



Glenshero Wind Farm

Highland

Planning Statement

prepared for
RES Ltd on behalf of SIMEC Wind One Ltd

September 2018



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Executive Summary

The Proposed Development

An application has been submitted to the Scottish Ministers under Section 36 of the Electricity Act 1989 to construct and operate a wind farm development of over 50 MW, comprising 39 turbines, with an anticipated indicative total installed capacity of 168 MW, on the Glenshero Estate, located approximately 8 km west of the village of Laggan, in the Highlands. Accordingly, the proposed development would make a very substantial contribution to the attainment of the UK and Scottish Government policies of encouraging renewable energy developments and, in turn, contribute to the achievement of UK and Scottish Government targets for renewable energy and electricity generation.

The Applicant

The proposed development presents a unique opportunity to realise several benefits for the local and national economy, metal manufacturing sector, as well as helping to meet renewable energy and electricity targets. The Applicant, SIMEC Wind One Ltd, is part of GFG Alliance which, in 2016, completed a major deal with Rio Tinto to acquire Britain's last remaining aluminium smelter at Fort William together with the hydroelectric generating stations at Fort William and Kinlochleven, and over 100,000 acres of estate land, including Glenshero Estate. This purchase represented a major increase in the GFG Alliance's investment in Scotland, following the acquisition of the Dalzell and Clydebridge Steel plants in early 2016. GFG Alliance is considering developing its own specialised wind tower manufacturing facility, which may be located on land adjacent to the Dalzell plant. In addition, the Applicant is looking at options for the electricity generated by the proposed development to contractually supply valuable low-carbon power to GFG Alliance in order to help facilitate further industrial growth.

The Application Site

The application site falls outwith any designated areas and, as explained in this Planning Statement, can be regarded as a Group 3 location which is defined in Scottish Planning Policy (SPP, 2014) as 'areas with potential for wind farm development'.

No part of the application site falls within the Cairngorms National Park. However, the Cairngorms National Park Partnership Plan 2017 – 2022 is a material consideration given the site's proximity to the CNP. The effects of the proposed development on the Park, in terms of landscape character and special qualities, have been fully considered and are judged to be acceptable.

The nearest residential properties are located to the south of the site, alongside the minor road which leads from Strathmashie to Glenshero Lodge and Garva Bridge, but are more than 3 km from the nearest turbine. Experience of many other wind energy projects in Highland and further afield in the UK shows that overbearing visual effects in relation to residential properties are not anticipated outwith 2km and usually would not occur even well within that range.

There is existing infrastructure in the area which can be utilised by the proposed development such as Melgarve substation, the Beauldy Denny 400 kV overhead line to the south of the site and Stronelairg Wind Farm to the north. Due to the presence of this existing infrastructure the proposed development can utilise an existing track network thereby reducing the need for new tracks.

Development Plan

The proposed development has been assessed against the Development Plan, which is over five years old, and is considered to be in accordance with relevant policies, particularly Policy 67 of the Highland-wide Local Development Plan and the related Onshore Wind Energy Supplementary Guidance.

National Planning Policy

NPF3 and SPP set out a strong position of support in relation to renewable energy and renewable energy targets and recognise the significant energy resource that can be realised by onshore wind. This is clearly not at any cost and development continues to be guided to appropriate locations. As per SPP, the application site, having overcome Group 2 constraints, can be regarded as a Group 3 location i.e. an “area with potential for wind farm development” where “wind farms are likely to be acceptable, subject to detailed consideration against identified policy criteria”. The proposed development has been assessed against the relevant SPP policy criteria and is deemed to be acceptable.

A further important point in terms of national planning policy is the presumption in favour of development that supports sustainable development: the proposed development draws support from that policy principle which applies with force in this case given the Development Plan is more than five years old.

A new national policy matter is the Government’s policy guidance in relation to shared ownership and how this provides a link such that community socio-economic benefits become material in planning decision making. Given the Applicant’s proposal and commitment to community ownership, it is a matter that can properly be taken into account as a consideration and weighs in favour of the proposed development.

The proposed development can draw significant support from the provisions of both NPF3 and SPP and the Government’s policy in relation to community ownership of renewable energy developments, in particular, onshore wind.

Overall Conclusion

The overall conclusion reached is that the proposed development satisfies the terms of paragraph 3 of Schedule 9 of the Electricity Act 1989 Act, while also taking into account other policy considerations including those which are relevant in the Development Plan. On this basis, it is respectfully recommended that section 36 consent be given with a direction that deemed planning permission should be granted for the proposed development.

1 Introduction

1.1 Background

- 1.1.1 JLL has been commissioned by RES Ltd on behalf of SIMEC Wind One Ltd (“the Applicant”) to provide planning and development advice in relation to an application to the Scottish Ministers under Section 36 (“s.36”) of the Electricity Act 1989 (“the 1989 Act”), to construct and operate a wind farm development of over 50 MW, comprising 39 turbines, with an anticipated indicative total installed capacity of 168 MW, on the Glenshero Estate, located approximately 8 km west of the village of Laggan, in the Highlands (hereafter referred to as “the proposed development”). In addition, the Applicant is also seeking consent for deemed planning permission under Section 57 of the Town and Country Planning (Scotland) Act 1997 (“the 1997 Act”), as amended.
- 1.1.2 The application site falls within The Highland Council area (“THC”) area. THC will be one of a number of relevant statutory consultees for the consideration of the application.
- 1.1.3 The Applicant held a formal pre-application meeting with THC and other consultees. The output from this was a Pre-Application Advice Pack which covered policy and other matters. Similarly, a formal Environmental Impact Assessment (“EIA”) Scoping exercise was undertaken which addressed additional policy matters of relevance to the application. Such matters have been taken into account in the design of the proposed development and are referenced as appropriate in this Planning Statement.
- 1.1.4 The application is accompanied by an Environmental Impact Assessment Report (“EIAR”) which has been undertaken in accordance with the Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017 (“the EIA Regulations”). The EIAR presents information on the identification and assessment of the likely significant positive and negative environmental effects of the proposed development.
- 1.1.5 This Planning Statement makes various cross references to information contained in the EIAR and presents an assessment of the proposed development against relevant policy with due regard given to the provisions of the statutory Development Plan for the THC area, national energy and planning policy, and other relevant material considerations. The Planning Statement is supplementary to, and should be read in conjunction with, the EIAR submitted with the application.

1.2 The Applicant

- 1.2.1 SIMEC Wind One Ltd is part of GFG Alliance, an international grouping of businesses encompassing energy generation, mining, metals and engineering. In September 2016, GFG Alliance completed a major deal with Rio Tinto to acquire Britain’s last remaining aluminium smelter at Fort William, Lochaber, together with the hydroelectric generating stations at Fort William and Kinlochleven, and over 100,000 acres of estate land, including Glenshero Estate. This purchase represented a major increase in the GFG Alliance’s investment in Scotland, following the acquisition of the Dalzell and Clydebridge Steel plants in early 2016. Indeed, GFG Alliance’s investment led to Dalzell Steel Plant being formally restarted in September 2016, after being mothballed by the previous owners.
- 1.2.2 The abovementioned purchases are in line with GFG Alliance’s GREENMETAL strategy which encompasses their GREENSTEEL and GREENALUMINIUM initiatives. This strategy aims to recycle and upcycle the growing mountain of scrap steel and aluminium through the use of renewable energy. Raw materials and resources are secured locally to make world-class products that sell both nationally and globally.
- 1.2.3 This strategy aims to reduce the carbon footprint of manufacturing, shorten the supply chain, retain and upgrade skills, whilst stimulating new technologies and engendering a sustainable and globally

competitive metal manufacturing sector. GFG Alliance is actively pursuing GREENMETAL in the UK, and the proposed development is a key project in implementing the strategy.

- 1.2.4 The GFG Alliance is considering the possibility of developing its own specialised wind tower manufacturing facility, which may be located on land adjacent to the Dalzell plant. In addition, the Applicant is looking at options for the electricity generated by the proposed development to contractually supply valuable low-carbon power to GFG Alliance in order to help facilitate further industrial growth.
- 1.2.5 This interdependency between industry and renewable energy is shown in the following diagram.

Figure 1.1: GFG Alliance's GREENMETAL



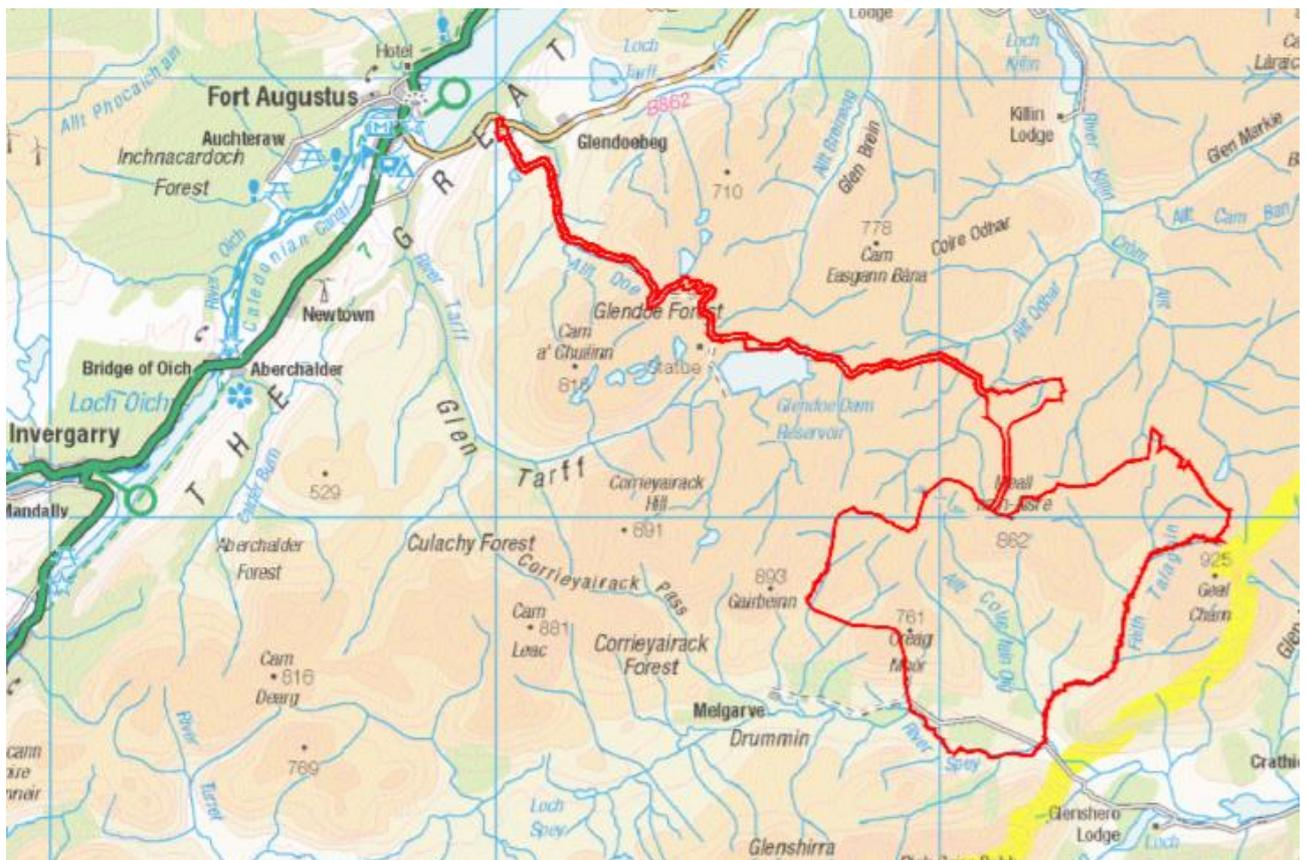
- 1.2.6 The availability of existing, and potential for new, renewable energy is very important in supporting GFG Alliance’s investment in Scotland, and particularly the Highland area. This need provides a unique opportunity to progress the proposed development in a market / non-support context¹.
- 1.2.7 In summary, the proposed development presents a unique opportunity to realise several benefits for the local and national economy, metal manufacturing sector, as well as helping to meet renewable energy and electricity targets. The proposed development would not only safeguard existing jobs within these sectors, but it would also deliver opportunities for new employment. However, the proposed development is not just driven by economics or GFG Alliance’s strategy. As set out in this Planning Statement and evidenced in the EIAR, all environmental factors have been taken into account in the siting and design of the proposed development.

¹ The Reporter in the Fauch Hill Appeal Decision Notice of 13 June 2018, in his consideration of the benefits of the proposed 12 turbine, 48MW project, made specific reference to the subsidy free nature of the proposed development and at paragraph 76 stated in the context of the Onshore Wind Policy Statement: “*The fact that this proposal could be delivered without public subsidy is a further attribute that finds support in these latest expressions of Scottish Government policy*”.

1.3 Site Location and Description

- 1.3.1 The application site covers an area of approximately 37.4 km² and is located approximately 5 km north of the A86 and approximately 8 km west of the village of Laggan.
- 1.3.2 The site comprises higher ground to the north and contains two main watercourses, the Allt Coire Iain Oig and the Allt Gilbe, which run southwards off the highest ground and join the River Spey on the site's southern boundary.
- 1.3.3 There are areas of coniferous plantation woodland located within the central southern part of the site, between the Allt Coire Iain Oig and the Allt Gilbe and on the southern site boundary.
- 1.3.4 The Beaulieu-Denny 400 kV overhead line ("OHL") intersects the site, on its southern boundary (EIAR Figure 1.1), and lies immediately north of an undesignated length of General Wade's Military Road. The majority of the site comprises open moorland used for grazing livestock and for rearing grouse.
- 1.3.5 The nearest residential properties are located to the south of the site, alongside the minor road which leads from Strathmashie to Glenshero Lodge and Garva Bridge. No properties are located within the application site.
- 1.3.6 The consented Stronelairg Wind Farm, which is located adjacent to the site's northern boundary, is currently under construction. Construction is due to be completed by the end of 2018.

Figure 1.2: Site Location Plan – Sub Regional Context



1.4 The Proposed Development

1.4.1 Chapter 2 of the EIAR provides a detailed description of the proposed development, including all ancillary infrastructure such as access and electrical connections. In summary, the key components of the wind farm would comprise the following:

- 39 three-bladed horizontal axis wind turbines, with a maximum tip height of up to 135 m;
- Turbine foundations;
- A wind farm control building/substation compound;
- Crane hardstanding area at each turbine base with a maximum permanent area of 1,200 m²;
- A total of approximately 28 km of new on-site access track and turning points with associated watercourse crossings (the proposed development would also make use of 18.5 km of existing tracks within Stronelairg Wind Farm);
- Two temporary site entrance offices and layby areas with a maximum total area of 900 m² each;
- Up to three temporary site construction compounds and laydown areas with a maximum total area of 4,000 m² each;
- Underground cabling linking the turbines with the substation;
- Search areas for up to 7 temporary mineral workings, with a total maximum search area of 118,424 m² and a predicted extraction volume of 195,000 m³ identified;
- A concrete batching plant, and associated ancillary works and engineering operations.

1.5 Structure of Planning Statement

1.5.1 The structure of this Planning Statement is as follows:

- Chapter 2 sets out an overview of the relevant statutory and regulatory framework applicable to the s.36 application;
- Chapter 3 provides a summary of the relevant Development Plan and applicable Supplementary Guidance;
- Chapter 4 assesses the proposed development against THC's 'lead' policy which deals with renewable energy developments, namely, Highland-wide Local Development Plan Policy 67. This Chapter also considers the Onshore Wind Energy Supplementary Guidance which has been produced to support the application of Policy 67;
- Chapter 5 assesses the proposed development against remaining Development Plan policies and applicable Supplementary Guidance;
- Chapter 6 addresses out relevant national planning policy and guidance;
- Chapter 7 explains the renewable energy policy framework;
- Chapter 8 sets out the benefits that would arise from the proposed development;
- Chapter 9 presents overall conclusions;
- Appendix 1 contains figures which show the application site in relation to the Development Plan;
- Appendix 2 contains the associated Planning Policy Schedule;
- Appendix 3 contains the Design and Access Statement;
- Appendix 4 shows the site in relation to the Highland Council Spatial Framework Plan;

- Appendix 5 contains supporting text in relation to the renewable energy policy framework.

2 The Statutory Framework

2.1 Introduction

2.1.1 The application for the proposed development has been submitted to the Scottish Government under s.36 of the 1989 Act. As part of this application process, the Applicant is also seeking that the Scottish Ministers issue a Direction under s.57(2) of the 1997 Act that deemed planning permissions be granted for the proposed development. This Chapter summarises the legislative framework within which the proposed development requires to be considered.

2.2 Statutory Duties

2.2.1 A decision on the Application under the 1989 Act is the principal decision to be made in this case.

2.2.2 Paragraph 3 of Schedule 9 to the Electricity Act 1989 deals with preservation of amenity. In summary, the provisions set out a number of environmental features to which regard must be had and that mitigation must be considered. Sub-paragraph 1 can be relevant to an Applicant if they hold a License at the date a s.36 application is made. Sub-paragraph 2 applies in any event. Sub-paragraphs 1 and 2 state:

(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 archeological 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; and

(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 exemption to generate or supply electricity and the Secretary of State shall avoid, so far as possible, causing injury to fisheries or to the stock of fish in any waters".

2.2.3 The Applicant has sought to develop a project that takes full account of the Schedule 9 duties. It is relevant to note the use of the terms 'desirability' and 'reasonably' with regard to project design, siting and mitigation. This recognises that there are balances and reconciliations to be considered in decision making for this type of application.

2.2.4 Although the Applicant is not bound at the present time by the requirements of Schedule 9 of the 1989 Act, the Scottish Ministers will have to have regard to sub paragraph 2 and 3. As a consequence, the Applicant has considered these matters during the design of the proposed development. This is demonstrated by the robust evaluation and assessment of effects as set out within the EIAR. This

approach was identified by Lord Hodge in the delivering the Judgement of the Supreme Court in *Trump International V The Scottish Ministers* {2015} UKSC 74 (see paragraph17).

2.2.5 In the *Fauch Hill / Harburnhead s.36* decision (page 5, paragraph 1) it was set out by the Reporters with regard to Schedule 9 of the 1989 Act that:

“The provisions of Schedule 9 of the Electricity Act 1989 apply to the assessment of wind farms with an installed capacity of over 50 MW. 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. We are satisfied that both applications have submitted sufficient environmental information and that the relevant requirements have been complied with. We are also satisfied that both applications have had regard to the relevant environmental matters and within the parameters of their chosen design have done what they reasonably could to mitigate any impact.”

2.2.6 The EIA for the proposed development demonstrates that due regard has been paid to Schedule 9 of the 1989 Act and appropriate mitigation has been considered in detail.

2.3 The Role of the Development Plan

2.3.1 In considering the overall statutory and regulatory framework within which the proposed development should be assessed, the statutory Development Plan is a material consideration which should be taken into account in the round with all other relevant material considerations. It is important to note however, that s.25 of the 1997 Act is not engaged as there is no ‘primacy’ of the Development Plan in an application made under the 1989 Act, as detailed below. This matter is now settled following various High Court and Court of Session cases in recent years².

² See *R (on the application of Samuel Smith Old Brewery (Tadcaster) v Secretary of State for Energy & Climate Change; William Grant / Dorenell s.36 Wind Farm Judicial Review* case of June 2012; and, *Fauch Hill / Harburnhead s.36 Decision*.

3 The Development Plan - Summary

3.1 Introduction

3.1.1 The statutory Development Plan covering the application site comprises the following:

- The Highland-wide Local Development Plan (“HwLDP”) (adopted 5th April 2012);
- The West Highland and Islands Local Plan (adopted 9th September 2010) (as continued in force, April 2012); and
- relevant Supplementary Guidance, particularly the Onshore Wind Energy Supplementary Guidance (November 2016).

3.1.2 As shown in **Appendix 1**, the Inner Moray Firth Local Development Plan (“IMFLDP”) (adopted July 2015) is also relevant insofar as part of the access track to the site is located within the IMFLDP area.

3.1.3 The Council progressed with reviewing the HwLDP by publishing a Main Issues Report (“MIR”) for consultation in 2016. The MIR included a series of questions on the main issues affecting people across Highland. However, in light of the possible changes to the Scottish planning system as a result of the current Planning Bill, it is understood that the Council has decided to postpone the review of the HwLDP until the implications of the Planning Bill are more clearly understood.

3.1.4 In terms of the emerging Development Plan, the West Highlands and Islands Local Development Plan (“WestPlan”) was submitted for Examination in July 2018, with a target date for Examination completion of 7th May 2019. Upon adoption, WestPlan will replace the West Highlands and Islands Local Plan (as continued in force, 2012).

3.1.5 No part of the application site falls within the Cairngorms National Park (“CNP”). However, the Cairngorms National Park Partnership Plan 2017 – 2022 (“CNPPP”) is a material consideration given the site’s proximity to the CNP. Relevant CNPPP policies are also assessed below.

3.2 HwLDP Relevant Policies

3.2.1 The HwLDP contains a number of relevant policies. Please see the accompanying Planning Policy Schedule (**Appendix 2**) which sets out relevant policies in full. The following HwLDP policies are of most relevance to the proposed development:

- Policy 67 – Renewable Energy Developments;
- Policy 57 – Natural, Built, and Cultural Heritage;
- Policy 61 – Landscape;
- Policy 55 – Peat and Soils;
- Policy 58 – Protected Species;
- Policy 59 – Other Important Species;
- Policy 60 – Other Important Habitats and Article 10 Features

3.2.2 The following HwLDP policies should also be taken into consideration when assessing the proposed development:

- Policy 28 – Sustainable Design;
- Policy 30 – Physical Constraints;
- Policy 36 – Development in the Wider Countryside;
- Policy 51 – Trees and Development;
- Policy 52 – Principle of Development in Woodland;
- Policy 56 – Travel;
- Policy 62 – Geodiversity;
- Policy 63 – Water Environment;
- Policy 64 – Flood Risk;
- Policy 66 – Surface Water Drainage;
- Policy 69 – Electricity Transmission Infrastructure; and
- Policy 77 – Public Access.

3.2.3 Policy 67 has been specifically formulated to deal with renewable energy developments and is the 'lead' policy, supported by Supplementary Guidance. Accordingly, the proposed development is assessed against Policy 67 and the associated Supplementary Guidance in Chapter 4, and the remaining policies are assessed in Chapter 5.

4 The Development Plan - Policy 67

4.1 Introduction

4.1.1 As set out above, Policy 67 is the key HwLDP policy for the assessment of onshore wind farm developments. The Policy contains a number of criteria which generally address the environmental topics that are referred to in other policies within the Plan. The proposed development has been assessed against Policy 67 and the associated Supplementary Guidance (“SG”) and this is reported below.

4.2 Policy 67

4.2.1 Firstly, Policy 67 refers to the need for renewable energy development proposals to be “*well related to the source of the primary renewable resources that are needed for their operation*”. The proposed development meets this requirement as the “*primary renewable resource*” for its operation is wind and the application site enjoys an excellent wind resource.

4.2.2 Secondly, Policy 67 states the Council will consider a proposed development’s contribution “*towards meeting renewable energy generation targets*”. The proposed development would provide up to 168 MW of installed renewable electricity generating capacity and would therefore make a significant and valuable contribution to unmet EU, UK and Scottish Government climate change and renewable electricity and energy generation targets. Such targets are referred to below in Chapter 7.

4.2.3 Thirdly, Policy 67 states the Council will consider “*any positive or negative effects [the proposed development] is likely to have on the local and national economy*”. The proposed development would contribute to the attainment of economic development objectives at local and national levels. Employment and economic benefits that would arise from the proposed development are set out in Chapter 8 of this Planning Statement.

4.2.4 Fourthly, a proposed development is to be assessed against other policies of the Development Plan, the Highland Renewable Energy Strategy and Planning Guidelines (“HRES”), and must have regard to any other material considerations. This Planning Statement assesses the proposed development against other relevant Development Plan policies. HRES is no longer used by the Council as a material policy / guidance document and is therefore of no relevance.

4.2.5 Fifthly, the Council will have regard to proposals able to “*demonstrate significant benefits including by making effective use of existing and proposed infrastructure or facilities*”. The proposed development will realise significant benefits, as summarised in Chapter 8, below, and has also been designed to make best use of existing infrastructure, as set out in EIAR Chapter 2.

4.2.6 Finally, Policy 67 requires a proposed development to be assessed against 11 factors with regard to predicted significant effects, and a judgement has to be reached as to whether or not such effects would be “*significantly detrimental overall*”. Each of these 11 factors are considered below.

1. Natural, Built and Cultural Heritage Features

4.2.7 The Council’s former Interim Supplementary Guidance of 2012, which is referred to in Policy 67, made it clear that this part of Policy 67 requires a cross reference to Policy 57 of the HwLDP. The proposed development is assessed against Policy 57 below with regard to natural, built and cultural heritage features.

2. Species and Habitats

- 4.2.8 The EIAR addresses ecology and ornithology in Chapters 6 and 7 respectively, and details the results of the surveys carried out in relation to species and habitats.
- 4.2.9 It was possible to scope out most species and habitats recorded in the study areas from the assessment by virtue of their absence from the application site, their low conservation value, the type and frequency of field signs present, the small extent of any sensitive habitat, or the negligible scale of potential effects.
- 4.2.10 Potential construction effects on blanket bog, wet dwarf shrub heath and dry dwarf shrub heath were assessed - the main effect being direct and indirect habitat loss due to land take for infrastructure and associated hydrological disturbance. Habitat losses would however be minor (and largely would be losses of degraded habitat). No significant effects on such resources are predicted.
- 4.2.11 Potential likely significant effects on the Monadhliath Special Area of Conservation ("SAC") (qualifying habitat - blanket bog) and the River Spey SAC (qualifying species - Atlantic Salmon, lamprey, freshwater pearl mussel and otter) were assessed. With the application of mitigation set out in an Outline Habitat Management Plan ("OHMP"), Deer Management Plan ("DMP") and a Construction Environment Management Plan ("CEMP"), it was concluded that there would be no adverse effects on the integrity of these sites. No significant operational, decommissioning or cumulative effects are predicted as a result of the proposed development.
- 4.2.12 An OHMP would be implemented to compensate for the loss of blanket bog and wet and dry heath communities. The OHMP will also deliver net enhancement benefits through delivering positive habitat management at a ratio of 4:1; at least four times the area of habitats affected by the proposed development will be subject to positive management measures to enhance their condition.
- 4.2.13 No residual adverse significant effects are predicted in relation to species and habitats.
- 4.2.14 The reduction in access track length, from that originally scoped, and the removal of a southern access option has had the benefit of reducing the extent of habitat loss and disturbance risk for breeding birds such as golden plover, black grouse and ring ouzel. Golden Eagle collision risk modelling was completed for the proposed development and cumulative developments and no significant effects on the NHZ10 population³ were predicted based on the final layout.
- 4.2.15 In summary, it is considered that the proposed development would not have a significant impact upon species and habitats. Policies 58, 59 and 60 are considered below with regard to nature conservation interests.

3. Visual Impact and Impact on the Landscape Character

- 4.2.16 The third factor in Policy 67 relates to visual impact and impact on the landscape character of the surrounding area. This includes reference to not just landscape character, but landscape designations such as Special Landscape Areas ("SLAs"), National Scenic Areas ("NSAs") and important public views. The appropriate approach is to determine whether a development would result in effects that are "*significantly detrimental*" overall, not if a development per se, would result in a significant adverse effect.

Design Approach

- 4.2.17 Before summarising the impact on visual amenity and landscape character effects of the proposed development, it is necessary to recognise that a carefully considered design approach has been followed by the Applicant in order to minimise significant effects on views and the landscape. This

³ The application site lies within the 'Central Highlands' SNH Natural Heritage Zone (NHZ10)

involved the application of a number of design principles which are explained in Chapters 3 and 4 of the EIAR and the Design and Access Statement (**Appendix 3**). These principles sought to reduce significant effects through alterations to layout, design and siting (insofar as was possible given the other technical and environmental constraints), management practices and mitigation. The design objectives can be summarised as follows:

- Locating the proposed development outwith areas subject to landscape designations or classifications;
- Use of topography to minimise visibility of the proposed development;
- Adoption of set-back from prominent upland edges to screen the proposed development from the main concentrations of receptors;
- Avoidance of skylining turbines, where possible;
- Positioning of the proposed development in larger scale upland moorland locations adjacent to Stronelaig Wind Farm, thereby avoiding smaller scale landscapes and distinctive topographical and landscape features;
- Adoption of a layout that reflects the pattern of ridges and watercourses whilst being consistent with the form of the Stronelaig turbine array;
- Positioning of the proposed development so it appears in close association with Stronelaig Wind Farm in views from key locations;
- Avoidance of prominent elevated summits;
- Minimisation of the extent to which the proposed development would be seen without the context of the Stronelaig development.

4.2.18 The careful placement of the proposed turbines within the site boundary and the reduction in the number of turbines from 54 to 39, between the scoping layout and the proposed development, has facilitated effective mitigation, with potentially significant effects avoided or minimised as far as reasonably practicable through the design approach. The efficacy of the siting and design measures is evident in the Zone of Theoretical Visibility (ZTV) in Figure 4.5a, and the visualisations for viewpoints and assessment in EIAR Volume 4: Technical Appendix 4.7: Viewpoint Analysis.

4.2.19 A key cumulative context for the proposed development is that of the Stronelaig Wind Farm turbines. The proposed development has been designed to be consistent with the typology and layout of this existing development and to avoid anomalous elevated slopes or summits that would be incongruous in view from elevated summits.

Visual Amenity

4.2.20 The Landscape and Visual Impact Assessment (LVIA) contains an assessment of the proposed development on visual amenity, particularly in relation to settlements (considered below), transportation routes, recreational routes and summits.

4.2.21 Individually, the proposed development would not result in appreciable effects on the amenity of transportation routes within the study area due to the screening effect of intervening topography, woodland and forestry or the turbines being viewed at a distance. In addition, there would be no significant cumulative effects on the amenity of transportation routes within the study area.

4.2.22 There are several recreational routes and rights of way within the surrounding area and the LVIA has assessed the proposed development in terms of the individual and cumulative impact upon the visual amenity of such routes.

4.2.23 The Great Glen Way and National Cycle Route 78 (two key recreational routes in the study area) would afford no discernible views of the proposed development.

Views of the proposed development from the Corrieyairack Pass between Laggan and Ardachy Road would be confined to localised locations in the vicinity of Garvamore and Garva Bridge and immediately west of Melgarve and the footpath between Glen Spean and the Corrieyairack Pass at the north-eastern end of Glen Roy.

4.2.24 Although the prominence of the turbines from these locations constitutes a major (and therefore significant) residual effect, the proposed development would be seen, through the wirescape of the Beaully Denny overhead line. No cumulative effects are predicted as the proposed development would be seen alone.

4.2.25 A localised major effect, which would be significant, is anticipated on the visual amenity of the Glen Spean and the Corrieyairack Pass through Glen Roy. As such effects are localised, and the majority of the route is entirely unaffected by the proposed development, the effect on the visual amenity of the Glen Spean and the Corrieyairack Pass through Glen Roy is considered to be acceptable. Furthermore, due to the screening effect of intervening topography, no cumulative effects would be experienced on this route.

4.2.26 The only significant cumulative effect on the amenity of these routes would be experienced by walkers heading north-westwards through the Corrieyairack Pass and would be sequential, rather than concurrent.

4.2.27 The LVIA assesses effects on landscape and visual effects on 15 summits. Of the 15 summits, significant individual and cumulative effects are predicted at Geal Charn (1.6 km from the proposed development) and Carn Liath (approx. 8.7 km from the proposed development). It is anticipated that 39 turbines would be visible from the summit of Geal Charn and would constitute a substantial impact and major effect on visual amenity.

4.2.28 It is anticipated that all 39 turbines would be visible from the summit of Carn Liath to the east of the site. Although the proposed development would extend the horizontal extent of turbines to the north east of the view and bring turbines closer to the viewpoint, thereby resulting in a major effect on visual amenity at this summit, the proposed development would be seen in the context of the existing Stronelairg Wind Farm.

Local Landscape Character

4.2.29 As a result of the iterative siting and design process, and the integration of the proposed development within the character of the landscape, it is anticipated that the construction of the proposed development would result in no significant effects in terms of the landscape character.

4.2.30 With regard to the operation of the proposed development, significant effects on the following Landscape Character Types (LCT) are anticipated:

- Rugged Massif (LBR7);
- Rolling Uplands (INV2);
- Isolated Mountain Plateau (LGN1);
- Smooth Rounded Hills (LGN2);
- Uplands and Glens (Monadliaths & Ardverikie) (CGN2); and,
- Cairngorm Straths (Spey Headwaters) (CGN3).

4.2.31 However, such significant effects are highly localised and are not considered to undermine the integrity of the LCTs. The design and location of the proposed development is considered to reflect the scale and character of the landscape and has sought to minimise the landscape and visual impact.

4.2.32 EIAR Volume 4: Technical Appendix 4.4 outlines the residual cumulative effects of the proposed development on LCTs within the study area. Significant cumulative effects are anticipated on the Rugged Massif, Rolling Uplands, Isolated Mountain Plateau, Smooth Rounded Hills and Uplands and Glens LCTs, however, such effects are also localised and the majority of the area within each of the LCTs would not be subject to any cumulative views or effects.

Landscape Designations

4.2.33 The proposed development is located outwith designated areas and would therefore have no direct effect on designated landscapes. Indirect construction effects are likely however such effects would be localised and of a short duration. Accordingly, such effects are not considered to represent significant residual effects on adjacent designated landscapes.

4.2.34 In terms of operational effects, none of the designated landscapes within the LVIA study area would be subject to direct effects. EIAR Technical Appendix 4.5: Effects on Designated Landscapes, outlines the indirect effects on the special qualities of each designation. The findings are summarised below:

Cairngorms National Park

4.2.35 Whilst there would be some significant but highly localised visual and character effects on the CNP, they would be limited in geographical extent, and their location would be on the outer extent of the CNP (i.e. away from the most sensitive areas of the CNP).

4.2.36 The majority of the CNP would not be subject to cumulative effects as a result of the proposed development. Of the relatively small number of areas that would afford views of the proposed development, including the core Cairngorms massif, cumulative effects attributable to the proposed development would be moderate to moderate / minor due to the distance relative to other wind farms and proximity to the existing Stronelaig array. Significant localised effects would be experienced at a small number of summits adjoining the western boundary of the CNP (e.g. at Geal Charn and Carn Dearg).

4.2.37 The effects on the CNP would not compromise the scale, form and contrast between the different constituent landscapes of the CNP or the prominence and distinctiveness of the mountains and plateaux of the Park. Similarly, the proposed development would not significantly affect the settled straths and glens within the CNP or its wilder or remote and secluded areas, or its the visual or sensory qualities. On this basis, the effect on the CNP would not be significant overall, the special qualities would not be significantly affected and the integrity of the CNP would not be undermined. Further consideration of the effects in relation to the CNP is set out below in Chapter 6.

Glen Affric and Cairngorms NSAs

4.2.38 No significant individual or cumulative effects on these designated areas were identified due to a combination of the screening effects of intervening topography, distance and the presence of the existing Stronelaig Wind Farm that forms an existing developed context. Where cumulative effects occur, they would primarily arise from the proposed development's intervisibility with Stronelaig Wind Farm turbines and would not be significant.

SLAs

4.2.39 Of the five SLAs assessed, significant individual and cumulative effects were only identified within parts of the Ben Alder, Laggan and Glen Banchor SLA.

4.2.40 Considering the proposed development individually, the majority of the SLA would be subject to no effects or non-significant effects, however, significant effects would be experienced at a number of elevated summits and south of the Spey Dam and at Carn Liath. No significant effects on key characteristics and special qualities of the SLA are anticipated in this area.

4.2.41 Much of the SLA would not experience cumulative effects. However, significant cumulative effects are predicted at the summit of Carn Liath where the proposed development would represent a notable increase in the prominence of existing / consented developments and a significant cumulative effect in respect of existing, consented and proposed wind farm developments.

4.2.42 However, given the relatively limited geographical extent of predicted significant effects within this SLA, the proposed development, either individually or cumulatively, is not considered to undermine the integrity of this designation. Consequently, there would be no significant effects on key characteristics and special qualities of the SLA in this area, such as in relation to remoteness and distinctive topographical features.

Wild Land Areas (WLAs)

4.2.43 The proposed development is not located within any WLAs therefore the proposed development would have no direct effects on these mapped areas. However, the following three WLAs have been assessed as part of the LVIA:

- Monadhliaths (WLA No. 20);
- Rannoch-Nevis – Mamores-Alder (No. 14); and,
- Braeroy, Glenshirra and Creag Meagaidh (No. 19).

4.2.44 EIAR Volume 4: Technical Appendix 4.6 contains the detailed assessment of the indirect residual effects on these WLAs. It is anticipated that, either individually or cumulatively, there will be no significant effects on the wild land qualities or attributes.

Setting of Cultural Heritage Assets

4.2.45 As set out in Chapter 5 of the EIAR, no setting, nor cumulative setting effects have been identified and therefore no mitigation is required. Accordingly, there are no significant effects on the setting of cultural heritage assets.

4. Amenity at Sensitive Locations

4.2.46 The fourth criterion in Policy 67 deals with amenity at sensitive locations and has regard to residential properties, work places and recognised visitor sites. This primarily relates to visual considerations as noise and shadow flicker are considered under the following criterion.

4.2.47 The proposed development would be screened from all local settlements and so there would be no effect on the amenity of such settlements.

4.2.48 The nearest residential properties are located to the south of the site, alongside the minor road which leads from Strathmashie to Glenshero Lodge and Garva Bridge, more than 3 km from the nearest turbine, accordingly, no assessment has been undertaken within the LVIA for individual residential or private properties. Experience of many other wind energy projects in Highland and further afield in the UK shows that overbearing visual effects in relation to residential properties are not anticipated outwith 2km and usually would not occur even well within that range.

5. Safety and Amenity of Regularly Occupied Buildings

4.2.49 This criterion refers to visual intrusion, noise, ice throw, and shadow flicker / shadow throw. Visual effects have been addressed above.

Noise

4.2.50 As agreed with THC's Environmental Health Officer, operational noise limits have been calculated for the proposed development following the method proposed by ETSU-R-97 and other relevant guidance, and are reported in Chapter 9 of the EIAR. The predicted noise levels are within derived appropriate noise limits at all considered wind speeds. Accordingly, the impact of the proposed development on the amenity of all nearby residential properties is regarded as acceptable, on an individual and cumulative basis.

Ice Throw

4.2.51 The criterion refers to 'ice throw' in winter conditions. The Government's web-based guidance notes that the build-up of ice on turbine blades is unlikely to present problems on the majority of wind farm sites. Furthermore, when icing does occur, turbines have vibration sensors which can detect imbalances and inhibit the operation of the machines. In line with current guidance, a permanent warning sign at the site's entrance is proposed to alert the public to this potential issue.

Shadow Flicker / Throw

4.2.52 Shadow flicker is the effect caused when an operating turbine is located between the sun and a receptor, such as a dwelling or place of work. The potential effect is dependent upon a wide range of factors. It is unlikely to be a significant impact at distances greater than ten rotor diameters from a turbine. The wind farm has been designed to achieve the required 11 rotor diameter separation distance from residential receptors⁴, with the closest property being some 3 km from the site.

4.2.53 In the unlikely event that any adverse flicker effects were to occur, the relevant turbines would be fitted with flicker control packages as mitigation and this can be addressed by way of a standard planning condition. The conclusion is that there is no issue arising due to shadow flicker.

4.2.54 In summary, the proposed development would not result in significant effects on the safety and amenity of any regularly occupied buildings and their grounds in terms of visual intrusion or the likely effect of noise generation, ice throw, shadow flicker, or shadow throw.

6. Water Environment

4.2.55 Chapter 3 of the EIAR details how impacts upon the water environment have been mitigated by design.

4.2.56 The layout has been designed to avoid direct or indirect effects on designated sites (River Spey SAC and Monadhliath SAC). With the exception of access track watercourse crossings, the design incorporates a minimum 50 m buffer distance around all surface watercourses, avoiding direct effects on watercourses. All watercourse crossings would be designed to accommodate a 1 in 200-year return period peak flow.

4.2.57 In addition, a 75 m buffer has been applied to all infrastructure and the adjacent Monadhliath SAC.

4.2.58 The proposed development incorporates good practice drainage design during construction and operation, using a sustainable drainage system ("SUDS") approach to control the rate, volume and quality of runoff from the proposed development.

4.2.59 Turbines and access tracks avoid sensitive habitats, including peat forming habitats and Groundwater Dependant Terrestrial Ecosystems ("GWDTEs"), as far as possible based on both habitat mapping and peat probing surveys.

⁴ The Highland Council's Onshore Wind Energy Supplementary Guidance (November 2016).

4.2.60 All turbines and associated infrastructure has been located >250 m from private water supply abstractions. In addition, the CEMP would detail measures to be put in place to further safeguard the water environment during construction.

4.2.61 The Spey Fisheries Board completed fish surveys and the results are presented in Technical Appendix 6.4 of the EIA. A monitoring programme would be agreed with consultees and would commence prior to construction.

4.2.62 The proposed development is not predicted to have significant effects on the water environment for the reasons set out above.

7. Safety of Airport, Defence and Emergency Service Operation

4.2.63 There are no aviation, defence or emergency service operation issues in this case. This is a matter in favour of the proposed development given a significant number of wind energy projects in the UK, although consented, are constrained from progressing due to aviation issues. Indeed, the Ministry of Defence raised no objection to the proposed development, National Air Traffic Services (NATS) confirmed the proposed development does not conflict with its safeguarding criteria, and the Highlands and Islands Airport confirmed that its calculations showed the proposed development would not infringe the safeguarding surfaces for Inverness Airport and most of the area is in shadow of terrain from the airport's radar. In the unlikely event that the radar is affected, the Applicant would enter into a radar mitigation contract to provide a technical solution to any potential interference.

8. Operation and Efficiency of Other Communications

4.2.64 There are no communication installations or radio / television issues arising as a result of the proposed development.

9. Amenity of Walker, Cyclists and Horse riders

4.2.65 Three Rights of Way ("RoW") (HB30, HB31 and HB33) are located in the general vicinity of the site. None of the RoW are located within the site and consequently there would be no impact on any of the RoW during either the construction or operational phase of the proposed development. The RoW are shown in relation to the site in EIA Figure 2.10.1.

4.2.66 RoW HB30 and HB33 form part of General Wade's Military Road through the Corrieyairack Pass and are located to the south of the site. The RoW tracks are used by estate vehicles and recreational visitors.

4.2.67 RoW HB31, otherwise known as Glen Markie Track, is located to the east of the site and is mainly used by walkers. There would be no proposed closures or diversions of any of the RoW.

4.2.68 Wider access rights apply across the site and enable public access to several summits which are located within the site. The most popular of these are the existing hill tracks used to access the munro, Geal Charn (NN 5614 9876) to the east of the site. These wider access tracks are used almost exclusively by walkers. The Corbett Meall na h-Aisre (NH 5152 0004) is also located on the northern boundary of the site.

4.2.69 In terms of the amenity of the users of these RoW, significant effects would be confined to the summits of Geal Charn and Carn Liath.

10. Tourism and Recreation Interests

4.2.70 Given the importance of tourism to the local economy, an assessment of potential tourism impacts has been undertaken (EIA Chapter 10). The assessment notes that the region's main tourism attractions are located some distance from the site and finds no significant tourism effects. Overall, all effects are assessed as not significant.

4.2.71 It is inevitable that visitors to the immediate area would undoubtedly note the presence of the wind turbines, but there is no evidence to indicate the development would adversely affect visitor numbers or visitor spend within the local area or wider region to a significant, let alone to an unacceptable degree.

4.2.72 The proposed wind farm, when considered against the backdrop of available research, is not expected to have a negative impact on tourism and the economic value of this sector in the area's economy, when judged individually or cumulatively, with other projects proposed for the area. The available research documents are all consistent in their conclusion that the development of wind farms will not result in a significant reduction in tourist numbers, tourist experience or tourism revenue.

4.2.73 Furthermore, from the review of various s.36 and Appeal decisions throughout the UK that have considered the relationship of wind farms, tourism and the local economy, there are consistent messages arising from determinations and these include:

- There is no compelling evidence to support concerns about the tourist industry being undermined to a material degree by wind farm development.
- Even in situations where wind farms are proposed in locations where tourism is a key sector in the local economy, Inspectors and Reporters have not been convinced that effects would be sufficient to deter potential visitors such that there would be a significant effect on the tourist or wider economy of an area.
- Submissions relating to a potential adverse impact on tourism are more often than not unproven and limited weight is attached to such submissions. Generally, very little or no evidence based analysis is supplied to support claims that there would be an adverse effect on tourism.

4.2.74 The Druim Ba Wind Farm decision is a recent example in the Highland area where the Reporter concluded that there is no compelling evidence to show that onshore wind farms have a significant impact on tourism. He stated in paras. 8.122 to 8.125 of the Decision Notice:

"I find no compelling evidence to conclude that the construction of a well-designed wind farm would have any significant impact on the number of tourists or spend from tourists.

Wind farms are not new in Scotland or elsewhere. If wind farms systematically deterred the numbers and spend from tourists, then it is reasonable to assume evidence for this would be found by now.

In any event, even if it were proved that wind farms deterred some visitors, it would still be appropriate for Scottish Ministers to consider that the policy objective to increase generation capacity from renewable resources was more important"

4.2.75 There is no evidence to demonstrate that the proposed development would have a significant adverse effect on tourism and recreational activity and those aspects of the economy in this part of Highland. The Applicant's position is that the proposed wind farm is considered to be acceptable in terms of tourism and recreation matters.

11. Traffic and Transport Interests

4.2.76 Chapter 8 of the EIAR considers the likely significant effects on traffic and transport associated with the construction, operation and decommissioning of the proposed development.

4.2.77 In summary, it is predicted that the proposed development would lead to increased traffic volumes on the A82, A87 and B862, subject to the movements of construction traffic. However, no significant construction effects have been identified for the A82 or A87 Trunk Road.

4.2.78 Potentially significant construction and cumulative construction effects were identified for the B862 relating to potential pedestrian delay. However, following the implementation of the proposed package of mitigation measures (a Construction Traffic Management Plan and Traffic Management Plan), the

assessment of residual effects indicates that there would be no significant adverse effects associated with the construction of the proposed development.

4.2.79 In addition, no significant operational or decommissioning effects are identified.

4.3 Onshore Wind Energy Supplementary Guidance (November 2016)

4.3.1 The Highland Council 'Onshore Wind Energy SG was adopted by the Council in November 2016 and now forms part of the Development Plan. Policy 67 refers to the SG and its role in providing further criteria for the consideration of onshore wind energy proposals. Accordingly, as the SG supplements Policy 67 and assists with its application, it is considered below.

4.3.2 The statutory basis for SG is set out in:

- The Town and Country Planning (Scotland) Act 1997 – Section 22 with regard to Supplementary Guidance;
- The Town and Country Planning (Development) (Scotland) Regulations 2008 – specifically section 27 which deals with Supplementary Guidance; and
- Circular 6/2013 'Development Planning'.

4.3.3 Section 27(2) of the Regulations states "*supplementary guidance adopted and issued under section 22(1) of the Act in connection with a particular strategic development plan or local development plan may only deal with the provision of further information or detail in respect of the policies of proposals set out in that Plan and then only provided that those are matters which are expressly identified in a statement contained in the plan as matters which are to be dealt with in supplementary guidance*".

The SG: Section 1 - Introduction

4.3.4 Paragraph 1.8 of the SG is helpful in understanding its role. It states: "*The advice that follows provides a fuller interpretation of HwLDP policies as they relate to onshore wind energy development. The Council will balance these considerations with wider strategic and environmental and economic objectives including sustainable economic growth in the Highlands, and our contribution to renewable energy targets and tackling climate change...*".

The SG: Section 2 – Highland Spatial Framework

4.3.5 The SG contains a Spatial Framework ("SF") which accords with the provisions of Table 1: Spatial Frameworks in Scottish Planning Policy (SPP). The SF identifies those areas likely to be most appropriate for onshore wind farms. Paragraph 2.1 of the SG sets out that the SF is applicable to a proposal of the scale subject to the application as the proposal comprises more than one turbine with a height of 30m to blade tip.

4.3.6 The site does not lie within any Group 1 areas, or within any national and international designations for ecology, ornithology, cultural heritage or wild land (Group 2 areas). As presented in **Appendix 4**, most of the site is within Group 3, however, some areas of the site are within Group 2 and this relates to peatland.

4.3.7 As explained in EIAR Chapter 3, a peat depth map was developed and combined with habitat data to classify the site into Class 1 and Class 2 peat (priority peatland) in order to further shape the design layout. Turbine locations generally avoided areas of peat greater than 1 m in depth. This approach takes account of Scottish Government guidance on deep peat and peat slide risk assessment, which defines deep peat as >1 m depth. Therefore, the design approach and site specific surveys have sought to identify and avoid areas of deep peat and priority peatland habitat, thereby overcoming any significant effects in terms of peat.

4.3.8 Accordingly, as any issues in terms of peat have been overcome, the application site, in effect, functions as a site within Group 3: ‘Areas with potential for wind farm development’. This approach was taken by the Reporter in the Cnoc an Eas decision. The Reporter set out in paragraph 111 that:

“the Appeal site straddles an ‘area of significant protection’ (Group 2) and an ‘area with potential for wind energy development’ (Group 3). The Group 2 area is identified as such on the basis of SNH’s Carbon and Peatland Map, which shows peat and carbon rich soils within the site boundary. However, there is no issue with this constraint at the Appeal site, so it can be reasonably regarded as Group 3 in terms of the Spatial Framework.”

The SG: Section 4 – Key Development Plan Considerations

4.3.9 Section 4 of the SG sets out “key development plan considerations” and the topic headings broadly follow those as set out within Policy 67 of the HwLDP. The relevant topics are addressed below:

Siting and Design of Wind Turbines and Wind Farms

4.3.10 Paragraphs 4.3 to 4.9 highlight the importance of sensitive siting and design of wind energy developments. As explained in EIAR Chapter 3, the individual circumstances of the site and its surrounding area have been thoroughly assessed and this has informed the siting and design of the proposed development.

Landscape and Visual Effects

4.3.11 Paragraph 4.11 of the SG lists various “key aspects” which may be relevant to the assessment of a proposal and helpfully it states that “they are not tests, but rather highlight where there may be key issues to consider”. Included in this list and relevant to the consideration of the proposed development, are matters such as:

- National Parks, NSAs and mapped WLAs;
- SLAs;
- The capacity of the local landscape to accommodate a proposal;
- Important public views.

4.3.12 At paragraph 4.16, the SG sets out that “the following criteria set out key landscape and visual aspects that the Council will use as a framework and focus for assessing proposals, including discussions with applicants”.

4.3.13 Paragraph 4.17 adds that the criteria do not set absolute requirements, but rather seek to ensure developers are aware of key potential constraints to development. Following paragraph 4.17 there is then a list of 10 criteria, together with associated thresholds for development. Table 4.1, below, considers the proposed development against the 10 criteria. Overall, the proposed development would have a satisfactory and acceptable relationship with regard to the various physical considerations in the criteria.

Table 4.1: Landscape & Visual Criteria in Section 4 of the SG

Criteria 1 Relationship between Settlements/Key Locations and wider Landscape respected.	
Measure	Evaluation
The proposed development should seek to achieve a threshold where:	The proposed development would form a lateral extension to an existing wind farm and would not be visible from settlements within the study area. Consequently, it would not spatially or visually add to the perception of encirclement of settlements. Additionally, the

<ul style="list-style-type: none"> it would not contribute to perception of settlements or key locations being encircled by wind energy development. proposed turbines would not be visually prominent in the majority of views within or from settlements/key locations or from the majority of settlement approach routes. 	<p>proposed development would be physically and perceptually separate from settlements and approaches to them and would not alter their 'setting'.</p> <p>The proposed development is considered to be consistent with Criteria 1.</p>
<p>Criteria 2 Key gateway locations and routes are respected.</p>	
<p>Measure</p>	<p>Evaluation</p>
<p>The proposed development should seek to achieve a threshold where it does not:</p> <ul style="list-style-type: none"> reduce or detract from the transitional experience of key gateway locations and routes. overwhelm or otherwise detract from landscape characteristics which contribute the distinctive transitional experience found at key gateway locations and routes. 	<p>The proposed development would not be visible from the gateway locations identified in the SG and is therefore consistent with Criteria 2.</p>
<p>Criteria 3 Valued natural and cultural landmarks are respected.</p>	
<p>Measure</p>	<p>Evaluation</p>
<p>The proposed development should seek to achieve a threshold where:</p> <ul style="list-style-type: none"> the proposal would not significantly affect the fabric and setting of valued natural and cultural landmarks. does not, by its presence, diminish the prominence of the landmark or disrupt its relationship to its setting. 	<p>The proposed development has been devised to form a lateral extension to the existing Stronelairg Wind Farm and is not located on or immediately adjacent to neighbouring distinctive summits or mountain ranges such as the Cairngorm Mountain range, and would not interrupt views of key summits/landmark features.</p> <p>Consequently, the proposed development would not significantly affect the fabric or setting of local landmarks, and is considered consistent with Criteria 3.</p>
<p>Criteria 4 The amenity of key recreational routes and ways is respected.</p>	
<p>Measure</p>	<p>Evaluation</p>
<p>The proposed development should seek to achieve a threshold where:</p> <ul style="list-style-type: none"> it does not significantly affect the amenity of key recreational routes and ways (e.g. Core Paths, Munros and Corbetts, Long Distance Routes etc.). proposed development's turbines or other infrastructure do not overwhelm or otherwise significantly detract from the visual appeal of key routes and ways. 	<p>All wind energy developments within the Highlands result in some significant effects on the character and amenity of recreational routes and summits.</p> <p>However, the proposed development would often be seen in conjunction with the existing Stronelairg Wind Farm from key summits. The exception to this being views from the eastern end of the Glen Roy to Corrieyairack Pass and locations along the Laggan to Ardachy Road footpaths, between Garva Bridge and Garvamore, where the proposed development would be seen on its own.</p> <p>Given the limited and localised nature of such effects the proposed development is not considered to pose a significant effect on the amenity of the recreational amenity of the area. Consequently, the proposed development is considered to be broadly consistent with Criteria 4.</p>

Criteria 5 The amenity of transport routes is respected.	
Measure	Evaluation
<p>The proposed development should seek to achieve a threshold where:</p> <ul style="list-style-type: none"> it would not significantly affect the amenity of transport routes (tourist routes as well as rail, ferry routes and local road access). the proposed development’s turbines or other infrastructure would not overwhelm or otherwise significantly detract from the visual appeal of transport routes. 	<p>None of the transportation routes in the study area would be subject to views of the proposed development. Consequently, the proposed development is considered to be consistent with Criteria 5.</p>
Criteria 6 The existing pattern of Wind Energy development is respected.	
Measure	Evaluation
<p>Development should seek to achieve a threshold where the proposal fits with the existing pattern of nearby wind energy development. Considerations include:</p> <ul style="list-style-type: none"> Turbine height and proportions density and spacing of turbines within developments, density and spacing of developments, typical relationship of development to the landscape. previously instituted mitigation measures Planning Authority stated aims for development of area. The extent to which the proposed development contributes positively to existing pattern or objectives for development in the area. 	<p>The proposed development would be located in Monadhliaths and would be set back from the Great Glen. It has been designed to be broadly consistent with the Stronelairst Wind Farm. It would generally be backclothed rather than skylined, in keeping with adjoining wind farms in the Monadhliaths, and in accordance with objectives identified in SG.</p>
Criteria 7 The need for separation between developments and/ or clusters is respected.	
Measure	Evaluation
<p>The proposed development should seek to achieve a threshold where the proposal maintains the spaces/separations between existing developments and/ or clusters.</p>	<p>There is an established pattern of development within the Monadhliaths which is based on large to very large developments positioned within the interior of the Monadhliaths.</p> <p>The proposed development has been designed to appear as an extension to the Stronelairst Wind Farm and as such abuts this existing scheme and utilises comparable turbine sizes. Its position on the southern side of the Stronelairst array avoids causing or contributing to coalescence of separate developments in the vicinity, the nearest existing/ consented development to Stronelairst being Corregarth</p>

	Wind Farm, which is located approximately 8 km to the north east. On this basis, the proposed development is considered to be consistent with the objectives of Criteria 7.
Criteria 8 The perception of landscape scale and distance is respected.	
Measure	Evaluation
The proposed development should seek to achieve a threshold where it maintains or affects receptors' existing perception of landscape scale and distance.	The proposed development is located in a large scale and expansive landscape that is considered suitable for such a development. With the exception of a small number of locations at the eastern end of Glen Roy, Corrieyairack Pass, the proposed development would be seen in the context of the large scale Monadhliaths, and generally in the context of the Stronelairst array. Consequently, the proposed development is considered to be broadly consistent with Criteria 8.
Criteria 9 Landscape setting of nearby wind energy developments is respected.	
Measure	Evaluation
The proposed development should seek to achieve a threshold where: <ul style="list-style-type: none"> • the landscape setting of nearby wind energy developments is not significantly affected by the proposal. • it relates well to the existing landscape setting and does not increase the perceived visual prominence of surrounding wind turbines. 	It's not clear from the SG what is meant by the setting of existing wind farms. The proposed development, whilst prominent itself in views from some views (See EIAR Volume 4: Technical Appendix 4.7) would not increase the perceived visual prominence of the Stronelairst Wind Farm.
Criteria 10 Distinctiveness of landscape character is respected.	
Measure	Evaluation
Development should seek to achieve a threshold where it would not significantly affect the integrity of the landscape or the distinction between neighbouring landscape character types, in areas where the variety of character is important to the appreciation of the landscape.	The proposed development is located on the northern side of the Uplands and Glens LCT, which forms the southernmost edge of the Monadhliaths and adjoins the Rolling Uplands LCT, to the north. The difference between these two LCTs is not immediately apparent from the majority of viewpoints (as demonstrated in the Visualisations in in the figures in Volume 3 of the EIAR) and is primarily related to the steepening of slopes and relation to the Cairngorm Straths LCT, to the south. A comparison of the description of key characteristics for each LCT in EIAR Volume 4: Technical Appendix 4.2 highlights the areas of commonality between the Uplands and Glens and LCTs. The proposed development would not represent a significant erosion of landscape differences in respect of the uplands. Seen from a small number of locations in lower lying, incised landscapes, such as the Cairngorm Strath, the proposed development would clearly be

	associated with elevated moorland that overlooks but is not considered to erode the differentiation between the strath and upland landscapes. Consequently, the proposed development is considered to be consistent with Criteria 10 of the SG.
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Other Considerations

4.3.14 Part 4 of the SG sets out the following considerations:

- Safety of Airport, Defence and Emergency Service Operations;
- Other Communications;
- The Natural and Historic Environment;
- The Water Environment;
- Peat;
- Trees and Woodland;
- Tourism and Recreation;
- Public Access;
- Traffic and Transport interests;
- Electricity and Gas Infrastructure;
- Noise Assessment;
- Borrow Pits;
- Mitigation;
- Construction and Environmental Management Plans; and
- Restoration Bonds.

4.3.15 These matters are addressed throughout this Planning Statement and the EIAR.

The SG: Section 5 – Highland Strategic Capacity

4.3.16 Section 5 of the SG deals with strategic capacity. Paragraph 5.4 makes it clear that the section does not introduce additional constraints to those in the Spatial Framework. It adds that it is intended to provide “*additional strategic considerations that identify sensitivities and potential capacity*”. It explains that “*the following serves as a guide*” and that “*assessment of specific proposals will take into account and site and proposal-specific factors*”. These are important caveats.

4.3.17 Paragraph 5.4 adds that Applicants will be expected to “*demonstrate how their proposals align with the conclusions of the assessments, and if they do not, will be expected to demonstrate why they are still appropriate developments*”. Paragraph 5.6 states that it provides “*general advice*” and 5.7 makes it clear that “*finding the balance between the benefits of a particular scheme and the impacts it may present will be the subject of careful consideration on a case by case basis at the development management stage*”. Paragraph 5.8 adds that it is a “*strategic level assessment*”.

4.3.18 A small proportion of the northern part of the site appears to fall within the Loch Ness Landscape Character Area, in particular Landscape Character Area LN3. As stated in para 5.35 of the SG, “*a small part of LN3 was included for practical purposes but is not representative of the landscape character*”.

area as a whole and largely falls into different viewsheds and therefore an appraisal was not carried out”.

4.3.19 Chapter 4 of the EIAR has assessed the proposed development in terms of its impact upon Landscape Character Types. It is concluded that the scale of development proposed can be accommodated successfully in the receiving landscape.

Conclusions in relation to the SG

4.3.20 In terms of the role and function of the SG, it is supplementary to the ‘lead’ Policy 67 of the LDP which contains the applicable policy test. It is also helpful to note the Council’s position in relation to the role and use of the SG as set out in their evidence to the Golticlay s.36 Inquiry. The Council stated the following at paragraph 4.4.9 of their Policy Hearing Statement for that Inquiry:

“the directly applicable parts of the SG does not contain any further tests beyond what is contained in the parent policy in the Highland Wide Local Development Plan, in this case Policy 67 – ‘Renewable Energy’ in respect of which to assess compliance. In such circumstances, there is little to be gained from separately assessing “accordance” with the SG”.

4.3.21 The Reporter in the Culachy Appeal Decision Notice (dated 27 April 2018, Ref: PPA-270-2151) addressed the SG in some detail and was very clear in setting out his position that the SG was in his view consistent with Policy 67 of the LDP and he added:

“It follows that no policy within the OWSG will override Policy 67’s main criterion that development proposals are supported if they are located, sited and designed such that, having taken account of a number of specified factors, they will not be significantly detrimental overall”.

4.3.22 The same Reporter in the Druim Ba Appeal Decision Notice (28 June 2018, Ref: PPA-270-2147) addressed the SG and at paragraph 15 stated that:

“It should be interpreted as doing no more than providing further information or detail with the framework set out for written Policy 67”.

4.3.23 Importantly, the Reporter at paragraph 19 of the Decision Notice stated with regard to Chapter 4 of the SG that:

“I do not understand Chapter 4 to contain policy tests. It is rather intended to make applicants aware of key constraints”.

4.3.24 Therefore, the SG provides criteria against which to help assess a proposal with the application of Policy 67 but introduces no new or separate tests.

4.4 Overall Conclusion

4.4.1 In light of all the above, it is considered that the proposed development accords with Policy 67. No effects would arise that would be considered significantly detrimental overall, individually or cumulatively, with other developments having specific regard to the criteria contained within the policy.

5 The Development Plan - Other Policies

5.1 Introduction

5.1.1 This Chapter sets out an assessment of the proposed development against:

- the remaining HwLDP policies;
- the West Highland and Islands Local Plan;
- the Inner Moray Firth Local Development Plan; and,
- the emerging Development Plan.

5.2 Policy 57 – Natural, Built, and Cultural Heritage

- 5.2.1 Policy 57 seeks to protect natural, built and cultural heritage of varying types and importance, and sets out criteria to be applied to the consideration of proposed development.
- 5.2.2 With reference to the findings in the EIAR, the proposed development is not predicted to compromise the natural environment, amenity and heritage resource of any features of international, national or local importance. In addition, no significant adverse effects are predicted to occur on such features.
- 5.2.3 It is considered that the proposed development would not have an unacceptable impact on the natural environment, amenity and heritage resource and that it is in accordance with Policy 57, insofar as it is relevant.
- 5.2.4 Policy 57 is an important consideration in relation to wild land. Appendix 2 to the HwLDP 'Definition of Natural, Built and Cultural Heritage Features' lists 'wild areas' as a feature of "*local/regional importance*" and makes it clear that the policy framework for that category of feature derives from National Planning Framework 2 (NPF2) (para 99) and SPP (2010) (para 128).
- 5.2.5 SPP (2014) refers to 'Areas of Wild Land' (WLAs) as shown on the 2014 SNH Map of WLAs as a "*nationally important map of environmental interest*". Therefore, there is inconsistency between the status of wild land in the HwLDP (local / regional importance) and SPP (national mapped interest). The inconsistency is also exhibited by way of the term 'wild areas' compared to 'WLAs' between the two documents. It is clear that the HwLDP (which dates from 2012) was informed by the national policy framework at that time, which was the previous SPP of 2010 and NPF2. It should also be noted that SNH was yet to finalise its review of wild land, which in turn led to the identification of what were termed 'core areas of wild land' and which were then subsequently termed WLAs - as referred to in the current SPP.
- 5.2.6 Therefore, it is clear that the evidence base and policy framework which informed the preparation of Policy 57, and how it should be interpreted and applied, deems Policy 57 as out of date in terms of its approach to WLAs.

5.3 Policy 61 – Landscape

- 5.3.1 The thrust of Policy 61 is to ensure that new development is compatible with landscape characteristics and that relevant Landscape Character Assessments have been taken into account in development design. As explained in the consideration of Policy 67 above, the proposed development has been sited and designed to take account of existing landscape characteristics and overall it is concluded that the landscape has the capacity to accommodate the proposal successfully. The proposed development is considered to be in accordance with Policy 61.

5.4 Policy 55 – Peat and Soils

- 5.4.1 EIAR Chapters 2 and 3 detail the iterative design process that has been followed to minimise the quantity of peat which would require to be excavated. Phase 1 and Phase 2 peat surveys have been completed and the results (Technical Appendices 2.8 & 2.9) have been used to design the proposed development to avoid peat >1m depth where feasible within other site constraints.
- 5.4.2 A Draft Peat Management Plan (“DPMP”) has been included within EIAR Technical Appendix 2.5 and deals with peat that is expected to be excavated during construction. It has been specifically designed to minimise the excavation of peat. In addition, the OHMP provided in Technical Appendix 6.5 includes proposals for improving areas of peatland.
- 5.4.3 The proposed development is considered to be in accordance with Policy 55 as it has been demonstrated through the design of the proposed development that unnecessary disturbance has been avoided. A Peat Management Plan would be implemented to allow valid re-use of peat and avoid, or minimise, the generation of waste peat.

5.5 Policy 58 – Protected Species

- 5.5.1 Policy 58 is a multi-criteria based policy which applies to development proposals that may affect protected species, including European protected species. The relevant environmental assessments on protected species are reported within Chapters 6 ‘Ecology’ and 7 ‘Ornithology’ of the EIAR. With the implementation of relevant mitigation measures, the proposed development is unlikely to have an adverse effect, either individually and/or cumulatively, on European Protected Species. The proposed development is therefore considered to be in accordance with Policy 58.

5.6 Policy 59 – Other Important Species

- 5.6.1 Policy 59 states that the Council will take into consideration any adverse effects of development proposals on certain species identified in the policy. The EIAR does not identify any significant effects with regard to other important species therefore the proposed development is considered to be in accordance with Policy 59.

5.7 Policy 60 – Other Important Habitats and Article 10 Features

- 5.7.1 The proposed development would not impact upon the integrity of other important habitats and Article 10 Features and is therefore considered to be in accordance with Policy 60.

5.8 Policy 28 – Sustainable Design

- 5.8.1 Policy 28 sets out the requirement for all development to be designed in the context of sustainable development and climate change. The Policy sets out criteria which proposed developments are to be assessed against.
- 5.8.2 Criteria 1, 2, 5, 11 and 12 are considered to be more relevant to urban development as opposed to onshore wind farms and are therefore not assessed.
- 5.8.3 The proposed development is in accordance with criterion 3 as the wind farm would generate, and has been designed to maximise, renewable energy.
- 5.8.4 Physical constraints (criterion 4) is assessed in relation to Policy 30, below.
- 5.8.5 In terms of criterion 6, appropriate waste management would be implemented as part of the construction process for the development.
- 5.8.6 Residential amenity (criterion 7) has been assessed in relation to Policy 67, above.
- 5.8.7 The proposed development would not impact upon non-renewable resources (criterion 8).

- 5.8.8 The impact of the proposed development on the resources listed in criterion 9 are considered throughout this Chapter and the EIAR.
- 5.8.9 Criterion 10 requires sensitive siting and high quality design. As set out in the assessment of Policy 67 above, and the EIAR, the development has been sensitively sited and the design has been well considered and is appropriate for the proposed use.
- 5.8.10 In terms of the last Criterion, the proposed development would contribute positively to the economic and social development of the community through the various local and wider benefits that would result. These are set out in Chapter 8, below.
- 5.8.11 Policy 28 states that development judged to be significantly detrimental, will not accord with the Development Plan. However, Policy 28 and the HwLDP need to be read as a whole before judgement is made in terms of the proposed development's accordance, or otherwise, with the Development Plan.
- 5.8.12 The Policy is only of limited relevance in terms of undertaking a comprehensive policy appraisal against the terms of the Development Plan. It adds nothing further to the existing detailed provisions of Policy 67 which deals specifically with renewable energy developments. Therefore, the proposed development is considered to be in accordance with Policy 28 insofar as it is relevant.

5.9 Policy 30 – Physical Constraints

- 5.9.1 Policy 30 seeks to ensure that various physical and technical factors are assessed when considering development proposals. The Physical Constraints Supplementary Guidance sets out a range of physical constraints which need to be taken into account. The proposed development is considered to be in accordance with Policy 30 as all of the relevant physical constraints have been considered throughout the EIAR and the proposed development would not adversely affect human health and safety or pose a risk to safeguarded sites.

5.10 Policy 36 – Development in the Wider Countryside

- 5.10.1 As set out in paragraph 19.9.3 of the HwLDP, renewable energy development proposals are to be assessed against the renewable energy policies (i.e. Policy 67), therefore Policy 36 is not relevant or considered further.

5.11 Policy 51 – Trees and Development' and Policy 52 'Principle of Development in Woodland

- 5.11.1 Areas of forestry have been avoided and there is no requirement for forestry removal as a result of the proposed development. Policies 51 and 52 are therefore not relevant to the assessment of the proposed development.

5.12 Policy 56 – Travel

- 5.12.1 Policy 56 seeks to ensure development is sustainable in terms of travel. The Policy is more relevant to urban or public facing development as opposed to renewable energy projects. Nonetheless, the principle of the Policy is relevant as the proposed development would involve travel generation, and a traffic and transport assessment has been included in Chapter 8 of the EIAR to allow the Council to consider any likely on- and off-site transport implications of the development.
- 5.12.2 Chapter 8 of the EIAR concludes that the proposed development would lead to some increased traffic volumes on the A82, A87 and B862, subject to the movements of construction traffic. However, no significant construction effects have been identified for the A82 or A87 Trunk Road.
- 5.12.3 Potentially significant construction and cumulative construction effects were identified for the B862 relating to pedestrian delay. However, following the implementation of the proposed package of mitigation measures (Construction Traffic Management Plan and Traffic Management Plan), the assessment of residual effects indicates that there would be no significant adverse effects associated

with the construction of the proposed development. No significant operational or decommissioning effects were identified.

5.12.4 The proposed development is therefore considered to be in accordance with Policy 56 as mitigation measures would be put in place to ensure the proposed development would not have any significant adverse effects on transport.

5.13 Policy 62 – Geodiversity

5.13.1 Chapter 5 of the EIAR details the geology of the site. As set out above, the iterative design process has sought to avoid geodiversity interests. The proposed development is considered to be in accordance with Policy 62.

5.14 Policy 63 – Water Environment

5.14.1 As set out in Chapter 3 of the EIAR, the design of the proposed development incorporates a minimum 50 m buffer distance around all surface watercourses, avoiding direct effects on watercourses. In addition, all turbines and associated infrastructure has been located >250 m from private water supply abstractions. Measures for the protection and management of water quality and water quantity are considered in EIAR Technical Appendix 2.1. Overall, it is considered the proposed development would compromise the objectives of the Water Framework Directive (2000/60/EC).

5.14.2 The proposed development is considered to be in accordance with Policy 63.

5.15 Policy 64 – Flood Risk

5.15.1 Policy 64 seeks to direct development away from areas susceptible to flooding and promotes sustainable flood management.

5.15.2 The proposed development incorporates good practice drainage design during construction and operation, using a sustainable drainage system (SUDS) approach to control the rate, volume and quality of runoff from the proposed development. In addition, all watercourse crossings would be designed to accommodate a 1 in 200-year return period peak flow.

5.15.3 The proposed development is considered to be in accordance with Policy 64.

5.16 Policy 66 – Surface Water Drainage

5.16.1 The proposed development is considered to be in accordance with Policy 66 as it incorporates good practice drainage design during construction and operation, using a SUDS approach to control the rate, volume and quality of runoff from the proposed development.

5.17 Policy 69 – Electricity Transmission Infrastructure

5.17.1 The electricity transmission infrastructure does not form part of the proposed development therefore Policy 69 is not relevant.

5.18 Policy 77 – Public Access

5.18.1 The proposed development would not affect any routes included in a Core Paths Plan or an access point to water, or significantly affect wider access rights. An Outdoor Access Management Plan (TA 2.10) provides information on how public access rights would be managed for the construction and operational phases of the proposed development.

5.18.2 The proposed development is therefore considered to be in accordance with Policy 77.

5.19 The West Highland and Islands Local Plan (as continued in force, 2012)

5.19.1 The West Highland and Islands Local Plan (WHILP) was adopted September 2010 and continued in force in April 2012. Although the WHILP forms part of the Development Plan, it is now relatively out of date and a number of provisions have been replaced by the HwLDP.

5.19.2 The elements of the WHILP which remain in force set out a strategy and vision for Lochaber, and general and settlement-related policies. The proposed development is located outwith a Settlement Development Area and there are no general policies of relevance to the proposed development. Accordingly, the WHILP is not further considered as part of the Development Plan assessment.

5.20 Inner Moray Firth Local Development Plan (2015)

5.20.1 The proposed development would make use of 18.5km of existing tracks within Stronelairg Wind Farm. These tracks are located within the Inner Moray Firth Local Development Plan (IMFLDP) area, however, as they do not constitute development, there is no requirement to assess them against the IMFLDP.

5.20.2 This existing Stronelairg Wind Farm track would be connected by a new track to provide access throughout the proposed development. The IMFLDP is more relevant to settlement growth areas and allocations, as such, it is not considered to be relevant to the assessment of the new track. Any environmental and heritage considerations in relation to the track have been assessed within the EIAR and in relation to the HwLDP.

5.21 Other Relevant SG

5.21.1 The following THC SG is also relevant to the proposed development:

- Flood Risk and Drainage Impact Assessment SG;
- Protected Species SG; and,
- Sustainable Design SG.

5.21.2 Each of the abovementioned SG documents have been taken into account in the design approach to the proposed development and the matters dealt with in each SG have been addressed throughout the EIAR and this Planning Statement.

5.22 Emerging Development Plan

5.22.1 The Proposed West Highlands and Islands Local Development Plan (Proposed WestPlan) was submitted to the Planning and Environmental Appeals Division (“DPEA”) of the Scottish Government for Examination in July 2018. A target date of 6th April 2019 has been set for completing the examination process. Once adopted, the WestPlan will replace the WHILP. In the meantime, however, the Proposed WestPlan is a material consideration in the determination of the Application.

5.22.2 The Proposed WestPlan’s focus is predominantly on settlements within the Plan area and there are no provisions or policies which are directly relevant to the proposed development, or which counter those contained within the HwLDP. Accordingly, the HwLDP still remains as the key Development Plan document.

5.23 Development Plan Policy Assessment Conclusions

5.23.1 The proposed development is consistent with the relevant policies of the Development Plan and with the plan when it is read as a whole, insofar that it is a relevant consideration in an Electricity Act case. Furthermore, for the reasons set out below, the Development Plan in this case needs to be viewed from the perspective of the operation of the presumption in favour of development that contributes to sustainable development which is engaged (as the Development Plan is more than five years old) as per paragraph 33 of SPP.

6 The Cairngorms National Park Partnership Plan

6.1 Introduction

- 6.1.1 Although the application site and proposed development is not located within the CNP, due to its proximity to the Park boundary, the Cairngorms National Park Partnership Plan 2017-2022 (“CNPPP”) is a relevant material consideration. The Cairngorms National Park Local Development Plan (adopted 27 March 2015) is not a relevant consideration in this case as it only applies to planning applications for development within the Local Development Plan area, which does not cover the application site.
- 6.1.2 The CNPPP was approved by Scottish Ministers and is a management plan for the CNP. As set out on page 8, *“it sets out how all those with a responsibility for the Park will coordinate their work to tackle the most important issues”*. The CNPPP was finalised following a period of public consultation where views were sought on nine key issues – ‘the Big 9’. These have evolved into nine priorities which are supported by a series of clearly defined policies which provide a framework for delivery.
- 6.1.3 CNPPP policies 1.3 and 3.3 are of most relevance to the proposed development and are considered below.

6.2 CNPPP Policy 1.3

- 6.2.1 Policy 1.3 states:

“Conserve and enhance the special landscape qualities with a particular focus on:

- a. Conserving and enhancing wildness qualities;*
- b. Maintaining and promoting dark skies;*
- c. Enhancements that also delivery habitat improvements;*
- d. Enhancing opportunities to enjoy and experience the landscape of the Park;*
- e. Applying a presumption against new constructed tracks in open moorland.”*

- 6.2.2 The effect of the proposed development on the CNP has been considered in relation to Policy 67 above. It is considered that as the effects on the CNP would be highly localised and of a limited geographical extent. Furthermore, the proposed development would not undermine the conservation of the Park’s wildness qualities.
- 6.2.3 The proposed development would maintain dark skies. It is proposed to install infrared lighting on the turbines in a pattern that is acceptable to the Ministry of Defence (“MoD”) for aviation visibility purposes. Infrared lighting allows military aircraft with night vision capabilities to detect and avoid the proposed wind farm. Infrared lighting cannot be detected with the naked eye, thereby reducing visual effects and maintaining dark skies.
- 6.2.4 There is no physical connection between the development and the CNP therefore, although habitat improvements are proposed within the application site, the proposed development is unlikely to deliver direct habitat improvements within the Park.
- 6.2.5 The proposed development would not physically restrict access to the Park and, as set out in EIAR Chapter 10, a review of the research evidence suggests that there is no evidence of wind farm developments adversely impacting on the tourism economy of Scotland. This finding is consistent with that of the Reporter in the recent (2017) Dorenell Wind Farm Variation and Extension s.36 decision (Ref. WIN-300-2) (involving a large scale wind farm close to the CNP boundary) who stated: *“we do not consider there is conclusive evidence that a view of a windfarm in a few locations on the edge of the*

park would necessarily discourage visitors or detract from their enjoyment of the park to an unacceptable degree” (para. 8.17).

6.2.6 There would be no new constructed tracks in open moorland within the CNP.

6.3 CNPPP Policy 3.3

6.3.1 CNPPP Policy 3.3 states:

“Support development of a low carbon economy, with a particular focus on:

- a. Increasing renewable energy generation, especially biomass and hydro, that is compatible with conserving the special qualities of the National Park and maintaining the integrity of designated sites. Large-scale wind turbines are not compatible with the landscape character or special landscape qualities of the National Park. They are inappropriate within the National Park or where outside the Park they significantly adversely affect its landscape character or special landscape qualities ...”.*

- 6.3.2 It should be noted that the term “*significantly adversely affect*” should not be treated as being synonymous with the EIA term “*likely significant effect*”. This is important as it is widely accepted that EIA developments (particularly so with commercial scale wind energy schemes) will result in significant effects which are nevertheless deemed acceptable in planning determinations. In short, likely significant effects, even if adverse, do not equate with unacceptability.
- 6.3.3 Furthermore, there is nothing in the supporting text of the policy that indicates that the intention of the CNP is to apply the policy wording such that it would equate with EIA terminology. A planning judgment is required, which brings into play broader considerations, including importantly in this case, SPP which contains specific policy tests in relation to National Parks (paragraph 212).
- 6.3.4 The appropriate approach in the view of the Applicant, is to treat the effects of the proposed development on the setting of the Park as a material consideration. What is required is a judgement on the acceptability of effects in any given case: it is not simply a matter of whether or not there are significant effects arising, and if they are conclude that equates to unacceptability. To take that approach would be inconsistent with the spatial framework approach in SPP and with paragraph 196 of SPP which makes it clear that buffer zones around designations are embargoed.
- 6.3.5 As noted, a planning judgment will bring into play broader considerations, including SPP and its specific policy test in relation to National Parks. Unlike paragraph 212 of SPP, Policy 3.3 contains no provision for a planning balance to be struck, taking into account benefits arising in any given case.
- 6.3.6 The proposed development would result in some geographically limited and localised significant visual and character effects within the Park’s landscape character. However there would not be significant effects in relation to special qualities, and moreover, there would be no compromise of objectives of designation or the overall integrity of the area.
- 6.3.7 Whilst there is therefore some non-accordance with Policy 3.3 this also needs to be viewed (in addition to the SPP policy position) in the context of the consistency of the proposed development with Policy 67 of the HwLDP which brings into play balancing considerations.
- 6.3.8 This approach is consistent with the Reporter’s conclusions in the Dorenell Wind Farm Variation and Extension decision. In this case, although the proposed development was found to conflict with Policies 1.3 and 3.3, the Reporters’ considered that this conflict:

“is outweighed by the balance applied through Scottish Planning Policy and the clarity that it provides through its spatial strategy approach and through paragraph 212. Allt Duine is an example where development outwith the park was found to have a significant and unacceptable effect on the National

Park. However, we do not consider this implies that any significant effects on the park area from outwith its boundaries fall to be assessed as unacceptable” (para. 8.19).

6.3.9 The Reporters in the Dorenell decision also made the point (para 6.109) that it was notable that SPP clearly advises that wind farms are not acceptable in National Parks, but there is no specific recognition of locations in proximity to National Parks.

6.4 Conclusion

6.4.1 In summary:

- The proposed development is not located in the CNP but it does affect part of its setting. Whilst the proposed wind farm would not necessarily enhance the natural and cultural heritage of the National Park, those aspects of the Park have been carefully taken account of in the design approach that has been followed. The proposed development can be reconciled with the statutory aims of the CNP.
- It is not considered that the proposed development would impede the ability of the Cairngorms National Park Authority (CNPA) and partners to achieve the statutory purposes of a National Park and to achieve the aims of the National Park.
- The proposed development would not compromise the integrity of the National Park. The proposed development is not considered to be in conflict with the subject policy in SPP in relation to national designations, specifically paragraph 212 (this is further examined in Chapter 7 below). Furthermore, impacts would be outweighed by benefits of national importance.
- SPP is clear that buffer zones should not be applied in relation to natural heritage designations – this further supports the Applicant’s approach to the interpretation of the CNPPP policies.
- A very carefully considered and effective design approach has been taken to the formulation of the development proposal, which is compatible with its proximity to the National Park.
- When the proposed development is considered against the backdrop of available research and evidence, it is not expected to have a negative impact on tourism and the economic value of this sector in the area’s economy, when judged individually or cumulatively, with other projects in the area.
- The CNPPP is not a planning policy document and therefore does not contain specific development management tests. The effects of the proposed development on the Park, in terms of landscape character and special qualities, have been fully considered and are judged to be acceptable.
- There would be some localised and significant visual and character effects on the Park which give rise to some conflict with policy 1.3 – these effects are contained to the edges of the Park and avoid effects on the core and NSAs. However, the requirement is not to have compliance with this plan but rather to have due regard to it. It is not considered that this policy non accordance demonstrates unacceptable conflict with the overall objectives or with the first aim of the CNP to conserve and enhance the natural and cultural heritage of the Park or to presume against any development that generates any significant effects on the Park.

6.4.2 Overall, the relationship of the proposed development to the National Park is considered to be acceptable.

7 National Planning Policy and Guidance

7.1 Introduction

7.1.1 Relevant national planning policy guidance and advice is addressed in this Chapter. Reference is made to the National Planning Framework, Scottish Planning Policy and Scottish Government advice on renewable developments. National planning policy is a very important consideration: amongst other matters it sets the framework of development management factors and the approach to Spatial Frameworks for onshore wind energy.

7.2 The National Planning Framework 3

7.2.1 The National Planning Framework 3 (“NPF3”) was published on 23 June 2014. NPF3 is a long term strategy for Scotland and is the spatial expression of the Government’s Economic Strategy and plans for development and investment in infrastructure. Together, NPF3 and SPP (2014), applied at the strategic and local levels, are intended to help the planning system deliver the Scottish Government’s vision and outcomes for Scotland and to contribute to the Government’s central purpose. SPP is further considered below.

7.2.2 High level support for renewables is provided through the “vision” which is referred to as *inter alia*:

- A successful, sustainable place – “*we have a growing low carbon economy which provides opportunities...*”;
- A low carbon place - “*we have seized the opportunities arising from our ambition to be a world leader in low carbon generation, both onshore and offshore...*”;
- A natural resilient place - “*natural and cultural assets are respected; they are improving in condition and represent a sustainable economic, environmental and social resource for the nation...*”.

7.2.3 Further support is provided in Chapter 3 “A Low Carbon Place” which sets out the role that Planning will play in delivering the commitments set out in ‘Low Carbon Scotland: The Scottish Government’s Proposals and Policies’. It states:

“the priorities identified in this spatial strategy set a clear direction of travel which is consistent with our world leading climate legalisation”.

7.2.4 The introduction to Chapter 3 states that the Scottish Government’s ambition “*is to achieve at least an 80% reduction of greenhouse gas emissions by 2020*”.

7.2.5 Paragraph 3.7 states onshore wind is “*...recognised as an opportunity to improve the long term resilience of rural communities*”.

7.2.6 Paragraph 3.8 states that the Government’s aim is to meet at least 30% of overall energy demand from renewables by 2020 – this includes generating the equivalent of at least 100% of gross consumption from renewables.

7.2.7 Paragraph 3.9 states:

“Our Electricity Policy Statement sets out how our energy targets will be met. We are making good progress in diversifying Scotland’s energy generation capacity, and lowering the carbon emissions associated with it, but more action is needed. Maintaining security of supplies and addressing fuel poverty remain key objectives. We want to continue to capitalise on our wind resource...”

7.2.8 Paragraph 3.23 states that “*onshore wind will continue to make a significant contribution to diversification of energy supplies*”.

7.2.9 In conclusion, it is clear that onshore wind development is recognised as a key technology in the energy mix which will contribute to Scotland becoming ‘a low carbon place’ which in turn will be a key part of the ‘vision’ for Scotland (as set out at paragraph 1.2 of NPF3). Furthermore, the Scottish Government has made it unequivocally clear that it wants to continue to “*capitalise on our wind resource*”. The proposed development would significantly contribute to the 2020 renewable electricity and energy targets as set out in NPF3 and to longer term Government policy objectives and targets.

7.3 Scottish Planning Policy

7.3.1 SPP was published on 23 June 2014. The purpose of SPP is to set out national planning policies which reflect Scottish Government Ministers’ priorities for the operation of the planning system, and for the development and use of land. Paragraph (iii) states that the content of SPP is a material consideration that carries significant weight, although it is for the decision maker to determine the appropriate weight to be afforded to it in each case.

Relationship of SPP to National Outcomes

7.3.1 Paragraph 9 of SPP refers to ‘Outcomes’ as they relate to the Scottish Government’s ‘Purpose’ “*of creating a more successful country, with opportunities for all of Scotland to flourish through increasing sustainable economic growth...*”.

7.3.2 Paragraph 10 adds that the Scottish Government’s 16 national outcomes articulate in more detail on how the Purpose is to be achieved. It adds that the pursuit of these outcomes provides the impetus for other national plans, policies and strategies and many of the principles and policies set out in them are reflected in both SPP and NPF3.

7.3.3 Paragraph 13 of SPP introduces four planning outcomes which explain “*how planning should support the vision*” for the planning system in Scotland. These are further referred to below.

7.3.4 Paragraph 18 makes reference to the Climate Change (Scotland) Act 2009 which has set a target of reducing greenhouse gas emissions by at least 80% by 2050, with an interim target of reducing emissions by at least 42% by 2020. SPP explains that section 44 of the 2009 Act places a duty on public bodies to act in the best way to contribute to the delivery of emissions targets as set out in the Act, and to help deliver the Scottish Government’s climate change adaption programme.

Principal Policies of SPP

7.3.5 SPP contains two Principal Policies, namely ‘sustainability’ and ‘placemaking’⁵.

7.3.6 Sustainability is addressed at Page 9. SPP states at paragraph 24 that:

“the Scottish Government’s central purpose is to focus Government and public services on creating a more successful country, with opportunities for all of Scotland to flourish, through increasing sustainable economic growth”.

7.3.7 Paragraph 25 adds that the Scottish Government’s commitment to the concept of sustainable development is reflected in its Purpose.

7.3.8 Paragraph 27 cross refers to the Government’s Economic Strategy which it states “*indicates that sustainable economic growth is the key to unlocking Scotland’s potential ... and to achieving a low carbon economy ...*”. It also makes reference to the need to maintain a high quality environment and to pass on “*a sustainable legacy for future generations*”.

⁵ ‘Placemaking’ is not addressed in this Planning Statement as it is directed at the built environment and not development of this type, in the countryside.

Presumption in Favour of Development that contributes to Sustainable Development

7.3.9 A new ‘Policy Principle’ in the planning system, introduced in SPP is the statement at Paragraph 27, is as follows:

“This SPP introduces a presumption in favour of development that contributes to sustainable development”.

7.3.10 Paragraph 28 continues and states:

“the planning system should support economically, environmentally and socially sustainable places by enabling development that balances the costs and benefits of a proposal over the longer term. The aim is to achieve the right development in the right place; it is not to allow development at any cost”.

7.3.11 A presumption in favour is not a new concept to Scottish planning (albeit mirroring a similar recent change in England), but now takes on a much more prominent role in national planning policy. It is a formal policy presumption which the system has not seen since the changes made to the Town and Country Planning (Scotland) Act 1972⁶. For practical purposes it is a (relatively) new approach. Although little practical guidance is available, the approach to its application in wind farm cases has been fairly consistently set out by a number of Reporters. As explained below, paragraphs 32 and 33 of the SPP explain how the presumption operates, but not what it is.

7.3.12 The introduction of the presumption in favour of development that contributes to sustainable development has important consequences for development management practice. Paragraphs 32 and 33 of SPP explain how this Policy Principle is ‘operationalised’ in development management.

7.3.13 Paragraph 32 states that *“the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision-making”*. SPP directs decision makers as follows:

“proposals that accord with up-to-date plans should be considered acceptable in principle and consideration should focus on the detailed matters arising ...”.

7.3.14 Paragraph 33 adds:

“Where relevant policies in a development plan are out-of-date or the plan does not contain policies relevant to the proposal, then the presumption in favour of development that contributes to sustainable development will be a significant material consideration. Decision-makers should also take into account any adverse impacts which would significantly and demonstrably outweigh the benefits when assessed against the wider policies in this SPP. The same principle should be applied where a development plan is more than five years old”.

⁶ The move in Scotland to the presumption being in favour of proposals which accorded with the Development Plan rather than general development is explained in the House of Lords case of *City of Edinburgh Council v Secretary of State for Scotland, Revival Properties Ltd. v City of Edinburgh Council, Secretary of State for Scotland v Revival Properties Ltd* [1997] 1 W.L.R. 1447 where the court held *“Section 18A of the Act of 1972, which was introduced by section 58 of the Planning and Compensation Act 1991, creates a presumption in favour of the development plan. That section has to be read together with section 26(1) of the Act of 1972. Under the previous law, prior to the introduction of section 18A into that Act, the presumption was in favour of development. The development plan, so far as material to the application, was something to which the planning authority had to have regard, along with other material considerations. The weight to be attached to it was a matter for the judgment of the planning authority. That judgment was to be exercised in the light of all the material considerations for and against the application for planning permission. It is not in doubt that the purpose of the amendment introduced by section 18A was to enhance the status, in this exercise of judgment, of the development plan.”*

7.3.15 The footnote to this paragraph specifies that Development Plans or their policies should not be considered as out of date solely on the grounds that they were adopted prior to the publication of SPP.

7.3.16 The approach set out above, requires that in circumstances where the relevant policies are out of date, or where the Development Plan document is more than five years old, the presumption in favour of sustainable development is engaged. The Development Plan is more than five years old in this case.

Relevant Appeal and s.36 Cases and the Presumption in Favour

7.3.17 The most recent s.36 case which deals with the presumption in detail, in the context of the Highland area and the Development Plan in question in this case, is the Caplich s.36 decision⁷ which was issued on 27 April 2018. The Inquiry Report (IR) is very informative (dated 29 November 2017). The particular paragraphs of the IR that are most relevant are 2.128 through to 2.144.

7.3.18 The Reporter starts by setting out his position on the presumption with a clear rebuttal of the Highland Council's position on how the presumption should operate where he states at paragraph 2.128:

"I agree with the Applicant that the introduction of a formal policy presumption into SPP was a very significant step. I do not accept the Council's view that it effectively repeats the approach of a criteria based policy such as LDP Policy 67 (in which support in principle was offered, provided that certain criteria are satisfied). My view is that, by being set out separately in SPP as a requirement to be followed both in policy formulation and decision making, the presumption has greater significance, and that it would not be "double counting" as the Council suggests, to give weight to the presumption, over and above the positive weight that would be given to a proposal that complied with the relevant development plan policy".

7.3.19 The Reporter further rebutted the Council's position at paragraph 2.143 of the IR where he stated:

"I do not agree with the Council that the wording of LDP Policy 67, which is supportive of renewable energy proposals unless they would be "significantly detrimental overall" is effectively equivalent to the requirement of SPP paragraph 33 for adverse effects to "significantly and demonstrably" outweigh a proposals benefit. The Policy 67 test relates to an assessment of the overall degree of harm arising from a proposal rather than to the balancing exercise of harm against benefit, as is the purpose of Paragraph 33".

7.3.20 The Reporter was very clear in setting out the approach to be taken in order to decide whether or not the presumption applies and how it should be implemented. In this regard, at paragraph 2.129 he stated:

"It is of course necessary, if the presumption is to have any bearing on the determination of this application, for it to be demonstrated that what is proposed could reasonably and accurately be described as a development that would contribute to sustainable development".

7.3.21 At paragraph 2.131 the Reporter stated that the presumption applies to all forms of development that would contribute to sustainable development, regardless of the age of content of a Development Plan, but importantly stated:

"However, the effect of paragraphs 32 and 33 of SPP is that the age and content of the development plan may affect the weighing of a proposal's positive and negative implications in the planning balance".

7.3.22 At paragraph 2.133, the Reporter made reference to what the Reporter described as the "tilted balance" where he stated:

⁷ The Scottish Ministers agreed with the Reporters findings, reasoning and conclusions as set out in the IR and adopted them for the purposes of their own decision (Caplich, Ministers Decision Letter, page 4).

“When a development plan is more than five years old, paragraph 33 is engaged and this requires that when weighing the benefits and disbenefits of a proposal in the planning balance, it will be necessary for any adverse impacts ‘significantly and demonstrably’ to outweigh the benefits of the proposal. Therefore, in such circumstances, the planning balance is tilted in favour of the proposal”.

7.3.23 It should be noted that the Reporter⁸ is clear on the matter of the tilted balance being engaged as a result of the operation of paragraph 33, where at paragraph 2.141 of the IR he states:

“SPP paragraph 33 not only refers to policies being out of date as being a trigger for the tilted balance. It also separately applies that where a development plan is more than five years old (as is the case here). This suggests that a development plan that is less than five years old but contains out of date policies may trigger the tilted balance, but that a plan that is more than five years old, conclusively will” (underlining added).

7.3.24 The Reporter went on in the following paragraph to state that he concluded that:

“If the proposed development is found to be that which would contribute to sustainable development, then as a result of SPP paragraph 33, the planning balance should be tilted in its favour, such that any adverse impact it would have must be shown significantly and demonstrably to outweigh its benefits”⁹.

7.3.25 In the Caplich case, the Reporter considered whether the development should be regarded as that likely to contribute to sustainable development. He set out his reasoning (in Chapter 8 of the IR) with specific reference to the 13 principles of sustainable development contained at paragraph 29 of SPP, and with reference to the four SPP ‘planning outcomes’ and the 19 assessment criteria set out at paragraph 169 of SPP.

SPP Appraisal of the Proposed Development with regard to the Presumption in Favour

7.3.26 Paragraph 29 of SPP assists by setting out that policies and decisions should be guided by a number of principles. Those of relevance are listed in Table 7.1 below together with a summary response of the extent to which the proposed development is consistent or otherwise with the respective principle:

Table 7.1: SPP para. 29 Principles

Policy Principle	Glenshero Development
1. Giving due weight to net economic benefit.	There would be net positive socio-economic effects, as summarised in Chapter 8.
2. Respond to economic issues, challenges and opportunities, outlined in local economic strategies.	The proposal fits with the drive to encourage renewable energy development in the HwLDP and the WestPlan – the latter soon to be adopted.
3. Supporting good design and the six qualities of successful places.	Limited relevance - but a successful layout has been achieved that fits with landscape character and local context without unacceptable effects.

⁸ The Reporter in the Fauch Hill Appeal Decision Notice (dated 13 June 2018, Ref: PPA-400-2084), also in a case in which the Development Plan was more than five years old, took the same approach, referencing the tilted balance, stating at paragraph 74: *“The second provision of paragraph 33 [of SPP] effectively tilts an assessment of the balance between a development proposal’s positive and negative implications, in favour of approval, because it requires any adverse impact not only to outweigh, but to significantly and demonstrably outweigh, its benefits. I have adopted this ‘tilted balance’ in my approach to the assessment of this proposal’s positive and negative aspects”.*

⁹ This approach is consistent with the approach in *Suffolk Coastal DC v Hopkins Homes and Richborough Estates v Cheshire East BC* [2017] UKSC 37 – the Supreme Court adopted the rubric “tilted balance” in terms of the operation of the presumption at paragraph 14 of the NPPF, addressing how it operated in practice and stated “the balance is tilted in favour of the grant of permission, except where the benefits are ‘significantly and demonstrably’ outweighed by the adverse effects” (paragraph 54).

4. Supporting delivery of infrastructure, for example transport, education, energy, digital and water.	The proposal would deliver energy infrastructure.
5. Supporting climate change mitigation and adaptation including taking account of flood risk.	The proposal would help to support climate change mitigation by replacing fossil fuel energy generation with renewable energy, thereby reducing emissions of climate changing gases.
6. Improving health and well-being by offering opportunities for social interaction and physical activity, including sport and recreation.	The proposal would provide opportunities for walking and biking on access tracks.
7. Having regard to the principles for sustainable land use set out in the Land Use Strategy.	The Land Use Strategy (2016-21) is a key commitment in the Climate Change (Scotland) Act 2009. The Strategy cross refers to development plans and their policies such landscape protection, biodiversity, and renewable energy development which, through planning decision making will help deliver the Strategy and the principles for sustainable land use. The proposal would contribute positively to climate change action, secure biodiversity interests and demonstrate care for the landscape by being mostly in a 'Group 3' location and one which is consistent with a landscape capacity study that has statutory status.
8. Protecting, enhancing and promoting access to cultural heritage, including the historic environment.	The proposed development would have a neutral effect in relation to this principle.
9. Protecting, enhancing and promoting access to natural heritage, including green infrastructure, landscape and the wider environment.	The proposal would result in net benefits in terms of peatland restoration and habitat management. Whilst there would be some significant landscape effects, the landscape has the capacity for the development at the scale proposed.
10. Avoiding over-development, protecting the amenity of new and existing development and considering the implications of development for water, air and soil quality.	There would be no conflict with this policy principle.

7.3.27 The fourth, fifth and twelfth principles in SPP relate to town centre and regeneration priorities and specifically housing, business, retail uses, and waste management and resource recovery etc. and are of no relevance to the proposed development.

SPP & National Outcomes

7.3.28 Paragraph 9 of SPP refers to 'Outcomes' as they relate to the Scottish Government's 'Purpose' "of creating a more successful country, with opportunities for all of Scotland to flourish through increasing sustainable economic growth...".

7.3.29 Paragraph 10 adds that "The Scottish Government's 16 national outcomes articulate in more detail on how the Purpose is to be achieved". It adds that "The pursuit of these outcomes provides the impetus

for other national plans, policies and strategies and many of the principles and policies set out in them are reflected in both SPP and NPF3”.

7.3.30 Paragraph 13 of SPP introduces four planning outcomes which explain “*how planning should support the vision*” for the planning system in Scotland. Three of these outcomes are particularly relevant namely:

- Outcome 1: a successful sustainable place – supporting sustainable economic growth and regeneration, and the creation of well designed, sustainable places;
- Outcome 2: a low carbon place – reducing our carbon emissions and adapting to climate change; and
- Outcome 3: a natural, resilient place – helping to protect and enhance our natural and cultural assets, and facilitating their sustainable use.

7.3.31 In particular, the proposed development would assist in delivering sustainable economic growth in line with Outcome 1. The socio-economic benefits that would result from the proposed development have been set out in Chapter 10 of the EIAR.

7.3.32 The proposed development, given its nature and use would clearly assist in achieving Outcome 2 ‘a low carbon place’. Indeed, as set out in the Carbon Balance Assessment contained within Technical Appendix 2.7, the proposed development would pay back the carbon emissions associated with its construction, operation and subsequent decommissioning in a 1.2 year period. Assuming a 30-year operational period, this equates to an overall carbon saving of 25 times the total carbon emitted.

7.3.33 The proposed development would also assist in achieving Outcome 3 ‘a natural, resilient place’, by reference to paragraph 21 in particular, which deals with the concept of a natural, resilient place in a wider context than merely visual amenity or landscape character. The proposed development would contribute to a natural, resilient place through the part it plays in mitigating the effects of climate change. As explained, the application site is in effect a Group 3 location meaning that it is free of national level designations and many other types of constraints and is in a location in which wind farms are likely to be acceptable.

7.3.34 It also needs to be noted that very few developments would be able to contribute to all four outcomes – that the proposed development contributes positively to three (and the fourth one is not relevant) is to its credit and reinforces the engagement of the presumption¹⁰.

Conclusion on the SPP Presumption in Favour

7.3.35 As set out above, the proposed development satisfies the principles set out at paragraph 29 of SPP and it would assist in delivering Outcomes 1, 2 and 3 – indicating that overall the proposed development is consistent with sustainable development. SPP sets out a clear presumption in favour of proposals that contributes to sustainable development. Furthermore, the proposed development is considered to be acceptable when considered against the development management considerations in relation to renewable energy developments as set out at paragraph 169 of SPP.

¹⁰ The Reporter in the Caplich case also made the point (paragraph 8.32 of the IR) that with regard to the four planning outcomes and policy principles in SPP “*the objective of any analysis of compliance....should be to see whether there is a ‘broad fit’ with the themes and objectives of the various outcomes and principles, rather than to test the proposal against each issue as though it were a specific policy test.*” This approach is consistent with Suffolk Coastal UKSC with regard to the interpretation of policies in the NPPF (the equivalent of SPP in England) – i.e. they should be approached in the same way as outlined in Tesco – namely statements should not be construed as if they were statutory or contractual provisions (i.e. should not be too literal).

7.3.36 The proposed development would contribute to sustainable development and as a result, it benefits from the presumption, and the planning balance should be ‘tilted’ in its favour. From the overall planning appraisal undertaken the significant impacts that would arise would not significantly and demonstrably outweigh the benefits.

SPP: Development Management for Energy Infrastructure Developments

7.3.37 Paragraph 169 of SPP states that proposals for wind farms should always take into account Spatial Frameworks for wind energy developments. It adds that considerations will vary relative to the scale of a proposal and area characteristics, but are likely to include:

- *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;*
- *cumulative impacts – planning authorities should be clear about the likely cumulative impacts arising from all of the considerations below ...;*
- *impacts on communities and individual dwellings, including visual impact, residential amenity, noise and shadow flicker;*
- *landscape and visual impacts, including effects on wild land;*
- *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 and 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;*
- *the need for conditions relating to the decommissioning of developments, including ancillary infrastructure, and site restoration;*
- *opportunities for energy storage;*
- *the need for a robust planning obligation to ensure that operators achieve site restoration.”*

7.3.38 Given the findings of the EIAR and in light of the policy appraisal set out in this Planning Statement, the proposed development is considered to be acceptable in terms of the above considerations.

SPP Subject Policies – A Low Carbon Place

7.3.39 SPP addresses ‘A Low Carbon Place’ as a ‘subject policy’ on page 36 and refers to ‘delivering electricity’. Paragraph 152 refers to the NPF context and states that NPF3 is clear that planning must

facilitate the transition to a low carbon economy and help to deliver the aims of the Scottish Government. It is stated that Scotland has significant renewable energy resources, both onshore and offshore.

7.3.40 Paragraph 153 states that terrestrial planning “*facilitates*” development of renewable energy technologies, and guides new infrastructure to appropriate locations. It adds that “*efficient supply of low carbon and generation of electricity from renewable energy sources are vital to reducing greenhouse gas emissions...*”. It explains that renewable energy also presents a significant opportunity for associated development, investment and growth of the related supply chain.

7.3.41 In terms of ‘Policy Principles’, Paragraph 154 states that the planning system should:

- Support the transformational change to a low carbon economy, consistent with national objectives and targets, including deriving:
 - 30% of overall energy demand from renewable sources by 2020;
 - The equivalent of 100% of electricity demand from renewable sources by 2020.
- Support the development of a diverse range of electricity generation from renewable energy technologies – including the expansion of renewable energy generation capacity;
- Guide development to appropriate locations and advise on the issues that will be taken into account when specific proposals are being assessed.

7.3.42 SPP also cross refers to “*key documents*” and those of relevance include:

- The Electricity Generation Policy Statement (EGPS);
- The 2020 Routemap for Renewable Energy in Scotland; and
- Low Carbon Scotland: Meeting Our Emissions Reductions Targets 2013 – 2027.

7.3.43 The proposed development would be consistent with the ‘low carbon place’ subject policy and would contribute to its attainment. These renewable energy policy documents are referred to in Chapter 7 below together with more recent publications.

Onshore Wind

7.3.44 Onshore wind is specifically addressed at Paragraph 161 *et seq* of SPP. Detailed guidance is provided for Planning Authorities with regard to the preparation of Spatial Frameworks for onshore wind development, and it makes it clear that proposals for onshore wind turbine development should continue to be determined whilst Spatial Frameworks and local policies are being prepared and updated.

SPP: Spatial Framework Approach

7.3.45 With reference to the Spatial Framework approach set out in Table 1 of SPP, the application site does not lie within any ‘Group 1’ areas, or within any national and international designations for ecology, ornithology, cultural heritage or wild land (Group 2 areas). As presented in EIAR Figure 3.2., most of the site is within Group 3, however, some areas of the site are within Group 2 and this relates to peatland. As explained in EIAR Chapter 3 and above, the design approach and site specific surveys have sought to identify and avoid areas of deep peat and priority peatland habitat. Accordingly, the site is considered to have the properties of a site within Group 3: ‘Areas with potential for wind farm development’.

Table 1: Spatial Frameworks

<p>Group 1: Areas where wind farms will not be acceptable:</p> <p>National Parks and National Scenic Areas.</p>		
<p>Group 2: Areas of significant protection:</p> <p>Recognising the need for significant protection, in these areas wind farms may be appropriate in some circumstances. Further consideration will be required to demonstrate that any significant effects on the qualities of these areas can be substantially overcome by siting, design or other mitigation.</p>		
<p>National and international designations:</p> <ul style="list-style-type: none"> • World Heritage Sites; • Natura 2000 and Ramsar sites; • Sites of Special Scientific Interest; • National Nature Reserves; • Sites identified in the Inventory of Gardens and Designed Landscapes; • Sites identified in the Inventory of Historic Battlefields. 	<p>Other nationally important mapped environmental interests:</p> <ul style="list-style-type: none"> • areas of wild land as shown on the 2014 SNH map of wild land areas; • carbon rich soils, deep peat and priority peatland habitat. 	<p>Community separation for consideration of visual impact:</p> <ul style="list-style-type: none"> • an area not exceeding 2km around cities, towns and villages identified on the local development plan with an identified settlement envelope or edge. The extent of the area will be determined by the planning authority based on landform and other features which restrict views out from the settlement.
<p>Group 3: Areas with potential for wind farm development:</p> <p>Beyond groups 1 and 2, wind farms are likely to be acceptable, subject to detailed consideration against identified policy criteria.</p>		

7.3.46 In terms of development management, paragraph 169 of SPP sets out considerations for energy infrastructure and these have been referred to above.

7.3.47 Paragraph 170 of SPP states that areas identified for wind farms should be suitable for use in perpetuity. It further adds that consents may be time limited, but nevertheless “wind farms should ... be sited and designed to ensure impacts are minimised and to protect an acceptable level of amenity for adjacent communities”.

7.3.48 The provision of paragraph 170 is not a new matter. Circular 4/98 in relation to the use of conditions in planning permissions sets out paragraph 105 that “the reason for granting a temporary permission can never be that a time limit is necessary because of the effect of the development on the amenity of the area”.

7.3.49 The Applicant does not take the position that because the proposed development would have a lifetime of some 30 years that this is a factor that makes the development acceptable in amenity terms.

7.3.50 Furthermore, the provisions of paragraph 170 are different from the matter of reversibility. The proposed development would remain a reversible type of development and whether this occurs in 30 or 100 years, it remains reversible compared to most other conventional types of development.

7.3.51 Reversibility is an important issue. Were it otherwise, no conditions requiring decommissioning, restoration and aftercare should be imposed. Reversibility is a positive feature of wind energy development and some weight should be given to reversibility as an inherent positive attribute of this type of development (but not to the temporary nature of the consent).

7.3.52 Another important point to note with regard to paragraph 170 of SPP is that it further supports the Government’s position that wind energy developments can play an important role in the long term renewable generation platform of the country, thereby sustaining carbon savings and renewable energy generation targets. As explained below in Chapter 7, and set out in the very recent Government

publications (the Climate Change Plan and Energy Strategy): there are now further very challenging carbon saving and renewable energy targets set for the long term that go beyond those referenced in NPF3 and SPP. Wind farms operating on a long term basis will clearly sustain and uphold those targets.

Wild Land Policy References in SPP

7.3.53 In terms of policy on wild land, paragraph 200 of SPP states:

“Wild land character is displayed in some of Scotland’s remoter uplands, mountain and coastal areas, which are very sensitive to any form of intrusive human activity and have little or no capacity to accept new development. Plans should identify and safeguard the character of areas of wild land as identified on the 2014 SNH map of wild land areas.”

7.3.54 The second sentence of paragraph 200 relates to forward planning and the need for Development Plans to identify and safeguard the character and areas of wild land. The first sentence of paragraph 200 does not rule out development within WLAs but highlights matters of sensitivity and potentially limited capacity.

7.3.55 Paragraph 215 of SPP provides a specific development management policy test for wild land and states:-

“In areas of wild land (see paragraph 200), development may be appropriate in some circumstances. Further consideration will be required to demonstrate that any significant effects on the qualities of these areas can be substantially overcome by siting, design or other mitigation”.

7.3.56 This policy applies to development proposals that are located within the identified WLAs. The policy is not therefore applicable in this case given all of the proposed turbines are located outwith WLAs. The Reporters in the Limekiln 1 s.36 decision took this approach and made it clear that in such circumstances it is paragraph 169 of SPP that contains guidance on development management decisions with regard to wild land. Paragraph 169 highlights the need to consider the effects on wild land and that it is one of a number of considerations. It should also be noted that the policy approach relates to all types of development, not just onshore wind.

7.3.57 The effects of the proposed development on WLAs are examined in detail in Chapter 4 above, and Chapter 4 of the EIAR, alongside the various other environmental effects of the proposed development.

National Park Policy References in SPP

7.3.58 SPP makes reference to National Parks at paragraphs 84-86. It states:

“84. National Parks are designated under the National Parks (Scotland) Act 2000 because they are areas of national importance for their natural and cultural heritage. The four aims of national parks are to:

- *conserve and enhance the natural and cultural heritage of the area;*
- *promote sustainable use of the natural resources of the area;*
- *promote understanding and enjoyment (including enjoyment in the form of recreation) of the special qualities of the area by the public; and*
- *promote sustainable economic and social development of the area’s communities”.*

“85. These aims are to be pursued collectively. However if there is a conflict between the first aim and any of the others then greater weight must be given to the first aim. Planning decisions should reflect this weighting. Paragraph 213 also applies to development outwith a National Park that affects the Park”.

7.3.59 Further reference to National Parks is made as paragraph 212 in terms of national designations where SPP states that:

“Development that affects a National Park, National Scenic Area, Site of Special Scientific Interest or a National Nature Reserve should only be permitted where:

- *the objectives of designation and the overall integrity of the area will not be compromised; or*
- *any significant adverse effects on the qualities for which the area has been designated are clearly outweighed by social, environmental or economic benefits of national importance.*

7.3.60 This is therefore a specific policy test, engaged in this case in relation to development located outwith a national designation, but which may have an effect on its setting.

7.3.61 Paragraph 213 states:

“Planning decisions for development within National Parks must be consistent with paragraphs 84-85”.

7.3.62 Importantly, SPP states at paragraph 196 that *“buffer zones should not be established around areas designated for their natural heritage importance”*. This advice against the application of buffer zones is repeated in the Scottish Government’s online renewables guidance. The advice clearly applies in this case with regard to the National Park and is important to bear in mind when considering the policies of the Cairngorms National Park Partnership Plan.

7.3.63 The effects of the proposed development in relation to the National Park and the application of this SPP policy are considered in Chapter 6, above.

7.4 Scottish Government Advice Notes and Renewables Guidance

Online Renewables Guidance

7.4.1 The Scottish Government’s online renewables guidance is dated May 2014 and is currently under review to bring it in line with SPP. No conflict is identified with the national online guidance.

SPP – Some Questions Answered

7.4.2 On 5 December 2014, the Scottish Government released a document answering questions in relation to the SPP and Onshore Wind. The answers provided relate to the following topics: landscape capacity assessment; Spatial Frameworks; separation distances; areas of strategic capacity; cumulative impacts; the life span of wind farms; wild land; scenic routes; and the carbon calculator. The proposed development is considered to be consistent with the guidance with regard to all of these topics.

7.4.3 The Government’s ‘Some Questions Answered’ document on SPP also provides guidance in relation to the life span of operational wind farms and refers to the matter of sustaining targets in the long term. In relation to paragraph 170 of SPP and specifically to ‘use in perpetuity’, the document states:

“Even where an individual wind farm proposal may have an operational life span specified by condition the site should be suitable for use as a wind farm in other respects. The identification of an operational lifespan, commonly spanning 25 years for wind turbines, should not be used as a mitigation for negative impacts arising from the operation of the wind turbine. This is to ensure that developments which will be in place for an inter-generational length of time are appropriately sited and designed to have acceptable impacts.

The permanent suitability of a site for wind farm use is important as it has a relationship to the potential repowering of a site and the expectation that a wind farm in use today will in principle be acceptable in the long term if reconfigured.

Identifying sites that are suitable for permanent use is important to ensure that we not only meet our targets for renewable electricity generation but can sustain them in the future.”

Spatial Planning for Onshore Wind Turbines – Natural Heritage Considerations – Guidance

7.4.4 SNH published a policy document on the topic of spatial planning in June 2015 entitled 'Spatial Planning for onshore Wind Turbines – Natural Heritage Considerations – Guidance'. The document replaces the SNH 'Strategic Locational Guidance' for onshore wind farms. The guidance also makes the links between the SPP section on onshore wind (paras 161-172) and other parts of the policy which relate to natural heritage. The guidance states in the introduction on page 3:

“SPP identifies a clear need for wind energy development to be accommodated in appropriate locations across Scotland to meet energy generation targets and mitigate climate change. Most planning authorities should therefore assume that there will be a future level of landscape change within some of their areas from wind turbines; obvious exclusions will include the National Park Authorities and the most densely populated areas. This guidance seeks to help planning authorities plan for this change and is focused on helping to guide development to the right locations (SPP para 39)”.

7.5 Conclusions on National Planning Policy & Guidance

- 7.5.1 NPF3 and SPP set out a strong position of support in relation to renewable energy and renewable energy targets and recognise the significant energy resource provided by onshore wind. This is clearly not at any cost and development continues to be guided to appropriate locations and environmental effects need to be judged to be acceptable.
- 7.5.2 It is considered that the proposed development would satisfy the principles set out at paragraph 29 of SPP and it would assist in delivering Outcomes 2 and 3 – indicating that the proposal is consistent with sustainable development.
- 7.5.3 The presumption is an important matter which should lend significant support in favour of a positive determination of the application – i.e. the presumption is in favour of giving consent. This is a relatively new provision of national planning policy (but not an unfamiliar concept in the planning system) and it must mean that positive support should be given in favour of the proposed development, driving to the matter of giving consent unless rebutted by factors sufficient to negate the presumption.
- 7.5.4 The application site is located within what is in effect, a Group 3 location in which wind farms are likely to be acceptable subject to consideration of the criteria at paragraph 169 of SPP with regard to specific site and design approach circumstances.
- 7.5.5 It is considered that the proposed development can claim the presumption in favour of development that contributes to sustainable development, not only because it is the right development in the right place (paragraph 28 of SPP) and not only because the proposed development is in accordance with the guiding principles relevant to this type of development set out in paragraph 29 of SPP, but also because what is proposed has a strong consistency with the declared desirable planning Outcomes within SPP.

8 The Renewable Energy Policy Framework

8.1 Introduction

8.1.1 **Appendix 5** sets out a detailed consideration of the renewable energy policy framework which is summarised below.

8.2 Summary

8.2.1 The International and EU commitments and UK and Scottish Government renewable energy policy objectives and associated renewable energy, electricity and climate change targets all provide considerable support in favour of renewable energy development. Such commitments, policies and targets provide the basis of the need case for the proposed development.

8.2.2 The proposed development would aid the realisation of such policy objectives and would make a significant contribution to the respective unmet EU, UK and the Scottish 2020 and 2030 renewable energy and electricity targets, and to longer term carbon reduction targets.

8.2.3 Therefore, there is a strong policy drive at the International, UK and Scottish levels to continue to develop renewable energy and to combat the effects of climate change and to achieve greater security in the domestic supply of energy.

8.2.4 The proposed development, with an installed capacity of approximately 168 MW, would make a significant contribution to Government policy objectives and unmet targets thereby implementing Government policy which encourages more electricity generation from renewable sources. As the Scottish Government makes clear in the recent SES, *“our energy and climate change goals mean that onshore wind must continue to play a vital role in Scotland’s future”*.

8.2.5 A helpful position on energy policy was concisely summed up by the Reporter in the Corlic Hill Wind Farm Appeal Decision (17 May 2016) where in setting out overall conclusions he stated at paragraph 195 of the Decision Notice:

“the most significant positive aspect of Appeal proposal is the contribution it would make to the delivery of low carbon energy. The output of the proposed wind farm is estimated at between 16 and 24 megawatts, which represents a valuable contribution to Scottish, UK and international targets for greenhouse gas emission reduction and the use of renewable energy. It would also potential assist in providing greater of security of supply in the Scottish energy market by potentially displacing imported energy. These benefits are clearly recognised in SPP. Indeed, one of its four planning outcomes, which set out how the planning system should support the Government’s vision, is a reduction in carbon emissions. I have given this benefit of the scheme significant weight” (underlining added).

8.2.6 The **Scottish Energy Strategy** (2017) sets out that onshore wind is recognised as a key contributor to the delivery of renewable energy targets - specifically the new 2030 50% energy from renewable sources target – which could see renewable electricity rise to over 140% of Scottish electricity consumption. The Government has set out that this may require in the region of 17GW of installed renewables capacity by 2030 (SES, page 34). Furthermore, the Government’s 2020 renewable electricity target remains unmet (including by projects in the pipeline) and has been supplemented by these new stretching targets.

8.2.7 Onshore wind is expected to make a very valuable and important contribution to both of the scenarios set for 2050 as set out in the SES.

8.2.8 In addition, the SES recognises the economic potential of the energy sector. The Ministerial Foreword states that *“energy represents an enormous economic and industrial opportunity for Scotland”* (page2) and Chapter 4 of the SES is entitled ‘Scotland’s Economic Opportunity’.

- 8.2.9 Chapter 4 sets out the value that the energy sector, particularly renewables and low carbon technologies, brings to the Scottish Economy and page 43 states that the sector supports an estimated 7,500 jobs and generated more than £3bn in turnover in 2015. Page 43 goes on to state that “*Campbelltown is also currently home to the UK’s only turbine tower fabricator. We are determined to build on these strengths*”. The proposed development is uniquely placed to assist in building upon these strengths, especially in terms of fabrication.
- 8.2.10 One of the key messages in the **Onshore Wind Policy Statement** (2017) is the recognition that onshore wind is to play a “vital role” in meeting Scotland’s energy needs and a “material” role in growing the economy and that the technology remains “crucial” in terms of Scotland’s goals for an overall decarbonised energy system and to attain the ambitious renewable targets – these have been updated by the Scottish Government as expressed in the new SES and remain in place for 2020, 2030 and 2050.
- 8.2.11 This language on the role of onshore wind is demonstrably stronger than that in the current NPF and SPP. Even if a view is taken that the language is no different, the context within which the NPF / SPP policy statements were given is demonstrably different by way of more stretching targets and no subsidy or certainty on route to market. Considering targets have increased, there is a need for further development. Therefore, logically, the weight afforded to contributions to meeting such targets should also increase. The importance of the contribution that onshore wind is expected to make to targets and meeting future energy needs should be afforded substantial weight.
- 8.2.12 The OWPS also makes specific reference to the move “*towards larger and more powerful (i.e. higher capacity) turbines and that these by necessity – will mean taller towers and blade tip heights*”. Notice is therefore given of market reality and the benefits larger turbines can bring in terms of energy yield and consequent larger contribution to targets. Furthermore, the development could be progressed in a non-support context– this is a key challenge the Scottish Government has set for the industry, namely for wind farms to be developed in Scotland, taking advantage of effective sites with excellent wind resources.
- 8.2.13 Overall, both documents represent the leading edge of Government policy for the technology and land use proposed. Whilst the SES and the OWPS are yet more evidence of a continuum of ever stronger positive advice on onshore wind development as part of the Scottish Government’s renewables strategy, the latest documents go further.
- 8.2.14 The new target to procure 50% of Scottish energy requirements from renewables by 2030 is important, implying as it does that renewable electricity may need to generate 140% of Scotland’s electricity needs in order for the energy target to be met. This statement by the Scottish Government has implications for the approach to be taken to schemes such as that proposed in this application. In short, the need case has been materially strengthened.
- 8.2.15 In short, when the SES, OWPS, Climate Change Plan and all related updated challenging targets are taken into account, and when these policy statements are considered in the round, with the language used, read always in their proper context, it is considered that the need case has been materially strengthened. Scottish renewable energy and electricity targets for 2020 and 2030 have now been updated as set out in the SES published in December 2017.
- 8.2.16 The Climate Change Scotland Act 2009 set world leading greenhouse gas emissions reduction targets, including a target to reduce emissions by 80% by 2050.
- 8.2.17 The Government published a final Climate Change Plan in February 2018 and a new Climate Change Bill in May 2018 setting out even more ambitious targets - this includes increasing the 2050 target to 90% emissions reduction and making provisions for a net / zero greenhouse gas emissions target to be set on a credible and costed pathway.

8.2.18A summary of the new Scottish energy, electricity and climate change targets is provided in Table 8.1, below.

8.3 Conclusion

8.3.1 In conclusion, both the SES and OWPS are material considerations in the determination of the application and are the most recent expressions of Scottish Government policy on renewable energy and the associated economic opportunities the energy industry presents. The proposed development is uniquely placed to assist the Scottish Government in realising the industrial opportunity presented by the growing onshore wind sector. These documents and the new targets set out in the new Climate Change Plan and Climate Change Bill should be afforded substantial weight.

Table 8.1: Summary of Scottish Energy, Electricity & Climate Change Targets

Target	Target Year	Current Position	Source / Notes
Renewable Energy			
30% of total energy use from renewable sources	2020	17.8% (2015)	Scottish Energy Strategy (SES) (2017)
50% of total energy use from renewable sources	2030	17.8% (2015)	SES (2017)
Renewable Electricity			
Meet 100% of electricity demand from renewables	2020	69% (2017)	2020 Routemap for Renewable Energy in Scotland (2011) Scottish Energy Statistics (June 2018)
100% Target is circa 16-17 GW	2020	11.9GW	Scottish Energy Statistics (June 2018)
Renewable energy may need to generate 140% of Scotland's electricity needs	2030	11.9 GW	Would require c.17GW installed renewable electricity capacity by 2030 SES (2017)
Climate Change			
Interim reduction of greenhouse gas emissions by at least 42% from 1990 baseline.	2020	-37.6% (2015)	Climate Change (Scotland) Act 2009
Reduction of greenhouse gases by 80%.	2050	-37.6% (2015)	Climate Change (Scotland) Act 2009
Reduce carbon emissions by 66% against 1990 levels	2032	-37.6%	Climate Change Plan (2018)
Reduce carbon emissions by 90% against 1990 levels	2050	-37.6%	Climate Change (Emissions Reduction Targets) (Scotland) Bill (2018)
Reduce Scotland's electricity grid intensity below 50gCO ₂ / KWh by 2020	2020	150g CO ₂ /KWh (2015)	Climate Change Plan (2018)
Shared Ownership			
Achieve 1 GW of community and locally owned renewable energy	2020	716 MW (June 2017)	SES (2017)
Achieve 2 GW of community and locally owned renewable energy	2030	716 MW (June 2017)	SES (2017)

9 The Benefits of the Development

9.1 Introduction

- 9.1.1 The proposed development would result in a number of significant benefits. As set out in the EIAR, various mitigation measures would be put in place to avoid any adverse impacts and, indeed, some of these measures would result in positive impacts, such as net habitat enhancement benefits through delivering positive habitat management.
- 9.1.2 The proposed development itself would result in significant and valuable benefits locally, regionally and nationally and such benefits are detailed in the Socio-Economic & Tourism Impact Assessment (undertaken by BiGGAR Economics) which was submitted with the application, and summarised below.
- 9.1.3 It is important to highlight the unique nature of the proposed Glenshero Wind Farm. The investment and ultimate generation of renewable energy as a result of Glenshero Wind Farm is an important part of GFG Alliance's ongoing operations in Scotland, as well as its plans for the future.
- 9.1.4 GFG Alliance is considering proposals and ideas with a wide range of community groups and local stakeholders for how its estate can be used. Its aim is to use the estate in the most productive way to maximise benefit for the economy and residents through a joined-up plan where all the different elements work together. These ideas include:
- investment to upgrade housing and visitor accommodation across the estate;
 - development of high-grade facilities for tourists including accommodation and outdoor pursuits such as kayaking;
 - major improvement to, and expansion of, farming, fishing forestry across the estate;
 - a new helipad to serve both business and emergency services;
 - support for individual enterprises related to agriculture, sport and recreation; and,
 - improved access to the estate lands through better signage, parking and other facilities and improved management of natural habitats and peatland.
- 9.1.5 The remainder of this Chapter summarises additional benefits of the proposed development.

9.2 Generation of Renewable Energy and Electricity & Contribution to attainment of National Policies and Targets

- With an installed capacity of approximately 168 MW, the proposed development would make a very substantial contribution to the attainment of the UK and Scottish Government policies of encouraging renewable energy developments; and in turn contribute to the achievement of UK and Scottish Government currently unmet targets for renewable electricity generation. The Government has confirmed its long term commitment to the decarbonisation of electricity generation and the proposal would help advance this policy objective.
- Furthermore, the UK legally binding target of 15% of energy to come from renewables by 2020 (and the Scottish Government target of 50% by 2030) remain major challenges. At the end of 2017, renewable energy accounted for only 10.2% of energy consumption in the UK and 17.8% in Scotland against these respective targets. Energy policy is an important material consideration in this case and should be afforded significant weight in favour of the proposed development.
- Given the wind resource on the application site (a capacity factor estimated at 32%), the potential electricity generation is anticipated to be at least 390,000 Mega-Watt Hours ("MWh") per annum. The wind farm will make an important contribution to Scotland's 2017-2032 Climate Change Plan's

renewable energy target of “*wholly decarbonised electricity supply*” by 2030 without Government subsidies due to its excellent wind resource.

- A positive and valuable contribution towards the UK and Scottish Government’s climate change objectives. Use of the carbon calculator with best estimate values, based on available information, indicates that the proposed development would ‘pay back’ the carbon emissions associated with its construction, operation and decommissioning in a 1.2-year period. Assuming a 30-year operational period for the proposed development, this equates to an overall carbon saving of 25 times the total carbon emitted.

9.3 Economic and Community Benefits

- During the development and construction phase, the proposed development is expected to contribute up to:
 - £25.5 million and 224 job years of employment in Highland; and,
 - £65.8 million and 596 job years of employment in Scotland.
- During each year of operation and maintenance, the proposed development could contribute up to:
 - £5.2 million and 42 jobs in Highland; and,
 - £8.0 million and 67 jobs in Scotland.
- The proposed development will support wider investments by the GFG Alliance, which acquired the Lochaber Aluminium Smelter in Fort William and is planning to build an alloy wheels facility that will directly employ up to 400 people. Other planned GFG Alliance investments include up to £50 million to be invested in new hydro schemes over the next four years, including through the recently acquired SIMEC Green Highland Renewables, and the Dalzell steel plant in Motherwell, which is expected to supply steel to the proposed development.
- The developer is committed to maximising the local economic impact from the proposed development and will work with Highlands and Islands Enterprise and the Inverness and Lochaber Chamber of Commerce to ensure that local enterprise have an opportunity to bid for contracts. As the developer intends to have a significant presence in Highland this could provide local contractors with an opportunity to build a relationship that may lead to future contracts.
- Additional wider benefits associated with the proposed development include:
 - a shared ownership opportunity for local communities to invest in up to 5% of the wind farm and invest the returns in the local area, generating substantial social and economic benefits; and
 - non-domestic rates estimated at £1.9 million per year, £57.0 million over 30 years.

9.4 Shared Ownership

- 9.4.1 The Applicant has extended an opportunity to the local community (Laggan Community Association in the first instance) to share ownership in the proposed development, by investing in up to 5% of the project. Shared ownership is defined as any structure that involves a community group as a meaningful financial partner in a renewable energy group.
- 9.4.2 Preliminary discussions have indicated a preference for either Shared Revenue, where the community receives a share of revenues in exchange for a lump sum but full ownership remains with the developer, or a Joint Venture agreement, which would involve the community becoming a minority shareholder receiving a variable return in the form of dividends.

Shared Ownership Policy Framework

9.4.3 This section sets out the applicable national policy and guidance relevant to shared ownership. Reference is made to:

- SPP (2014);
- The Scottish Government's Good Practice Principles for Shared Ownership of Renewable Energy Developments (2015);
- The Chief Planner Letter to Heads of Planning (November 2016);
- The Scottish Energy Strategy (2017); and
- The Onshore Wind Policy Statement (2017).

Scottish Planning Policy

9.4.4 Paragraph 169 of SPP sets out the development management policy criteria that decision makers should apply when considering applications for onshore wind energy development. The first criterion at paragraph 169 is as follows: *"net economic impact, including local and community socio economic benefits such as employment, associated business and supply chain opportunities"*.

9.4.5 As can be seen, the first, and key, policy consideration is the *"net economic impact"* which would arise from a proposed development. Revenue and consequent benefits arising from shared ownership would all be 'net' additional benefits, i.e. there would not be displacement of other activity or investment.

Good Practice Principles for Shared Ownership of Onshore Renewable Energy Developments

9.4.6 The Scottish Government published a policy document entitled 'Good Practice Principles for Shared Ownership of Onshore Renewable Energy Developments' on 15 September 2015. The document sets out at Section 1 that the Scottish Government wishes to see all renewable energy projects making an offer of shared ownership where appropriate. It adds that making an offer of shared ownership is encouraged as good practice.

9.4.7 Chapter 5 refers to paragraph 169 of SPP and states:

"where a community group is involved in the project from an early stage, and will receive long term socio economic benefits of the life time of the project, the developer may wish to include the expected net economic benefits in a planning application" (page12).

9.4.8 The document also states that:

"by creating a clear link between shared ownership and the resulting socio economic impacts which are a material consideration, projects may benefit from the emphasis on community participation, compared to a project of similar environmental impact" (Page14) (underlining added).

9.4.9 The document then goes on to state:

"where a planning application provides evidence of the following points there will be greater certainty that the expected benefit to the economy from the proposed shared ownership arrangement will be delivered."

- *Well progressed shared ownership opportunity;*
- *Identified partner organisation;*
- *Quantified and evident local benefits*
- *Defined income to community for life time with a project;*

- *Community plans and projects in place to deliver local objectives using long term revenue*” (page 14).

The Chief Planner Letter on Energy Target and Shared Ownership

9.4.10 The Chief Planner letter dated 11 November 2015 deals with energy targets but also provides a position on shared ownership. It states, in terms of economic benefits arising from renewables projects, that *“It is our expectation that such considerations are addressed in the determination of applications for renewable energy technologies...”* and that in terms of the guidance in SPP *“It is designed to assist planning authorities, communities and developers in considering a shared ownership renewable energy project within the planning system”*.

Scottish Energy Strategy & Onshore Wind Energy Policy Statement - Shared Ownership Targets

9.4.11 The SES specifically refers to shared ownership at page 43 and states that Government wants *“to see a significant increase in shared ownership of renewable energy projects in Scotland – putting energy into the hands of local communities, and delivering a lasting economic asset to communities across Scotland”*.

9.4.12 It sets out that the ambition remains to ensure that by 2020 at least half of newly consented renewable energy projects have an element of shared ownership.

9.4.13 The document states that shared ownership will play a key part in helping to meet Government targets of 1GW of community and locally owned energy by 2020 and 2GW by 2030. It adds *“we expect community involvement in onshore wind developments to continue to play a vital role in reaching these targets”*.

9.4.14 The SES notes that the ‘Good Practice Principles for Shared Ownership in relation to onshore Renewable Energy Developments’ is under review and this is to take place during the course of 2018.

9.4.15 The OWPS addresses shared ownership in Chapter 7. Paragraph 84 states that the Government’s ambition is to see *“a significant increase in shared ownership of renewable energy projects in Scotland”* and the targets as set out in the SES are repeated.

9.4.16 It adds that the new CARES (Community and Renewables Energy Scheme) Contract up to 2020 is supporting shared ownership *“as a top priority”*.

9.4.17 Paragraph 90 of the OWPS cross refers to the Chief Planner letter of 2015 which it states set out that:

“ownership itself is not a material consideration in determining the acceptability of development proposals and planning terms, “however this also clarified that the net economic impact, including the community socio economic benefits such as employment, associated businesses and supply chain opportunities are a relevant considerations and these are aspects that Ministers are keen to see strengthened in future projects”.

Relevant Appeal and s.36 Decisions in relation to Shared Ownership

9.4.18 It is helpful to examine recent cases¹¹ in which Reporters have considered the matter of shared ownership.

9.4.19 In the Larbrax Wind Farm Appeal (eight wind turbines, 21st October 2016) which was upheld, at paragraph 53 the Reporter addressed the matter of shared ownership and stated:

¹¹ Mr David Bell acted as planning advisor in both of these cases and set out the Applicants’ positions on shared ownership in the Appeal papers on Larbrax and in the Policy Hearing held in relation to the South Kyle section 36 application.

“I have given some weight to the Appellant’s intention to offer shared – ownership, as this is a matter to which the Scottish Government has paid particular attention recently. Its ‘Good Practice Principles for Shared Ownership of on Shore Renewable Energy Developments’ expects developers to provide evidence of a commitment to offer shared ownership. It is not necessary for full details of this to be worked out at the planning application or appeal stage. In this instance, the Appellant has taken the shared ownership proposal beyond an initial concept and has had discussions with the community. This is evidence of the commitment to shared- ownership”.

9.4.20 As demonstrated by the above, some weight was given to the Appellant’s offering of shared ownership and it is noted that full details do not have to be worked out at the planning application or Appeal stage. In this instance, discussions regarding preferred shared ownership models are ongoing with the community.

9.4.21 In the South Kyle s.36 Wind Farm decision, issued on 30 June 2017 (consent granted by the Scottish Ministers), the Reporters note the Applicant’s offer of 5% community shared ownership on the basis of the shared revenue model. The Reporters state:

“We conclude that, in accordance with section 5 of the Good Practice Principles, the Applicant’s offer to allow the community to obtain a share of the proposed development is a matter to which we must have regard. A distinction is made in that document between community shared-ownership proposals and offers simply to pay a sum of money to the community. The Good Practice Principles document confirms that shared ownership should become the norm in renewable energy projects in the future and NPF3 states that local and community ownership and small-scale generation can have a lasting impact on rural Scotland, building business and community resilience and providing alternative sources of income” (paragraph 4.80).

9.4.22 The Reporters then move on to consider the weight to be given to the offer and state:

“We agree that, at this stage there is no certainty that the community shared ownership offer will be delivered and that discussions with potential partners are at an early stage. Therefore, in accordance with the Good Practice Principles, we have given less weight to the Applicant’s intention to commit to a shared-ownership arrangement than if it had identified a specific partner” (paras 4.80 – 4.81).

9.4.23 The Scottish Ministers’ decision letter highlighted the importance of demonstrating the net economic benefit of community ownership when determining the weight to be given to it in the decision making process.

Conclusions – Shared Ownership

9.4.24 The national planning policy position is supportive of shared/community ownership. It is not the ownership itself that is the material matter but the net economic benefits that could arise from such ownership. Scottish Government targets for shared/community ownership are also ambitious, as confirmed in the recent SES and OWPS. Onshore wind is the technology that is expected to make the most substantial contribution to those targets.

9.4.25 Clearly, the Scottish Government’s position is that giving the community who will receive the economic benefit a stake in a development, creates a link between the development and the benefits such that they [the benefits] would be material considerations.

9.4.26 Therefore, in the circumstances of this case, there would be additional net socio-economic benefits that would arise because the wind farm could generate income that could flow to the community group(s) over the lifetime of the proposed development, should the shared ownership offer be taken up. In this regard the approach would be consistent with paragraph 169 of SPP where it states that a consideration in the assessment of wind energy developments will be net economic impact *“including local and community socio-economic benefits...”*.

9.4.27 In conclusion, it is considered that the approach to shared ownership and benefits is consistent with the Scottish Government's policy approach which seeks to make it clear that links between ownership and benefits can be material considerations in certain circumstances. This is a material benefit that should attract positive weight. It is an important matter – brought to the attention of Heads of Planning in the Chief Planner's Letter and is highlighted in both the SES and OWPS. A key point arising is that this commitment from the Applicant should result in 'benefit' to projects in the planning system and this is made clear in the good practice guidance.

10 Conclusions

10.1 The Electricity Act 1989

- 10.1.1 Reference has been made to the statutory context for the application. The proposed development requires to be considered under the terms of the 1989 Act, in particular the Schedule 9 duties.
- 10.1.2 Paragraph 3(2) of Schedule 9 to the 1989 Act provides a specific statutory requirement on the Scottish Ministers to have regard to various matters when considering development proposals. The information that is contained within the individual topic sections of the EIAR addresses these. It is acknowledged that the proposed development would give rise to significant landscape and visual effects, however it is considered the landscape is able to accommodate the predicted change. The significant effects that would arise are relatively limited and localised and this needs to be balanced against the various significant benefits that would arise. It is considered that the detailed work undertaken for the EIA confirms that the proposed development is environmentally acceptable. On this basis the Applicant has provided the detailed information which demonstrates how the duties under Schedule 9 of the Electricity Act in this regard.
- 10.1.3 These duties apply whatever the relevant local policy circumstances expressed through a Development Plan may be. Therefore, the approach required in this case is fundamentally different to the approach for planning decisions under s.25 of the 1997 Act. As has been explained, there is no primacy of the Development Plan in an Electricity Act case. Development Plan policies are relevant to understanding in a local context, the generic duties under Schedule 9 to the Electricity Act.

10.2 The Renewable Energy Policy Framework

- 10.2.1 The proposed development would result in an installed electricity capacity of approximately 168 MW. The resultant environmental benefits that would flow from this in terms of carbon dioxide and other greenhouse gas emission savings have been set out.
- 10.2.2 It is very important to take into account the renewable energy policy considerations which have been outlined in some detail. Given the scale of the development, it would clearly make a valuable contribution to the attainment of renewable energy and electricity targets at both the Scottish and UK levels. The evidence clearly shows that there remains a considerable shortfall in terms of these targets.
- 10.2.3 Beyond the specific targets, it is important to remember that these are not capped, and as the Scottish Government set out in its Energy Generation Policy Statement "*it is as much about the value and importance of the journey as it is about the destination*". The Government's position is that Scotland "*can and must exploit its huge renewables potential to the fullest possible extent ...*". The proposed development achieves that objective, in a way that results in acceptable environmental effects. It thereby satisfies the national planning policy principle of being the right development in the right place, as set out in SPP.
- 10.2.4 Reference has been made to very recent Scottish Government publications, namely the Climate Change Plan, Energy Strategy and the Onshore Wind Policy Statement. These documents, amongst other relevant matters, make it very clear that "*securing a route to market for onshore wind of all scales is a priority of the Scottish Government*". The proposed development is one of increasingly few onshore wind energy projects that is viable on a support free basis – the Government is aiming to meet the challenge of delivering onshore wind without subsidy.

10.3 National Planning Policy & Guidance

- 10.3.1 NPF3 and SPP set out a strong position of support in relation to renewable energy and renewable energy targets and recognise the significant energy resource that can be realised by onshore wind. This is clearly not at any cost and development continues to be guided to appropriate locations. As per SPP, the application site, having overcome Group 2 constraints, can be regarded as a Group 3 location i.e. an “*area with potential for wind farm development*” where “*wind farms are likely to be acceptable, subject to detailed consideration against identified policy criteria*” (SPP, page 39). The proposed development has been assessed against the relevant policy criteria and is deemed to be acceptable.
- 10.3.2 A further important point in terms of national planning policy is the presumption in favour of development that supports sustainable development: the proposed development draws support from that policy principle which applies with force in this case.
- 10.3.3 A new national policy matter is the Government’s policy guidance in relation to shared ownership and how this provides a link such that community socio-economic benefits become material in planning decision making. This is a new and important consideration. It links to the consideration of community socio-economic benefits at paragraph 169 of SPP. The additional revenue generated by the shared ownership proposal could provide the financial resources necessary for the community to achieve local socio-economic and regeneration projects.
- 10.3.4 Given the Applicant’s proposal and commitment to community ownership, it is a matter that can properly be taken into account as a consideration and weighs in favour of the proposed development.
- 10.3.5 The proposed development can draw significant support from the provisions of both NPF3 and SPP and the Government’s policy in relation to community ownership of renewable energy developments, in particular, onshore wind.

10.4 Development Plan

- 10.4.1 It has been considered appropriate to have regard to, so far as relevant, individual Development Plan policies in the evaluation of the proposed development, alongside other considerations. The conclusion reached from the policy assessment, is that the proposed development is consistent with relevant policies and with the Development Plan, particularly Policy 67 and the related SG and with the plan when it is read as a whole, insofar as it is a relevant consideration in this s.36 case.

10.5 The Cairngorms National Park

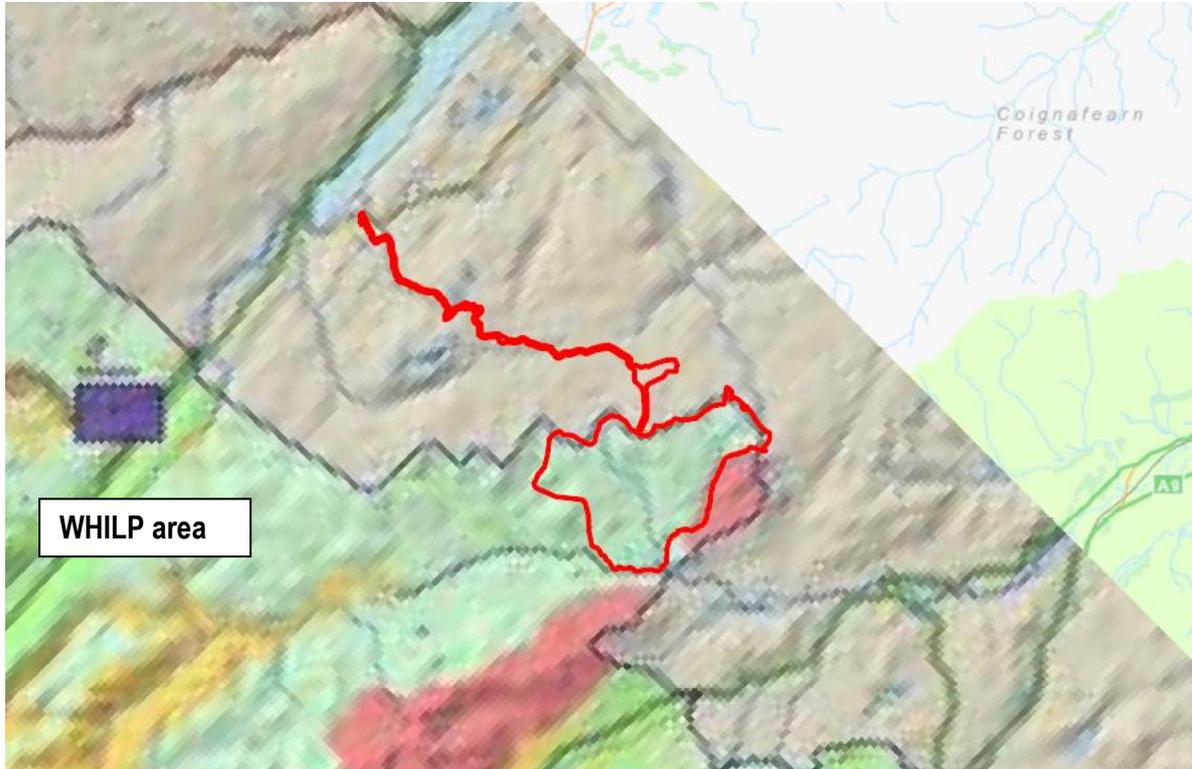
- 10.5.1 The proposed development is not located in the CNP but it does affect part of its setting. Whilst the proposed wind farm would not necessarily enhance the natural and cultural heritage of the National Park, those aspects of the Park have been carefully taken account of in the design approach that has been followed.
- 10.5.2 There would be some localised and significant visual and character effects on the Park which give rise to some conflict with policy 1.3 of the CNPPP – however these effects are contained to the edges of the Park and avoid effects on the core and NSAs. However, the requirement is not to have compliance with this Plan but rather to have special regard to it as a material consideration. It is not considered that this policy non accordance demonstrates unacceptable conflict with the overall objectives or with the first aim of the CNP to conserve and enhance the natural and cultural heritage of the Park or to presume against any development that generates any significant effects on the Park.
- 10.5.3 The proposed development is not considered to be in conflict with the subject policy in SPP in relation to national designations, specifically paragraph 212.
- 10.5.4 It is considered that the proposed development can be reconciled with the statutory aims of the CNP, and would not compromise the integrity of the National Park.

10.6 Overall Conclusion

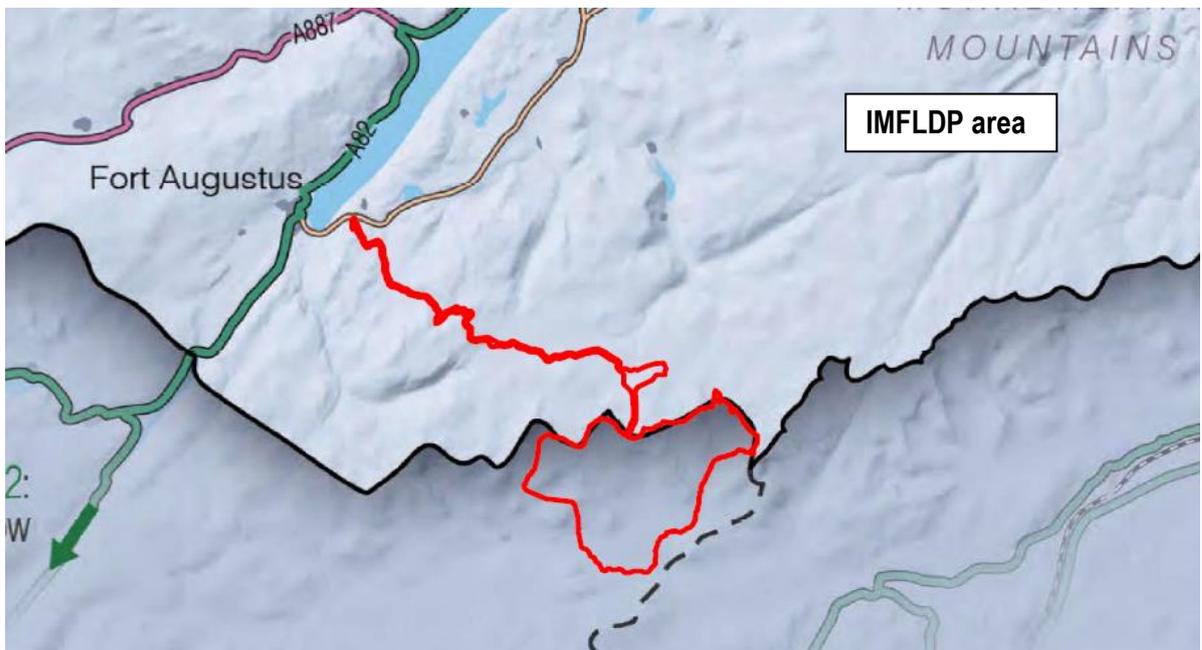
- 10.6.1 The UK Government's objective is to cut carbon emissions whilst also delivering electricity to consumers at the lowest cost. As such, it is large onshore wind sites with excellent wind resource, readily available infrastructure such as a proximate grid connection and limited environmental impacts that are likely to be able to proceed to implementation in an increasingly competitive environment, and therefore contribute to the Scottish Government's and the UK Government's targets and policy objectives. The proposed development is located on such a site. Chapter 8 has set out a wide range of socio-economic and environmental benefits that would arise over and above the renewable energy and climate change advantages that the scheme would deliver.
- 10.6.2 As set out in the introduction, the proposed development has been formulated through a carefully considered design and EIA approach and appropriate amendments to the development layout have taken place in response to matters raised by consultees, in accord with the Applicant's duties under Schedule 9 to the 1989 Act.
- 10.6.3 The overall conclusion reached is that the proposed development satisfies the terms of paragraph 3 of Schedule 9 of the 1989 Act, while also taking into account other policy considerations including those which are relevant in the Development Plan. On this basis, it is respectfully recommended that section 36 consent be given with a direction that deemed planning permission should be granted for the proposed development.

Appendix 1 – Application Site in relation to the Development Plan Boundaries

West Highland and Islands Local Plan (WHILP) Proposals Map*



Inner Moray Firth Local Development Plan (IMFLDP) Proposals Map*



Appendix 2 – Planning Policy Schedule



Glenshero Wind Farm
Highland
Planning Policy Schedule

on behalf of SIMEC

September 2018

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1 Introduction

1.1 Purpose

This Policy Schedule should be read alongside JLL's Planning Statement for the proposed Glenshero Wind Farm, Highland.

The Supplementary Guidance documents are not included in this Schedule but they can be found on The Highland Council's Development Guidance webpages.

2 Highland-wide Local Development Plan

2.1 Policy 67 'Renewable Energy Developments' states:

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

- the contribution of the proposed development towards meeting renewable energy generation targets; and
- any positive or negative effects it is likely to have on the local and national economy;
- and will assess proposals against other policies of the development plan, the Highland Renewable Energy Strategy and Planning Guidelines and have regard to any other material considerations, including proposals able to demonstrate significant benefits including by making effective use of existing and proposed infrastructure or facilities.

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

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

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

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

consent has been secured to extend the life of the project, or the project ceases to operate for a specific period.

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

2.2 Policy 57 ‘Natural, Built and Cultural Heritage’

“All development proposals will be assessed taking into account the level of importance and type of heritage features, the form and scale of the development, and any impact on the feature and its setting, in the context of the policy framework detailed in Appendix 2. The following criteria will also apply:

1. For features of local/regional importance we will allow developments if it can be satisfactorily demonstrated that they will not have an unacceptable impact on the natural environment, amenity and heritage resource.
2. For features of national importance we will allow developments that can be shown not to compromise the natural environment, amenity and heritage resource. Where there may be any significant adverse effects, these must be clearly outweighed by social or economic benefits of national importance. It must also be shown that the development will support communities in fragile areas who are having difficulties in keeping their population and services.
3. For features of international importance developments likely to have a significant effect on a site, either alone or in combination with other plans or projects, and which are not directly connected with or necessary to the management of the site for nature conservation will be subject to an appropriate assessment. Where we are unable to ascertain that a proposal will not adversely affect the integrity of a site, we will only allow development if there is no alternative solution and there are imperative reasons of overriding public interest, including those of a social or economic nature. Where a priority habitat or species (as defined in Annex 1 of the Habitats Directive) would be affected, development in such circumstances will only be allowed if the reasons for overriding public interest relate to human health, public safety, beneficial consequences of primary importance for the environment, or other reasons subject to the opinion of the European Commission (via Scottish Ministers).

Where we are unable to ascertain that a proposal will not adversely affect the integrity of a site, the proposal will not be in accordance with the development plan within the meaning of Section 25(1) of the Town and Country Planning (Scotland) Act 1997.

Note: Whilst Appendix 2 groups features under the headings international, national and local/regional importance, this does not suggest that the relevant policy framework will be any less rigorously applied. This policy should also be read in conjunction with the Proposal Map.

The Council intends to adopt the Supplementary Guidance on Wild Areas in due course. The main principles of this guidance will be:

- to provide mapping of wild areas;
- to give advice on how best to accommodate change within wild areas whilst safeguarding their qualities;
- to give advice on what an unacceptable impact is; and
- to give guidance on how wild areas could be adversely affected by development close to but not within the wild area itself.

In due course the Council also intends to adopt the Supplementary Guidance on the Highland Historic Environment Strategy. The main principles of this guidance will ensure that:

- Future developments take account of the historic environment and that they are of a design and quality to enhance the historic environment bringing both economic and social benefits;
- It sets a proactive, consistent approach to the protection of the historic environment”.

2.3 **Policy 61 ‘Landscape’**

“New developments should be designed to reflect the landscape characteristics and special qualities identified in the Landscape Character Assessment of the area in which they are proposed. This will include consideration of the appropriate scale, form, pattern and construction materials, as well as the potential cumulative effect of developments where this may be an issue. The Council would wish to encourage those undertaking development to include measures to enhance the landscape characteristics of the area. This will apply particularly where the condition of the landscape characteristics has deteriorated to such an extent that there has been a loss of landscape quality or distinctive sense of place. In the assessment of new developments, the Council will take account of Landscape Character Assessments, Landscape Capacity Studies and its supplementary guidance on Siting and Design and Sustainable Design, together with any other relevant design guidance.

Note: The principles and justification underpinning the Council’s approach to sustainable developments are contained in the supplementary guidance: “Sustainable Design”. The key principles underlying this guidance are set out in Policy 28: Sustainable Design”.

2.4 **Policy 55 ‘Peat and Soils’**

“Development proposals should demonstrate how they have avoided unnecessary disturbance, degradation or erosion of peat and soils.

Unacceptable disturbance of peat will not be permitted unless it is shown that the adverse effects of such disturbance are clearly outweighed by social, environmental or economic benefits arising from the development proposal.

Where development on peat is clearly demonstrated to be unavoidable then The Council may ask for a peatland management plan to be submitted which clearly demonstrates how impacts have been minimised and mitigated.

New areas of commercial peat extraction will not be supported unless it can be shown that it is an area of degraded peatland which is clearly demonstrated to have been significantly damaged by human activity and has low conservation value and as a result restoration is not possible.

Proposals must also demonstrate to the Council's satisfaction that extraction would not adversely affect the integrity of nearby Natura sites containing areas of peatland".

2.5 **Policy 58 'Protected Species'**

"Where there is good reason to believe that a protected species may be present on site or may be affected by a proposed development, we will require a survey to be carried out to establish any such presence and if necessary a mitigation plan to avoid or minimise any impacts on the species, before determining the application.

Development that is likely to have an adverse effect, individually and/or cumulatively, on European Protected Species (see Glossary) will only be permitted where:

- There is no satisfactory alternative;
- The development is required for preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment; and
- The development will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range.

Development that is likely to have an adverse effect, individually and/or cumulatively, on protected bird species (see Glossary) will only be permitted where:

- There is no other satisfactory solution; and
- The development is required in the interests of public health or public safety.

This will include but is not limited to avoiding adverse effects, individually and/or cumulatively, on the populations of the following priority protected bird species:

- Species listed in Annex 1 of the EC Birds Directive;
- Regularly occurring migratory species listed in Annex II of the Birds Directive;
- Species listed in Schedule 1 of the Wildlife and Countryside Act 1981 as amended;
- Birds of conservation concern.

Development that is likely to have an adverse effect, individually and/or cumulatively (see glossary), on other protected animals and plants (see Glossary) will only be permitted where the development is required for preserving public health or public safety.

Development proposals should avoid adverse disturbance, including cumulatively, to badgers and badger setts, protected under the Protection of Badgers Act 1992 (as amended by the Nature Conservation (Scotland) Act 2004”.

2.6 **Policy 59 ‘Other Important Species’**

“The Council will have regard to the presence of and any adverse effects of development proposals, either individually and/or cumulatively, on the Other Important Species which are included in the lists below, if these are not already protected by other legislation or by nature conservation site designations:

- Species listed in Annexes II and V of the EC Habitats Directive;
- Priority species listed in the UK and Local Biodiversity Action Plans;
- Species included on the Scottish Biodiversity List.

We will use conditions and agreements to ensure detrimental effect on these species is avoided”.

2.7 **Policy 60 ‘Other Important Habitats and Article 10 Features’**

“The Council will seek to safeguard the integrity of features of the landscape which are of major importance because of their linear and continuous structure or combination as habitat “stepping stones” for the movement of wild fauna and flora. (Article 10 Features). The Council will also seek to create new habitats which are supportive of this concept.

The Council will have regard to the value of the following Other Important Habitats, where not protected by nature conservation site designations (such as natural water courses), in the assessment of any development proposals which may affect them either individually and/or cumulatively:

- Habitats listed in Annex I of the EC Habitats Directive;
- Habitats of priority and protected bird species (see Glossary);
- Priority habitats listed in the UK and Local Biodiversity Action Plans;
- Habitats included on the Scottish Biodiversity List.

The Council will use conditions and agreements to ensure that significant harm to the ecological function and integrity of Article 10 Features and Other Important Habitats is avoided. Where it is judged that the reasons in favour of a development clearly outweigh the desirability of retaining those important habitats, the Council will seek to put in place satisfactory mitigation measures, including where appropriate consideration of compensatory habitat creation”.

2.8 Policy 28 'Sustainable Design'

"The Council will support developments which promote and enhance the social, economic and environmental wellbeing of the people of Highland.

Proposed developments will be assessed on the extent to which they:

- are compatible with public service provision (water and sewerage, drainage, roads, schools, electricity);
- are accessible by public transport, cycling and walking as well as car;
- maximise energy efficiency in terms of location, layout and design, including the utilisation of renewable sources of energy and heat;
- are affected by physical constraints described in Physical Constraints on Development: Supplementary Guidance;
- make use of brownfield sites, existing buildings and recycled materials;
- demonstrate that they have sought to minimise the generation of waste during the construction and operational phases. (This can be submitted through a Site Waste Management Plan);
- impact on individual and community residential amenity;
- impact on non-renewable resources such as mineral deposits of potential commercial value, prime quality agricultural land, or approved routes for road and rail links;
- impact on the following resources, including pollution and discharges, particularly within designated areas:
 - habitats
 - freshwater systems
 - species
 - marine systems
 - landscape
 - cultural heritage
 - scenery
 - air quality;
- demonstrate sensitive siting and high quality design in keeping with local character and historic and natural environment and in making use of appropriate materials;
- promote varied, lively and well-used environments which will enhance community safety and security and reduce any fear of crime;
- accommodate the needs of all sectors of the community, including people with disabilities or other special needs and disadvantaged groups; and
- contribute to the economic and social development of the community.

Developments which are judged to be significantly detrimental in terms of the above criteria will not accord with this Local Development Plan. All development proposals must demonstrate compatibility with the Sustainable Design Guide: Supplementary Guidance, which requires that all developments should:

- conserve and enhance the character of the Highland area;

- use resources efficiently;
- minimise the environmental impact of development;
- enhance the viability of Highland communities.

Compatibility should be demonstrated through the submission of a Sustainable Design Statement where required to do so by the Guidance.

All developments must comply with the greenhouse gas emissions requirements of the Sustainable Design Guide.

In the relatively rare situation of assessing development proposals where the potential impacts are uncertain, but where there are scientific grounds for believing that severe damage could occur either to the environment or the wellbeing of communities, the Council will apply the precautionary principle.

Where environmental and/or socio-economic impacts of a proposed development are likely to be significant by virtue of nature, size or location, The Council will require the preparation by developers of appropriate impact assessments. Developments that will have significant adverse effects will only be supported if no reasonable alternatives exist, if there is demonstrable over-riding strategic benefit or if satisfactory overall mitigating measures are incorporated”.

2.9 **Policy 30 ‘Physical Constraints’**

“Developers must consider whether their proposals would be located within areas of constraints as set out in Physical Constraints: Supplementary Guidance. The main principles of the guidance are:

- to provide developers with up to date information regarding physical constraints to development in Highland; and
- to ensure proposed developments do not adversely affect human health and safety or pose risk to safeguarded sites.

Where a proposed development is affected by any of the constraints detailed within the guidance, developers must demonstrate compatibility with the constraint or outline appropriate mitigation measures to be provided”.

2.10 **Policy 36 ‘Development in the Wider Countryside’**

“Outwith Settlement Development Areas, development proposals will be assessed for the extent to which they:

- are acceptable in terms of siting and design;
- are sympathetic to existing patterns of development in the area;
- are compatible with landscape character and capacity;
- avoid incremental expansion of one particular development type within a landscape whose distinct character relies on an intrinsic mix/distribution of a range of characteristics
- avoid, where possible, the loss of locally important croft land; and
- would address drainage constraints and can otherwise be adequately serviced, particularly in terms of foul drainage, road access and water supply, without involving undue public expenditure or infrastructure that would be out of keeping with the rural character of the area.

Development proposals may be supported if they are judged to be not significantly detrimental under the terms of this policy. In considering proposals, regard will also be had to the extent to which they would help, if at all, to support communities in Fragile Areas (as defined by Highlands & Islands Enterprise) in

maintaining their population and services by helping to re-populate communities and strengthen services ...”.

2.11 **Policy 51 ‘Trees and Development’**

“The Council will support development which promotes significant protection to existing hedges, trees and woodlands on and around development sites. The acceptable developable area of a site is influenced by tree impact, and adequate separation distances will be required between established trees and any new development. Where appropriate a woodland management plan will be required to secure management of an existing resource.

The Council will secure additional tree/hedge planting within a tree planting or landscape plan to compensate removal and to enhance the setting of any new development. In communal areas a factoring agreement will be necessary.

The Council’s Trees, Woodland and Development Supplementary Guidance will be adopted as statutory supplementary guidance. The guidance will identify the main principles for the protection and management of trees and woodland in relation to new development. It will:

- identify key relevant legislation and regulation;
- establish the key factors for assessment of development sites in relation to the presence of trees;
- give guidance on preparation of tree protection, management, planting and landscape plans;
- for developments involving a significant element of woodland, give advice on the need for a woodland management plan;
- provide advice for development within existing woodland on the potential for woodland removal and need for compensatory planting;
- generally support well planned developments which are designed to create and coexist with significant areas of new woodland”.

2.12 **Policy 52 ‘Principle of Development in Woodland’**

“The applicant is expected to demonstrate the need to develop a wooded site and to show that the site has capacity to accommodate the development. The Council will maintain a strong presumption in favour of protecting woodland resources. Development proposals will only be supported where they offer clear and significant public benefit. Where this involves woodland removal, compensatory planting will usually be required.

The Council will consider major development proposals against their socio economic impact on the forestry industry within the locality, the economic maturity of the woodland, and the opportunity for the proposals to coexist with forestry operations.

For housing proposals within existing woodland, applicants must pay due regard to its integrity and longer term management.

In all cases there will be a stronger presumption against development where it affects inventoried woodland, designated woodland or other important features (as defined in Trees, Woodland and Development Supplementary Guidance).

All proposals affecting woodland will be assessed against conformity with the Scottish Government’s Policy on Control of Woodland Removal.

The current Highland Forest and Woodland Strategy will be considered as a material consideration. It is the intention that future reviews of the strategy will be adopted as supplementary guidance.

The Highland Forest and Woodland Strategy reflects the strategic directions of the Scottish Forest Strategy developing its priorities for action at the regional level and through its key principles seeks to:

- ensure sustainability;
- increase the community benefit from forestry and woodlands;
- identify opportunities for forest and woodland expansion compatible with other interests;
- improve existing forests and woodland to enhance forestry's contribution to the economy and environment of Highland;
- work with partners to address economic and infrastructure issues;
- retain and enhance the level of funding for forestry in Highland".

2.13 Policy 56 'Travel'

"Development proposals that involve travel generation must include sufficient information with the application to enable the Council to consider any likely on- and off- site transport implications of the development and should:

- be well served by the most sustainable modes of travel available in the locality from the outset, providing opportunity for modal shift from private car to more sustainable transport modes wherever possible, having regard to key travel desire lines;
- in particular, the Council will seek to ensure that opportunities for encouraging walking and cycling are maximised;
- be designed for the safety and convenience of all potential users;
- incorporate appropriate mitigation on site and/or off site, provided through developer contributions where necessary, which might include improvements and enhancements to the walking/cycling network and
- public transport services, road improvements and new roads; and
- incorporate an appropriate level of parking provision, having regard to the travel modes and services which will be available and key travel desire lines and to the maximum parking standards laid out in Scottish Planning Policy or those set by the Council.

When development proposals are under consideration, the Council's Local Development Strategy will be treated as a material consideration.

The Council will seek to ensure that locations with potential for introducing bus priority measures are protected from development.

The Council will seek the implementation and monitoring of Green Travel Plans in support of significant travel generating developments. Development proposals that are likely to affect the operation of any level crossing will be considered in accordance with the relevant part of the supplementary guidance associated with Policy 30: Physical Constraints.

Where site masterplans are prepared, they should include consideration of the impact of proposals on the local and strategic transport network. In assessing development proposals, the Council will also

have regard to any implications arising from the relevant Core Paths Plan and will apply the terms of Policy 77: Public Access”.

2.14 **Policy 62 ‘Geodiversity’**

“Development proposals that include measures to protect and enhance geodiversity interests of international, national and regional/local importance in the wider countryside, will be supported. The Council will also support improvement of accessibility and interpretation as an educational or geo-tourism resource, where it is possible to integrate sympathetically development, geodiversity and other existing interests”.

2.15 **Policy 63 ‘Water Environment’**

“The Council will support proposals for development that do not compromise the objectives of the Water Framework Directive (2000/60/EC), aimed at the protection and improvement of Scotland’s water environment. In assessing proposals, the Council will take into account the River Basin Management Plan for the Scotland

River Basin District and associated Area Management Plans and supporting information on opportunities for improvements and constraints (see Figure 8)”.

2.16 **Policy 64 ‘Flood Risk’**

“Development proposals should avoid areas susceptible to flooding and promote sustainable flood management.

Development proposals within or bordering medium to high flood risk areas, will need to demonstrate compliance with Scottish Planning Policy (SPP) through the submission of suitable information which may take the form of a Flood Risk Assessment.

Development proposals outwith indicative medium to high flood risk areas may be acceptable. However, where:

- better local flood risk information is available and suggests a higher risk;
- a sensitive land use (as specified in the risk framework of Scottish Planning Policy) is proposed, and/or;
- the development borders the coast and therefore may be at risk from climate change;

A Flood Risk Assessment or other suitable information which demonstrates compliance with SPP will be required.

Developments may also be possible where they are in accord with the flood prevention or management measures as specified within a local (development) plan allocation or a development brief. Any developments, particularly those on the flood plain, should not compromise the objectives of the EU Water Framework Directive.

Where flood management measures are required, natural methods such as restoration of floodplains, wetlands and water bodies should be incorporated, or adequate justification should be provided as to why they are impracticable”.

2.17 **Policy 66 ‘Surface Water Drainage’**

“All proposed development must be drained by Sustainable Drainage Systems (SuDS) designed in accordance with The SuDS Manual (CIRIA C697) and, where appropriate, the Sewers for Scotland Manual 2nd Edition. Planning applications should be submitted with information in accordance with Planning Advice Note 69:

Planning and Building Standards Advice on Flooding paragraphs 23 and 24. Each drainage scheme design must be accompanied by particulars of proposals for ensuring long-term maintenance of the scheme”.

2.18 **Policy 69 ‘Electricity Transmission Infrastructure’**

“Proposals for overground, underground or sub-sea electricity transmission infrastructure (including lines and cables, pylons/ poles and vaults, transformers, switches and other plant) will be considered having regard to their level of strategic significance in transmitting electricity from areas of generation to areas of consumption. Subject to balancing with this consideration, and taking into account any proposed mitigation measures, the Council will support proposals which are assessed as not having an unacceptable significant impact on the environment, including natural, built and cultural heritage features. In locations that are sensitive, mitigation may help to address concerns and should be considered as part of the preparation of proposals. This may include, where appropriate, underground or sub-sea alternatives to overground route proposals. Where new infrastructure provision will result in existing infrastructure becoming redundant, the Council will seek the removal of the redundant infrastructure as a requirement of the development”.

2.19 **Policy 77 ‘Public Access’**

“Where a proposal affects a route included in a Core Paths Plan or an access point to water, or significantly affects wider access rights, then The Council will require it to either:

- retain the existing path or water access point while maintaining or enhancing its amenity value;
or
- ensure alternative access provision that is no less attractive, is safe and convenient for public use, and does not damage or disturb species or habitats.

For a proposal classified as a Major Development, the Council will require the developer to submit an Access Plan. This should show the existing public, nonmotorised public access footpaths, bridleways and cycleways on the site, together with proposed public access provision, both during construction and after completion of the development (including links to existing path networks and to the surrounding area, and access point to water)”.



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Appendix 3 – Design and Access Statement

GLENSHERO WIND FARM

Design and Access Statement



SIMEC

res
power for good

1. Introduction

- 1.1 This Design and Access Statement has been prepared by RES Limited (RES) on behalf of SIMEC Wind One Ltd (the Applicant) in support of an application for consent to construct and operate a wind farm comprising 39 turbines with a total installed capacity of over 50 MW¹ on the Glenshero Estate at a site located approximately 8 km west of the village of Laggan, in the Highlands. The Applicant is applying to the Scottish Government for consent under Section 36 of the Electricity Act 1989.
- 1.2 This Design and Access Statement has been prepared in accordance with Regulation 13(1) of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013. The Statement should be read in conjunction with the Glenshero Wind Farm Environmental Impact Assessment Report (EIAR), which also contains information on the design strategy, predicted landscape and visual effects, access related effects and any figures referred to in this document.

The Purpose of the Design and Access Statement

- 1.3 The purpose of this Statement is to provide information on the principles and approach that have guided the design process and to demonstrate observance of equal opportunity requirements for access. This Design and Access Statement demonstrates how the site and its surroundings have been fully appraised to ensure that the final design solution is the most suitable for the site. The report describes the starting point for the proposed wind farm design, and subsequent iterations to the layout that were made in response to the environmental and technical issues that were identified during the environmental impact assessment process and in response to the scoping and consultation process. Details are also provided on the access arrangements.

Development Description

- 1.4 The proposed development is shown on Figure 2.1 of the EIAR (Volume 3) and comprises:
- 39 three-bladed horizontal axis wind turbines, of a maximum ground to tip height of up to 135 m;
 - Turbine foundations;
 - A wind farm control building/substation compound;
 - Crane hardstanding area at each turbine base with a maximum permanent area of 1,200 m²;
 - A total of 28 km of new on-site access track and turning points with associated watercourse crossings (the proposed development would also make use of 18.5 km of existing tracks within Stronelairg Wind Farm);
 - 2 temporary site entrance offices and layby areas with a maximum total area of 900 m² each;
 - Up to 3 temporary site construction compounds and laydown areas with a maximum total area of 4,000 m² each;
 - Underground cabling linking the turbines with the substation; and
 - Search areas for up to 7 temporary mineral extraction areas, with a total maximum search area of 118,424 m² and predicted extraction volume of 195,000 m³ identified;

¹ The current indicative capacity of the project is 168MW

- A concrete batching plant;
- Associated ancillary works; and
- Engineering operations.

2. Design and Access

Site Location

- 2.1 The proposed wind farm site ('the site') covers an area of approximately 37.4 km² and is located approximately 5 km north of the A86 and approximately 8 km west of the village of Laggan (EIAR Volume 3: Figure 1.1). Higher ground is found in the north of the site. There are two main watercourses on-site, the Allt Coire Iain Oig and the Allt Gilbe, which run southwards off the highest ground on the site and join the River Spey on the site's southern boundary. There are areas of coniferous plantation woodland located within the central and southern part of the site, between the Allt Coire Iain Oig and the Allt Gilbe and on the southern site boundary.
- 2.2 The Beaully-Denny 400 kV overhead line (OHL) intersects the site on its southern boundary (EIAR Volume 3: Figure 1.1) and lies immediately north of an undesignated length of General Wade's Military Road. The majority of the site comprises open moorland used for grazing livestock and for rearing grouse.
- 2.3 The nearest residential properties are located to the south of the site, alongside the minor road which leads from Strathmashie to Glenshero Lodge and Garva Bridge. No properties are located within the boundary of the application site.

Key Design Considerations

Planning Policy Context

- 2.4 The Scottish Planning Policy (SPP)² requires planning authorities to define a spatial framework identifying those areas that are likely to be most appropriate for onshore wind farms. The spatial frameworks must be based on the following criteria:
- Group 1: Areas where wind farms will not be acceptable:
 - National Parks and National Scenic Areas
 - Group 2: Areas of significant protection:
 - Recognising the need for significant protection, in these areas wind farms may be appropriate in some circumstances. Further consideration will be required to demonstrate that any significant effects on the qualities of these areas can be substantially overcome by siting, design or other mitigation; and
 - Group 2 areas include World Heritage Sites; Natura 2000 and Ramsar sites; Sites of Special Scientific Interest; National Nature Reserves; Sites identified in the Inventory of Gardens and Designed Landscapes; Sites identified in the Inventory of Historic Battlefields; areas of wild land as shown on the 2014 SNH map of wild land areas; carbon rich soils, deep peat and priority peatland habitat; and an area not exceeding 2 km around cities, towns and villages identified on the local development plan.
 - Group 3: Areas with potential for wind farm development:

² The Scottish Government (2014) Scottish Planning Policy, The Scottish Government, Edinburgh, June 2014 - URL: <http://www.gov.scot/Publications/2014/06/5823/6>, accessed 06/07/18

- Beyond groups 1 and 2, wind farms are likely to be acceptable, subject to detailed consideration against identified policy criteria.
- 2.5 The site does not lie within any 'Group 1' areas, or within any national and international designations for ecology, ornithology, cultural heritage or wild land (Group 2 areas). Most of the site is within Group 3 as presented in Figure 3.2 (EIAR: Volume 3).
- 2.6 There are some areas of the site situated within Group 2 and this relates to peatland. The SNH Carbon and Peatland Map (2016)³ provides an indication of the likely presence of peat at a coarse scale. The Carbon and Peatland map has been developed as "a high-level planning tool to promote consistency and clarity in the preparation of spatial frameworks by planning authorities"³. According to this map, the site contains scattered areas and fragments of Class 1 and Class 2 priority peatlands; the west of the site has patches of Class 1 peatland with Class 1 and Class 2 present in the east of the site. Peat depth, mire condition and NVC surveys have been carried out across the study area to inform the detailed site assessment on peatland. The severe erosion and peat haggings present has left much of the blanket bog degraded and patchy with many areas of bare peat/non-active peatland. Much of the remaining vegetation is also now more referable to a wet heath community on the tops of hags due to the loss of characteristic blanket bog and particular peat forming species. These conditions mean that the areas with peat depths >0.5m within the site do not fall within a Class 1 category and are more likely to fall within Class 2 or 3 (EIAR Volume 4, Technical Appendix 2.8: Phase 1 Peat Probing Report and EIAR Volume 4, Technical Appendix 6.1: NVC and Habitat Survey Report).
- 2.7 At a local level, the key policy is provided within the following documents:
- The statutory development plan for the site comprises the Highland-wide Local Development Plan (the HwLDP) (adopted April 2012)⁴;
 - Onshore Wind Energy Supplementary Guidance (adopted November 2016)⁵;
 - The West Highlands and Islands Local Plan (adopted September 2010 as continued in force, 2012)⁶. There is an emerging WestPlan but it is understood this has not proposed any amendments to the boundaries of the particular Special Landscape Areas (SLAs) that may be relevant to the assessment of the proposed development;
 - The Highland Council (August 2016) Onshore Wind Energy Supplementary Guidance – West Highlands and Islands Area Spatial Framework⁷.
- 2.8 Whilst there are a number of policies within the LDP relevant to the proposed development, it is the section of the Onshore Wind Energy Supplementary Guidance – West Highlands and Islands Area that is of most relevance to the design process. The spatial framework for wind energy development shows that part of the site is in Group 2 (areas of significant protection)

³ SNH Carbon and Peatland Map (2016) <https://www.nature.scot/professional-advice/planning-and-development/natural-heritage-advice-planners-and-developers/planning-and-development-soils/carbon-and-peatland-2016>

⁴ Highland-wide Local Development Plan (2012), URL:

https://www.highland.gov.uk/info/178/local_and_statutory_development_plans/199/highland-wide_local_development_plan, accessed 06/07/18

⁵ Onshore Wind Energy Supplementary Guidance (November, 2016), URL:

https://www.highland.gov.uk/downloads/file/18793/onshore_wind_energy_supplementary_guidance_november_2016, accessed 06/07/18

⁶ West Highlands and Islands Local Plan (2010), URL:

https://www.highland.gov.uk/info/178/local_and_statutory_development_plans/216/local_plans/7, accessed 06/07/18

⁷ The Highland Council (August 2016) Onshore Wind Energy Supplementary Guidance – West Highlands and Islands Area Spatial Framework, available at http://www.highland.gov.uk/downloads/file/980/west_highland_and_islands_area_spatial_framework, accessed 06/07/18

however, the majority of the site is located within a Group 3 area (areas where wind farms are likely to be acceptable) (EIAR Volume 3, Figure 3.2).

Environmental Considerations

2.9 In addition to the policy considerations identified, key issues and constraints for consideration in the design process were established through a combination of desk-based research, extensive field survey and consultation (through the EIA scoping process). The design process considered the following issues:

- landscape character and visual amenity within a 40 km study area;
- cultural heritage, including mapping all known assets within the site, and assets of national importance within a 5 km study area to assess the potential for visibility and setting effects;
- sensitive fauna, with the mapping of the presence of European protected species;
- sensitive habitats, particularly peat forming habitats (supported by peat probing surveys) and habitats dependent on groundwater;
- ornithology, including surveys for bird flight activity and breeding bird activity on the site; and
- hydrology and hydrogeology, including identifying all sensitive surface water features.

Technical Considerations

2.10 The optimal layout of a wind farm is influenced by a range of technical criteria. These technical criteria will vary depending on the type and size of turbine. Generally, turbines are arranged at a set distance apart to minimise the effect of wake turbulence, this being a larger distance downwind of the prevailing wind direction than across it. This set distance varies from site to site and between turbine models (on the manufacturer's recommendation). These spacing criteria, in conjunction with the specific environmental considerations, determined the number of turbines that could be located within this site.

Design Evolution and Alternative Layouts

2.11 There have been four principal iterations, which have been developed at different stages in the project design process (EIAR Volume 3: Figure 3.3):

- Option A: Draft Scoping Layout;
- Option B: Scoping Layout;
- Option C: Gatecheck Layout; and
- Option D: Design Freeze Layout.

Option A: Draft Scoping Layout (September 2017)

2.12 The draft scoping layout (EIAR Volume 3: Figure 3.3a) was based on a standard turbine spacing of $5D \times 4D$, where 'D' is the rotor diameter of the turbines, within the northern portion of the site. Location of turbines on slopes in excess of 15% was avoided. The location of the nearby Stronelairg Wind Farm, and ensuring coherence between the two schemes, was one of the early key design considerations for the proposed Glenshero Wind Farm.

2.13 The draft scoping layout included 54 turbines at a maximum tip height of 149.9 m. The tip height was selected in order to maximise the options for commercially available turbines, whilst additionally recognising that most of the nearby Stronelairg Wind Farm had turbine tip heights of 135 m.

- 2.14 Key landscape and visual design considerations initially focussed on reducing or avoiding effects on:
- the special qualities of designated or classified landscape areas, including the Cairngorms National Park, Special Landscape Areas (SLAs) and three Wild Land Areas (WLAs) (14. Rannoch-Nevis-Mamores-Alder; 19. Braeroy-Glenshirra-Creag Meagaidh; and 20. Monadhliath);
 - sensitive landscape character types;
 - visual amenity from settlements and key transportation routes, as well as recreational users such as hill walkers and walkers/cyclists; and
 - the draft Scoping Layout used preliminary Zone of Theoretical Visibility (ZTV) analysis to demonstrate limited visibility from local population centres and the transport network, as well as the Cairngorms National Park.
- 2.15 Baseline habitat and protected species surveys and a desk-based study for historic records and designated sites helped to inform the draft scoping layout.
- 2.16 Desk-based archaeology and cultural heritage studies identified the presence of previously recorded heritage assets both on-site and within 5 km of the site. Features within the site red line boundary included an undesignated section of General Wade's Military Road and a Category A-listed Bridge at Garvamore. Scheduled sections of the Military Road, the Corrieyairack Pass, lie within approximately 3 km of the western site boundary. Another two Scheduled Monuments (Dun da Lamh fort, SM4361 and St Kenneth's Church, SM5703) are to the south of the site, and there are two Category A, seven Category B and five Category C-listed buildings within 5 km of the site.
- 2.17 Baseline habitat and protected species surveys, in addition to a desk-based study for historic records and designated sites helped to inform the draft scoping layout. The designated site search determined that the site drains into the catchment of the River Spey Special Area of Conservation (SAC) and Site of Special Scientific Interest (SSSI) which holds important populations of Atlantic salmon, brown trout, eel and lamprey as well as freshwater pearl mussel. Adjacent to the east of the site, the Monadhliath SAC and SSSI is designated for blanket bog. In addition, baseline surveys determined that water vole is widespread across the site, and otter is present along larger watercourses.
- 2.18 The draft scoping layout was developed to avoid direct or indirect impacts on these receptors through maintaining a minimum 50 m buffer distance between turbine locations and watercourses. A 75 m buffer was maintained between the infrastructure and the adjacent Monadhliath SAC and SSSI blanket bog. Finally, the track length and alignment was designed to reduce the extent of track and number of watercourse crossings required, where feasible.
- 2.19 A series of ornithological surveys have been carried out since 2013 and the results of these surveys, combined with a desk-based study for designated sites, were used to influence the draft scoping layout. In particular, cognisance was given to the presence of known golden eagle territories within 6 km of the site. Other identified ornithological sensitivities include golden plover and dunlin (recorded during the breeding season across the site).
- 2.20 To further understand golden eagle site usage, effort-corrected flight activity maps were created, which showed that distribution was widespread and there were no clear areas of significantly higher or lower activity within the site. Preliminary Predicted Aquila Territory (PAT) modelling was carried out to inform this layout with the aim of understanding the extent of golden eagle territories and importance of areas within the site to particular breeding pairs. The PAT model is a Geographical Information System (GIS) based tool that can be used to

predict the extent of range loss and, therefore, contribute to the design of a wind farm (assuming that eagles are displaced from the immediate vicinity around turbines).

- 2.21 The nearest residential receptor is located to the south of the site, alongside the minor road that leads from Strathmashie to Glenshero Lodge and Garva Bridge, more than 3 km from the nearest turbine. No property is located within the site boundary. As such noise was not considered to be a substantive design consideration.
- 2.22 Two options for access were under consideration at this stage. Broadly these were either the eastern option or the western option:
- Eastern option: From the Port of Inverness southbound on the A9, joining the A889 at Dalwhinnie before heading southwest on the A86 and leaving the public road at Achduchil to join a number of private tracks to site. Access via these private tracks would involve crossing the U2104 Laggan - Garvamore - Melgarve road. This option required that the red line application boundary extended within the Cairngorms National Park, including crossing the Garva Bridge Geological Review Site.
 - Western option: Access from the west would most likely follow the established route of delivery to Stronelairg Wind Farm and three variants were considered:
 - Option 1: Broadford Aerodrome via Kyle of Lochalsh, the A87 to Invergarry then northbound on the A82 from Invergarry Fort Augustus before joining the B862. The route would then leave the public road network at the entrance to the existing Stronelairg Wind Farm.
 - Option 2: From Corpach following the A830 onto the A82 at Lochy Bridge to Fort Augustus before turning onto the B862 to the Stronelairg Wind Farm entrance.
 - Option 3: From the port of Inverness joining the A82 southbound via General Booth's Road, westbound onto the A887 before turning south onto the A87 and joining the route described in Option 1 to the site.

Option B: Scoping Layout (November 2017)

- 2.23 The Scoping Layout resulted in a major design iteration to both the proposed turbine layout and maximum tip height (EIAR Volume 3: Figure 3.3b). These changes were introduced in order to take account of pre-application feedback from a range of statutory and non-statutory consultees; and, in response to additional environmental baseline data collection and wind resource assessment. These changes were considered to offer improvements on the draft Scoping Layout with respect to effects on the Cairngorms National Park and other elevated summits, the Corrieyairack Pass and the Great Glen Way.
- 2.24 More detailed landscape and visual analysis resulted in the identification of a reduced development area for the proposed Glenshero Wind Farm. This revised area focussed on both the northeast and northwest of the site, with the central northern section now removed to avoid placing turbines on a particularly prominent and elevated positions, this change reduced the number of turbines to 40. The maximum turbine tip height was also reduced to 135 m to achieve greater consistency with the neighbouring Stronelairg Wind Farm.
- 2.25 A site walkover was conducted in late October 2017 and Historic Environment Record searches were completed. These identified some additional undesignated assets of local importance. The Scheduled sections of the Old Military Road to the west and southwest of the site, and the Category A Listed Barracks and Bridge at Garvamore were considered to be key sensitivities.
- 2.26 Cultural heritage visualisations were prepared for a number of locations. Potential setting impacts upon the Old Military Road and the Bridge and Barracks at Garvamore contributed to the redesign of the original scoping layout. The original 54 turbine layout was amended to remove 14 turbines from the design. The remaining 40 turbines were arranged in two clusters

on the higher ground in the northeast and northwest corners of the site. This redesign had the effect of moving turbines further away from the designated heritage features.

- 2.27 Stage 1 peat probing (and associated vegetation quadrats) had been carried out across the majority, though not all of, the preferred development area at this point. This allowed development of a peat depth map and this mapping was combined with habitat data to classify the site into Class 1 and Class 2 peat (priority peatland) in order to further shape the design layout. Turbine locations generally avoided areas of peat greater than 1 m in depth.
- 2.28 The peat depth data combined with vegetation and condition data from Phase 1 probing and habitat data from NVC surveys have been used to reduce impacts on deeper, contiguous areas of blanket mire that are generally of higher quality. Turbines and access tracks have been sited to avoid sensitive habitats, including peat forming habitats and GWDTEs, as far as possible. In addition, a 75 m buffer was maintained between the infrastructure and the adjacent Monadhliath SAC and SSSI blanket bog.
- 2.29 All infrastructure remained out-with a 50 m buffer of all watercourses. Peak run-off rates will be calculated for the existing and post-development scenarios. The post-development scenario is calculated based on the impermeable footprint of the proposed development. This is conservative as access tracks are likely to be partially permeable. The percentage increase in the peak flow should be negligible. The revised layout has been reviewed to ensure that the track length and alignment has been designed to reduce the extent of track and number of watercourse crossings required, where feasible within the wider site constraints.
- 2.30 Further ornithological analysis involved gathering additional baseline data from the Highland Raptor Study Group, RSPB Scotland and the Regional Eagle Conservation Management Plan monitoring programme. Other nearby projects, in particular the adjacent Stronelairg Wind Farm were also considered in relation to survey results. The Stronelairg Habitat Management Plan (HMP) was considered to ensure that there would be no conflict with the management and aims of it and the proposed development. The PAT model was updated to include consideration of the revised preferred development area and any updated survey results showing different nest sites. The reduction in turbine numbers and turbine size in the scoping layout was considered likely to reduce the level of risk to golden eagle by reducing amount of territory affected, and risk of collisions with turbines.
- 2.31 The transport options remained unchanged between the Draft Scoping Layout and the Scoping Layout.

Option C: Gatecheck Layout (June 2018)

- 2.32 The design freeze layout (EIAR Volume 3: Figure 3.3c) made some further refinements from the Scoping Layout. These included:
- reduction in 5.52 km of new track length;
 - removal of north-eastern section of track, near T31 originally included to facilitate early programmed access to eastern array. However, this is no longer considered to be feasible given constraints, ground conditions and access to materials;
 - deletion of T4 turbine to optimise efficiency of wind turbine layout;
 - revision of red line boundary, meaning that none of the red line lies within the CNP, as the eastern access route has been discounted for construction purposes, in line with SNH advice on reducing habitat impacts; and
 - relocation of turbines T39 and T40 due to response to landscape and visual constraints.
- 2.33 This final design iteration of the turbine locations focused upon further qualitative changes to consolidate improvements made to the scheme at scoping in landscape and visual terms.

Further refinements/repositioning of turbines were introduced to achieve greater design consistency with the adjoining Stronelairg Wind Farm in respect of the layout and elevation of turbines, and to limit the perceived spread of development, whilst also limiting intrusion into views from designated /classified landscapes and key sensitive receptor locations.

- 2.34 The reduction in track length and removal of the southern access route option has the benefit of reducing the extent of habitat loss for sensitive receptors, such as blanket bog and heaths, and reduces the likelihood of potential impacts on the River Spey SAC/SSSI in particular. The reduced track length also reduces the potential for increased runoff rates and reduces the number of new watercourse crossings.
- 2.35 Collision Risk Modelling was undertaken to estimate a possible rate of golden eagle collisions associated with the proposed turbine layout, including consideration of territorial and non-territorial (juvenile) golden eagles. These results were used in a Golden Eagle Population Model, agreed with SNH, to predict effects on the golden eagle population within the relevant study area, known as Natural Heritage Zone (NHZ) 10. The population modelling additionally took account of cumulative effects from other wind farms within NHZ 10. This work concluded that either stable or continued growth of the golden eagle population would occur over the long-term, despite the additional predicted mortality associated with collisions due to the proposed development and other wind farms within the NHZ. As such, no significant effects on the NHZ population were predicted as a result of the proposed turbine layout. Collision modelling has been conducted for all sensitive ornithological receptors recorded during flight activity surveys and is reported in EIAR Volume 2; Chapter 7: Ornithology.
- 2.36 The reduction in track length and removal of the eastern access route option would have the benefit of reducing the extent of habitat loss and disturbance risk for breeding birds such as golden plover, black grouse and ring ouzel.
- 2.37 The removal of the eastern access option enabled the application site to be removed from within the CNP. Western Option 3 was discounted due to the distance and required road improvements. Turbine delivery would result in blades arriving from the Kyle of Lochalsh and other components arriving from Corpach (as per the consented Stronelairg Wind Farm).

Option D: Design Freeze Layout (July 2018)

- 2.38 A minor amendment to the red line boundary has been made as the access approaches Stronelairg Wind Farm to improve track geometry.
- 2.39 Following the results of the Phase 2 Peat Probing survey several minor amendments were made to the ancillary infrastructure. However, no changes were made to the locations of the turbines. The proposed amendments to the infrastructure layout noted in EIAR Volume 2: Paragraph 3.5.61, resulting from the review of the Phase 2 Peat Probing survey findings (EIAR Volume 4: Technical Appendix 2.9), have resulted in an area reduction of 2,598 m² of deeper peat affected by the proposed development.
- 2.40 The Phase 2 peat probing work incorporated a more focused collection of probes in accordance with the guidance and as agreed with SEPA during the pre-application consultation process. As a result, the proposed re-alignments, and the resultant volume reductions, of the infrastructure (crane hardstandings and access tracks) are detailed below, including further discussion on the alterations made:
- Flipping and rotating infrastructure at T5;
 - Rotating infrastructure clockwise at T14;
 - Rotating infrastructure at T20;
 - Re-alignment of infrastructure at T25;

- Re-alignment of infrastructure at T38; and
- Removal of additional hub assembly area and minor access track re-alignment at T39.

Wind Turbines

- 2.41 The most suitable turbine model for a particular location can change with time and therefore a final choice of machine for the proposed wind farm has not yet been made. The most suitable machine would be chosen before construction. A candidate turbine has therefore been assumed for the purposes of the EIAR (with a nominal output of 4.2 MW⁸ and a maximum tip height of 135 m).
- 2.42 Most of the dominant wind turbine manufacturers are now producing turbines that are classed as suitable for the wind regimes typical of Scotland and many are also producing turbines that match the 135 m tip height specification that is suggested for the proposed wind farm. Exact tower and blade dimensions vary marginally between manufacturers, but suitable turbines are produced by Senvion, Nordex, GE and Vestas amongst others. The colour and finish of the wind turbine, blades, nacelles and towers would be agreed with the Highland Council (THC) in advance of construction though the mechanism of a planning condition.
- 2.43 Each turbine would have a transformer and switchgear. For Glenshero Wind Farm it is proposed that the transformer and switchgear would be contained within the nacelle or tower base.

Infrastructure Design

- 2.44 Site infrastructure would comprise access tracks with passing places, crane hardstandings at turbines, turning spurs, substation with control and welfare building, temporary construction compounds, a parking area and a turbine laydown area. This accounts for approximately 0.54% of the total land area within the site boundary.

Substation/Control Building

- 2.45 It was considered that the substation and control building would be best accommodated within the undulating topography of the main wind farm site where they could be substantially shielded from views from the Cairngorm National Park (CNP), Wild Land Areas (WLAs) and the Corrieyairack Pass. This therefore avoids the need for placing further infrastructure or buildings in the Corrieyairack Pass, where they would otherwise be viewed in conjunction with the Beaully-Denny Overhead Line and the Melgarve Substation.

Design Solution

- 2.46 The proposed development would form a lateral extension to an existing wind farm and has been designed to optimise a number of factors including technological, engineering and environmental, and subsequently the preferred option is being taken forward (EIAR Volume 3: Figure 2.1).
- 2.47 The design aim has been to achieve reduced landscape and visual impacts whilst achieving an appropriate landscape fit and avoiding areas constrained by other environmental considerations such as ornithology, ecology, hydrology and archaeology.
- 2.48 The final design solution provides the following:
- a reduction in the number of turbines from 54 to 39;
 - a reduction in the proposed height of the turbines to 135 m;

⁸ It is expected that should consent be granted that a 4.3 MW candidate turbine could be available resulting in a total indicative capacity of 168 MW

- siting the proposed development outwith areas subject to landscape designations or classifications;
- use of topography to the east of the site to minimise visibility from within the Cairngorm National Park (CNP) thereby avoiding potential for significant effects on the majority of CNP and its principle sensitive core area (i.e. the Cairngorm Mountain NSA);
- use of elevated topography to the west of the site to screen the proposed development from the interior of the Great Glen, as well as the majority of the Loch Ness and Duntelchaig, Loch Lochy and Loch Oich SLAs, and summits on the western side of Loch Ness;
- adoption of suitable stand-offs to prominent slopes and skylines to minimise effects on some of the most sensitive parts of the Ben Alder, Laggan and Glen Banchor SLA as well as the Great Glen and Corrieyairack Pass;
- adoption of set-back from prominent upland edges to screen the proposed development from the main concentrations of receptors, including settlements, transportation and tourist/scenic routes;
- avoidance of skylining turbines in the majority of cases, wherever possible, in accordance with THC criteria in their Supplementary Guidance;
- positioning of the proposed development in larger scale upland moorland locations adjacent to Stronelaig Wind Farm, thereby avoiding smaller scale landscapes and distinctive topographical and landscape features;
- the adoption of a layout that reflects the underlying northwest – southeast pattern of ridges and watercourses, but that, when viewed from neighbouring elevated receptor locations, is consistent with the form of the Stronelaig Wind Farm and which reflects the geometry of the Stronelaig Wind Farm turbines;
- positioning of the proposed development so that it appears in close association and consistent with the adjacent Stronelaig Wind Farm in views from key locations within the CNP, adjacent WLAs and key summits, appearing in front of or behind the Stronelaig Wind Farm, or as a lateral extension to this permitted development;
- avoidance of prominent elevated summits that could cause turbines to notably exceed the level of Stronelaig Wind Farm’s turbines;
- minimisation of extent to which the proposed development would be seen without the context of the Stronelaig Wind Farm;
- use of existing Stronelaig Wind Farm site access to avoid necessity of a new access track on exposed slopes overlooking the Corrieyairack Pass;
- minimisation of the amount of site infrastructure and ancillary elements required, and careful positioning and design to ensure that such elements are screened from the majority of external receptor locations; and
- careful siting and design of proposed substation and control room to minimise visibility from external receptor locations.
- minimisation of track, utilisation of existing access track and layout of infrastructure to reduce impact as far as practicable on the areas of deepest peat and Ground Water Dependent Terrestrial Ecosystem (GWDTE) within the site.

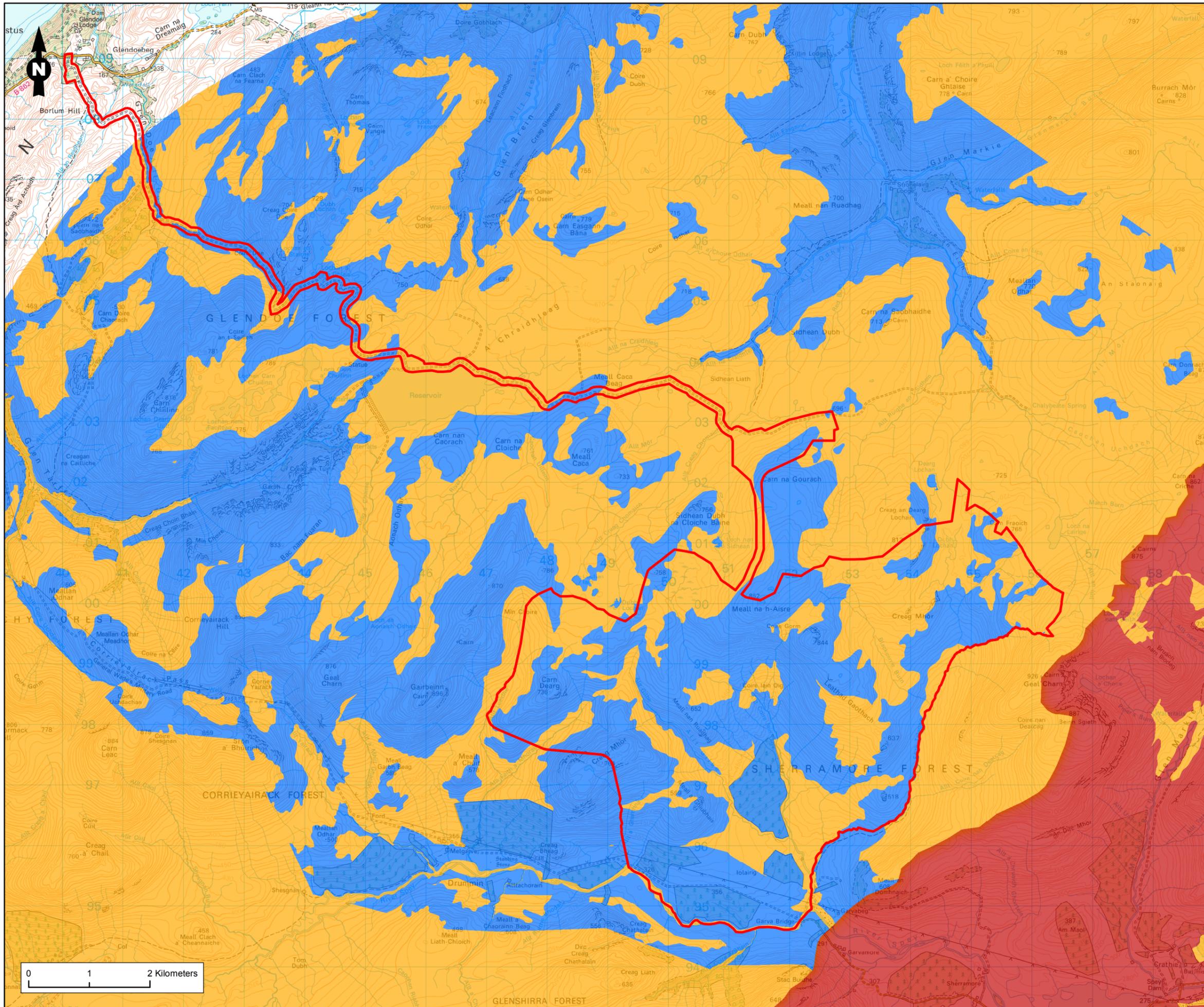
Public Access

- 2.49 There are three Rights of Way (RoW) HB30, HB31 and HB33 in the general vicinity of the proposed Glenshero Wind Farm. None of the RoW are located within the application site and consequently there would be no impact on any of the RoW during either the construction or operational phase of the proposed development.
- 2.50 RoW HB30 and HB33 form part of General Wade's Military Road through the Corrieyairack Pass and are located to the south of the main site. The RoW tracks are used by estate vehicles and recreational visitors. RoW HB31, otherwise known as Glen Markie Track, is located to the east of the main site and is mainly used by walkers.
- 2.51 There are no proposed closures or diversions of any of the Public Rights of Way.
- 2.52 Wider access rights apply across the site and enable public access to several summits which are located within the wind farm site. The most popular of these are the existing hill tracks used to access Geal Charn (NN 5614 9876). These wider access tracks are used almost exclusively by walkers. The Corbett Meall na h-Aisre (NH 5152 0004) is also located on the northern boundary of the development site.
- 2.53 The Applicant would adhere to the requirements of the Construction (Design and Management) Regulations 2007 to ensure the safety of staff and follow current best practice Health and Safety guidelines. Speed limits would also be put in place to regulate traffic flow on site. As detailed in the Outdoor Access Management Plan (EIAR Volume 4; Technical Appendix 2.10) public access to the site throughout the construction phase would be managed by the appointed main contractor for health and safety reasons, in line with the requirements of the Construction (Design and Management) (CDM) Regulations, 2007. Appropriate signage will be implemented to communicate safe access to the site during the construction phase.
- 2.54 Following the completion of construction, there would be no reason, under normal circumstances, to restrict access to the site for public safety reasons however restrictions may occur during operation where operational maintenance or health and safety restrictions required this. Current access arrangements to the site would therefore not change substantially.

3. Conclusion

- 3.1 This design and access statement has presented the final design of the proposed wind farm. It details how the design evolved through a series of iterations to ensure that the aims of the design strategy were achieved and environmental and technical considerations were fully taken into account.

Appendix 4 – Highland Council Spatial Framework Plan



Legend

Site Boundary

Highland Council Consultation Spatial Framework

- Group 1 - Areas where wind farms will not be acceptable
- Group 2 - Areas of significant protection
- Group 3 - Areas with potential for wind farm development

Figure Title
Figure 3.2: Highland Council Spatial Framework Plan

Project Name
Glenshero Wind Farm EIA Report

Project Number UK12-24542	Figure No. 3.2
Date August 2018	Prepared By GM
Scale 1:60,000 @A3	Issue 1

Client
RES



Appendix 5 – The Renewable Energy Framework

1.1 Introduction

1.1.1 This Appendix explains the need case for the proposed development in terms of international, UK and Scottish Government renewable energy policy. This element of the policy framework constitutes an important material consideration. Reference is made below to:

- International and European energy policy;
- UK energy policy; and
- Scottish Government energy policy associated targets.

1.2 International Policy Considerations

International Agreements and Obligations – The COP21 UN Paris Agreement

1.2.1 The Paris Agreement (12 December 2015) sets out (page 2) that it “*emphasises with serious concern*” the need to hold the increase in global average temperature to “*well below 2°C*” above pre-industrial levels and to pursue “*efforts to limit the temperature increase to 1.5C*”. In order to achieve this long term temperature target, the text states “*parties aim to reach global peaking of greenhouse gas emissions as soon as possible*”. The document also includes a ratcheting mechanism on climate action, with countries having to communicate nationally determined contributions to reducing global emissions. The first global “stocktake” is to take place in 2023 and will follow every five years thereafter.

1.2.2 It is clear that moving to a low carbon economy is now a globally shared goal and will require absolute emission reduction targets. For the first time, some 195 countries, including the world’s largest emitters have now committed to act together to address climate change and to be held equally accountable. Countries will also be legally obliged to make new post-2030 commitments to reduce emissions every five years.

EU Policy Targets

1.2.3 In January 2008 the European Commission (EC) published a ‘20-20-20’ targets package. This included proposals for:

- A reduction in the EU’s greenhouse gas emissions of at least 20% below 1990 levels;
- Increasing the proportion of final EU energy consumption from renewable sources to 20%; and
- A 20% reduction in primary energy use compared with projected levels, to be achieved by improving energy efficiency.

1.2.4 These targets are to be achieved by 2020, as set out in the EU Renewable Energy Directive (March 2009¹²). The 20% is split between Member States. For the UK, the EC’s obligations include 16% reduction in UK greenhouse gas emissions by 2020 and for 15% of all energy consumed in the UK to come from renewable sources by 2020.

¹² Following Brexit the UK would be released from its renewable energy targets under the EU Renewable Energy Directive. The availability of funding from EU institutions may impact the deployment of capital intensive projects such as offshore wind. However, given that the UK would still be bound by national and international de-carbonisation obligations (see above), it is anticipated that renewable and low carbon energy development would continue to form part of UK Government climate change policy. However, for present purposes the UK remains part of the EU and the above legal obligations related to the 2020 and related targets remain fully in place.

1.2.5 The position as of the end of 2017 (the full year for which figures are available) was that renewable energy only accounted for approximately 10.2% of energy consumption in the UK, well short of the 15% target¹³.

1.3 United Kingdom Energy Policy

1.3.1 Energy policy is a matter reserved to the Westminster Parliament. The UK Government therefore retains control of the overall direction of energy policy including the attainment of UK national targets on renewable energy generation.

1.3.2 Although the overarching position in the UK is that energy policy is not a devolved matter, major policy documents such as the UK Renewable Energy Roadmap have embraced actions across the UK as a whole. Such documents have also made clear that the Devolved Administrations play an important role in the attainment of overall UK and European targets for renewable electricity. While some of the devolved administrations do not have the core competencies over energy policy, it has not prevented them issuing a range of policy statements and 'Routemaps' for renewable energy and the low carbon agenda for their own territory. The Scottish Government has been engaged in policy making over successive Governments on the topic of renewable energy and there is no evidence that they have been at all trammelled in this activity by Whitehall or Westminster.

1.3.3 In the recent Corlic Hill Wind Farm Appeal decision¹⁴ (17 May 2016) the Reporter examined the position of the UK with regard to European renewable energy targets in some detail. In summary, the Reporter stated that it was necessary to take into account UK Government energy policy in his planning determination. In terms of whether or not the UK was likely to miss its binding European renewable energy and greenhouse gas emission targets for 2020 the Reporter stated at paragraph 24:-

"however, as the Planning Authority accepts, these targets are not caps. There would clearly be public benefit in avoiding the potentially very significant fines that could be levied against the UK in the event that binding targets were not met. However, of much greater public benefit, in my view, is the proposal's potential contribution to the ultimate goal of the targets which is to achieve significant reductions in greenhouse gas emissions and the development of an extensive and effective renewable energy infrastructure. The proposal would contribute to such benefits regardless of whether it is required in order to achieve the UK 2020 targets".

The UK Renewable Energy Strategy (2009)

1.3.4 The UK Renewable Energy Strategy ("UKRES") sets out the means by which the UK can meet the legally binding target of 15% of energy consumption from renewable sources by 2020¹⁵. It presents a 'lead scenario' that more than 30% of electricity should be generated from renewables by 2020¹⁶.

1.3.5 The Strategy was published by the UK Government: however, the policies to meet the 2020 targets will be taken forward in England, Scotland and Wales, Great Britain or on a UK-wide basis as appropriate and in accordance with each devolution arrangement. The document makes it clear that each of the Devolved Administrations is setting out its own plan to increase renewable energy use and that *"the UK*

¹³ DECC, Digest of UK Energy Statistics (July 2018), Chapter 6. Onshore wind remains the leading technology in terms of UK renewable capacity, at 31.7% recorded for 2017.

¹⁴ Corlic Hill Wind Farm Appeal Decision – An 8 turbine scheme by Greenock, Inverclyde. Decision dated 17 May 2016. DPEA ref: PPA-280-2022. The paragraphs of relevance in this Decision Letter are 20 through to 25.

¹⁵ Renewable energy accounted for 10.2% of UK energy consumption in 2017 (Source: DECC, Digest of UK Energy Statistics (DUKES) July 2018).

¹⁶ The contribution of all renewables to UK electricity generation was 29.3% in 2017, (*Ibid*).

Government and the Devolved Administrations are working together to ensure that our plans are aligned”.

The UK Renewable Energy Roadmap: Updates (2012 & 2013)

- 1.3.6 The UK Renewable Energy Roadmap Update of 2012 emphasised that there was an urgent need for new large scale renewable energy projects to ensure the 2020 targets were met, as well as wider decarbonisation and ambitions (para 2.5). It also made it clear that the central ranges of renewable deployment as set out in the Roadmap of 2011 *“did not represent technology specific targets or the level of our ambition”*. Specifically (para 2.10) it made clear that the reference in the Roadmap 2011 of potentially having in place 13 Giga Watts (“GW”) of onshore wind capacity by 2020 did not represent a technology specific target.
- 1.3.7 On 6 November 2013 the former Coalition Government published an update to the UK Renewable Energy Roadmap following publication of the original document in 2011. Onshore wind is referred to on page 44. Paragraph 114 states that *“onshore wind, as one of the most cost effective and proven renewable energy technologies, has an important part to play in a responsible and balanced UK energy policy”*.

The UK Clean Growth Strategy (2017)

- 1.3.8 The UK Government published the Clean Growth Strategy ‘Leading the Way to a Low Carbon Future’ in October 2017. The Clean Growth Strategy (CGS) strategy defines ‘clean growth’ as *“growing our national income while cutting greenhouse gas emissions. Achieving clean growth, while ensuring an affordable energy supply for businesses and consumers, is at the heart of the UK’s Industrial Strategy”*.
- 1.3.9 The introduction refers to the 2015 Paris Agreement and states that the actions and investments that will be needed to meet the Paris commitments will ensure the shift to clean growth will be at the forefront of policy decisions made by Government in coming decades.
- 1.3.10 Background reference is made to the 2008 Climate Change Act which committed the UK to reducing greenhouse gas emissions by at least 80% by 2050 when compared to 1990 levels and the associated carbon budgets. The Government states that in order to meet the 4th and 5th carbon budgets (covering the periods 2023 – 2027 and 2028-2032) *“we will need to drive a significant acceleration in the pace of decarbonisation and in this strategy we have set out stretching domestic policies that keep us on track to meet our carbon budgets”*.
- 1.3.11 The CGS sets out a comprehensive set of policies and proposals that aim to accelerate the pace of clean growth i.e. to deliver increased economic growth and decreased emissions. It adds *“in order to meet these objectives the UK will need to nurture low carbon technologies, processes and systems that are as cheap as possible”*.

The UK Industrial Strategy (2017)

- 1.3.12 The Industrial Strategy White Paper entitled ‘Building a Britain fit for the Future’ was published by the UK Government in November 2017. The Strategy’s overall aim is to create an economy that boosts productivity and earning power throughout the UK. What is termed ‘grand challenges’ are set to put the UK at the forefront of the industry of the future and one of these is entitled ‘clean growth’. The Government states that *“we will maximise the advantages for UK industry from the global shift to clean growth”*.
- 1.3.13 The ‘key policies’ in the strategy relate to ideas, people, the business environment, places and infrastructure. Clean growth is addressed at page 42 *et seq* and it is set out that *“we will maximise the advantages for UK industry – through leading the world in the development, manufacture and use of low carbon technologies, systems and services which cost less than high carbon alternatives”*.

Conclusions on UK Energy Policy

1.3.14 UK energy policy, as summarised above is a reserved matter and remains the responsibility of the UK Government. At a UK level there are clear renewable energy, electricity and carbon emission saving targets for 2020, but also stretching in the long term to 2050 and beyond.

1.3.15 It is relevant to take UK energy policy into account and as the Reporter in the recent Corlic Hill Wind Farm Appeal decision set out, wind farm proposals will contribute to the wider public benefit in terms of renewable energy and electricity generation regardless of whether or not they are required in order to achieve UK targets by 2020. The Reporter in the Corlic Hill decision also made clear at paragraph 25 of the decision letter for that scheme that:

“it is clear that the UK Government is less willing to provide financial support to onshore wind energy than before. However, that shift in policy does not amount to an instruction that such proposals should no longer be permitted. In any event, although energy policy is a reserved matter, climate change and planning policy are not. My role in this proposal is to determine whether planning permission should be granted. Therefore while I have had regard to UK energy policy and to the evidence of performance against binding European targets, I have also had regard to Scottish climate change and planning policy and to Scottish targets....”

1.3.16 Furthermore, in the Whitelaw Brae section 36 decision (paragraph 2.2) references UK policy as “an important factor to be taken into account”.

1.3.17 The decision states energy is not a devolved matter and it is necessary therefore to take account of UK policy. The Inquiry Report (IR) adds that such policies are influenced by binding EU targets and by other international agreements “with which it [the UK] must comply”.

1.3.18 Paragraphs 2.68 and 2.69 of the Whitelaw Brae IR are also helpful, particularly the latter with regard to the changes in UK Government policy. The Reporter said the following at para 2.69.

“there have been changes in the UK Government policy towards energy, with an increase in desire for the industry to be market – rather than subsidy driven. This has led to the withdrawal from onshore wind energy schemes, although we have seen no evidence that this amounts to a formal change in policy towards the implementation of that technology, merely towards how it is funded” (underlining added).

1.4 Scottish Government Policy and Renewable Energy Generation Targets

1.4.1 In recent years there has been a large number of Scottish Government policy documents (as well as statute) on the topic of climate change and renewable energy. In this section the following documents are referred to, with key policy objectives and targets highlighted:

- The Climate Change (Scotland) Act 2009;
- The 2020 Routemap for Renewable Energy in Scotland (2011);
- The Electricity Generation Policy Statement (2013);
- The 2020 Routemap for Renewable Energy in Scotland – Updates (2013 & 2015);
- The Scottish Energy Strategy (2017);
- The Onshore Wind Policy Statement (2017);
- The Climate Change Plan (2018); and
- The Climate Change (Emissions Reduction Targets) (Scotland) Bill 2018.

The Climate Change (Scotland) Act 2009

- 1.4.2 The 2009 Act is the key legislation in Scotland dealing with climate change and carbon targets. Part 1 of the Act creates the statutory framework for greenhouse gas house emission reductions by setting an interim 42% reduction target for 2020 and an 80% reduction target for 2050. To help ensure the delivery of these targets, the Act also requires that the Scottish Ministers set annual targets in secondary legislation, for Scottish emissions from 2010 to 2050. Part of the Act also places climate change duties on Scottish public bodies.
- 1.4.3 The Scottish Government has now published its third Climate Change Plan (2018), setting out proposals and policies to drive emissions down by 66% by 2032.
- 1.4.4 The Scottish Government in 2017 set out proposals for a Climate Change Bill to contain more ambitious targets for the reduction of greenhouse gas emissions and ensure that obligations set under the Paris Agreement are met. The draft Bill was published in June 2017.
- 1.4.5 The Climate Change Plan sits alongside the Scottish Government's new Energy Strategy which was published in December 2017. Together these documents provide the Government's national level strategic framework to guide the transition for a low carbon Scotland. These more recent documents are referred to below.

The 2020 Routemap for Renewable Energy in Scotland (2011)

- 1.4.6 The Scottish Government published the 2020 Routemap in July 2011. The Executive Summary states that the Government is aiming to make Scotland "*the renewables powerhouse of Europe*".
- 1.4.7 Chapter 1 states that the renewables target of 100% equates to the equivalent of c.16 GW of installed capacity and to meet the target will "*demand a significant and sustained improvement over the deployment levels seen historically*" (page 26).
- 1.4.8 The Routemap also provided an increase in the Scottish Government's overall renewable energy target to 30% by 2020.
- 1.4.9 Chapter 3 of the Routemap provides a specific routemap for 'Onshore Wind' and is entitled 'Sectoral Routemaps'. The introduction notes that:
- 1.4.10 "*The Government is committed to the continued expansion of portfolio of onshore wind farms to help meet renewables targets ... Onshore wind turbines can make a very large contribution to the progress to Scotland's renewable electricity target, and help establish Scotland's reputation as rapidly becoming the green powerhouse of Europe thanks to its underlying political commitment to make it happen*" (page 66).

The Electricity Generation Policy Statement (2013)

- 1.4.11 The Scottish Government published the Electricity Generation Policy Statement ("EGPS") on 28 June 2013. The EGPS examines the way Scotland generates electricity and considers the changes necessary to meet the various targets in the sector set by Government. Paragraph 2 states that the report is built upon a sustainable, low carbon vision of Scotland's energy future and it states "*the need for a rapid expansion of renewable electricity across Scotland...*".
- 1.4.12 Paragraph 8 states that the report will assist the Scottish Government to comply with further statutory requirements under the Climate Change Scotland Act 2009. It also reiterates in paragraph 9 that the Government is committed to securing the transition to a low carbon economy, which is one of the six 'strategic priorities' laid out in the Government's Economic Strategy.
- 1.4.13 The report summarises the Scottish Government's targets and these are set out as inter alia:-
- Delivering the equivalent of at least 100% of gross electricity consumption from renewables by 2020 as part of a wider, balanced electricity mix;

- Enabling local and community ownership of at least 500 MW of renewable energy by 2020;
- Seeking increased interconnection and transmission upgrades capable of supporting projected growth and renewable capacity.

1.4.14 The report highlights that these targets underpin the Government's vision of a stable and desirable future generation mix for Scotland, built around the following key principles (paragraph 4):

- a secure source of electricity supply;
- at an affordable cost to consumers;
- which can be largely de-carbonised by 2030; and
- which achieves the greatest possible economic benefit and competitive advantage for Scotland including opportunities for community ownership and community benefits.

1.4.15 Paragraph 14 states that the 2020 target:

“is a challenge – to the energy supply sector, to our renewable industry and innovators and to Scotland's communities; it is both a statement of intent and a rallying call, embodying our firm belief that Scotland can and must exploit its huge renewables potential to the fullest possible extent – to help meet demand here and in Europe. It is as much about the value and importance of the journey as it is about the destination”.

1.4.16 Paragraph 17 states that the Government estimates that the 100% target will require around 14-16GW of installed capacity to be deployed.

1.4.17 Page 11 of the report explains that the UK target is to produce 15% of all energy from renewable sources and an estimated 30% of electricity from renewable sources by 2020 and that this:

“will require connection to Scotland's vast energy resource and we will continue to work to connect Scotland to an ever more integrated UK and EU market”.

1.4.18 The report cross refers to the 2020 Routemap for renewable energy in Scotland. Paragraph 32 reiterates the EU context and states that Scotland has the potential to make a “major contribution to the EU's overall renewables target”.

The 2020 Routemap for Renewable Energy in Scotland – Updates (2013 & 2015)

1.4.19 The Routemap Update was published in December 2013. The Ministerial Forward states that *“Renewable energy is a central element of a strategy for a successful Scotland. Scotland's vast renewable energy resources create major job and investment opportunities and – as part of wider common balanced energy mix – will deliver secure, low carbon and cost effective energy supplies”* (page 3)

1.4.20 A further Routemap Update was published on 17 September 2015. The report provides statistics on deployment of renewables and provides sectoral updates. Page 13 states that *“onshore wind has a pivotal role in delivering our 2020 renewables targets...”*.

The Chief Planner Letter to All Heads of Planning (November 2015)

1.4.21 A letter from the Scottish Government Planning and Architecture Division to all Heads of Planning entitled ‘Energy Targets and Scottish Planning Policy’ was published on 11 November 2015.

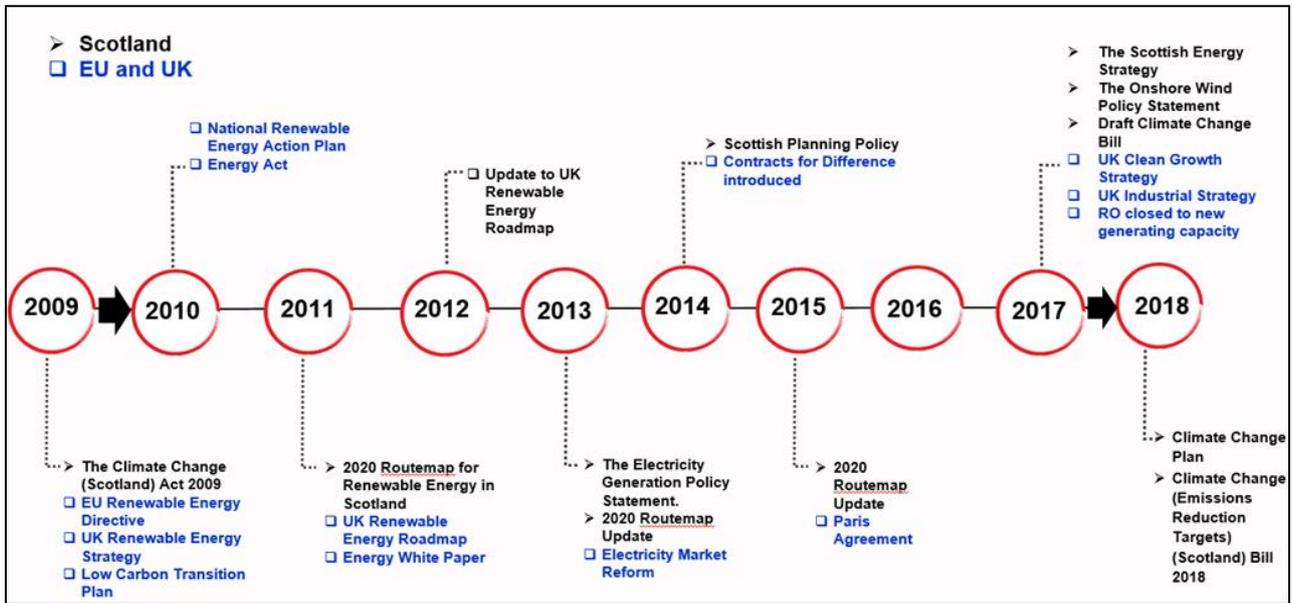
1.4.22 It sets out that despite some changes to UK policy, the Scottish Government's policy remains unchanged and that it *“supports new onshore renewable energy developments, including onshore wind farms and particularly community owned and shared ownership schemes”*. Importantly, it adds that *“this policy support continues in the situation where renewable energy targets have been reached”*.

- 1.4.23 In the letter, the Chief Planner re-emphasises that the Scottish Government's SPP (2014) and Electricity Generation Policy Statement (2013) set out the Scottish Government's current position on onshore wind farms. With regard to the 100% of gross electricity consumption from renewables target by 2020, it adds that the target is a statement of intent and that it is known that Scotland has the potential resource to deliver and exceed it. The letter adds that there is no cap on the support for renewable energy development, including onshore wind once the target has been reached.
- 1.4.24 Chapter 9 of the Planning Statement sets out further information on the Applicant's approach to shared ownership. The Heads of Planning Letter emphasises the importance of the opportunity presented by shared ownership. Whilst it highlights that ownership *per se* of any development is not a 'material consideration', paragraph 169 of SPP makes it clear that socio economic benefits "*are relevant material considerations in the determination of planning applications for renewable energy applications*". The Heads of Planning Letter makes it clear that "*it is our expectation that such considerations are addressed in the determination of applications for renewable energy technologies*".
- 1.4.25 The letter makes specific reference to the Government's related guidance on 'Good Practice Principles for Shared Ownership' and states that the guidance is designed to assist Planning Authorities communities and developers "*in considering a shared ownership renewable energy project within the planning system*".

1.5 Recent Scottish Government Energy Documents

- 1.5.1 In December 2017 the Scottish Government published two energy policy documents with new targets and policy objectives, namely:
- the Scottish Energy Strategy 'The Future of Energy in Scotland' (SES); and
 - the Onshore Wind Policy Statement (OWPS).
- 1.5.2 The finalised Climate Change Plan was published in early 2018 and the Climate Change (Emissions Reduction Targets) (Scotland) Bill was introduced to Parliament in May 2018.
- 1.5.3 Figure 1.1 below illustrates a 'timeline' of key Scottish and UK Government renewable energy policy documents.
- 1.5.4 The SES and OWPS have materially strengthened the need case for onshore wind and the updated policy position has important implications for the approach to be taken when determining schemes such as the proposed development.
- 1.5.5 Whilst the SES and the OWPS provide yet more evidence of a continuum of ever stronger positive advice on onshore wind development as part of the Scottish Government's renewables strategy and are relevant for that reason alone, importantly they go further. They introduce new targets, including 50% of all energy use in 2030 should be from renewables. As a result, renewable electricity may need to generate 140% of Scotland's electricity needs. Schemes such as the proposed development are needed to contribute thereto.

Figure 1.1: Key Scottish and UK Renewable Energy Policy Documents and Milestone



The Scottish Energy Strategy (2017)

1.5.6 The SES sets a 2050 vision for energy in Scotland as “a flourishing, competitive local and national energy sector, delivering secure, affordable, clean energy for Scotland’s households, communities and businesses”. The vision is guided by three core principles namely:

- A whole system view;
- An inclusive energy transition; and
- A smarter local energy model.

1.5.7 The 2050 vision is expressed around six priorities including:

“Renewable and low carbon solutions – we will continue to champion and explore the potential of Scotland’s huge renewable energy resource, and its ability to meet our local and national heat, transport and electricity needs – helping to achieve our ambitious emissions reduction targets.”

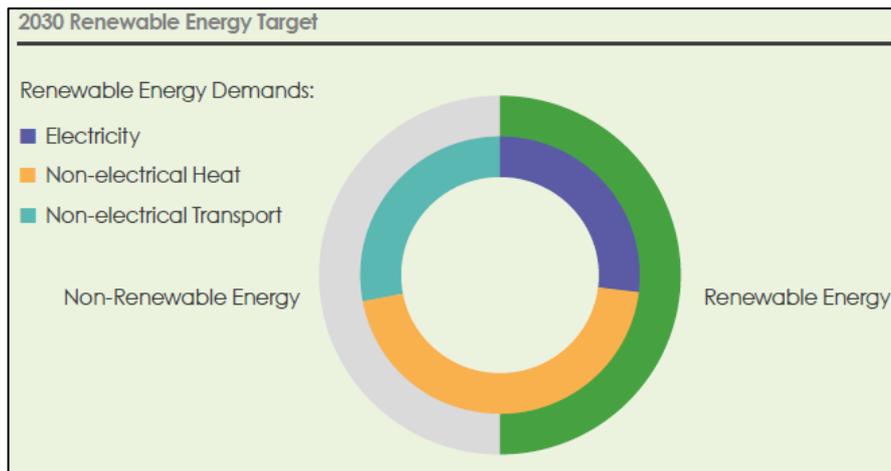
1.5.8 The strategy also contains new whole system targets for 2030 as follows:-

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

1.5.9 The longer-term target is further articulated on page 34 where it is stated: “Scotland’s long term climate change targets will require the near complete decarbonisation of our energy system by 2050, with renewable energy meeting a significant share of our needs.”

1.5.10 The new 50% target is illustrated in Figure 1.2 below.

Figure 1.2: The Make Up of the new 2030 Scottish Renewable Energy Target



Source: Scottish Energy Strategy (2017), page 35

1.5.11 The text supporting Figure 8.2 states: “*Scottish Government analysis underpinning this target, shows that renewable electricity – which has already outperformed our interim 2015 target of 50% – could rise to over 140% of Scottish electricity consumption, ensuring its contribution to the wider renewable energy target for 2030. This assumes a considerably higher market penetration of renewable electricity than today – requiring in the region of 17 GW of installed capacity in 2030 (compared to 9.5 GW in June 2017)” (underlining added).*

1.5.12 This increase in renewable generation will require an almost doubling of current capacity.

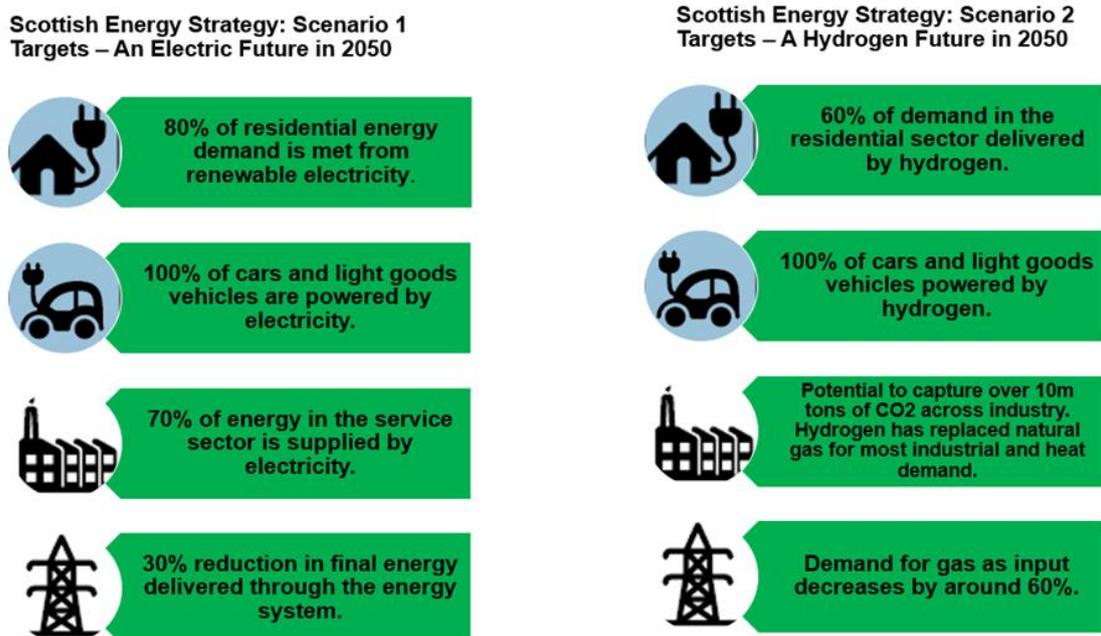
Scotland in 2050 – Two Energy System Scenarios

1.5.13 The SES sets out two illustrative scenarios for the whole energy system in 2050 consistent with the Government’s climate change targets (page 24-25). These illustrate how low carbon electricity and hydrogen could be used to meet demand across the industry, services, residential and transport sectors. The SES stresses that these are illustrative and designed to assist understanding of what infrastructure and behaviours might be required under different future scenarios.

1.5.14 It is set out that the energy system in 2050 will probably include aspects of both scenarios and it is recognised that given the likely pace of technological change across the energy sector over the next three decades, that this will have a huge bearing on the energy system. Both scenarios represent radical changes to the energy system and would require sustained investment, high levels of public acceptance and support across wider society.

1.5.15 Given the strength of the renewable sector in Scotland it is not surprising that the SES sets out that renewable and low carbon energy will provide the foundation of the future energy system and it is also recognised that this sector and approach offers a huge opportunity for economic and industrial growth.

Figure 1.3: Scenarios for 2050 in the Scottish Energy Strategy



Source: JLL, with targets taken from Scottish Energy Strategy (2017), pages 26-29

1.5.16 Renewable electricity will play a fundamental role for the primary energy generation under all scenarios. In the 'Hydrogen' scenario the currently demonstrated viable hydrogen source is through electrolysis using (renewable) electricity. The proposed development would make a valuable contribution to both scenarios and a hybrid approach.

Scottish Energy Strategy – Onshore Wind

- 1.5.17 The SES refers to “Renewable and Low Carbon Solutions” as a strategic priority (page 41) and states “we will continue to champion and explore the potential of Scotland’s huge renewable energy resource, its ability to meet our local and national heat, transport and electricity needs – helping to achieve our ambitious emissions reduction targets”.
- 1.5.18 Onshore wind is identified as a key technology and the SES states “we will push for UK wide policy support for onshore wind, and take action of our own to prioritise and deliver a route to market – combined with a land use planning approach which continues to support development while protecting our landscapes”.
- 1.5.19 The Government has highlighted the importance of the need for onshore wind to have a route to market and the importance of this consideration is clearly emphasised in the final SES.
- 1.5.20 The SES goes on to set out what is termed the “Opportunity” for onshore wind and there is explicit recognition that onshore wind is amongst the lowest cost forms of power generation of any kind which will allow it to contribute to one of six priorities, which is “to protect consumers from excessive or avoidable costs” (Page 8). It is also recognised as “a vital component of the huge industrial opportunity that renewables creates for Scotland”. Reference is made to the employment levels and economic activity derived from onshore wind and the SES sets out that the Government is “determined to build on these strengths”.
- 1.5.21 The SES sets out the Government’s clear position on onshore wind namely:

“our energy and climate change goals mean that onshore wind must continue to play a vital role in Scotland’s future – helping to decarbonise our electricity, heat and transport systems, boosting our economy, and meeting local and national demand.”

“That means continuing to support development in the right places, and – increasing the extension and replacement of existing sites with new and larger turbines, all based on an appropriate, case by case assessment of their effects and impacts and it means developers and communities working together and continuing to strike the right balance between environmental impacts, local support, benefits, and – where possible economic benefits driving from community ownership” (underlining added).

1.5.22 The SES adds:

“this can be done in a way which is compatible with Scotland’s magnificent landscapes, including our areas of wild land. This means that the relevant planning and consenting processes will remain vitally important. A major review of the Scottish planning system is well underway, and will continue as now to fully reflect the important role of renewable energy and energy infrastructure, in the right places”.

1.5.23 The SES goes on to cross refer to further detail in relation to onshore wind as contained within the Onshore Wind Policy Statement (OWPS) which has been published alongside the SES. The SES therefore, in addition to setting new stretching renewable energy and electricity targets, gives unequivocal strong policy support for the further development of onshore wind. In essence there is a renewed and enhanced impetus being imparted, rather than just a continuation of previous support.

1.5.24 Page 69 references “near term actions” for onshore wind including:

- *“Build on the positive and practical provision for onshore wind in our planning system under the next National Planning Framework and Scottish Planning Policy; and*
- *Implement the new Onshore Wind Policy Statement, which underlines the continued importance of this established low cost resource”.*

1.5.25 On the basis of the near term actions for onshore wind in the SES (see above), it can be anticipated that these new national planning policy documents, with their enhanced status, will reflect this strong support for onshore wind now set out in the SES and OWPS.

The SES & Shared Ownership

1.5.26 The SES also addresses shared ownership in relation to renewable energy projects (page 42) and states that the Government wants *“to see a significant increase in shared ownership of renewable energy projects in Scotland – putting energy into the hands of local communities, and delivering a lasting economic asset to communities across Scotland”.*

1.5.27 The Government’s ambition remains to ensure that by 2020 at least half of newly consented renewable energy projects have an element of shared ownership.

1.5.28 Shared ownership is recognised as playing a key part in helping to meet the target of 1GW of community and locally owned energy by 2020 and 2GW by 2030. The SES adds that the Government expects *“community involvement in onshore wind developments to continue to play a vital role in reaching these targets”.*

1.5.29 This policy support is highly relevant to the consideration of the proposed development and the Applicant’s commitment to shared ownership. This is further addressed in Chapter 9, above.

The Onshore Wind Policy Statement (2017)

- 1.5.30 The OWPS sets out the up to date national policy position in relation to onshore wind. The Ministerial Foreword sets out that *“there is no question that onshore wind is a vital component of the huge industrial opportunity that renewables more generally create for Scotland”*.
- 1.5.31 It adds *“our energy and climate change goals mean that onshore wind will continue to play a vital role in Scotland’s future – helping to substantively decarbonise our electricity supplies, heat and transport systems, thereby boosting our economy.”*
- 1.5.32 Key relevant provisions of the statement are set out below.
- 1.5.33 Chapter 1 is entitled ‘Route to Market’ and it sets out (paragraph 2) that onshore wind, as a mature and established technology, is now amongst the lowest cost forms of generating electricity, renewable or otherwise. It adds *“we expect onshore wind to remain at the heart of a clean, reliable and low carbon energy future in Scotland”*.
- 1.5.34 Establishing a route to market is essential to enable wider deployment and an increased contribution from onshore wind. In a subsidy free context, it will be the larger scale developments that can capture a good wind resource and which have cost effective grid connection arrangements which will make a valuable early contribution to targets.
- 1.5.35 Paragraph 3 continues:
- “In order for onshore wind to play its vital role in meeting Scotland’s energy needs, and a material role in growing our economy, its contribution must continue to grow. Onshore wind generation will remain crucial in terms of our goals for a decarbonised energy system, helping to meet the greater demand from our heat and transport sectors, as well as making further progress towards the ambitious renewable targets which the Scottish Government has set”*.
- 1.5.36 The statement therefore makes it very clear that onshore wind is expected to make a significant contribution to Scotland’s energy needs including renewable targets into the long term. A number of parties opposed to onshore wind farms have in recent years continued to advance an argument that because Scotland’s 2020 target in relation to the generation of renewable electricity could be within reach, that less weight should be placed on the contribution and benefits that could arise from onshore wind energy. The Chief Planner Letter on energy targets of November 2015 rejected such an approach. Now the Government’s OWPS very clearly demonstrates that it does not support such a position being taken whatsoever – onshore wind is viewed as having a vital role in terms of the attainments of the Government’s environmental and economic goals.
- 1.5.37 Paragraph 4 of Chapter 1 states that given the recognised contribution that onshore is expected to make to Scotland’s future energy and renewable targets *“this means that Scotland will continue to need more onshore wind development and capacity, in locations across our landscapes where it can be accommodated”*. This statement not surprisingly therefore continues the current approach as set out in Scottish Planning Policy (SPP) that, whilst there is a very strong need case for further onshore wind development, environmental considerations are factors to be taken into account in the operation of the planning system. This principle is reflected throughout the OWPS.
- 1.5.38 Paragraph 8 of Chapter 1 emphasises the industrial opportunity presented by a growing onshore wind sector and it states that *“the extent to which we can continue to capture these benefits, remains a top priority for Scottish Ministers”*.
- 1.5.39 The document makes a number of references to the industrial operations (tower manufacture) of CS Wind in Campbeltown which it states *“serves as a reminder of Scotland’s ability to serve these markets – we are determined to build upon that, and to continue to attract investment in jobs to Scotland”*. The

role of onshore wind in sustaining and further growing the supply chain for the sector is therefore a very important consideration and this is recognised in SPP at paragraph 169.

- 1.5.40 Importantly and given the recognition that onshore wind is amongst the lowest cost forms of generating electricity, paragraph 13 makes it clear that the Government’s position is that they wish to *“ensure that consumers are able to benefit from the low cost contribution onshore wind can make to a decarbonised energy future – but at no additional cost to their energy bills”*.
- 1.5.41 One of the key questions posed in the draft OWPS was whether the matter of efficiency should be a material consideration in the section 36 application process. The Government decided not to pursue this matter but at paragraph 32 sets out *“they continue to invite applications to explain clearly how environmental impacts have been balanced against energy yield during design iteration, and reported as part of the information provided in support of applications”*.
- 1.5.42 The Applicant has demonstrated that their carefully considered design approach has sought to achieve a well-designed development with acceptable impacts whilst at the same time – is able to generate a valuable contribution to renewable energy and electricity targets. The site has a high capacity factor¹⁷ of 32%. The Scottish average capacity factor is circa 27% therefore the output and contribution to various targets that this particular development can make is an important consideration.
- 1.5.43 Paragraph 23 states that the Scottish Ministers *“acknowledge that onshore wind technology and equipment manufacturers in the market are moving towards larger and more powerful (i.e. higher capacity) turbines and that these by necessity – will mean taller towers and blade tip heights”*.
- 1.5.44 Chapter 3 of the OWPS addresses ‘a strategic approach to development’ and states that whilst this was a key matter posed in the draft OWPS in terms of whether a new strategic approach to wind farm site development should be taken in Scotland, Scottish Ministers have taken the view that the current system described in the consultation as “business as usual” continues to represent an effective and efficient process for considering applications for developments in excess of 50MW.
- 1.5.45 The business as usual approach encompasses the Table 1 Spatial Framework methodology which guides the location of acceptable development – again, the consistency of the proposed development to the Spatial Framework as set out in the Development Plan and in SPP has been fully explained – the application site is effectively a Group 3 location.

The Climate Change Plan (2018)

- 1.5.46 The Scottish Government published a draft Climate Change Plan (“CCP”) – ‘the draft Third Report on Policies and Proposals 2017 – 2032 (RPP3)’ on 19 January 2017 under the provisions of the Climate Change (Scotland) Act 2009.
- 1.5.47 A final version of the CCP was published in early 2018 and is intended to be the last produced under the 2009 Act. Future CCPs are to be developed following the passage through the Scottish Parliament of the proposed Climate Change Bill (see below) and it will be at that stage Scottish Ministers will consider what policies and proposals are necessarily to deliver against the new targets.
- 1.5.48 The finalised Climate Change Plan (CCP) was published in late February 2018. Part One sets out the context for the Scottish Government’s climate change proposals and policies. It illustrates the emissions reductions pathway to 2032 and the crucial roles that will be played by local authorities and the wider public sector (and the planning system) and communities to reduce emissions by 66% by 2032.

¹⁷ Capacity or ‘load factor’ is the amount of electricity generated from a Wind Farm compared with the amount that such turbines would have generated had they been available for the whole of a year and running continually and at maximum output.

1.5.49 The CCP confirms the Scottish Government supports the Paris Agreement, which sets the standard for the international response to climate change.

1.5.50 In terms of the electricity sector, the CCP states that:

- By 2032, Scotland's electricity system will supply a growing share of Scotland's energy needs and by 2030, 50% of all Scotland's energy needs will come from renewables (page 15).
- By 2032, Scotland's electricity system will be largely decarbonised and be increasingly important as a power source for heat and transport.
- Electricity will be increasingly important as a power source for heat and in transport to charge Scotland's growing fleet of ultra-low emission vehicles.

1.5.51 The CCP states *"Our decarbonisation pathway towards 2032 will be a challenging one, requiring collective efforts from all sectors of the society, but addressing climate change is both a moral and economic imperative, and the Scottish Government is determined to contribute to the global effort for the benefit of our own citizens, and humanity in general"* (page 19).

1.5.52 The 'vision' set out is that by 2032, Scotland will have reduced its emissions by 66% against 1990 levels. It adds that *"this will be an enormous transformational change"* (page 22) (underlining added).

1.5.53 The CCP states that later in 2018, the Scottish Government will introduce a new Climate Change Bill with even more ambitious targets than those prescribed by the 2009 Act and, in so doing, Scotland will become one of the first countries in the world to legislate to support the aims of the Paris Agreement (page 27).

1.5.54 Chapter 1 addresses electricity and states *"our ambition for the electricity sector, as set out in this chapter, is consistent with the Scottish Government's Energy Strategy published in December 2017. In 2032, Scotland's electricity system will be largely decarbonised. The system will be powered by a high penetration of renewables, with security of supply and system resilience aided by a range of flexible and responsive technologies"* (page 67).

1.5.55 Policy proposals include:

- Policy Outcome 1: *"From 2020 onwards, Scotland's electricity grid intensity will be below 50 grams of carbon dioxide per kilowatt hour. The system will be powered by a high penetration of renewables, aided by a range of flexible and responsive technologies;"* (page 69) (underlining added)
- Policy Outcome 2: *"Scotland's energy supply is secure and flexible, with a system robust against fluctuations and interruptions to supply"* (page 74).

1.5.56 Reference is made to the SES which the CCP states contains proposals that will increase the level of renewable electricity generation, including new targets and commitments to continue supporting the key renewable generation technologies. These include:

- A new renewable, all energy consumption target of 50% by 2030, covering electricity, heat and transport; and
- Renewed efforts to secure routes to market (page 74).

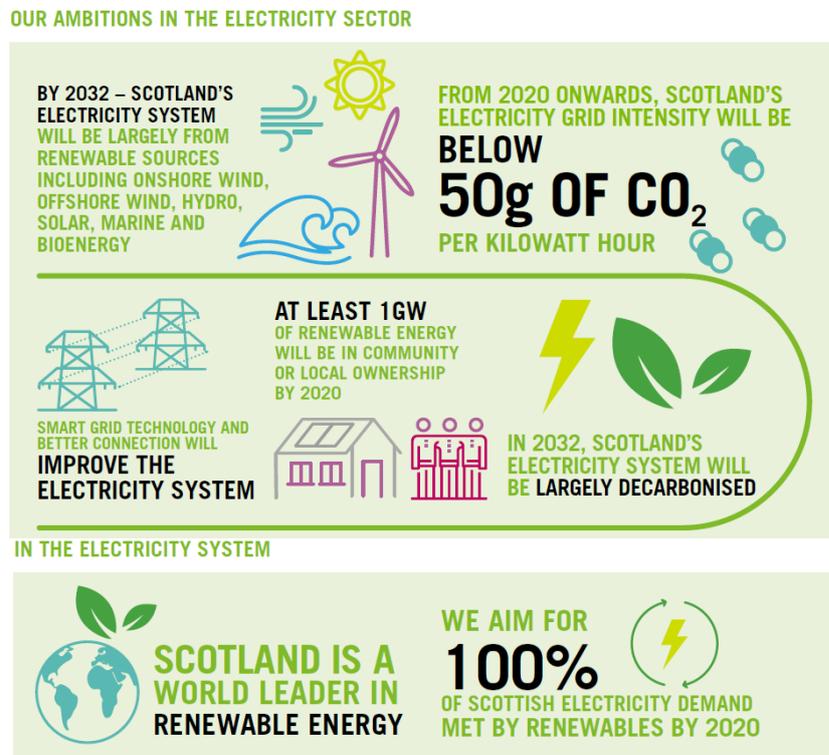
1.5.57 'Implementation indicators' for policy outcomes 1 and 2 include:

- Increase the amount of electricity generated from renewable sources in Scotland.
- Increase the installed capacity of sites generating electricity from renewable sources in Scotland. By 2030, it is expected that the installed capacity of renewable electricity generation sources will be between 12GW and 17GW.
- Increase total community and locally owned renewable energy capacity.

- Increase total renewable capacity in Scotland by planning stage.
- Increase the share of electricity generated from renewable sources, as a proportion of total electricity generated in Scotland.

1.5.58 Extract Illustration from the CCP of ‘Ambitions in the Electricity Sector’ are provided below.

Figure 1.4: Extract Illustration from the CCP of ‘Ambitions in the Electricity Sector’



The Climate Change (Emissions Reduction Targets) (Scotland) Bill (2018)

- 1.5.59 On 23 May 2018 the Climate Change (Emissions Reduction Targets) (Scotland) Bill was introduced to Parliament.
- 1.5.60 The primary objective of the Bill is to raise the ambition of the greenhouse gas emissions reduction targets as set out in the Climate Change (Scotland) Act 2009 (The 2009 Act) and associated Regulations.
- 1.5.61 The Policy Memorandum for the Bill sets out at paragraph 4, that the 2009 Act established Scotland as a world leader in tackling climate change and in response to the United Nations Framework Convention and Climate Change Paris Agreement, the Bill re-affirms the Scottish Government’s commitment to remain “*at the forefront of global ambition*”.
- 1.5.62 The Bill increases the target levels for 2020 and 2050 and introduces interim targets for 2030 and 2040. The interim and 2050 target levels proposed are as follows:-
- A 56% reduction by 2020;
 - A 66% reduction by 2030;
 - A 75% reduction by 2040; and
 - A 90% reduction by 2050.

1.5.63 The Memorandum sets out that “*these target levels are arguably the most ambitious legislative targets in the world ...*”.

1.5.64 The Memorandum also makes it clear that the Scottish Ministers are committed to achieving net – zero emissions as soon as possible, and putting a target year into effect as soon as there is sufficient evidence that doing so would be credible.

1.5.65 Paragraph 45 of the Memorandum adds that the 90% target is both ambitious and credible and achieving the annual targets that lead to it “*will require challenging actions across all sectors of the Scottish Economy to reduce emissions ...*”.

1.5.66 The latest addition to the large body of relevant legislative and policy documents with regard to renewable energy and climate change, namely the very recent Climate Change Bill, further demonstrates the Scottish Government’s scale of ambition and commitment to that overall policy objective. The proposed development would clearly contribute to the attainment of such goals.

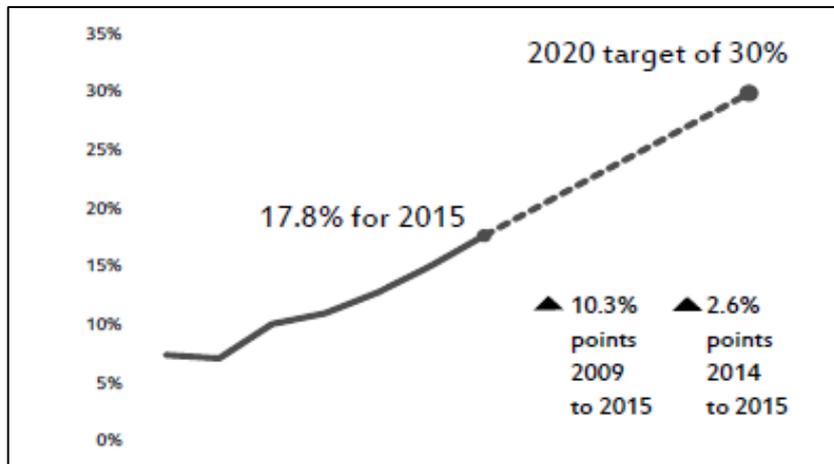
1.5.67 The proposed Bill is expected to become legislation in early 2019.

1.6 Progress to the Scottish 2020 Renewable Energy & Electricity Targets

Renewable Energy

1.6.1 The Scottish Government’s target is to achieve 30% of total Scottish energy use from renewable sources by 2020. The Government’s recently published ‘Energy Statistics for Scotland’ (June 2018) show that in 2015, 17.8% of total Scottish energy consumption came from renewable sources. This is illustrated in Figure 1.5 below.

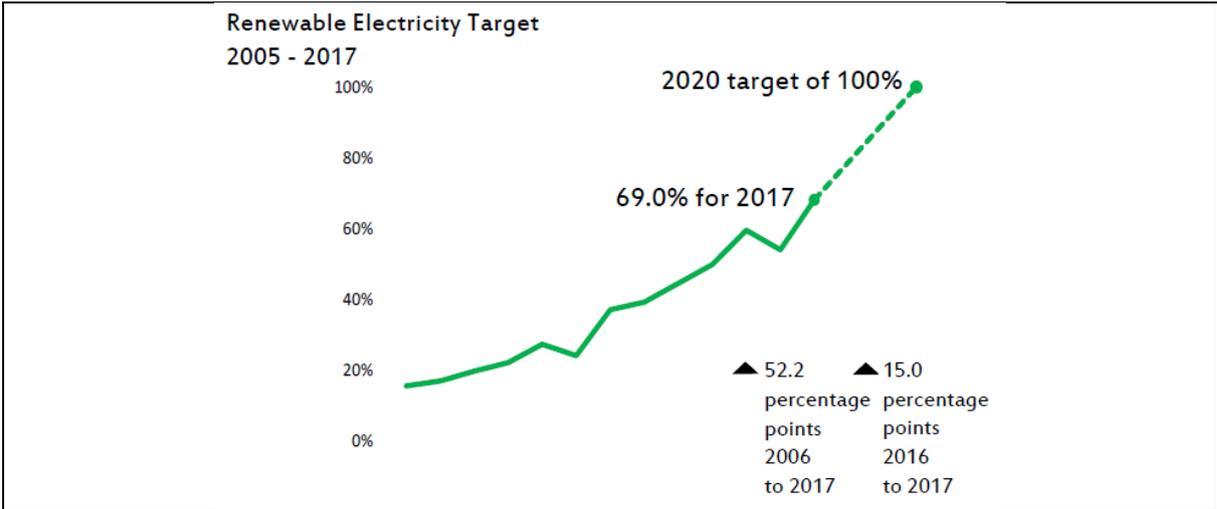
Figure 1.5: Performance against 2030 Renewable Energy Target: 2009-2015



Renewable Electricity

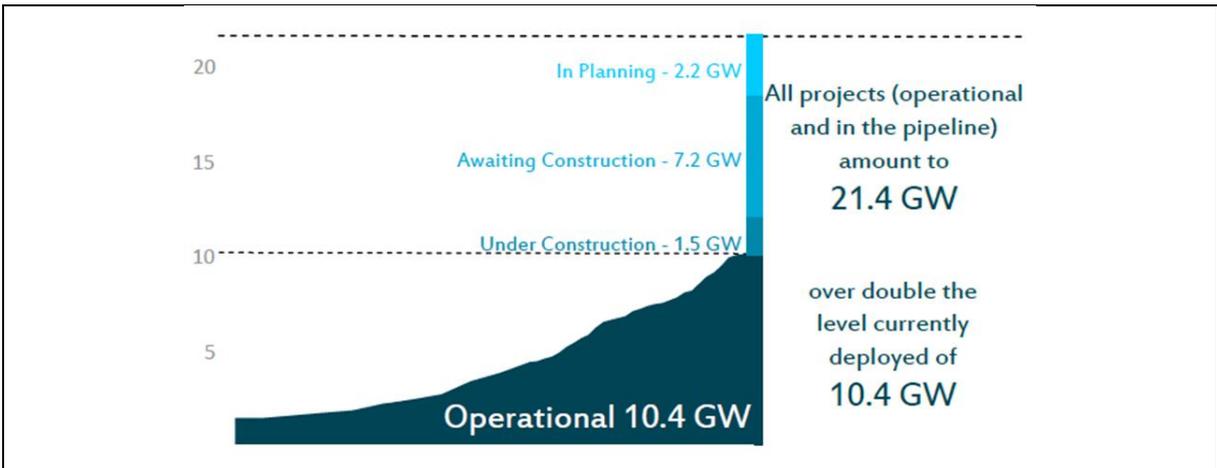
- 1.6.2 As noted above, the ‘2020 Routemap for Renewable Energy in Scotland’ published in 2011 states that the 2020 target of delivering the equivalent of 100% of Scottish electricity consumption from renewables will demand a significant and sustained improvement over the deployment levels seen historically.
- 1.6.3 The 2020 100% electricity target equates to around 16GW of installed renewables capacity.
- 1.6.4 The Scottish Government estimates that in 2017, renewable sources generated the equivalent of approximately 69% gross electricity consumption¹⁸. This is illustrated in Figure 1.6 below.

Figure 1.6: Performance against 2020 Renewable Electricity Target: 2005 - 2017



- 1.6.5 Figures released from the Scottish Government¹⁹ show that as of March 2018, Scotland had 10.4GW of installed (operational) renewable electricity generation capacity, with an additional 8.7 GW of capacity either under construction or consented. Figure 8.7 below illustrates Scotland’s renewable capacity by stage in the planning process.

Figure 1.7: Renewable Capacity in Scotland by Planning Stage, as of March 2018



¹⁸ Scottish Government, Energy Statistics for Scotland, (June 2018).

¹⁹ *ibid.*

- 1.6.6 Figure 1.7 illustrates that there remains a significant shortfall against the Scottish 2020 renewable electricity generation target as the 'operational' and 'under construction' figures together only amount to 11.9GW. The proposed development would make a valuable contribution to what remains an unmet and uncapped target for 2020 which is c.16GW.
- 1.6.7 As explained above, there also remains a significant shortfall against the UK targets for 2020 in terms of renewable electricity and energy generation, to which the proposed development would contribute.
- 1.6.8 The Reporter in the Caplich s.36 decision, in addressing overall conclusions and recommendations, made reference to relevant International, UK and Scottish policy on renewable energy. A paragraph 8.5 he stated "*International Agreements on renewable energy delivery and greenhouse gas emissions to which the UK is a signatory, some of which will remaining binding irrespective of European Union membership, will pose a significant challenge going forward*".
- 1.6.9 The Reporter went on to make reference to UK and Scottish Government targets and to the view that greater weight should be given to Scottish Government policy and stated at paragraph 8.7 "*that being the case, the contribution this proposal would make to these targets is a factor in its favour, to which significant weight should be attached*".
- 1.6.10 The Reporter added at paragraph 8.9 "*in any event, there can be no doubt that the targets are minimum levels to be achieved rather than caps that must not be exceeded. The Scottish Government has made it clear that it will continue to support the principle of onshore wind, even if or when current targets are met*".
- 1.6.11 The decision also confirms that national planning policy as set out in NPF3 and SPP confirms the commitment to making Scotland a low carbon place and a world leader in low carbon energy generation including in relation to onshore wind. Paragraph 8.10 of the decision states that "*the proposal's contribution to such commitments is a factor in its favour that must be taken into account*".



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