eight non designated heritage assets have been identified within the Site. The effect on these assts are not considered to be significant. The EIA Report has identified high potential for paleoenvironmental remains to survive in deep peat deposits on the Site. The design of the Proposed Development has taken into account the locations of deep peat and has avoided this by design, where possible. It is acknowledged that the depth of survival of paleoenvironmental remains is not known and may vary considerably across the Site. As such, peat deposits could be impacted by the Proposed Development, and there is, therefore, the potential for impacts on paleoenvironmental remains. Mitigation has been proposed to investigate, identify, and record buried archaeological remains which may survive on Site and could be impacted by the construction of the Proposed Development. It is expected that this would be the subject of a planning condition attached to a consent. Subject to mitigation being in place the impact is concluded to be not significant.

Matter	Response
	The EIA Report has not identified any significant effects on the settings of heritage assets within the 10km cultural heritage study area.
Effects on hydrology, the water environment and flood risk.	Chapter 4 of the EIA Report sets out the way in which buffers have been applied to hydrological features in order to minimise the impact on such features. Water courses and PWS have been protected in this way. **Hydrology** Chapter 9 of the EIA report considers the effect of the Proposed Development on hydrology and the water environment. It is clear that the peat data which has been collated through the EIA process has been used to inform the proposed infrastructure layout throughout the design process. Chapter 9 of the EIA Report states that incursion into areas of deeper peat has been kept to a practical minimum through the use of careful design and would be further reduced by local micrositing, in order to minimise disruption to peatland ecosystems and hydrology, and to avoid the risk of induced peat instability. **Flood Risk** Chapter 9 of the EIA Report advises that there would d be no significant increased flood risk as a result of the Proposed Development.
Biodiversity including impacts on birds.	One of the greatest threats to biodiversity is climate change. NPF4 is clear that the climate crisis and the nature crisis are inextricably linked. The Proposed Development in seeking to address the climate emergency by contributing to the reduction in GHG emissions will have a positive effect on biodiversity. Chapter 4 sets out the way in which biodiversity has been considered through the design evolution of the Proposed Development. The presence of peat on the Site has been a key design criteria and areas of deeper peat have been avoided as far as possible to minimise the potential impact on peatland habitats. **Ecology** Chapter 10 of the EIA Report sets out the predicted effects of the Proposed Development on ecology. It sets out mitigation and enhancement measures which would come forward as part of the Proposed Development. The EIA Report concludes that, subject to the proposed mitigation, there would be no significant effects on ecology as a result of the Proposed Development. **Ornithology** Chapter 11 of the EIA Report assess the effects of the Proposed Development on Ornithology. Although several bird species of conservation concern were recorded, during survey work, over and/or around the Site, most were not considered to be present frequently enough or in significant numbers for the Site to represent

Matter	Response
	an important resource to them, or to be located on an important flyway. Therefore, further consideration of most recorded species of conservation concern was not required within the EIA Report. The EIA Report considers three valued Ornithological receptors: golden eagle, hen harrier, and black grouse. It is concluded that the Proposed Development would not result in significant effects on golden eagle, hen harrier, and black grouse during construction or operation subject to mitigation. This mitigation includes a Bird Protection Plan and HMP both of which are included in the EIA Report as Technical Appendix 11.3 and 10.5 (in outline) respectively. It is expected that this mitigation would be secured through a planning condition.
Impacts on trees, woods and forests.	The Proposed Development is partially located in an area of forestry. Where it has been possible to do so the proposed access tracks would utilise the existing forestry tracks, making improvements where required, in order to limit the impact on trees. It is calculated that there would be a net loss of 11.3 hectares of woodland. This would be mitigated by compensatory planting, in line with the Scottish Government Control of Woodland Removal Policy. This is mitigation which would be secured through a planning condition.
Proposals for the decommissioning of developments, including ancillary infrastructure, and site restoration.	It is expected that this is a matter which would be the subject of a planning condition should consent be forthcoming.
The quality of site restoration plans including the measures in place to safeguard or guarantee availability of finances to effectively implement those plans.	The EIA Report advises that at end of its operational life of 50 years, it is assumed that the Proposed Development will be decommissioned. The decommissioning will be undertaken in accordance with good practice guidance available at the time. It is expected that should consent be forthcoming there will be a condition which will require the submission to, and approval by, the local planning authority of a decommissioning plan.
Cumulative impacts.	**Landscape and Visual** Chapter 6 of the EIA Report advises that the only wind farms in the application stage, within the 25km study are Ladyfield and An Carr Dubh wind farms, both beyond 18km to the south-east of the Site. There would be limited combined visibility of the Proposed Development and the two wind farms and cumulative effects would be the same as for the Proposed Development alone. **Cultural heritage** Chapter 7 of the EIA Report advises that cumulative developments have been identified and the impact of these cumulative developments on the settings of designated

Matter	Response
	heritage, where minor or above impacts were identified, has been undertaken as part of the assessment. For grouped and individual designated heritage assets where the Proposed Development was considered to have a minor impact on their settings, the cumulative development was not assessed as being significant. **Noise** Chapter 8 of the EIA Report considers the potential for the Proposed Development to have a cumulative impact, in respect of noise, with other developments. It is concluded that there would be no cumulative noise impacts as a result of the Proposed Development. **Hydrology** Chapter 9 of the EIA Report advises that no projects within 5km of the Application boundary have been identified that would have the potential for cumulative effects in relation to the Proposed Development. **Ecology** Chapter 10 of the EIA Report considers the cumulative impact of the Proposed Development, with other wind farms on bats and fish. It is concluded that significant cumulative effects on fish and bats would be unlikely. **Ornithology** Chapter 11 of the EIA Report concludes that no cumulative effects are predicted, as a result of the Proposed Development in combination with those of other wind farm developments, on the three Valued Ornithological receptors: golden eagle, hen harrier, or black grouse. **Traffic and transport** Chapter 12 of the EIA Report considers the impact on traffic should the proposed Cruachan Extension be constructed at the same time as the Proposed Development. It is concluded that in the event that construction traffic for both projects occur in significant numbers at the same time, the relevant scheme promoters could act to share common traffic management measures. It is expected that this is a matter which would be addressed by a planning condition. **Aviation** Chapter 14 of the EIA Report concludes that cumulative downwind turbulence impact of the Proposed Development, on aviation interests, is considered to be of minor significance and not significant.

Contribution to Targets

7.18 The key to the final element of Policy 11 e) is that contributions to renewable energy targets are related to the scale of a proposed development. In that context, the Proposed Development will have a capacity of 65MW. That capacity will assist in supporting targets to achieve a reduction in GHG emissions. This is a matter to which significant weight must be attached in the decision-making process.

Summary

7.19 It is concluded that the location of the Proposed Development is supported by Policy 11 of NPF4. The Proposed Development is located in an appropriate location for onshore wind farm and BESS development, seeks to maximise net economic benefit and the relevant matters have been considered in respect of design and mitigation. Significant weight should be placed on the potential generating capacity of the Proposed Development as set out in part e) of Policy 11 of NPF4.

Policy 1 Tackling the Climate and Nature Crises

7.20 This policy applies to all forms of development and not just renewable energy proposals and must be read as an overarching policy which in itself goes further than Policy 11. In the context of this policy, it is important to recognise that the benefits of the Proposed Development go beyond just renewable energy generation. In the context of biodiversity this includes a range of proposals which are set out in the context of Policy 3.

7.21 The Proposed Development will result in the generation of renewable energy, with a capacity of circa 65MW. That capacity will assist in supporting targets to achieve a reduction in GHG emissions.

Policy 2 Climate Mitigation and Adaptation

7.22 The Proposed Development has been sited to ensure that its potential is maximised within the environmental constraints that exist. This ensures that it maximises the reduction on GHG emissions.

Policy 3 Biodiversity

7.23 The proposal is for a development which is a National Development, as set out by NPF4. Therefore Policy 3(b) is relevant. The requirements of Policy 3(b) are discussed in Table 7.2.

Table 7.2 responses to Policy 3(b) of NPF 4

Policy ref	Policy wording	Commentary
3(b)(i)	The proposal is based on an understanding of the existing characteristics of the site and its local, regional and national ecological context prior to development, including the presence of any irreplaceable habitats.	Chapters 10 and 11 of the EIA Report demonstrate that the Proposed Development has evolved in the context of a sound understanding of the Site characteristics and the local, regional and national context in which it is located. The EIA Report sets out the survey work which has been undertaken.
3(b)(ii)	Wherever feasible, nature-based solutions have been integrated and made best use of.	The proposed mitigation and enhancement will use nature based solutions where it is appropriate to do so. It is expected that such solutions would be identified in documents such as the CEMP

		which would be the subject of a planning condition.
3(b)(iii)	An assessment of potential negative effects which should be fully mitigated in line with the mitigation hierarchy prior to identifying enhancements.	Chapters 10 and 11 of the EIA report set out a full assessment of the ecological and ornithological effects of the Proposed Development. Where it is appropriate mitigation has been identified. This includes design based mitigation, the use of Species Protection Plans, a Bird Protection Plan and HMP. The species which will be subject to such mitigation include marsh fritillary, bats and wood ants. The EIA Report confirms that the mitigation has been, through avoidance, and would continue to be in accordance with the mitigation hierarchy. It is expected that the mitigation would be secured through the use of a planning condition should consent be granted.
3(b)(iv)	Significant biodiversity enhancements are provided, in addition to any proposed mitigation. This should include nature networks, linking to and strengthening habitat connectivity within and beyond the development, secured within a reasonable timescale and with reasonable certainty. Management arrangements for their long-term retention and monitoring should be included, wherever appropriate.	Sections 9.10, 10.3 and 11.10.2.1.2of the EIA Report sets out the enhancement measures which would form part of the Proposed Development. The proposed enhancement includes the restoration of peatland which would be undertaken off Site, the removal of invasive, non native sitka spruce, land management of 2 areas off Site and deer management. The measures are all set out in the Outline Habitat Management Plan (OHMP). Chapter 10 of the EIA Report concludes that the enhancement measures which are proposed are considered to provide significant biodiversity benefits, that have been specifically designed with respect to species of local conservation interest as notified features of the Clais Dhearg SSSI. The development of a Cruach Deer Management Group, should provide a significant landscape-scale benefit, by tackling the management of deer numbers through a joined-up landscape scale approach. This is likely to provide significant biodiversity benefits through a reduction of grazing pressure, allowing regeneration of woodland species.

3(b)(v)	Local community benefits of the biodiversity and/or nature networks have been considered.	The Proposed Development has sought to recognise the connectivity in different areas within and around the Site. The local community will benefit from the overall improved biodiversity in the local area.

7.24 It is clear from the EIA Report that the presence of biodiversity within and around the Site has informed the overall design of the Proposed Development. Where required mitigation has been included in the design process and mitigation is proposed in line with the mitigation hierarchy. The mitigation would be secured by planning conditions which would be attached to a consent for the Proposed Development.

7.25 Enhancement is also proposed and it is concluded that the proposed biodiversity enhancement which is set out in the EIA Report would ensure that the biodiversity is demonstrably better than it would be without intervention.

7.26 The potential adverse effects of the Proposed Development, including cumulative effects, on biodiversity have been carefully considered and minimised through the design process. This has taken into account of the need to maximise the potential for restoration within the Site and the wider area.

7.27 It is concluded that the Proposed Development is in accordance with Policy 3 of NPF4.

Policy 4 Natural Places

7.28 The potential impact of the Proposed Development on international and nationally designated areas is considered in the EIA Report at Chapter 6, 10 and 11, landscape, ecology and ornithology respectively.

7.29 Chapter 6 of the EIA Report advises no significant effects have been predicted on designated landscapes as a result of the Proposed Development.

7.30 Chapter 10 of the EIA Report concludes that there would be no significant impact on any site which is designated for ecological purposes either internationally or nationally.

7.31 Chapter 11, of the EIA Report finds that would be no significant impact on any internationally or nationally designed site for ornithological purposes.

7.32 It is concluded that the Proposed Development is in accordance with Policy 4 of NPF4.

Policy 5 Soils

7.33 Chapter 9 of the EIA report considers the potential effect of the Proposed Development on soils and in particular peatland. It advises that the soil coverage within the Application Boundary is predominantly peaty gleys and peaty gleyed podzols of the Sourhope Association. Peaty gleys are described as poorly drained acidic soils which support wet heathland and rough grassland communities. Areas of brown earth soil and a small area of humus-iron podzols with peaty gleys are present along the upper section of the access track.

7.34 NatureScot's Carbon and Peatland Map indicates that much of the Site is underlain by Class 2 peatland, considered to be nationally important carbon-rich soils, deep peat and priority peatland habitat. Smaller areas of Class 5 peatland, described as carbon-rich soils and deep peat, are present near the south and south-western parts of the Site and underly the majority of the Site access. An area of Class 0 is present underlying the northern end of the Site access. Class 0 is described as mineral soils where peatland habitats are not typically found.

7.35 It is clear from the information in respect of the infrastructure design that collated peat depth information has been used to inform the Proposed Development layout throughout the design process. Incursion into areas of deeper peat has been kept to a practical minimum by careful design and would be further reduced by local micrositing, in order to minimise disruption to peatland ecosystems and hydrology, and to avoid the risk of induced peat instability. Where incursion into deeper peat has been required along the site access track, floating road construction has been proposed.

7.36 Access tracks are anticipated to be constructed using established cut-and-fill and floating road construction methods. Any peat present along the route would be excavated and stored for use in reinstatement of elements of infrastructure where appropriate.

7.37 The mitigation commitments in respect to peat is set out in the EIA Report at 9.7.2.1. It is clear that careful thought and consideration has gone into what is required. It is concluded that the mitigation hierarchy has been used to inform the design of the Proposed Development.

7.38 The Proposed Development is not in an area of prime agricultural land or land of lesser quality the is culturally important. The Proposed Development is for renewable energy which is a permissible use on areas of peatland, carbon rich soils and priority peatland habitats.

7.39 A detailed assessment of the peat on the Site has been undertaken as required by Policy 5. A Peat Management Plan has been prepared and is part of the EIA Report at Technical Appendix 9.2. The EIA Report sets out the approach to peatland enhancement which is proposed as part of the Proposed Development. It is

concluded that the effect of enhancement activities is considered to be major, beneficial and significant.

7.40 It is concluded that the Proposed Development is in accordance with Policy 5 of NPF4.

Policy 6 Forestry Woodland and Trees

7.41 The EIA Report Chapter 13 advises that large portions of Fearnoch Forest are identified on the Ancient Woodland Inventory and/or the Native Woodland Survey Scotland. The proposed works on the access track are limited to areas of already degraded woodland though existing commercial forestry operations. There is a commitment in the Taynuilt Land Management Plan (LMP) to restore the areas of Plantation on Ancient Woodland Sites within Fearnoch Forest. In order to contribute to this goal, all commercial conifer cleared for the access track works will be replaced with native broadleaves.

7.42 The Proposed Development includes advanced felling on 18.1 ha. 6.8 ha of woodland would be restocked in line with the aims of the Taynuilt LMP. There would be a loss of woodland totalling 11.3 ha due to the access track. The loss of forestry would be mitigated for through the compensatory planting which would be the subject of a planning condition in accordance with the Scottish Government's Control of Woodland Removal Policy.

7.43 It is concluded that the Proposed Development is in accordance with Policy 5 of NPF4.

Policy 7 Historic Assets and Places

7.44 Chapter 7 of the EIA Report contains a full cultural heritage and archaeology assessment of the Proposed Development. The assessment considers the visual and physical impacts of the Proposed Development including cumulative impacts.

7.45 The Proposed Development would not result in any direct impacts to listed building or conservation areas. No significant or direct impacts are predicted on Scheduled Monuments as a result of the Proposed Development.

7.46 The Proposed Development would not have a significant impact on any GDL, historic battlefields or world heritage sites.

7.47 The proposed mitigation, which would be secured by a planning condition, as part of the Proposed Development would ensure that appropriate records are made of unknown heritage assets.

7.48 It is concluded that the Proposed Development is in accordance with Policy 7 of NPF4.

Policy 22 Flood Risk and Water Management

7.49 Chapter 9 of the EIA Report considers the impact of the Proposed Development on flood risk and water management. It is concluded that the Proposed Development would not result in a significant change to flood risk. There are no formal flood protection schemes which would be effected by the Proposed Development.

7.50 The details of the drainage infrastructure associated with the Proposed Development are set out in 9.7.2.3 of the EIA Report. This includes the way in which drainage would be integrated into the infrastructure along with monitoring and maintenance.

7.51 It is concluded that the Proposed Development is in accordance with Policy 22 of NPF4.

Other Matters

7.52 The Proposed Development is for a use which is considered to be acceptable in Remote Countryside Areas as set out in the ABLDP.

7.53 The ABLDP makes reference to tourism and recreation in the context of renewable energy developments. The Socio–Economic Statement considers the issue of tourism and recreation. It is concluded that there are no anticipated predicted changes in tourism or recreational activity as a result of the Proposed Development. This is consistent with research on the subject which has repeatedly found that there is no effect on tourism as a result of wind turbine development in Scotland.

Assessment Conclusions

7.54 The planning policy sets out the matters that are to be addressed in the design and mitigation of a proposed development. It is submitted that, through the design evolution process and as demonstrated in the EIA Report, the design of the Proposed Development, along with the prescribed mitigation, which where appropriate would be secured by conditions, satisfactorily address the environmental impacts.

7.55 It is clear that the Proposed Development will make a valuable contribution to meeting the renewable energy targets for the UK and Scotland. The environmental impacts of the Proposed Development have been considered, along with the appropriate mitigation and enhancement. It is submitted that the Proposed Development is in accordance with NPF4, when read as a whole... There is nothing in the ABLDP which suggests that consent for the Proposed Development should not be forthcoming.

8. CONCLUSIONS

8.1 The Proposed Development provides an opportunity for creation of a renewable energy facility which would have a capacity of 65MW which would make a meaningful contribution to meeting Scotland Climate Change commitments.

Energy Policy and Relevant Targets

8.2 The Proposed Development is supported by the strong renewable energy policy support in the UK and in respect of onshore wind in Scotland. It would make a valuable contribution to the targets which are in place in order to reach net zero.

8.3 The Proposed Development would support the resilience of the electricity network through the electricity it generates and the additional technical services it can provide to the electricity system operator. It would contribute to sustainable development by providing for greater and more efficient use of renewable energy generation in the electricity system, and it would contribute to GHG emissions reduction ambitions.

Economic and Community Impacts

8.4 The Proposed Development would have a positive effect on the economy of the local area and Scotland. The Applicant is clear that they want to hear from local contractors who could form part of the team delivering the Proposed Development.

8.5 The Applicant is committed to ensure that the Proposed Development will have a community benefit fund which will benefit the local community. Discussions with the local community have started on this and the Applicant is committed to maximising the socio economic benefit of the Proposed Development. There will be employment related to the construction process.

Environmental Impacts

8.6 The Application is submitted with an EIA Report which provides details of the consultation that has been undertaken in respect of the EIA process. The EIA Report sets out the approach to surveys and the findings of the surveys which have been undertaken. It is clear that the team who have undertaken the EIA have a sound understanding of the Site and its environs.

8.7 The EIA Report sets out the way in which the design of the Proposed Development has evolved through the EIA process. It is clear that mitigation has been used to ensure that potential significant impacts of the Proposed Development have been addressed through design where it is possible to do so. It clear identifies mitigation which would in place before and during the construction process to ensure that significant effects which could be a result of construction are appropriately controlled. Examples of this include a CEMP and the sue of an ECoW. Thes would be secured by planning conditions.

8.8 The EIA Report thoroughly assesses the impacts of the Proposed Development on the environment and provides clear conclusions in respect of the potential for likely significant effects as a result of the Proposed Development. The only significant effects which are identified are in the context of landscape and visual. It is clear from

Chapter 6 of the EIA Report that these would be localised. It is submitted that subject to suitable mitigation being in place the environmental impacts of the Proposed Development are acceptable.

Summary

8.9 One of the greatest threats to the biodiversity of Scotland is climate change. It is clear that the current baseline of the environment in Scotland is changing and will continue to change as a result of climate change, the impact of this on biodiversity is not fully understood.

8.10 In considering the impacts, of the Proposed Development, significant weight is to be placed on the contribution of the Proposed Development to renewable energy generation targets and on GHG emissions reduction ambitions. The Proposed Development will generate and store a considerable amount of electricity each year, and act as a facility for harnessing the generation of clean electricity from renewable sources in Scotland.

8.11 This PRES has sought to consider and balance the relevant considerations, consider what weight is to be given to each consideration and come to a view on where the planning/consenting balance falls. It is considered that the Proposed Development is supported by the relevant planning and renewable energy policy. On balance, it is concluded that the localised landscape and visual significant impacts of the Proposed Development are acceptable in the context of the positive benefits of the Proposed Development.

APPENDIX 1: SCHEDULE 9 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 1989 Act. Schedule 9 considers the preservation of amenity and sets out a number of environmental matters which must be considered by the decision maker. Schedule 9 states:

(1) "In formulating any relevant proposals, a licence holder or a person authorised by exemption to generate, transmit, distribute or supply electricity

> *(a) shall 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; and*
>
> *(b) shall 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.*

(2) In considering any relevant proposals for which his consent is required under section 36 or 37 of this Act, the Secretary of State shall have regard to—

> *(a) the desirability of the matters mentioned in paragraph (a) of sub-paragraph (1) above;*
> *(b) the extent to which the person by whom the proposals were formulated has complied with his duty under paragraph (b) of that sub-paragraph.*

(3) Without prejudice to sub-paragraphs (1) and (2) above, in exercising any relevant functions each of the following, namely, a licence holder, a person authorised by an exemption to generate or supply electricity and the Secretary of State shall avoid, so far as possible, causing injuries to fisheries or to the stock of fish in any waters."

In the Fauch Hill / Harburnhead Section 36 decision (Reference EC00003184 and EC00003190 respectively, July 2014), the Reporters considered Schedule 9 of the 1989 Act and advised that:

"The provisions of Schedule 9 of the Electricity Act 1989 apply to the assessment of wind farms with an installed capacity of over 50MW. The Scottish Government's position is that whether an applicant is licensed or not, Ministers will have regard to the Schedule 9 provisions and expect them to be addressed through the Environmental Statement."

The High Court (England and Wales), in 2012, made clear in the decision of R (on the application of Samuel Smith Old Brewery) v Secretary of State for Energy & Climate Change that the provisions of Section 38(6) (of the Planning and Compulsory Purchase Act 2004) which requires that planning determinations should be made in accordance with the Development Plan unless material considerations indicate otherwise, does not apply in respect of a direction under Section 90 (of the Town & Country Planning Act 1990) . This decision related to a 'direction' in connection with an application for Section 37 consent under the 1989 Act.

The judgement advised that a "direction" that planning permission shall be deemed to be granted was not a "determination" under the Planning Acts. The Court stated (para 75) that *"as a matter of construction I consider that it is a direction that such a determination is not required".* It was therefore judged that there was no duty on the decision maker in making a

direction under Section 90 (of the Town & Country Planning Act 1990) to comply with the requirement in Section 38(6) (of the Planning and Compulsory Purchase Act 2004) that determinations must be made in accordance with the Development Plan unless material considerations indicate otherwise.

In Scotland the matter was considered in the William Grant / Dorenell s.36 Windfarm Judicial Review case (2012). In this case Lord Malcolm ruled that s.25 of the 1997 Act did not apply to a 1989 Act case. He advised that his decision was broadly in line with the Samuel Smith old Brewery Case. In respect of Schedule 9 of the 1989 Act Lord Malcom stated:

"I consider that Parliament intended that the relevant provisions of the 1989 Act would provide a self-contained code…….Schedule 9 narrates the relevant considerations, dealing with, amongst other things, the preservation of amenity……By contrast, section 25 [s.38(6) in England] applies to decisions under the planning acts when it is a requirement that regard is to be had to the development plan".

Furthermore, Schedule 9 is considered as a self-contained code of matters which require to be considered both by the Applicant and also, in the context of Section 36 decisions, by the Scottish Ministers. Schedule 9 was provided at the time of electricity privatisation to ensure that the privatised entities took environmental considerations into account at an early stage in Proposed Development design. Through the mechanism of Schedule 9, the electricity companies required both to give consideration to the issues but also to apply reasonable mitigation. The use of the word "reasonably" in relation to the mitigation acknowledges that the scale of electricity infrastructure is likely to give rise to impacts on a range of environmental factors. To some extent there is an overlap between the approaches set out in Schedule 9 and the requirements under the respective Environmental Impact Assessment Regulations. In the context of those, both identification and consideration of all the matters raised in Schedule 9 are required and at the same time, mitigation must be given consideration in the context of significant effects. Compliance with both Schedule 9 and the EIA Regulations is demonstrated through the submission of the EIA Report.

Project Name: Cruach Clenamacrie Wind Farm

Document Title: Site Location

Scale: 1:50,000 @ A3

Key:

Application Boundary

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Checked by:	**IFE**
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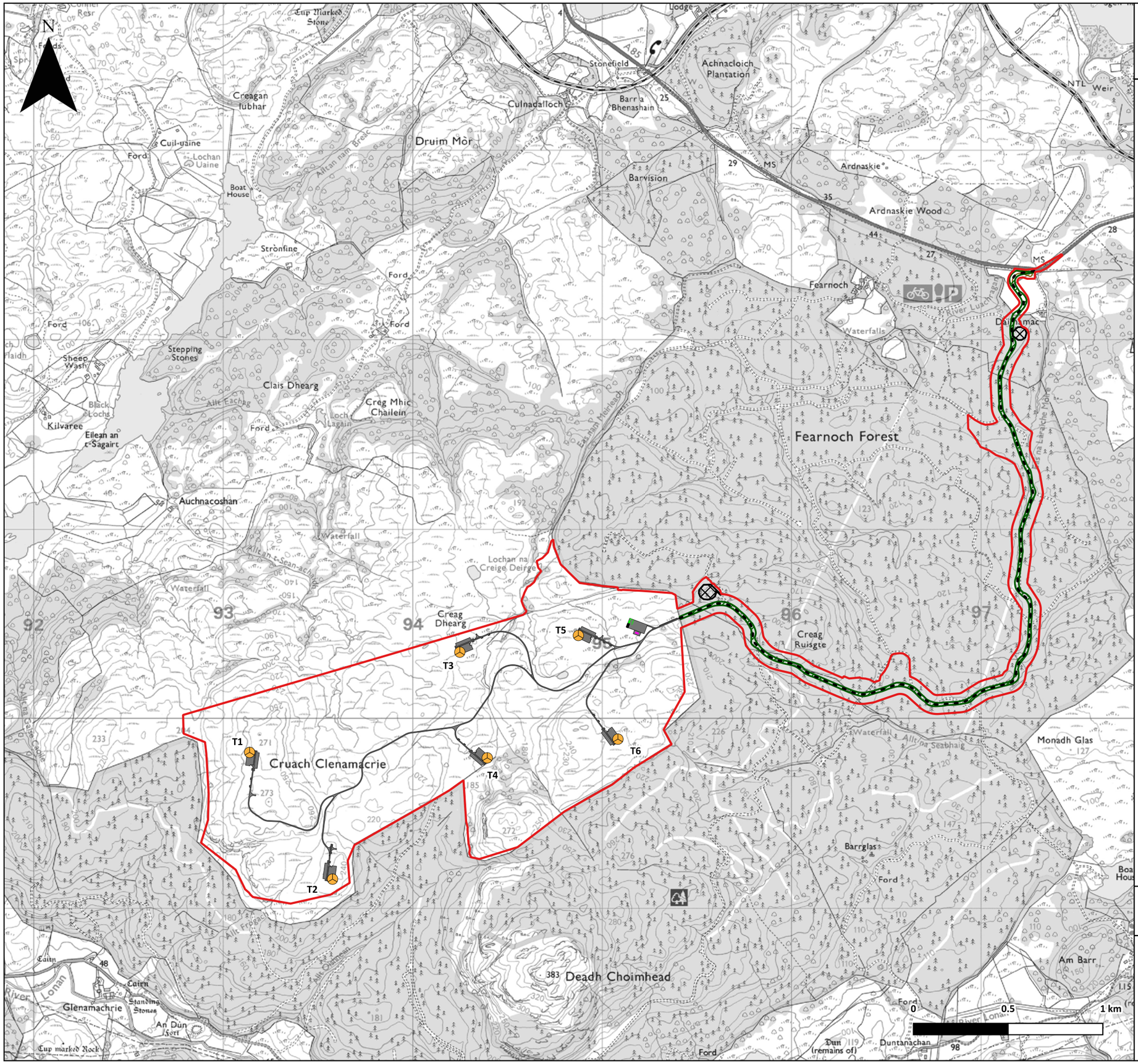

Project Name:	**Cruach Clenamacrie Wind Farm**
Document Title:	**Site Layout**
Scale:	**1:20,000 @ A3**

Key:

- Proposed Turbine Locations
- Application Boundary
- Proposed Infrastructure
- Proposed Substation
- Proposed Battery Infrastructure
- Proposed Car Parking Areas
- Proposed Access Route
- Proposed Access Route Tree Clearance
- Proposed Borrow Pits
- Proposed Construction Traffic Junction

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Version:	**1.0**
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