



CRUACH CLENAMACRIE WIND FARM

CHAPTER 2:

PLANNING AND RENEWABLE ENERGY POLICY

November 2024

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ABBREVIATIONS

ABBREVIATION	DESCRIPTION
ABC	Argyll and Bute Council
ABLDP	Argyll and Bute Local Development Plan 2024
CBDP	Carbon Budget Delivery Plan
CCC	Climate Change Committee
EIA	Environmental Impact Assessment
GHG	Green House Gas
LBAP	Local Biodiversity Action Plan
LDP	Local Development Plan
LLA	Local Landscape Area
LNCS	Local Nature Conservation Sites
MW	Megawatts
NPF4	National Planning Policy 4
NSA	National Scenic Area
OWPS	Onshore Wind Policy Statement
PAN	Planning Advice Note
SSSI	Sites of Special Scientific Interest
PRES	Planning and Renewable Energy Statement
The 1989 Act	Electricity Act 1989
The 1997 Act	Town and Country Planning (Scotland) Act 1997
The 2008 Act	The Climate Change Act 2008
The 2009 Act	Climate Change (Scotland) Act 2009
The 2019 Act	The Climate Change (Emissions Reduction Targets) (Scotland) Act 2019
The 2019 Order	The Climate Change Act 2008 (2050 Target Amendment) Order 2019
The Sector Deal	The Onshore Wind Sector Deal

2 PLANNING AND RENEWABLE ENERGY POLICY

2.1 Introduction

This chapter outlines the planning, energy and climate legislation and policy which is considered to be relevant to the assessment of the Proposed Development. It sets out the climate change, energy and planning policy at an international, national and local level, before considering the Development Plan and other relevant Scottish Planning Guidance. Legislation, planning policy and guidance specific to each technical discipline is considered in the **Technical Chapters 6-17**.

A separate Planning and Renewable Energy Statement (PRES) is submitted with the Section 36 consent which provides a standalone assessment of the Proposed Development against the relevant legislative and policy considerations.

Where legislation, which is referenced in this chapter of the EIA Report, has been amended it is assumed that the reference to the legislation is as in force as at the date of this EIA Report.

2.2 The Legislative Framework

There are a number of Acts of Parliament which are considered to be relevant to planning and renewable energy policy in respect of the Proposed Development. Legislation relevant to the Environmental Impact Assessment (EIA) process are set out in **EIA Report Chapter 3: EIA Methodology**.

2.2.1 Provisions of the Electricity Act 1989

The Proposed Development will have an installed capacity of over 50 MW. In Scotland, onshore renewable energy developments that have capacity to generate over 50 MW require consent from the Scottish Ministers under the Electricity Act 1989¹ (the 1989 Act). In such cases, the Planning Authority is a statutory consultee in the development management process and procedures. In the case of the Proposed Development the Planning Authority is Argyll and Bute Council (ABC).

The approach to determining an application for consent for the construction and operation of a generating station whose permitted capacity exceeds 50 MW under section 36 of the 1989 Act is not the same as an application for planning permission, under the Town and Country Planning (Scotland) Act 1997² (the 1997 Act), for a generating station whose permitted capacity is 50 MW or less.

Scottish Ministers are required under Schedule 9, Sub-paragraph 3(2) of the 1989 Act, in their consideration of the Application, to have regard to:

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

The duties referred to in Schedule 9 sub-paragraph 3 (1) (a) and (b) of the 1989 Act do not apply to the Applicant, but the matters set out in Sub paragraph 3(1)(a) to which the Scottish Ministers must have regard are:

“... 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;”

Under Schedule 9, paragraph 3 (1)(b) the Applicant must:

¹ The Electricity Act 1989

² Town and Country Planning (Scotland) Act 1997

“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”.

The Applicant is also obliged under sub-paragraph 3(3) to: *“avoid, so far as possible, causing injury to fisheries or to the stock of fish in any waters.”*

The Applicant has fulfilled all these duties through the design evolution and use of mitigation as reported in the EIA Report accompanying the Application. The EIA process encompasses consideration of all the matters set out in Schedule 9(3)(1)(a).

2.2.2 The Town & Country Planning (Scotland) Act 1997

The 1997 Act is the principal planning statute for town and country planning in Scotland. Section 57(2) of the 1997 Act provides:

“On granting a consent under section 36 or 37 of the Electricity Act 1989 in respect of any operation or change of use that constitutes development, the Scottish Ministers may direct that planning permission for that development and any ancillary development shall be deemed to be granted, subject to any conditions (if any) as may be specified in the direction”.

The Applicant seeks deemed planning permission for the Proposed Development.

The 1997 Act advises that the Development Plan for an area is taken to consist of the provisions of:

- The National Planning Framework; and
- The Local Development Plan (LDP).

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

The Climate Change Act 2008³ became law on 26 November 2008 and introduced a legally-binding target for the UK to reduce greenhouse gas (GHG) emissions by at least 80% by 2050, relative to 1990 levels. In addition to meeting the Scottish targets the effort made, in Scotland, to reduce GHG contributes to achieving UK targets,

The Climate Change Act 2008 (2050 Target Amendment) Order 2019⁴ (The 2019 Order) amended the Climate Change Act 2008 to increase the GHG reduction targets for the UK. The Order amended the 2008 Act by passing into law the target for UK GHG emissions to be at least 100% lower than the 1990 baseline by 2050 (net zero by 2050).

2.2.4 The Climate Change (Scotland) Act 2009 and The Climate Change (Emissions Reduction Targets) (Scotland) Act 2019

The climate change targets for Scotland were first set out in the Climate Change (Scotland) Act 2009⁵ (the 2009 Act). The Climate Change (Emissions Reduction Targets) (Scotland) Act 2019⁶ (the 2019 Act) amends the 2009 Act. The 2019 Act requires Scottish Ministers to *“ensure that the net Scottish emissions account for the net-zero emissions target year is at least 100% lower than the baseline (the target is known as the “net-zero emissions target”)”.*

³ Climate Change Act 2008

⁴ The Climate Change Act 2008 (2050 Target Amendment) Order 2019

⁵ The Climate Change (Scotland) Act 2009

⁶ The Climate Change (Emissions Reduction Targets) (Scotland) Act 2019

The Scottish Government has, following the recommendation of the Climate Change Committee (CCC) set 2045 as the target year for Net Zero emissions. The 2019 Act sets out ambitious interim targets and states that:

“The Scottish Ministers must ensure that the net Scottish emissions account for the year—

- a) 2020 is at least 56% lower than the baseline,*
- b) 2030 is at least 75% lower than the baseline, and*
- c) 2040 is at least 90% lower than the baseline.”*

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) Bill⁷ 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. If passed by the Scottish Parliament, the legislation will change the existing deadline to finalise the next Climate Change Plan for Scotland, so the Plan can align with the timescale for carbon budgets.

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

The targets set out in the 2019 Act are not aspirations or ceiling figures, they are the minimum targets the Scottish Government are legally required to obtain. The Scottish Ministers are therefore legally bound by the 1989 Act and are required to set out a framework for achieving said targets and to respond to the climate crisis.

The PRES provides further, detailed, reference and assessment of the Proposed Development against the renewable energy policy framework, demonstrating how the Proposed Development would contribute to achieving emissions reduction and renewable energy and electricity targets at the Scottish and UK levels.

2.2.5 The Energy Act 2023

The Energy Act 2023⁸ received Royal Assent on 26 October 2023. The 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.

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”*.

2.3 Renewable Energy and Climate Change Policy

2.3.1 UK Renewable Energy and Climate Change Policy

The UK Government retains responsibility for the overall direction of energy policy including the achievement of national targets for renewable energy generation. It is however clear that the devolved

⁷ Climate Change (Emissions Reduction Targets) (Scotland) Bill

⁸ The Energy Act 2023

administrations play an important role in reaching the UK targets for renewable electricity. The Scottish Ministers have powers to set Scotland's targets for energy generation and to consent energy projects.

The UK Government has published a series of policy documents setting out how renewable energy targets can be achieved. These documents include the following:

- The UK Energy White Paper 2020⁹;
- The UK Net Zero Strategy¹⁰;
- The British Energy Security Strategy¹¹;
- Powering up Britain Energy Security Plan¹²;
- Progress in Reducing Emissions June 2023 Committee on Climate Change – Report to Parliament 2023¹³; and
- Strategy and Policy Statement for Energy Policy in Great Britain¹⁴.

2.3.1.1 The Energy White Paper, December 2020

On 13th December 2020, the UK Government published its Energy White Paper, 'Powering our Net Zero Future', this document sets out current thinking on the way in which the UK should work towards meeting its Net Zero targets by 2050. It advises that although retiring capacity will need to be replaced, modelling suggests, 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.

On page 4 the Energy White Paper sets out 3 key themes as follows:

- transforms energy;
- green recovery; and
- fair deal for consumers.

It is clear that the Government is looking for a transformation to the delivery of renewable energy which will form part of a green recovery and deliver fair prices for the consumers of energy. The document looks at what needs to be achieved in terms of clean electricity production in order to reach Net Zero. 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”*.

2.3.1.2 The UK Net Zero Strategy

In October 2021 the UK Government published their Net Zero Strategy. The document 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 CCC has advised that “it is an achievable, affordable plan that will bring jobs, investment and wider benefits to the UK”.

⁹ The UK Energy White Paper, Department for Energy Security and Net Zero and Department for Business, Energy and Industrial Strategy. December 2020

¹⁰ The UK Net Zero Strategy Build Back Greener, Department for Energy Security and Net Zero and Department for Business, Energy and Industrial Strategy. April 2022

¹¹ The British Energy Security Strategy, Department for Energy Security and Net Zero, Prime Ministers Office and Department for Business, Energy and Industrial Strategy. April 2022

¹² Powering up Britain: Energy Security Plan; Department for Energy Security and Net Zero. April 2023

¹³ Progress in Reducing Emissions June 2023 Committee on Climate Change – Report to Parliament, Climate Change Committee. June 2023

¹⁴ Strategy and Policy Statement for energy policy in Great Britain, Department for Energy Security and Net Zero. February 2024

In considering power the document 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.”*

It is clear from the document 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.

2.3.1.3 The British Energy Security Strategy

The British Energy Security Strategy was published by the UK government in April 2022. The British Energy Security Strategy was published in response to concern over the security, affordability and sustainability of the UK’s energy supply.

The strategy proposes to accelerate the UK towards a low-carbon energy independent future. The foreword advises that, *“we’re going to bring clean, affordable, secure power to the people for generations to come.”* The introduction goes on to advise that all of the steps proposed *“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”.*

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

2.3.1.4 Powering up Britain Energy Security Plan

On 30 March 2023, the UK Government published ‘Powering Up Britain’ which set out how the UK government planned to enhance the country’s energy security, seize the economic opportunities of the transition, and deliver on the Governments net zero commitments. The package of documents included the following:

- An Overview Report;
- An Energy Security Plan;
- Net Zero Growth Plan; and
- A Carbon Budget Delivery Plan (CBDP).

The Ministerial Foreword of the Overview Report (page 3) stated that *“Powering Up Britain – is the Government’s blueprint for the future of energy in this country. By bringing together our Energy Security Plan, and Net Zero Growth Plan, it explains how we will diversify, decarbonise and domesticate energy production by investing in renewables and nuclear, to power Britain from Britain.”*

Section 1 (page 23) of the overview notes that it is recognised that *“onshore wind is an efficient, cheap and widely supported technology”.*

The Energy Security Plan sets out the steps that the UK Government is taking to ensure that the UK is more energy independent, secure and resilient. The introduction (page 2) advises that the UK *“will build on our ambitions set out in the British Energy Security Strategy and the Net Zero Strategy for increasing the overall share of domestic energy production and reducing energy demand. We will move towards energy independence by aiming for a doubling of Britain’s electricity generation capacity by the late 2030s”.*

2.3.1.5 Strategy and Policy Statement for Energy Policy in Great Britain

The Strategy and Policy Statement for Energy Policy was developed in accordance with the Energy Act 2013 and set out the Government’s strategic priorities and other main considerations of its energy policy;

the policy outcomes to be achieved as a result of the implementation of that policy; and the roles and responsibilities of those who are involved in implementation of that policy.

The introduction of the Strategy and Policy Statement for energy policy advises that the UK Government has set out strategic policies in respect of energy over a number of years.

The Strategy and Policy Statement for Energy Policy seeks to complement these publications, by providing guidance to the energy sector on the actions and decisions that are required “*to deliver government’s policy goals and places emphasis on where government expects a shift in the energy industry’s strategic direction.*” In order to do this, the Government has identified a number of strategic priority areas for energy policy in Great Britain for the purposes of the Strategy and Policy Statement for Energy Policy as follows:

- Enabling Clean Energy and Net Zero Infrastructure;
- Ensuring Energy Security and Protecting Consumers; and
- Ensuring the Energy System is fit for the Future.

2.3.2 Scottish Renewable Energy and Climate Change Policy

The Scottish Government has published a number of policy documents which include their own targets. The most relevant policy and Government statements published by the Scottish Government include:

- Scottish Energy Strategy¹⁵;
- The Scottish Government’s declaration of a Climate Emergency¹⁶;
- Update to the Climate Change Plan 2018 – 2032, Securing a Green Recovery on a Path to Net Zero¹⁷;
- The Onshore Wind Policy Statement¹⁸;
- The draft Energy Strategy and Just Transition Plan¹⁹; and
- The Onshore Wind Sector Deal for Scotland²⁰.

The renewable energy and onshore wind policy stress the importance of the need to develop renewable energy. In the Scottish context they clearly support the importance of onshore wind farms as a key technology in the delivery of renewable energy targets to 2030 and beyond.

The principle of renewable energy developments, such as the Proposed Development, are strongly supported by the extant renewable energy policy framework. It is clear that the UK and Scottish policy sets out the action which is required to reduce emissions. It is clear from the available documents and statistics that the scale of the challenge is significant. The detail of this is set out in the PRES.

2.3.2.1 Scottish Energy Strategy

The Scottish Government published the Scottish Energy Strategy in December 2017 (Scottish Government, 2017). The Scottish Energy Strategy sets out the Scottish Government’s vision for the future energy system in Scotland, for the period to 2050. The Scottish Energy Strategy is designed to provide a long-term vision to guide detailed energy policy decisions over the coming decades. It articulates the priorities for an integrated system wide approach that considers both the use and the supply of energy for heat, power and transport.

¹⁵ Scottish Energy Strategy, Scottish Government. December 2017

¹⁶ The Scottish Government’s declaration of a Climate Emergency April 2019

¹⁷ Update to Climate Change Plan 2018 – 2032: Securing a Green Recovery on a Path to Net Zero, Scottish Government. December 2020

¹⁸ The Onshore Wind Policy Statement, Scottish Government. December 2022

¹⁹ The draft Energy Strategy and Just Transition Plan, Scottish Government. January 2023

²⁰ The Onshore Wind Sector Deal for Scotland, Scottish Renewables and Scottish Government. September 2023

The document focuses on a range of renewable sources including onshore wind, solar and energy storage. The main document was published alongside three policy statements. Those documents are:

- Onshore Wind Policy Statement;
- Local Heat & Energy Efficiency Strategies and District Heating; and
- Scotland's Energy Efficiency Programme.

The Scottish Energy Strategy sets out the 2050 vision for energy in Scotland is to have a “*flourishing, competitive local and national energy sector, delivering secure, affordable, clean energy for Scotland's households, communities and businesses*”. The vision is centred around six priorities, including the following:

- *“innovative local energy systems which empower communities; and*
- *exploiting Scotland's huge renewable energy resources”.*

The Scottish Energy Strategy is clear that energy storage has an important role to play in the future of Scotland's energy system. It states: “*Changes in 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 economy*”.

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

2.3.2.2 The Scottish Government's declaration of a Climate Emergency

In May 2019, the Scottish Government declared a climate emergency. At the same time, in Westminster, the Environment Secretary acknowledged 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.”

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”

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

2.3.2.3 Update to the Climate Change Plan 2018 – 2032, Securing a Green Recovery on a Path to Net Zero

The Climate Change Plan was published by the Scottish Government in February 2018. An update to the Climate Change Plan, Update to the Climate Change Plan 2018 – 2032, Securing a Green Recovery on a Path to Net Zero was published in December 2020. The document notes that many elements of the 2018 Plan still stand.

The Update to the Climate Change Plan 2018 – 2032, Securing a Green Recovery on a Path to Net Zero highlighted that Scotland is widely recognised as a world leader in renewable energy, with an abundance of renewable resources, and the targets and achievements reflect that. The Update to the Climate Change

Plan 2018 – 2032, Securing a Green Recovery on a Path to Net Zero emphasised the growth and success to date of Scotland’s renewable energy generation as well as stating strongly the determination that this growth must continue.

Referring specifically to onshore wind generation, the Update to the Climate Change Plan 2018 – 2032, Securing a Green Recovery on a Path to Net Zero notes that there is a motivation to reduce determination periods for applications to enable projects to be awarded consent to be developed more quickly.

The Update to the Climate Change Plan 2018 – 2032, Securing a Green Recovery on a Path to Net Zero sets out a Pathway to Net Zero to 2032 and establishes policies to achieve this. The document advises that The Scottish Government’s vision for 2032 and 2045 is that *“renewable generation will increase substantially between now and 2032, and we expect to see the development of between 11 and 16 GW of capacity during this period, helping to decarbonise our transport and heating energy demand.”*

2.3.2.4 The Onshore Wind Policy Statement

The Scottish Government published the Onshore Wind Policy Statement on the 21 December 2022.

The key headline in the Onshore Wind Policy Statement 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.

The key policies set out in the Onshore Wind Policy Statement are focused on the change of ambition and the formal agreement to the higher minimum target by 2030.

2.3.2.5 The draft Energy Strategy and Just Transition Plan

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 draft Energy Strategy and Just Transition Plan sets out a plan for Scotland’s renewables revolution to be accelerated as North Sea basin resources decline.

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.”

The foreword sets out key ambitions for Scotland’s Energy Future, and identifies 10 which include the following, which 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.

2.3.2.6 The Onshore Wind Sector Deal for Scotland

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

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 Onshore Wind Policy Statement (OWPS) of a minimum installed capacity of 20 GW of onshore wind, in Scotland, by 2030.

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 as 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 Onshore Wind Policy Statement.

2.4 National Planning Policy and Guidance

2.4.1 National Planning Policy

National planning policy is contained in National Planning Framework 4²¹ (NPF4). NPF4 was adopted by the Scottish Government in February 2023.

NPF4 sets out the Scottish Government's national spatial strategy for Scotland which sets out spatial principles, regional priorities, national developments and national planning policy. NPF4 includes three parts:

- Part 1 – A National Spatial Strategy for Scotland 2045;
- Part 2 – National Planning Policy; and
- Part 3 – Annexes.

2.4.1.1 Part 1 – A National Spatial Strategy for Scotland 2045

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.

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.

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

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

²¹ National Planning Framework 4, Scottish Government. February 2023

generation as well as a statement that *“to respond to the global biodiversity crisis, nature recovery must be at the heart of future places”*.

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”*.

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.”

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.

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 set out later in this chapter.

Commentary on the National Spatial Strategy in Part 1 of NPF4 is supported by observations on five Regional Spatial Priorities, each of which will contribute in their own different ways to achievement of the National Spatial Strategy.

2.4.1.2 NPF4 Part 2: National Planning Policy

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

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

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”*.

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.”

Annex B sets out the Statements of Need for all eighteen - 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.”

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."

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..."* (emphasis added).

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."

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."

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

In terms of planning, development management and the application of the national level policies, NPF4 states:

"The policy sections are for use in the determination of planning applications. The policies should be read as a whole. Planning decisions must be made in accordance with the development plan, unless material considerations indicate otherwise. It is for the decision maker to determine what weight to attach to policies on a case by case basis. Where a policy states that development will be supported, it is in principle, and it is for the decision maker to take into account all other relevant policies."

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.

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; and
- Policy 11: Energy.

These policies are summarized in the following text.

2.4.1.2.1 Policy 1 – Tackling the Climate and Nature Crises

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”*.

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”* (emphasis added).

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.

2.4.1.2.2 Policy 3 – Biodiversity

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”*.

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.

Part (b) relates to national or major development or for development that requires an Environmental Impact Assessment. 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.

2.4.1.2.3 Policy 4 – Natural Places

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”*.

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”*.

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

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.”

2.4.1.2.4 Policy 5 – Soils

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”*.

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.

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.

2.4.1.2.5 Policy 6 - Forestry, Woodland and Trees

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

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.

2.4.1.2.6 Policy 7 – Historic Assets and Places

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.

2.4.1.2.7 Policy 11 – Energy

Policy 11 is the most relevant to the Proposed Development and is considered to be the most relevant 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.”

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

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.

The Policy is clear that proposals for onshore wind farms will not be considered acceptable in National Scenic Areas or National Parks. It requires that that development proposals must maximize net economic

impacts, including local and community socio-economic benefits. It contains a set of impacts which developers are required to demonstrate have been the subject of design and mitigation. These include significant landscape and visual effects and impacts on local communities. It notes that significant localised landscape and visual impacts will generally be considered acceptable.

The policy requires that in considering the impacts of a proposed development significant weight is to be placed on the contribution of the proposed development to renewable energy targets and GHG emission reduction targets.

2.4.2 National Planning Guidance

Planning Advice Notes (PANs) set out detailed advice from the Scottish Government in relation to a number of land use planning topics. Relevant PANs are summarised as follows:

- PAN 60 Planning for Natural Heritage²², provides developers with advice concerning the use of the EIA process to prevent negative impacts of a development on ecology and biodiversity, and the process of undergoing environmental assessments to identify and mitigate any identified adverse effects. The guidance also outlines the importance of consulting with the relevant planning authority and NatureScot (formerly Scottish Natural Heritage).
- PAN 75 Planning for Transport²³, aims to increase awareness of links between planning and transport management, through the integration of development plans and transport strategies to successfully create optimal transport outcomes and prospects for sustainable development.
- PAN 51 Planning, Environmental Protection and Regulation²⁴ (Revised 2006), clarifies the role of the planning system in relation to environmental protection regimes.
- PAN 1/2011 Planning and Noise²⁵, outlines the role of the planning system in aiding the prevention/mitigation of any potential adverse effects of noise stemming from development. The document promotes the appropriate location of potentially noisy development and highlights the principles of good acoustic design.
- PAN 2/2011 Planning and Archaeology²⁶, advises developers and planning authorities on dealing with archaeological remains and outlines the planning process approach to any archaeological scope of works.
- PAN 1/2013 Environmental Impact Assessment (as amended)²⁷, outlines the role of local authorities and consultees throughout the EIA process, and the impact of development management on informing the EIA process.

2.5 The Local Development Plan

The Site is located within the administrative area of ABC. The LDP for the Proposed Development comprises the Argyll and Bute Local Development Plan 2024²⁸ (ABLDP).

The ABLDP provides the local planning framework for the ABC area, excluding Loch Lomond and Trossachs National Park. The ABLDP statement provides the general policy context against which planning applications for new development proposals should be assessed. This is supported by the proposals maps which show the range of development opportunities and constraints within the area.

²² Planning Advice Note 60 Planning for Natural Heritage, Scottish Executive Development Department. Updated January 2008

²³ Planning Advice Note 75 Planning for Transport, Scottish Executive Development Department. August 2005

²⁴ Planning Advice Note 51 Planning, Environmental Protection and Regulation, Scottish Executive Development Department. October 2006

²⁵ Planning Advice Note 1/2011 Planning and Noise, The Scottish Government. March 2011

²⁶ Planning Advice Note 2/2011 Planning and Archaeology, The Scottish Government. July 2011

²⁷ Planning Advice Note 1/2013 Environmental Impact Assessment, The Scottish Government. May 2017

²⁸ Argyll and Bute local Development Plan, Argyll and Bute Council. February 2024

2.5.1 Argyll and Bute Local Development Plan Designations

The Proposed Development is in an area which has a number of designations in the ABLDP. These include the following:

- Remote Countryside;
- Countryside Area; and
- Loch Etive Woods Special Area of Conservation.

The following text sets out the policies which are considered to be relevant to the Application.

2.5.2 Argyll and Bute Local Development Plan Policies

2.5.2.1 Policy 2 - 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, B or C as set out, together with other relevant policies:

A – Countryside Areas – In these areas there is a presumption in favour of sustainable development where it is considered to be an appropriate scale, design, siting and use for its countryside location.

B- Remote Countryside Area - in these locations only specific categories of development are considered to be appropriate. These include a number of categories including Renewable energy related development

C – refers to Helensburgh and Lomond Greenbelt areas and is not relevant to the Application.

2.5.2.2 Policy 4 - Sustainable Development

The supporting text advises that it is *“an absolute and pressing imperative that we find ways to reduce both our greenhouse gas emissions, and the consumption of finite resources. Waste must also be reduced to avoid polluting our environment.”*

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. Those which are relevant to the Application are as follows:

“h) Conserve and enhance the natural and built environment and avoid significant adverse impacts on biodiversity, natural and heritage assets;

i) Respect the landscape character of an area and the setting and character of settlements;

j) Avoid places with significant risk of flooding, tidal inundation, coastal erosion or ground instability; and

k) Avoid having significant adverse impacts on land, air and water environment.”

2.5.2.3 Policy 8 - Sustainable Siting

This policy is aimed at traditional built and urban development and seeks to ensure the sustainable siting of built development. However, there are some elements that are relevant to the Proposed Development. The following criteria are considered to be relevant:

- The development should integrate into the landscape to minimise detrimental effects on the environment. Particularly careful attention should be given to hilltop, skyline or ridge locations, where development will only be acceptable if such a location cannot be avoided and any significant adverse landscape and visual effects are clearly outweighed by social, environmental or economic

benefits of community wide importance arising from the development proposal, and have been sufficiently mitigated through an Environmental Impact Assessment or Landscape and Visual Impact Assessment.

- Development on a sloping site should be designed sensitively taking account of the topography in order to prevent significant excavation.

2.5.2.4 Policy 10 - All Development

Policy 10- applies to all development. Policy 10 requires that the design of any development must meet a number of criteria. The ones of relevance to the Proposed Development are:

- Demonstrate an understanding of and appropriate response to the proposed development site and wider context including consideration of character;
- Incorporate existing and enhancing features where applicable;
- Consider the embodied energy and durability of proposed materials; and
- Incorporate the use of flood resistant and resilient materials and construction methods.

2.5.2.5 Policy 15 - Supporting the Protection, Conservation and Enhancement of Our Historic Built Environment

This policy is a generic policy which seeks to protect the built historic environment. The ABLDP also contains a number of historic designation specific policies which are set out later. Policy 15 advises that proposals will not be acceptable where they fail to:

- Protect, preserve, conserve or enhance the established character of the historic built environment in terms of its location, scale, form, design or proposed use; or
- Avoid any cumulative effect upon the integrity or special qualities of designated built environment sites.

2.5.2.6 Policy 19 - Scheduled Monuments

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.

2.5.2.7 Policy 21 Sites of Archaeological Importance

This policy advises that there is a presumption in favour of retaining, protecting, conserving and enhancing the existing archaeological heritage and any future discoveries found in Argyll and Bute.

2.5.2.8 Policy 30 - The Sustainable Growth of Renewables

The key policy for the consideration of the Application is Policy 30 The sustainable growth of renewables. The supporting text for Policy 30 is clear that it should be read in the context of the Development Plan as a whole including the objectives and principles of NPF4 and the specific policies, including Policy 11.

The criteria in LDP2 Policy 30 are a list to be assessed against rather than a set of matters to consider, as set out in NPF4. The content of the list is not identical to that contained in NPF4 Policy 11 e). The PRES will consider the weight which should be given, by the decision maker, to ABLDP Policy 30.

2.5.2.9 Policy 55 – Flooding

Policy 55 sets out the approach which is to be taken to flooding and the assessment of flooding in the context of applications for all forms of development.

2.5.2.10 Policy 59 – Water Quality and The Environment

Policy 59 sets out the requirements for developments that could affect the water environment. It sets out a number of potential impacts that should be considered. These include the following:

- Water quality and quantity, ecological, biological and chemical status, including flow rate;
- Riparian habitats and wildlife;
- Geomorphic processes;
- Leisure and recreational facilities and users; and
- Economic activity.

2.5.2.11 Policy 70 – Development Impact on National Scenic Areas (NSA’s)

The ABLDP seeks to protect development within, or affecting NSA’s that would compromise the objectives of the designation. It sets out the circumstances where adverse effects may be considered acceptable.

2.5.2.12 Policy 71 – Development Impact on Local Landscape Area (LLA)

Policy 71 advises that ABC will resist development in, or affecting a LLA where its scale, location or design will have a significant adverse impact on the character of the landscape. It provides criteria which must be demonstrated by development in or affecting an LLA.

2.5.2.13 Policy 73 – Development Impact on Habitats, Species and Biodiversity

Policy 73 advises that ABC “*will give full consideration to the legislation, policies and conservation objectives*”. It is clear that ABC will seek to contribute to the delivery of the objectives and targets set by the Local Biodiversity Action Plan (LBAP) and the Scottish Biodiversity Strategy.

It notes that development proposals will be encouraged to incorporate safeguard and enhancement of existing site biodiversity wherever possible.

Policy 73 advises that if there is evidence to suggest that a habitat or species of international, national or local importance exists on a proposed development site or would be affected by a proposed development then the Applicant is required to complete surveys and if necessary provide a mitigation plan.

Development proposals which are likely to have an adverse effect on protected species and habitats will only be permitted where it can be shown that a number of criteria are satisfied.

2.5.2.14 Policy 74 – Development Impact on Sites of International Importance

This policy advises that development which is not directly connected with or necessary to the conservation management of a site covered by an existing or proposed Special Protection Area, existing or candidate Special Area of Conservation, or Ramsar Site (i.e. European Sites) and which is likely to have a significant effect on the site, will be subject to an Appropriate Assessment.

Where an Appropriate Assessment is required then a number of criteria are to be addressed if permission is to be granted.

2.5.2.15 Policy 75 – Development Impact on Sites of Special Scientific Interest (SSSIs) and National Nature Reserves

Policy 75 Development relates to SSSIs and National Nature Reserves. It advises that development which effects these designations will only be permitted where certain criteria are adequately met.

2.5.2.16 Policy 76 – Development Impact on Local Nature Conservation Sites (LNCS)

Policy 76 is clear that development that would have a significant effect on the integrity on the LNCS will not be supported unless certain criteria are met.

2.5.2.17 Policy 77 – Forestry, Woodland and Trees

The ABLDP Policy 77 contains a strong presumption in favour of protecting woodland resources. It advises that particular care will be taken to ensure that ancient semi-natural woodland, native or long established woods, hedgerows and individual trees (including veteran trees) of high nature conservation value are safeguarded, conserved and where possible enhanced.

It advises that the removal of woodland resources will only be permitted where it would achieve significant and clearly defined additional public benefits. In cases where woodland is removed, the policy requires that adequate provision must be made for compensatory planting. Mitigation will be required where a development proposal would sever or impair connectivity between important woodland habitats.

2.5.2.18 Policy 78 – Woodland Removal

Policy 78 sets out the approach to compensatory planning required as the result of woodland removal which forms part of a proposed development. It sets out a sequential approach to such planting as follows:

- i) On-site (most preferable);
- ii) Off-site within Argyll and Bute; or
- iii) Elsewhere within Scotland (least preferable).

2.5.2.19 Policy 79 – Protection of Soil and Peat Resources

Policy 79 seeks to protect soils and peat from inappropriate development. It advises that proposed developments will only be supported “where appropriate measures are taken to maintain soil resources and function to an extent that is considered relevant and proportionate to the scale of development.”

It goes on to state that development that would potentially have a significant adverse effect on soil recourse and functions or peat structure and function in terms of disturbance, degradation or erosion will not be supported unless two criteria are satisfactorily addressed. These are:

“a) Such adverse effects are clearly outweighed by social, environmental or economic benefits of community wide importance arising from the development proposal; AND

b) A soil or peatland management plan is submitted which clearly demonstrates how unnecessary disturbance, degradation or erosion of peat and soils will be avoided and how any impacts are to be mitigated. Evidence of the adoption of best practice in the movement of, storage, management, reuse and reinstatement of soils must be submitted along with any planning application.”

2.6 Conclusion

This chapter has set out the legislative background for the Proposed Development including the targets which are set by the UK and Scottish Governments in respect of net zero.

The chapter sets out the most relevant national energy policy framework documents. It sets out the national and local planning policies and guidance which are considered to be relevant to the Proposed Development.

The chapter contains a summary of the energy and planning policy considerations that have been taken into account in the preparation of the EIA Report in order to ensure that it provides the appropriate information for the consideration of the application for consent.