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# Fetteresso Wind Farm Aberdeenshire

## Planning Statement Update

Application Ref: ECU00001851

February 2020

on behalf of

**Fetteresso Wind Ltd**



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# 1. Introduction

## 1.1 Background

- 1.1.1 David Bell Planning Ltd (“DBP”) has been commissioned by Fetteresso Wind Limited (“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 comprising 10 turbines, with an anticipated indicative total installed capacity of 42 MW. The proposed development is located east and southeast of the existing Mid Hill Wind Farm developments (Mid Hill I and II) in Aberdeenshire, approximately 15km west of the town of Stonehaven.
- 1.1.2 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.
- 1.1.3 The s.36 application was validated by the Council on 4th June 2019 and was accompanied by an Environmental Impact Assessment Report (“EIAR”) undertaken in accordance with the Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017 (“the EIA Regulations”). The EIA Report presents information on the identification and assessment of the likely significant positive and negative environmental effects of the proposed development.
- 1.1.4 The s.36 application was also accompanied by a supporting ‘Planning Design and Access Statement’ (“the PDAS”) which made various cross references to information contained in the EIA Report and presented an assessment of the proposed development against relevant policy with due regard given to the provisions of the statutory Development Plan for the Aberdeenshire area, Supplementary Guidance, as well as national energy and planning policy, and other relevant material considerations.
- 1.1.5 Since the application was submitted, the relevant policy context has further evolved, in particular with regard to renewable energy and climate change matters. Given Supplementary Environmental Information (“SEI”) is being submitted, the opportunity is being taken to provide an update to the PDAS – as set out in this report.

## 1.2 Scope of PDAS Update

- 1.2.1 This report is set out as follows:
- Chapter 2 sets out the up-to-date position with regard to the renewable energy policy framework with reference to policy developments since early June 2019. This is supported by Appendix 1 which provides an update to some key renewable energy statistics.
  - Chapter 3 addresses landscape capacity and how this matter should be approached from a policy perspective.
  - Chapter 4 presents overall policy conclusions, taking into account the updated renewable energy policy position and the findings on the environmental topics addressed within the SEI. Reference is also made to landscape capacity considerations.

## 2. The Renewable Energy Policy Framework: Update

### 2.1 Introduction

2.1.1 Chapter 7 of the Applicants PDAS of June 2019 set out the detail of the need case for the proposed development in terms of international, UK and Scottish Government renewable energy policy. Reference was made in the Appendix to key aspects of:

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

2.1.2 Updated renewable energy statistics have been made available by the Scottish Government in September 2019 and these are referred to in **Appendix 1** of this report. These should be read alongside the more wide-ranging policy position set out in the PDAS.

2.1.3 For example, the UK Digest of Statistics (DUKES) of July 2019 are now available. These figures indicate that there still remains a very considerable shortfall in terms of UK legally binding renewable energy targets. In addition, Scottish Government statistics from December 2019 demonstrate the very considerable shortfalls that exist for Scotland in terms of renewable energy and electricity targets in relation to 2020 and 2030.

2.1.4 Government renewable energy policy and associated renewable energy and electricity targets are an important material consideration and it is important to be clear on the current position as it is a fast moving topic of public policy.

2.1.5 This Chapter sets out a summary position, with reference to key recent policy and related documents, including:

- The Committee on Climate Change Reports of May and July 2019;
- The Scottish Government's declared position in relation to the 'Climate Emergency';
- The latest UK position as expressed in the 'Green Finance Strategy – Transforming Finance for a Greener Future' of July 2019;
- The Scottish Government's 'Programme for Government' (2019); and
- The latest position with regard to the Climate Change (Emissions Reduction Targets) (Scotland) Act and the 'net zero' targets for 2045 and associated interim target for 2030.

2.1.6 These are all new considerations which were not in place at the time of the Applicant concluded its PDAS which accompanied the application.

### 2.2 Committee on Climate Change – Report of May 2019

2.2.1 The Committee on Climate Change<sup>1</sup> ("CCC") published its landmark report entitled 'Net Zero – UK's Contribution to Stopping Global Warming' in May 2019. The report responds to requests from the Government's of the UK, Wales and Scotland, asking the CCC to reassess the UK's long-term carbon emissions targets.

2.2.2 The Foreword of the report (page 8) sets out that the CCC has "*reviewed the latest scientific evidence on climate change, including last year's IPCC special report on global warming of 1.50C and considered the appropriate role of the UK in the global challenge to limit future temperature*

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<sup>1</sup> The CCC is an independent, statutory body established under the Climate Change Act 2008. Its purpose is to advise the UK Government and Devolved Administrations on emissions targets and report to Parliament on progress made in reducing greenhouse gas emissions and preparing for climate change.

*increases". It adds, "Net Zero is a more fundamental aim than previous targets. By reducing emissions produced in the UK to zero, we also end our contribution to rising global temperatures".*

2.2.3 The Foreword also sets out that *"we must now increase our ambition to tackle climate change. The science demands it; the evidence is before you; we must start at once; there is no time to lose"*.

2.2.4 The report makes recommendations for the UK economy including:

- UK overall: a new tougher emissions target of net zero<sup>2</sup> greenhouse gases (GHG) by 2050, ending the UK's contribution to global warming within 30 years. This would replace the previous target of an 80% reduction by 2050 from a 1990 baseline;
- Scotland: a target of net-zero GHG economy by 2045, reflecting Scotland's greater relative capacity to remove emissions than the UK as a whole;
- Wales: a 95% reduction in GHG by 2050, reflecting Wales' greater agricultural emissions.
- A net zero GHG target for 2050 would deliver on the commitment that the UK made by signing the Paris Agreement.

2.2.5 In terms of the UK and Scottish targets, the report makes it clear that, *"this is only possible if clear, stable and well designed policies to reduce emissions further are introduced across the economy without delay. Current policy is insufficient for even the existing targets"*.

2.2.6 The report also adds for Scotland that:

*"Scotland has proportionately greater potential for emissions removal than the UK overall and can credibly adopt a more ambitious target. It should aim for net zero greenhouse gas emissions by 2045. Interim targets should be set for Scottish emissions reductions (relatively to 1990) of 70% by 2030 and 90% by 2040"*.

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

2.2.8 It also adds that in terms of preparation (Executive Summary page 34) that with regard to low carbon power, *"the supply of low carbon power must continue to expand rapidly....."*

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

2.2.10 The CCC's 'further ambition scenario' for the power sector sees low power carbon sources providing 100% of power generation by 2050. This would be through a mix of variable renewables (including onshore wind) contributing some 57% of power, with firm low carbon power such as nuclear or other plants fitted with carbon capture and storage (38%) and de-carbonised gas such as hydrogen (5%).

2.2.11 The report contains a number of key messages including that *"intermittency of renewables does not prevent full decarbonisation of the power system. Deployment of variable renewables, alongside system flexibility, is a low regret and low cost means of de-carbonising the UK's electricity system"*.

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<sup>2</sup> A net zero target would require 100% reduction in greenhouse gas emissions. It is referred to as 'net' as the expectation is that it would be met with some remaining sources of emissions which would need to be offset by removals of CO<sub>2</sub> from the atmosphere.

## 2.3 CCC July 2019 Reports

2.3.1 In July 2019 the CCC published two further reports:

- ‘Progress in Preparing for Climate Change’; and
- ‘Progress Report to Parliament’.

2.3.2 These reports both highlight the significant shortfalls of current action required to address the risks and impacts from climate change. Key points from each are set down below.

### **Progress in Preparing for Climate Change, CCC (July 2019)**

2.3.3 This report sets out the Adaptation Committee’s latest assessment of progress in preparing for climate change in England and provides a first evaluation of the Government’s second National Adaptation Programme. The key findings of the report include:

- The priority given to adaptation, including through the institutional and support framework in England, has been eroded over the past ten years.
- England is still not prepared for even a 2°C rise in global temperature, let alone more extreme levels of warming. Only a handful of sectors have plans that consider a minimum of 2°C global warming.
- Many national plans and policies still lack a basic acknowledgement of long-term climate change or make only a passing mention but have no associated actions to reduce risk.
- The UK Government must raise the profile, and strengthen the governance, of preparations for the impacts of climate change.

### **CCC Progress Report to Parliament, CCC (July 2019)**

2.3.4 The Foreword of the Report states that in May 2019, the CCC’s Net Zero report offered compelling analysis of the need to reduce greenhouse gas emissions in the UK effectively to zero by 2050. The net-zero target meets the UK’s obligations under the Paris Agreement and responds to the urgent need for action highlighted by the IPCC in the 2018 Special Report on 1.5°C of global warming.

2.3.5 The Report states that the CCC welcomes strongly the UK Parliament’s decision to make net zero law – and the corresponding decisions of the Welsh Assembly and the Scottish Parliament. These are acknowledged to be positive steps which are of “*fundamental consequence for the future path of our economy, our society and the climate. Carbon neutrality has now become a mainstream goal*”.

2.3.6 The Report adds that tougher targets do not themselves reduce emissions and new plans must be drawn up to deliver them and that “*climate change adaptation is a defining challenge for every government, yet there is only limited evidence of the present UK Government taking it sufficiently seriously*”.

2.3.7 Other key points include:

- The report states “*The need for action has rarely been clearer. Our message to government is simple: Now, do it*”.
- The Adaptation and Mitigation Committees have reviewed the UK Government’s approach to climate change adaptation and emissions reduction. The CCC reports are published in parallel, as required under the Climate Change Act. The Report states “*we find a substantial gap between current plans and future requirements and an even greater shortfall in action*”.
- Planning for climate change adaptation is a statutory obligation but the National Adaptation Programme (NAP) is incomplete. Of the 56 risks and opportunities identified in the UK’s Climate Change Risk Assessment, 21 have no formal actions in the NAP.

- We are now seeing the substantial impacts of a global temperature rise of just 1°C. The Paris Agreement targets a threshold of well below 2°C, ideally 1.5°C, but current global plans give only a 50% chance of meeting 3°C.
- In these circumstances, although the UK is committed to working for global action to parallel our own adoption of a net-zero statutory target, it is prudent to plan adaptation strategies for a scenario of 4°C, but there is little evidence of adaptation planning for even 2°C. The Report adds that “*Government cannot hide from these risks*”.
- The Clean Growth Strategy, the UK’s plan for emissions reduction, provides a solid foundation for the action needed to meet a net-zero GHG target but policy ambition and implementation now fall well short of what is required.
- In June 2018, the CCC advised that 25 headline policy actions were needed for the year ahead. Twelve months later, only one has been delivered by Government in full. Ten of the actions have not shown even partial progress. Government continues to be off track for the fourth and fifth carbon budgets – on their own appraisal – and the policy gap has widened further this year as an increase in the projection of future emissions has outweighed the impact of new policies.

2.3.8 The Report concludes by stating that the central premise of the Climate Change Act is that the Government of the day holds the responsibility to act to protect future generations. This principle is at risk if the priority given to climate policy is not substantially increased over the next year.

## 2.4 Latest UK Position

2.4.1 On 11 June 2019, the then Prime Minister Theresa May announced that the UK Government will bring forward legislation to set a Net Zero target into law. On 27 June 2019 the UK Government became the first major economy in the world (the first G7 country) to pass legislation to end its contribution to global warming by 2050 – by way of 100% reduction of greenhouse gas emissions. The target is now legally binding by way of an amendment to the Climate Change Act 2008.

2.4.2 The UK position on Climate Change has most recently been set out in the ‘Green Finance Strategy – Transforming Finance for a Greener Future’ published by HM Government in July 2019.

2.4.3 The Ministerial Foreword sets out that “*tackling climate change and environmental degradation is only just beginning. By legislating for net zero emissions by 2050, we are responding to the latest science by raising our ambition. Meeting our objectives will require unprecedented levels of investment in green and low carbon technologies, services and infrastructure.*”

2.4.4 Key points include:

- The recent Intergovernmental Science and Policy Platform on Biodiversity and Ecosystems Services (IPBES) Global Assessment and the Intergovernmental Panel on Climate Change (IPCC) Special Report on 1.5°C are both timely reminders of the urgency of action.
- The UK’s new target to reach net zero greenhouse gas emissions by 2050 means we are the first major economy in the world to set such a target into law.
- We need to shift to a world where we are at net zero emissions and deliver our commitment that this will be the first generation in our history to leave the environment in a better condition than we found it. This means systemic changes across all parts of our economy; and in particular delivering a global financial system that supports and enables these outcomes. This strategy is our first step towards delivering that vision.

## 2.5 Climate Emergency: Scotland

- 2.5.1 Scottish First Minister Nicola Sturgeon declared a "Climate Emergency" in her speech to the SNP Conference in April 2019, stating:

*"As First Minister of Scotland, I am declaring that there is a climate emergency. And Scotland will live up to our responsibility to tackle it." Referring to the recently published CCC advice, Ms Sturgeon added "if that advice says we can go further or go faster, we will do so".*

- 2.5.2 Furthermore, Climate Change Secretary Roseanna Cunningham made a statement on 14 May to the Scottish Parliament on the 'Global Climate Emergency'. Again, with reference to the recent CCC Report:

*"We acted immediately with amendments to our Climate Change Bill to set a 2045 target for net zero emissions - as we said we'd do. If agreed by Parliament, these will be the most stringent legislative targets anywhere in the world and Scotland's contribution to climate change will end, definitively, within a generation. The CCC was clear that this will be enormously challenging...."*

- 2.5.3 The Minister also highlighted the important role of the planning system stating:

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

- 2.5.4 The Scottish Government has therefore acted on the stark warnings issued by the IPCC who have stated that by 2030 it would be too late to limit global heating to 1.5 degrees. In light of the further report by the CCC the Scottish Government has stated unequivocally that there needs to be "transformative change" – and that action has to be quick and decisive. An emergency requires action and as set out in the conclusions below, decisions through the planning system must be responsive to that. The current situation must therefore go to the matter of weight to be attributed to project benefits and the need case.

## 2.6 Programme for Government

- 2.6.1 The Scottish Government published the Government Programme for 2019-20 entitled 'Protecting Scotland's Future' on 3 September 2019. The document puts climate change front and centre of the political agenda and reaffirms the aim of achieving net zero greenhouse gas emissions in Scotland by 2045. In the introduction from the First Minister, the 'Climate Emergency' is acknowledged and it states that:

*"this Programme for Government sets out some of the next step in Scotland's journey to net zero emissions and raises our ambition in light of the emergency we face. We are leading the world in setting challenging targets but we must also redouble our efforts to meet them". (underlining added)*

- 2.6.2 The Introduction also refers to the forthcoming renewal of the National Planning Framework and that there will be an updated Climate Change Plan that will take full account of the advice of the UK Committee on Climate Change. It adds that the programme for Government contains the first package of additional measures to be taken by the Scottish Government in response to the climate emergency.
- 2.6.3 The Executive Summary (page 10) addresses 'ending Scotland's contribution to climate change' and states that "*Our response to the global climate emergency requires us to accelerate our good work*" and reference is made to the recently established Climate Emergency Response Group (CERG). (underlining added)
- 2.6.4 Chapter 1 of the Programme entitled 'Ending Contribution to Climate Change' makes it clear that Scotland is facing a climate emergency and key points include the following:-

- Reference is made to Scotland already having committed to some of the toughest statutory emissions reductions in the world and adopting a net zero emissions target by 2045 underlines the Government's ambition that Scotland will no longer contribute to global climate change.
- Scotland has a unique opportunity to be at the forefront of global action; and
- This Programme for Government commits to vital early action to accelerate Scotland's journey towards net zero.

2.6.5 With reference to the CERG, '12 specific asks' are set out and these include:

- Making regional land use plans for maximising the potential of every part of Scotland's land to contribute to the fight against climate change; and
- Completion of plans for how Scotland generates the renewable electricity needed to reach net zero. In this regard reference is made to the next Energy Statement (expected in early 2020) which is to set out the extent to which renewable and low carbon energy generation will need to combine in order to meet net zero and that this will then be monitored on an annual basis.

2.6.6 Page 38 also states that the Scottish Government is making a number of other major commitments in response to the climate emergency and in terms of 'planning' this will include the fourth National Planning Framework which will help to radically accelerate reduction of emissions.

2.6.7 Page 39 refers specifically to planning and key points referenced in this regard include:

- The global climate emergency means that the time is right for wide-ranging debate on more radical planning policy options;
- Planning is a vital tool in leveraging the changes we need to make to achieve our goals; and
- Engagement on the fourth National Planning Framework will begin in Autumn 2019 – and through it, the Government will explore planning options that radically accelerate reduction of emissions.

## **2.7 The Climate Change (Emissions Reduction Targets) (Scotland) Act 2019**

2.7.1 It is also relevant to take into account the Climate Change (Emissions Reduction Targets) (Scotland) Act which responds to the UN Paris Agreement which seeks to limit global temperature rises to "well below" 2 degrees C and to "pursue efforts" to limit the increase to 1.5 degrees above pre-industrial levels. The Scottish Government, having taken advice from the Committee on Climate Change, and carried out a consultation, proposes to make substantial changes to the Climate Change (Scotland) Act 2009.

2.7.2 The Bill passed Stage 3 on 25 September 2019 and received Royal Assent on 31 October 2019. At Stage 3 of the Bill in Parliament the interim target for 2030 was amended and strengthened from a 70% to a 75% reduction in emissions lower than the baseline of 1990 levels. The Act sets a legally binding 'net zero' target for Scotland, five years ahead of the date set for the whole of the UK.

## **2.8 Conclusions on Renewable Energy Policy**

- 2.8.1 There is a range of relevant UK and Scottish renewable energy policy documents, a number of which commit Scotland and the UK to international obligations in relation to climate change action.
- 2.8.2 The Applicant set out a clear position in relation to documents such as the Scottish Energy Strategy and the Onshore Wind Policy Statement in the PDAS.
- 2.8.3 The new policy documents and associated targets set out in this Update report are yet more evidence of a continuum of ever stronger positive advice on the urgent need case as part of the Scottish Government's renewables strategy.

- 2.8.4 The Government's new Climate Change Bill now sets out more ambitious targets – which now reflect the recommendations of the CCC for a net / zero greenhouse gas emissions target by 2045 with challenging interim stages including a 75% reduction by 2030 – agreed by the Scottish Parliament in September 2019.
- 2.8.5 A summary of the latest Scottish energy, electricity and climate change targets is provided at the end of this Chapter, in Table 2.1.
- 2.8.6 The scale of the challenge presented by the new targets adopted by the Scottish Government on the advice of the CCC is considerable, especially given the requirements for decarbonisation of heat and transport – this will require very substantial increases in renewable generation. This report has been published at the same time as a series of high-profile environmental reports, the Extinction Rebellion protests and political declarations of a “climate emergency” – not just at the Scottish and UK levels.
- 2.8.7 It is very clear that the mood has changed in 2019 with regard to the importance of tackling climate change and this is reflected in public policy. Timing is critical as with each year passing, the closer we are to the target dates, and time is lost in implementing the Government's Energy Strategy. In short, the ‘clock is ticking’: current rates of global heating have caused scientists to urge radical curbs on emissions.
- 2.8.8 The Energy Minister<sup>3</sup> has stated that in light of adopting the CCC recommendations “*this means we have the most stringent statutory targets in the world*”. Moreover, the CCC is unambiguous in stating that “*Current policy is insufficient for even the existing targets*”. It cannot be the case therefore that it is ‘business as usual’ for decision makers.
- 2.8.9 To reiterate key points made above: since the PDAS was submitted, the Scottish Government has acted on the stark warnings issued by the IPCC who have stated that by 2030 it would be too late to limit global heating to 1.5 degrees.
- 2.8.10 As noted above, the recent CCC reports have made it clear that we are now seeing the substantial impacts of a global temperature rise. Moreover, in 2019 we have seen:
- The highest temperature officially recorded in the UK<sup>4</sup>;
  - The European heatwave of July 2019 is estimated to be made up to 100 times more likely by the human driven climate crisis<sup>5</sup>;
  - Globally, temperatures in July 2019<sup>6</sup> equalled (and may have surpassed) the hottest month recorded in history (following the warmest June on recorded), stated by the World Meteorological Association;
  - Estimates from the World Meteorological Organisation which expects 2015-2019 to be the warmest five-year period ever recorded.
- 2.8.11 In light of the CCC recommendations the Scottish Government is seeking “transformative change” – and that action has to be quick and decisive. An emergency requires action and cannot wait for new policies to emerge in years to come. Decisions through the planning system must be

<sup>3</sup> Paul Wheelhouse, Minister for Energy, Connectivity and the Islands, Ministerial Foreword of the ‘Annual Energy Statement 2019’ Scottish Government.

<sup>4</sup> British temperature record of 38.7C on 25 July 2019, Cambridge Botanic Garden, exceeding the previous record of 38.5C set in Faversham, Kent in August 2003 (UK Met Office). It should be noted that numerous June records were also broken in other countries such as Czech Republic, Spain, France and Switzerland. In Austria and the Netherlands, the whole of the month of June 2019 was the warmest ever recorded.

<sup>5</sup> Source: World Weather Attribution – Partnership of various organisations including the Environmental Change Institute, University of Oxford, the Royal Netherlands Meteorological Institute and the National Center for Atmospheric Research.

<sup>6</sup> The extreme heat is particularly unusual because 2019 is not an El Nino year – the climate phenomenon usually associated with prolonged temperature surges.

responsive to this position and to bring these highly material matters into play in determinations. The current situation must therefore go to the matter of weight to be attributed to project benefits and the need case for the proposed development.

- 2.8.12 Given all of the above, it can reasonably be stated that the need case for such projects to help combat the global heating crisis is now greater than it was when the application for Fetteresso Wind Farm was submitted.
- 2.8.13 Overall, the renewable energy policy framework is a very important consideration and one that should attract very significant weight in the balance of factors in the determination of the application and insofar as the Council is a consultee in the s.36 process.

Table 2.1: Updated Summary of Scottish Energy, Electricity &amp; Climate Change Targets

Target	Target Year	Current Position	Source / Notes
<b>Renewable Energy</b>			
30% of total energy use from renewable sources	2020	19.1% (2017)	Scottish Energy Statistics (March 2019)
50% of total energy use from renewable sources	2030	19.1% (2017)	Scottish Energy Statistics (Sept 2019). Latest available figures are for 2017.
<b>Renewable Electricity</b>			
Meet 100% of electricity demand from renewables	2020	76.3% (2018)	2020 Routemap for Renewable Energy in Scotland (2011) Scottish Energy Statistics (Sept 2019)
100% Target is circa 16GW	2020	11.6GW	Scottish Energy Statistics (Sept 2019)
Renewable energy may need to generate 140% of Scotland's electricity needs	2030	11.6 GW	Would require c.17GW installed renewable electricity capacity by 2030 SES (2017).
<b>Climate Change</b>			
Interim reduction of greenhouse gas emissions by at least 42% from 1990 baseline.	2020	-46.8% (2017)	Climate Change (Scotland) Act 2009.  Statistics reported in 'Scottish Greenhouse Gas Emissions 2017' official statistics (published 2019), compiled in line with IPCC Guidance. Main contributor is complete removal of coal-generation from the power generation sector.  In 2017, Scottish source emissions of the basket of seven GHGs were estimated to be 40.5 million tonnes carbon dioxide equivalent (MtCO <sub>2</sub> e)
Reduction of greenhouse gases by 80%.	2050	-46.8% (2017)	Climate Change (Scotland) Act 2009
Reduce emissions by 56%	2020	-46.8%	Revised Scottish Government targets as a result of accepting the July 2019 CCC Recommendations.  Climate Change (Emissions Reduction Targets) (Scotland) Bill (2018)
Reduce emissions by 75%	2030	-46.8%	Agreed by Scottish Parliament in September 2019 – Stage 3 Reading
Reduce emissions by 90%	2040	-46.8%	As above
Reduce emissions to <b>Net Zero</b>	2045	-46.8%	As above

## 3. Landscape Capacity

### 3.1 The Approach to Landscape Capacity Studies

- 3.1.1 In terms of landscape capacity and specifically the reference to this in Policy C2 and the Council's Strategic Landscape Capacity Assessment, this is referenced in the PDAS at paragraph 9.1.17 *et seq.* For convenience it states:

“Policy C2 details that wind energy development will be approved in appropriate locations taking into account the relevant spatial framework mapping. It should be noted however that under SPP the proposed development is located within a Group 3 site within the spatial framework, *where wind farms are likely to be acceptable, subject to detailed consideration against identified policy criteria.* The map on page 63 of the LDP confirms that the proposed development is in a Group 3 site where wind farms are likely to be acceptable with detailed consideration. More detailed guidance on siting wind farms is set out in the Strategic Landscape Capacity Assessment.

However, having been published in March 2014 prior to the SPP (June 2014) and more recent Scottish Government policies on climate change, renewable energy and especially onshore wind in the SES (Dec. 2017) and OWPS it is the applicant's view that the Strategic Landscape Capacity Assessment is not only out of date with national policy but contrary to it. Whilst Landscape Character Assessments continue to be recognised as a starting point for properly considered LVIA's, the use of Capacity Studies as a prejudicial means of assessing wind farm developments has been routinely and broadly rejected. As a consequence of these considerations it is the applicant's view that the SLCA should be given little if any weight in the determination of this application.”

Accordingly, although the proposed development lies within an area which the LDP describes as having limited capacity for development, the underlying assumptions behind this 'designation' are considered to be out of sync with current national policy and have should also be given little or no weight in this determination. Instead it is the Applicant's view that more weight should be given in the planning balance to the site's strategic location in a group 3 area according to the SPP and on FLS land which has been promoted by Scottish Ministers for the purpose of wind farm development through a consultative process involving FLS, SNH, SEPA and other consultees”

- 3.1.2 The PDAS goes on to explain, with reference to the landscape and visual impact assessment as set out in the EIAR, why the proposed development is considered to be acceptable, and that the receiving landscape is considered to be capable of successfully accommodating the proposal. In short, more weight should be placed on the site specific assessment than the findings of the relatively dated, strategic level landscape capacity study. That is not to say it is not material, but it must be not given undue weight and prominence in the development management process.
- 3.1.3 It needs to be recognised that wind farm development sites are often found to be acceptable to decision makers, regardless of site suitability not being identified within strategic landscape capacity studies (LCS) such as the Aberdeenshire Strategic Landscape Capacity Assessment (“SLCA”). The SLCA is referred to in Policy C2 of the LDP as “a relevant consideration”.
- 3.1.4 It is clear that, whilst the advice on landscape sensitivity contained in capacity studies needs to be considered, careful examination of specific sites by decision makers on a case by case basis can often lead to findings which differ from the sometimes overly prescriptive and constraining recommendations in such strategic studies.
- 3.1.5 An example, is the Reporter's reasoning in the Larbrax Wind Farm decision (the case involved a wind farm in Dumfries and Galloway). In paragraphs 25 and 26 of the Appeal Decision Notice, the Reporter stated:

“25. ...the [Dumfries and Galloway Landscape Wind Farm Capacity Study (DGLWCS) 2011] finds that there are no remaining sites within the peninsula on which to develop a wind farm that have the appropriate landscape attributes (an open, extensive upland plateau) as are found at the site on which the existing North Rhins wind farm was developed. The authority concludes that the

*development would be out of scale and character with the small-scale landscape of the appeal site and contrary to the DGLWCS.*

*The DGLWCS is a useful indicator of the relative ease with which a particular landscape might accommodate a particular type of wind farm. However, it is no substitute for a site and proposal-specific assessment of landscape and visual effects, as has been carried out by the appellant, or the development-specific analysis that has been carried out in response to this proposal by the planning authority and SNH. The fact that the DGLWCS effectively rules out the possibility of developing a wind farm of the scale proposed anywhere within the Rhins peninsula is a material consideration, but in no way obliges me to dismiss this appeal." (underlining added)*

- 3.1.6 In this case, despite the Dumfries and Galloway LCS indicating no capacity for any wind farm development, the Reporter found the specific Larbrax proposal to be acceptable, based on its detailed site / development specific assessment.
- 3.1.7 The Reporter in the Fauch Hill Appeal Decision Notice (for a proposed Wind Farm in West Lothian) stated with regard to the capacity study that applied in that case at paragraph 70:

*"I do not regard conflict with the capacity study as adding any weight to a decision to resist the proposal, as such studies can only ever provide an indication of areas that are likely to have more or less capacity for this form of development and must be supplemented by a proposal- and site-specific assessment, which is what has informed my conclusions on this proposal."*

- 3.1.8 The Kirk Hill Wind Farm Appeal Decision (16 February 2017) is a further example where the Reporter attached limited weight to the conclusions of the relevant LCS in favour of a site-specific assessment. The Reporter stated at paragraph 10 of the decision:

*"The planning authority contends that the development cannot be accommodated in the landscape in a manner that would respect its main features and character, and consequently it would have a significant adverse impact, contrary to the provisions of the LDP and associated guidance. Scottish Natural Heritage (SNH) has not objected to the development, but has raised concerns in regard to the landscape impacts of the proposal, which it considers would be regional in scale and would not reflect the established pattern of such developments in the area.*

*A review of the relative sensitivity of landscape character types, as provided by the landscape wind capacity study, is helpful in the assessment of a wind farm proposal's landscape impacts, as required by the development plan's wind energy policy; it assists by identifying key characteristics of each landscape character type and their sensitivity to a range of wind turbine sizes. Beyond this, I attach limited weight to the conclusions drawn by the capacity study in regard to the capacity of each landscape character type to accommodate development. It would be unjustifiably simplistic to draw any conclusions on acceptability of wind turbine developments (which the capacity study attempts for each character type), in the absence of a full assessment of proposals on a case-by-case basis. To do so would be inconsistent with the spatial framework for wind farms set out in Table 1 of SPP, and as reflected in the local development plan". (underlining added)*

- 3.1.9 This point was reinforced in a relatively recent Appeal decision in Moray. In the Lurg Hill decision of 25 February 2019, the Reporter Mr Hickman stated:

*"The two Council policy documents on the location of onshore wind farms (Moray Onshore Wind Energy guidance MOWE 2017) and the Moray Wind Energy Landscape Capacity Study (MWELCS 2017) provide a starting point for the selection and consideration of proposals, but they do not preclude departures from this guidance. Each proposal must be considered on its merits, case by case. This position is borne out by parts of recent appeal decisions". (underlining added)*

- 3.1.10 The point of referring to these decisions is to emphasise the point that Landscape Capacity Studies are not a suitable basis for individual decisions on whether or not a particular landscape has capacity to accept further development. The judgement of whether there is capacity also requires a

site-specific assessment and a consideration of all relevant factors in the overall planning balance to allow a decision on what is and what is not acceptable<sup>7</sup>.

- 3.1.11 In terms of the proposed development, the EIAR documentation demonstrates that the topography and nature of the application site and the cumulative context with the existing Mid Hill development is such that it is considered the proposal can be successfully accommodated, and that there is landscape capacity for the scale of development proposed.

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<sup>7</sup> This point was also made by the Reporter in the Hill of Towie II s.36 Wind Farm Inquiry Report, also in relation to a proposed Wind Farm in the Moray Council area. The Reporter, referring to the previous version of the Moray Council LCS document, stated (para 2.38) “*the merits of a particular proposal are central to any assessment*”.

## 4. Conclusions

### 4.1 Introduction

- 4.1.1 This Chapter presents overall conclusions on policy matters, with reference to the latest position in terms of renewable energy policy and related targets and the weight to be given to that matter, as well as other relevant matters. Reference was made to Development Plan policy and an assessment provided in the PDAS. The conclusion reached was the proposed development would be in accordance with the relevant policies and with the Development Plan when read as a whole. This conclusion remains taking into account the SEI which has now been submitted by the Applicant.

### 4.2 Conclusions – Renewable Energy Policy

- 4.2.1 The changes to the national renewable energy policy context, as described and explained in Chapter 2 above, are very relevant. For the reasons set out in Chapter 2 it can reasonably be stated that the need case for such projects to help combat the global heating crisis is now greater than it was when the application was submitted. It has intensified and materially strengthened. The policy imperative underpinned by the declared Climate Emergency is clear at the national level. It cannot be 'business as usual' and there needs to be a notable shift in the planning balance: not to grapple with and embrace the clear new messages of 'Net Zero' would be to fail to take what is happening so fast in public policy seriously.
- 4.2.2 Overall, the renewable energy policy framework remains an extremely important consideration. It is of course not an over-riding matter, but it is one that should attract very significant weight in the balance of factors in the determination of the application.

### 4.3 Overall Conclusions

- 4.3.1 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 – such as a detailed assessment was presented in the PDAS (dated May 2019). The conclusion reached, taking into account the environmental information as set out in the SEI, is that the proposed development continues to be consistent with relevant policies and with the Development Plan, particularly Policy C2 and with the plan when it is read as a whole, insofar as it is a relevant consideration in this s.36 Application.
- 4.3.2 The proposed development continues to be shaped through a carefully considered design and EIA approach in response to matters raised by consultees, in accordance with Schedule 9 to the Electricity Act 1989.
- 4.3.3 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 the Council should not object to section 36 consent being given with a direction that deemed planning permission should be granted for the proposed development.

## 5. Appendix 1: The Renewable Energy Policy Framework - Update on Targets

### 5.1 Introduction

5.1.1 This Appendix references the UK and Scottish Government's latest renewable energy and electricity statistics.

### 5.2 United Kingdom Energy Policy

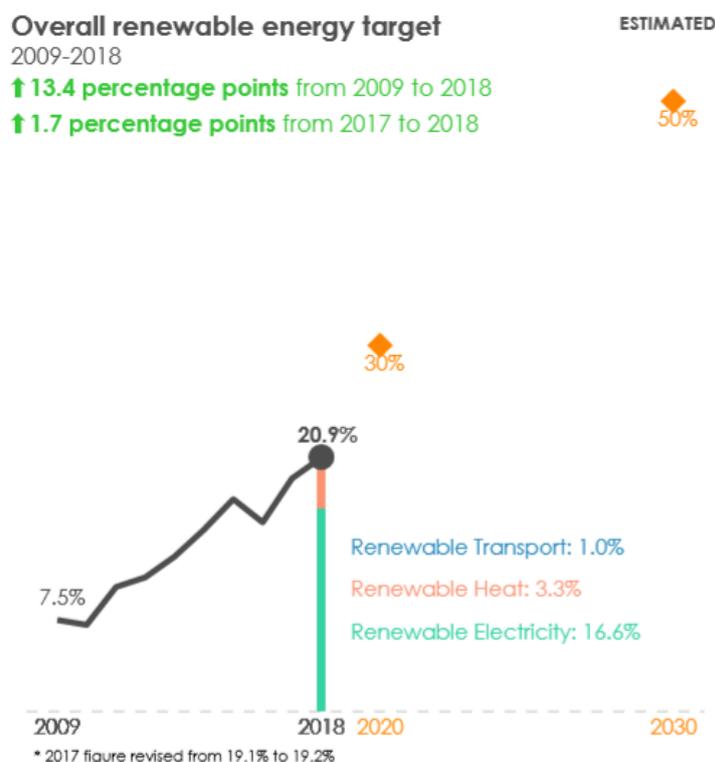
5.2.1 The position as of the end of 2018 (the full year for which figures are available) was that renewable energy only accounted for approximately 11% of energy consumption in the UK, well short of the 15% target<sup>8</sup>.

### 5.3 Progress to the Scottish 2020 Renewable Energy & Electricity Targets

#### Renewable Energy

5.3.1 The Scottish Government's targets are to achieve 30% of total Scottish energy use from renewable sources by 2020 and 50% by 2030. The Government's recently published 'Energy Statistics for Scotland' (December 2019) show that in 2017, 20.9% of total Scottish energy consumption came from renewable sources. This is illustrated in Figure 4.1 below.

**Figure 4.1: Performance against the 2020 & 2030 Renewable Energy Targets**

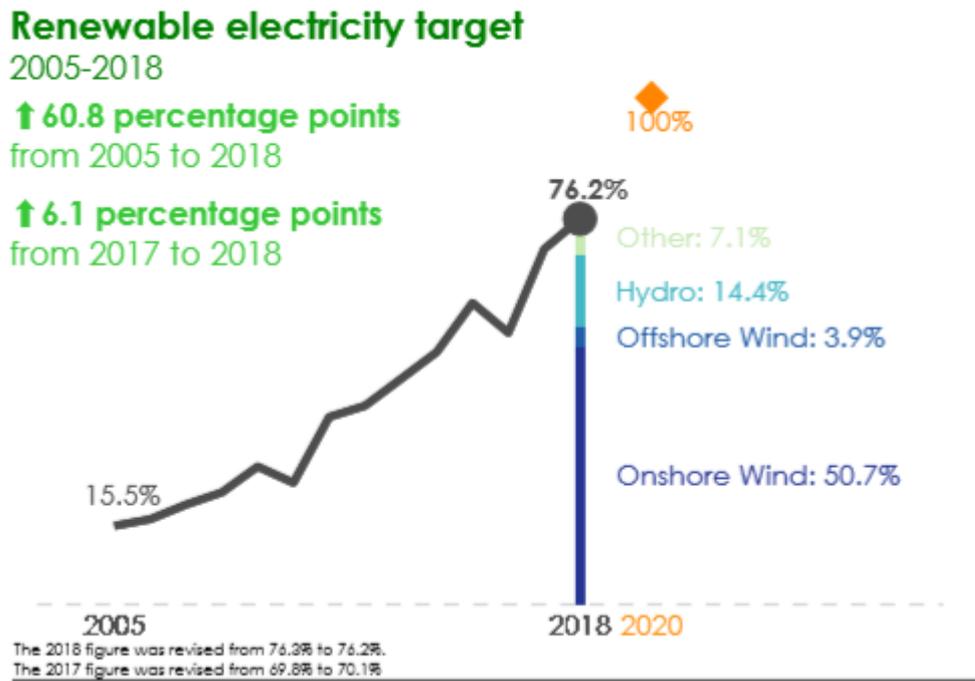


<sup>8</sup> DECC, Digest of UK Energy Statistics (July 2019), Chapter 6. Onshore wind remains the leading technology in terms of UK renewable capacity, at 30.6% recorded for 2018.

**Renewable Electricity**

- 5.3.2 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.
- 5.3.3 The 2020 100% electricity target equates to around 16GW of installed renewables capacity. The Scottish Government estimates that in 2018, renewable sources generated the equivalent of approximately 76.2% gross electricity consumption<sup>9</sup>. This is illustrated in Figure 4.2 below and it can be seen that onshore wind is the key contributing technology and that is expected to continue, as set out in the Onshore Wind Policy Statement (2017).

**Figure 4.2: Performance against 2020 Renewable Electricity Target**

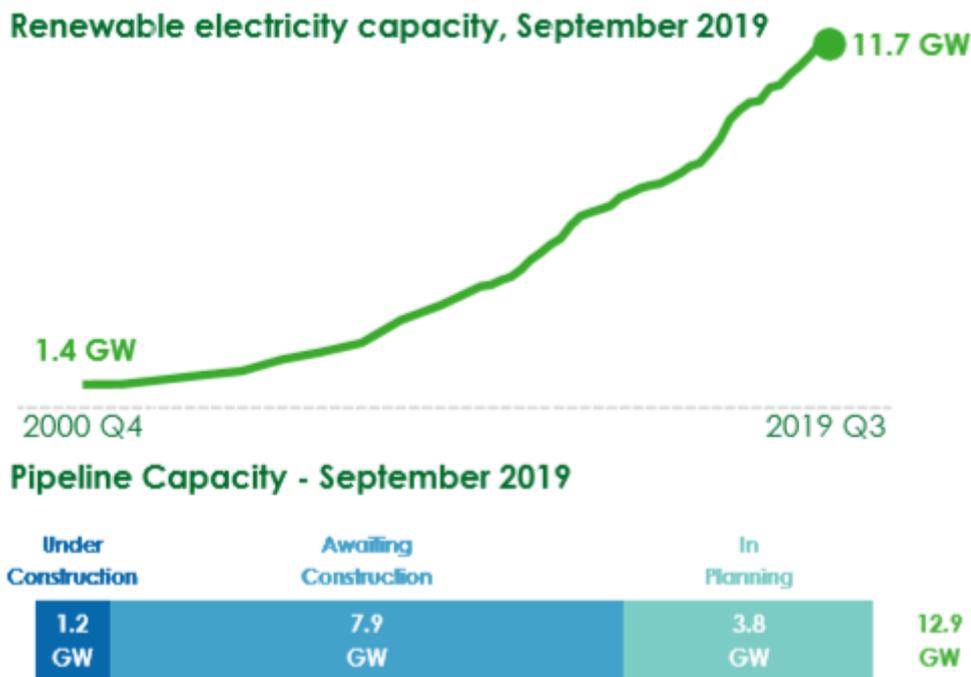


<sup>9</sup> *ibid.*

### Renewable Electricity Capacity

5.3.4 The Scottish Government’s<sup>10</sup> December 2019 statistics show that as of September 2019, Scotland had 11.7 Giga-Watts (GW) of installed (operational) renewable electricity generation capacity, with an additional 9.1 GW of capacity either under construction or consented. Figure 4.3 below illustrates Scotland’s renewable capacity by stage in the planning process.

**Figure 4.3: Renewable Capacity in Scotland by Planning Stage, as of September 2019**



5.3.5 Figure 4.3 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 12.9GW. The proposed development would make a valuable contribution to what remains an unmet and uncapped target for 2020 which is c.16/17GW.

5.3.6 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.

<sup>10</sup> *ibid.*

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