



Balnespick Wind Farm

Planning Statement



Planning Statement

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List of Abbreviations

Abbreviation	Description
AIL	Abnormal Indivisible Loads
BEMP	Biodiversity Enhancement Management Plan
CCC	Committee on Climate Change
CCP	Climate Change Plan
CEMP	Construction Environmental Management Plan
CNP	Cairngorms National Park
COP	Conference of Parties
EGPS	Electricity Generation Policy Statement
EIA	Environmental Impact Assessment
EIA Report	Environmental Impact Assessment Report
GW	Gigawatt
HwLDP	Highland-wide Local Development Plan
IEF	Important Ecological Feature
IOF	Important Ornithological Features
IMFLDP	Inner Moray Firth Local Development Plan
IPCC	Intergovernmental Panel on Climate Change
LDP	Local Development Plan
MW	Megawatt
OWPS	Onshore Wind Policy Statement
OWSG	Onshore Wind Supplementary Guidance
S36	Section 36
SEPA	Scottish Environment Protection Agency
SPP	Scottish Planning Policy
THC	The Highland Council



1. Introduction

- 1.1.1. This Planning and Energy Policy Statement has been prepared by Pegasus Group on behalf of Fred Olsen Renewables (hereafter referred to as “the Applicant”). It supports an application to the Scottish Ministers under Section 36 (S36) of the Electricity Act 1989 (“the Electricity Act”) for a development comprising up to nine wind turbines (each with a maximum tip height of 200 metres (m)), a battery storage facility, and associated access and infrastructure, to be known as Balnespick Wind Farm and hereafter referred to as “the Proposed Development”.
- 1.1.2. The Proposed Development will have an installed capacity of more than 50 Megawatts (MW). A description of the Proposed Development and individual components is set out in Chapter 3: 'Project Description' of the Environmental Impact Assessment Report (EIA Report).
- 1.1.3. This Statement accompanies the EIA Report for the Proposed Development. It does not form part of the EIA Report but draws upon its findings to inform conclusions on planning and energy policy matters.
- 1.1.4. As part of the S36 process, the Applicant is also seeking that Scottish Ministers issue a Direction under Section 57(2) of the Town and Country Planning (Scotland) Act 1997 (as amended) (the Planning Act) that deemed planning permission also be granted for the Proposed Development. Balnespick Wind Farm is proposed to have an operational life of 35 years from the date of final commissioning.
- 1.1.5. This Statement provides an assessment of the Proposed Development against relevant energy policy, national planning policy and local planning policy. There is no 'primacy' of the Development Plan in an application made under S36 of the Electricity Act, as would be the case for an application under the Planning Act – as found in the case of *William Grant & Sons Distillers Ltd v Scottish Ministers* [2012] CSOH 98 (paragraphs 17 and 18). Rather, weight can be attributed by the decision maker to all relevant considerations, including the various levels of national and local energy and planning-related policy and guidance as deemed appropriate.
- 1.1.6. This Statement assesses the acceptability of the Proposed Development in land use, energy policy and planning policy terms considering the residual impacts identified in the EIA Report. It also considers energy policy and other objectives, concluding with considered comments about the overall acceptability of the Proposed Development in the context of the full range of material considerations.
- 1.1.7. This Planning Statement is set out in sections. Following this introductory section, subsequent sections are set out as follows;
- Section 2 provides commentary on the Electricity Act;
 - Section 3 sets out details about the site and the Proposed Development;
 - Section 4 discussed the most relevant energy policy matters and considers the Proposed Development with reference to relevant policies and targets;
 - Section 5 assesses the Proposed Development against the relevant policies of the Development Plan, including National Planning Framework 4; and
 - Section 6 weighs up the planning case for the Proposed Development, providing concluding remarks on the overall acceptability of the Proposed Development.



2. The Electricity Act – Schedule 9

2.1.1. This application is submitted to the Scottish Ministers under S36 of the (the Electricity Act). The Applicant is also seeking that the Scottish Ministers issue a Direction under the Planning Act, that deemed planning permission is granted for the Proposed Development.

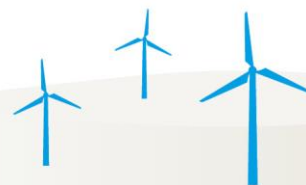
2.1.2. Schedule 9 of the Electricity Act sets out the environmental features which the Scottish Ministers, as decision maker, must have regard to and identifies that mitigation must be considered. The Applicant is not a holder of a generation licence, or a person authorised by an exemption in respect of the Proposed Development, and therefore the duties under Paragraph 3(1) do not apply. Nevertheless, in considering any proposal under S36, the Scottish Ministers are required to have regard to Paragraph 3(1) duties which, in turn, requires that the Applicant:

(a) shall have regard to the desirability of preserving natural beauty, of conserving flora, fauna and geological or physiographical features of special interest and of protecting sites, buildings and objects of architectural, historic or archaeological interest; and

(b) shall do what he reasonably can to mitigate any effect which the proposals would have on the natural beauty of the countryside or on any such flora, fauna, features, sites, buildings or objects."

2.1.3. The Scottish Ministers will determine an application considering these statutory duties and consideration to the following:

- All relevant statutory provisions;
- International and domestic energy policy;
- The statutory Development Plan; and
- Other material conditions, including planning guidance and advice.



3. The Site and Proposed Development

3.1 Site Description

- 3.1.1 The site ('Proposed Development Area') covers an area of approximately 1,063 hectares (ha) and lies approximately 5 km east of Tomatin and 6 km north-west of Carrbridge (refer to Figure 1.1).
- 3.1.2 The site is located within the administrative boundaries of The Highland Council (THC) and is located approximately 26 km southeast of the administrative centre of Inverness. The site sits immediately adjacent to the boundary of the Cairngorms National Park (CNP) which is located to the south. The site comprises of upland moor with two fairly prominent hill features, separated by the Allt Loisgte watercourse.
- 3.1.3 The key site characteristics are detailed below:
- According to Scotland's Soils map, the Site is located on land capability for agriculture (LCA) Class 6.3 which is '*Land capable of use as rough grazings with low quality plants*' and Class 7 which is '*Land of very limited agricultural value*'.
 - According to Scottish Environment Protection Agency (SEPA), the site is at risk of flooding from fluvial sources along the Allt Loisgte watercourse. There is no particular risk of surface water flooding within the site boundary.
 - In terms of landscape designations, the site lies within the Drynachan, Lochindorb and Dava Moors Special Landscape Area (SLA). Outside the site boundary, there are three Special Areas of Conservation (SAC): River Spey (circa.2.1 km south-east), Slochd (c.3.7 km south-west) and Carn nan Tri-tighernan (c.2.5 km north-west). There are also two Sites of Special Scientific Interest (SSSIs): Carn nan Tri-tighernan (c.2.5 km northwest) and Allt na Feithe Sheilich (c.1.7 km south-west).
 - In terms of heritage assets, there are no Listed Buildings within 1 km radius of the site and approximately 14 Listed Buildings located within 5 km of the site boundary. There are no Scheduled Monuments located within the site and 12 Scheduled Monuments within the 5 km of the site. The nearest conservation area, Granton-on-spey, sits approximately 14.5 km southeast of the site boundary.
 - The site is not located within an Air Quality Management Area (AQMA) nor is there one located in proximity.

3.2 Proposed Development

- 3.2.1 The Proposed Development will comprise nine wind turbines, transformers and switchgear, as well as a Battery Energy Storage System (BESS). The generating capacity of the wind turbines is anticipated to be around 64.8 MW with an additional 10 MW of energy storage, giving a total of around 74.8 MW to the Proposed Development.
- 3.2.2 A detailed description of the Proposed Development is set out in EIA Report Chapter 3 'Project Description' but in summary, the associated infrastructure comprises the following key elements:
- site access;
 - access tracks;
 - crane hardstanding;
 - underground cabling;
 - on-site substation and maintenance building;
 - temporary construction compound;
 - batching plant; and



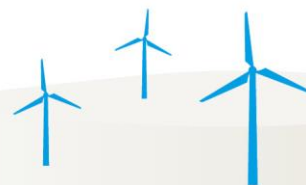
- potential excavations/borrow pit workings.
- 3.2.3 An initial design layout was developed that comprised 29 turbines and sought to maximise wind yield. This has since evolved through the feasibility study process and after detailed consideration of environmental constraints, a nine-turbine layout with tip height of 200 m has been produced.
- 3.2.4 Detailed surveys have informed the design process of the Proposed Development. However, whilst the location of the infrastructure described above has been determined through an iterative environmental based design process, there is the potential for these exact locations to be altered through micro-siting allowances prior to construction. Certain design elements are dependent on turbine model and manufacturer, therefore detailed construction details will be decided once the turbine has been selected.
- 3.2.5 A micro-siting allowance of up to 100 m in all directions is being sought in respect of each turbine and its associated infrastructure in order to address any potential difficulties which may arise in the event that detailed pre-construction surveys identify unsuitable ground conditions or environmental constraints that could be avoided by relocation.
- 3.2.6 Pre-construction surveys will be undertaken to update the ecological and ornithological baseline and to perform detailed geotechnical ground surveys, further details of these are provided in the relevant technical chapters.
- 3.2.7 The nearest main roads are the A9 trunk road between Inverness and Aviemore, that passes 4 km to the south-west, and the A938 between Carrbridge and Grantown-on-Spey, approximately 3.8 km to the south. The A939 between Nairn and Grantown-on-Spey passes approximately 14.2 km to the east of the proposed turbines. The B9007 between Ferness and Duthil passes 4.2 km to the east-south-east.
- 3.2.8 The proposed access route will be an existing junction on the B9007. The access route will utilise the existing track for the operational Tom nan Clach Wind Farm and will proceed to enter the site via a 3.2 km new stretch of access track. Further details on the access routes are provided in Chapter 11: Traffic and Transport.
- 3.2.9 The operational life of the Proposed Development is expected to be approximately 35 years from the date of final commissioning to commencement of decommissioning.

3.3 Planning History

- 3.3.1 A site history search was undertaken on 6 January 2025, for the application site, to identify the following applications:
- **23/04199/SCOP** - Balnespick Wind Farm, the proposed development is anticipated to comprise approximately nine wind turbines with a tip height of up to 200 m and a battery storage system. Scoping Opinion issued in November 2023.
- 3.3.2 In terms of the wider context, a planning history search was undertaken on 16 January 2025, in relation to wind farm developments within 20 km of the site boundary. This search has not included projects at EIA screening or scoping. Further details about the applications are as follows:
- **05/00217/S36IN** - Wind Farm Dunmaglass Inverness, Erection and operation of wind farm, comprising of 35 wind turbines. **Approved, 2010.**
 - **13/01180/S36** - Increase the generational capacity of the consented Moy Wind Farm up to a maximum of 66 MW. **Approved, January 2014.**
 - **20/03263/S36** - Farr Wind Farm - Variation of Section 36 Consent under the Electricity Act 1989 to extend the operational period of Farr Wind Farm from 25 years to 35 years. **Approved, March 2021.**



- **21/01521/S36** - Cairn Duhie Wind Farm Redesign - Erection and operation of wind farm for a period of 35 years, comprising of 16 wind turbines with maximum blade tip height of 149.9m, access tracks, borrow pits, switching station, substation, control building, temporary construction compound, battery storage infrastructure, and ancillary infrastructure. **Approved, February 2024.**
- **22/01732/S36** - Tom Nan Clach Wind Farm Extension - Erection and Operation of a Wind Farm for a period of 40 years, comprising of 7 Wind Turbines with a maximum blade tip height of 149.9m, access tracks, borrow pits, battery energy storage compound substation, control building, and ancillary infrastructure. **Granted Permission, May 2024.**
- **22/05289/S36** - Ourack Wind Farm - Erection and operation of a wind farm comprising 18 wind turbines of up to 180m to blade tip height, battery energy storage system, control building, substation, access tracks, three borrow pits, cabling, off-site road improvements on the A939 at Castle Grant and Dava Bridge and ancillary infrastructure. **S36 Raise No Objection, May 2024.**
- **13/02441/FUL** - Erection of a wind farm (max. 50MW installed capacity) comprising 20 Turbines (110m max. high to blade tip) and associated infrastructure, access tracks and 3 borrow pits (Glen Kyllachy Wind Farm). **Refused, August 2024, Appeal Allowed.**
- **ECU00002216** - Lethen Wind Farm - Erection and Operation of a Wind Farm for a period of 35 years, comprising of 17 Wind Turbines with a maximum blade tip height 185m, access tracks, borrow pits, substation, energy storage facility, control building, meteorological mast and ancillary infrastructure. **Refused, December 2024.**
- **22/01732/S36** - Tom Nan Clach Wind Farm Extension - Erection and Operation of a Wind Farm for a period of 40 years, comprising of 7 Wind Turbines with a maximum blade tip height of 149.9m, access tracks, borrow pits, battery energy storage compound substation, control building, and ancillary infrastructure. **Granted Permission, May 2024.**



4. The Energy Policy Context

4.1 Overview

4.1.1 This Section of the Planning Statement provides commentary against energy legislation and policy considered to be of most relevance to the Proposed Development. This is not an exhaustive overview of all relevant policies and plans relevant to this subject area, and given the legislative basis and statutory nature of the net-zero targets (discussed further below) only the most salient pieces of legislation and policies are discussed here. A more comprehensive overview of relevant energy policy matters is set out in EIA Report Chapter 5 'Planning Policy'.

4.2 The Legislative Framework

The Climate Change (Scotland) Act

4.2.1 The Climate Change (Scotland) Act 2009¹ (the "2009 Act") was amended by The Climate Change (Emissions Reduction Targets) (Scotland) Act 2019². The 2009 Act places legally binding targets to reduce Scotland's net greenhouse gas emissions and sets a target date for net-zero emissions of all greenhouse gases by 2045 at the latest. Interim targets for reductions are also established with at least the following lower than the baseline:

- 48.5% by 2020;
- 75% by 2030; and
- 90% by 2040.

4.2.2 The 2045 target of net-zero emissions is firmly based on what the independent Committee on Climate Change (CCC) advise is the limit of what can currently be achieved. The effect of these target changes requires a doubling of response to reduce emissions over the period from 2020 to 2030.

Renewable Energy Policy and Legislation

4.2.3 The urgent need for renewable energy to tackle the Climate Emergency, declared by the Scottish Government as a material consideration in the determination of planning applications is established by a range of extant Government policy on energy policy, alongside the suite of national and international legislation which has informed the policy context.

4.2.4 The renewable energy policy framework at the international and national level applies to renewable electricity generation and related climate change action and is an important consideration. The section below will highlight these policy documents and set out the hierarchy of EU, UK and Scottish Government energy policy. In terms of the relevant policy framework at the International and National level, the following matters are of relevance:

International Agreements and Obligations

4.2.5 International efforts, such as the Paris Agreement³, aim to reduce greenhouse gas emissions. They provide context on climate change, underlining the importance of working together to

¹ Scottish Government (2009). The Climate Change (Scotland) Act. Available at www.legislation.gov.uk

² Scottish Government (2019). The Climate Change (Scotland) Act. Available at www.legislation.gov.uk

³ United Nations (2015). COP21. Available at www.unfccc.int



address the global issues that require coordinated action from all countries. The following agreements, obligations and publications summarise the current state of climate change across the globe:

- COP21 UN Paris Agreement (2015);
- COP26 – The Glasgow Climate Pact (November 2021);
- IPCC AR6 Synthesis Report (expected March 2022).
- IPCC Second AR6 Report (February 2022);
- IPCC Third AR6 Report (April 2022); and
- The Intergovernmental Panel on Climate Change (IPCC) Sixth Assessment Report (2021), related Press Release and Statements (2021).

United Kingdom Energy Matters

4.2.6 The UK government and devolved administrations have several policies and targets in place to increase the use of renewable energy. Devolved administrations have set their own targets for renewable energy consumption and electricity. Policies and strategies such as The UK Net Zero Strategy⁴ have embraced actions across the UK as a whole. Such policies have made it clear that working together with devolved administrations play an important role to reduce emissions across the UK. The following UK-wide energy strategy and policy driver documents are of relevance:

- The British Energy Security Strategy (April 2022);
- The UK Energy White Paper (December 2020);
- The UK Net Zero Strategy (October 2021);
- The UK's Sixth Carbon Budget (December 2020);
- UK Renewable Energy Roadmap Update (2013); and
- UK Renewable Energy Strategy (2009).

Scottish Energy Matters

4.2.7 The Scottish Government has published several policy documents and its own targets. The most relevant policy, legislative documents and more recent statements published by the Scottish Government include:

Onshore Wind: Policy Statement (2022)

4.2.8 The Scottish Government published an updated Onshore Wind Policy Statement⁵ ("OWPS") on 21 December 2022. It replaces the version published in November 2017.

4.2.9 The Ministerial Foreword highlights that seeking greater security of supply and lower cost electricity generation are key drivers alongside the need to deal with the climate emergency.

4.2.10 The Cabinet Secretary for Net Zero, Energy and Transport states (Page 3):

"... that is why we must accelerate our transition towards a net zero society. Scotland already has some of the most ambitious targets in the world to meet net zero but we must go further and faster to protect future generations from the spectre of irreversible climate damage".

⁴ United Kingdom Government (2021). Net Zero Strategy. Available at www.gov.uk

⁵ Scottish Government (2022). Onshore Wind: Policy Statement 2022. Available at www.gov.scot



"Scotland has been a frontrunner in onshore wind and, while other renewable technologies are starting to reach commercial maturity, continued deployment of onshore wind will be key to ensuring our 2030 targets are met".

4.2.11 The Minister further states that:

"This Statement, which is the culmination of an extensive consultative process with industry, our statutory consultees and the public, sets an overall ambition of 20 GW of installed onshore wind capacity in Scotland by 2030.

While imperative to meet our net zero targets it is also vital that this ambition is delivered in a way that is fully aligned with, and continues to enhance, our rich natural heritage and native flora and fauna, and supports our actions to address the nature crisis and the climate crisis".

4.2.12 By carefully planning and debating how to strike a balance between wind energy development and biodiversity concerns, the strategy seeks to safeguard and restore local biodiversity. Additionally, Onshore Wind land usage is to be optimised and integrated with other programs, such as peatland restoration and reforestation.

4.2.13 The goal of the approach is to generate long-term, highly skilled jobs throughout the operations phase. Through shared ownership and community benefits, this seeks to bring about long-lasting social and economic benefits in the surrounding communities. The policy affirms that Onshore Wind applications would continue to fall under the purview of local governments.

The Scottish Energy Strategy: The future of energy in Scotland (2017)

4.2.14 A 2050 vision for energy in Scotland is outlined in the Scottish Energy Strategy⁶ (SES), published on 4th December 2017. It outlines that Scotland wants to produce more hydrogen and electricity from renewable sources by 2030 and export green energy to Europe. The proposal also calls for increasing solar and marine capacity. Thus, by 2030, this strategy establishes two additional goals for the Scottish energy system: 50% of Scotland's energy needs—including heat, transportation, and electricity—must come from renewable sources and a 30% rise in the energy-use productivity across the Scottish economy.

4.2.15 The SES places a strong emphasis on how vital the energy system is to Scotland's inclusive and sustainable economic growth. Scotland hopes to make use of its reputation to profit from this growing industry by attracting significant investments in renewable energy technology from nations such as China, India, Mexico, and South Africa. Additionally, it highlights how crucial it is to increase public participation and knowledge of Scotland's energy system transition. It emphasises how important it is to collaborate and communicate effectively with society in order to include energy producers and consumers in determining the direction of Scotland's low-carbon energy system. The strategy acknowledges that business and the UK government must also contribute to achieving the objective, as the Scottish Government cannot do so on its own.

The Draft Energy Strategy and Just Transition Plan (2023)

4.2.16 The Scottish Government published a new draft 'Energy Strategy and Just Transition Plan'⁷ entitled 'Delivering a fair and secure zero carbon energy system for Scotland' on 10 January 2023. The new Strategy is to replace the one previously published in 2017.

⁶ Scottish Government (2017). The Scottish Energy Strategy. Available at www.gov.scot

⁷ Scottish Government (2023). The Draft Energy strategy. Available at www.gov.scot



4.2.17 It sets out the Scottish Government’s plan to transform the way Scotland generates, transports and uses energy. This draft Strategy sets out key ambitions for Scotland’s energy future including:

- A just transition by maintaining or increasing employment in Scotland’s energy production sector against a decline in North Sea production; and
- Maximising the use of Scottish manufactured components in the energy transition, ensuring high-value technology and innovation.

4.2.18 It highlights priorities such as preserving and growing the number of jobs in the energy industry by manufacturing components created in Scotland. Some of the Policies in the plan include Onshore Wind. It is underlined that Scotland’s Onshore Wind capacity is expected to increase from 8.78 GW in June 2022 to 20 GW by 2030, more than doubling the existing capacity, according to the OWPS.

4.2.19 The strategy also details intentions to collaborate with the sector to create an Onshore Wind Sector Deal, guaranteeing the optimisation of wind energy development and the associated economic benefits.

*Climate Change Plan (2018) and Update to the Climate Change Plan (2018-2032)
‘Securing a Green Recovery on a Path to Net Zero’ (2020)*

4.2.20 The Climate Change Plan⁸ (CCP) was published in 2018 and provides a framework for Scotland’s transition to a low-carbon economy, setting out how emissions will be reduced in every year to 2032.

4.2.21 The CCP highlights that climate change is one of the greatest global threats we face, and that Scotland must play its part to achieve the ambitions set out in the Paris Agreement, which mandates concerted, global action to deal with the threat. It notes that the path towards a low carbon future will require great effort across all parts of our society and economy, but it also presents tremendous opportunities.

4.2.22 An update to the CCP⁹, published in 2020, lays out the country’s plan to achieve net-zero emissions by 2045. More than 100 new policies and recommendations are included in the plan, such as objectives for reducing emissions include a pledge to reach net zero emissions by 2045. They form part of the CCP, which has been updated to reflect the world’s most ambitious framework of climate targets as enshrined in Scotland’s Climate Change Act 2019. The CCP also increases the ambition of more than 40 other policies to cut greenhouse gas emissions across all sectors.

4.2.23 The Scottish Government’s vision for 2045 is one of a society that prioritises the environment and the wellbeing of its people, reaching net zero in a way that is fair and just to all. A key part of the plan is the green recovery, and it states (Page 1) that:

“It is essential that a recovery from the pandemic responds to the climate emergency and puts us on a pathway to deliver our statutory climate change targets and a just transition to net zero, by ensuring our actions in the immediate term are in line with our long-term goals”.

The Scottish Government has been clear in its commitment to securing a just and green recovery, which prioritises economic, social and environmental well-being,

⁸ Scottish Government (2018). The Climate Change Plan. Available at www.gov.scot

⁹ Scottish Government (2020). The Update to Climate Change Plan. Available at www.gov.scot



and responds to the twin challenges of the climate emergency and biodiversity loss”.

4.2.24 In terms of electricity, the CCP update announces, “... further policies to continue the rapid growth in renewable generation over the past 20 years, moving from a low to a zero carbon electricity system”.

4.2.25 Page 18 of the CPP states that:

“... by 2032 our energy system will be in the midst of a major transformation, integrating new ways of producing, transporting and using energy with existing technologies. This transformation will be planned and developed through a systems led approach, ensuring that decisions take account of the benefits across all of the energy sectors as well as the economic and social benefits they create for everyone in Scotland. By 2032 we will generate at least the equivalent of 50% of our energy across heat, transport and electricity demand from renewable sources”.

The 2020 Routemap for Renewable Energy in Scotland (2011)

4.2.26 The 2009 Scottish Renewables Action Plan is updated and expanded upon in the 2011 Routemap for Renewable Energy in Scotland¹⁰. The first Renewables Action Plan included immediate steps to meet the 2020 renewable energy objectives. This revised and enlarged route plan considers the difficulty of our new goal to fulfil the demand for power from renewable sources at a rate equal to 100% by 2020. In addition to the goal of 11% renewable heat.

4.2.27 The Routemap is therefore an important Scottish Government policy document. To achieve the delivery target of 100% renewables, equates to the equivalent of 16GW of installed capacity and that to achieve this target the Routemap states that this will demand a “significant and sustained improvement over the deployment levels seen historically” (Page 26).

4.2.28 The Executive Summary concludes by stating that:

“Across all scales of renewable generation, from householder to community to large-scale commercial schemes, the Scottish Government is working to make Scotland the renewables powerhouse of Europe. The benefits are not only in terms of energy generation and future security of supply but can underpin our economic recovery over the next decade and beyond. This Routemap for renewable Energy in Scotland sets out how we can meet our challenging targets in harmony with the local environment and make a wider contribution to emission reductions through the displacement of fossil fuel generation.”

4.3 Electricity Generation Policy Statement (2013)

4.3.1 The Scottish Government published the Electricity Generation Policy Statement¹¹ (EGPS) on 28 June 2013. It highlights in Paragraph 1 that electricity generation and the economic and environmental benefits which could arise from a shift from fossil fuel generation to a portfolio comprising renewable and cleaner thermal generation are matters of considerable importance to the Scottish Government.

4.3.2 The report summarises the Scottish Government’s targets and these are set out as inter alia:

¹⁰ Scottish Government (2020). The Routemap for Renewable Energy in Scotland. Available at www.gov.scot

¹¹ Scottish Government (2013). The Electricity Generation Policy Statement Available at www.legislation.gov.uk



- 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; and
 - Seeking increased interconnection and transmission upgrades capable of supporting projected growth and renewable capacity.
- 4.3.3 In terms of economic benefit, the report states that it is expected that there would be, over the decade to 2020, from renewables alone, a provision of up to 40,000 jobs and £30 Billion of investment to the Scottish economy and a transformational opportunity for local ownership and benefits.
- 4.3.4 Paragraph 17 states that the Government estimates that the 100% target will require around 14-16GW of installed capacity to be deployed.
- 4.3.5 Paragraph 17 states that the Government estimates that the 100% target will require around 14-16GW of installed capacity to be deployed.
- 4.3.6 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 UKL and EU market’ 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.”*
- 4.3.7 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 Scottish Energy Strategy Position Statement (2021)*
- 4.3.8 An outline of Scotland's short- to medium-term energy policies and priorities is found in the Scottish Energy Strategy Position Statement¹², which was released in March 2021. The Position Statement provides an overview of key priorities for energy.
- 4.3.9 The Ministerial Foreword refers to the challenges of the pandemic which has created an economic crisis. It notes that the Climate Emergency *“has continued unabated”*. It states that *“the need for a Just Transition to net zero greenhouse gas emissions by 2045, in a manner that supports sustainable economic growth and jobs in Scotland, is greater than ever”*.
- 4.3.10 Since Scotland’s last Energy Strategy was published, the Scottish Government has continued to commit to achieving ambitious targets of net zero greenhouse gas emissions by 2045 and a 75% reduction by 2030.
- 4.3.11 Section 5: A Green Economic Recovery of the document states that *“Creating green jobs are at the heart of the Scottish Government’s plans for a fair, resilient and green economic recovery.”* When describing how the support for industries and sectors across the energy landscape would be support, it is highlighted that the continued growth of Scotland’s renewable energy industry is fundamental to enable Scotland to create sustainable jobs to transition towards net zero.

¹² Scottish Government (2021). The Energy Strategy: Position Statement. Available at www.gov.scot



4.4 CCC Report to Parliament ‘Progress in reducing emissions in Scotland’ (2021)

4.4.1 The Climate Change Committee (CCC) published a report to the Scottish Parliament ‘Progress in reducing emissions in Scotland’¹³ in December 2021. It looks at Scotland’s progress in emissions reduction, policy plans, and delivery of those plans in the last year. The focus is to monitor a set of quantified indicators of decarbonisation progress.

4.4.2 The key messages in the report include:

- Changes in emissions accounting methodology do not imply the need to change the Net Zero and 2030 and 2040 interim targets, as legislated by the Scottish Parliament;
- Scotland’s annual targets in the 2020s should be adjusted and recommend that the annual targets be adjusted to align with a translation of the legislated 2020 target to the new inventory basis; and
- Meeting the 2030 means that policies must go further than the CCC pathway.

4.4.3 The 2020 interim target was achieved however the fall in emissions in 2020 was largely due to travel restrictions during the COVID19 pandemic, without which it is unlikely the target would have been met.

¹³ Scottish Government (2021). The CCC Report to Parliament ‘Progress in Reducing Emissions in Scotland. Available at www.gov.scot



5. Planning Policy

5.1 Overview

5.1.1 Planning policy is an important relevant consideration and provides a policy framework for the consideration of the Proposed Development. This section details the applicable planning policy framework insofar as it relates to onshore wind energy developments relevant to the consideration of the Proposed Development.

5.2 The Development Plan Framework

5.2.1 Scotland's planning system is plan-led. The Policy for Planning and architecture states that; '*purpose of planning*' is "*to manage the development and use of land in the long-term public interest*". The Development Plan sets out how places will change into the future, including the long-term vision for where development should and should not occur.

5.2.2 This section sets out the relevant policies of the adopted Development Plan, any material considerations of relevance policies of the adopted Development Plan, any material considerations of relevance to the determination of this planning application and any emerging local plan policy.

5.2.3 The Proposed Development lies within the administrative boundary of THC. The statutory Development Plan comprises:

- The National Planning Framework 4;
- Highland-wide Local Development Plan 2012; and
- Inner Moray Firth Local Development Plan 2.

5.2.4 Significant changes to development planning were made by the Planning (Scotland) 2019 Act where Local Development Plans (LDPs) have undergone some reforms. The Planning (Scotland) Act 2019 states that all local authorities must prepare a new-style LDP by Spring 2028. In this case, the Highland-Wide LDP and Inner Moray Firth LDP2 highlighted above would count as an 'old-style' LDP. This means that until new-style LDPs are put in place, NPF4 will take priority over LDPs in instances of conflicting policy.

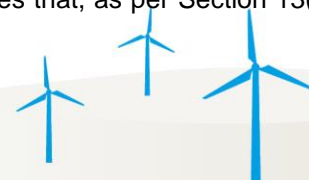
5.3 National Planning Framework 4 (NPF4)

5.3.1 NPF4 was adopted on 13th February 2023, which sets out Scotland's spatial principles, regional priorities, national developments and national planning policies which reflect Scottish Ministers' priorities for the development and use of land. NPF4 also relates to preparation of development plans, development design and determination of planning applications and appeals. NPF4 plays a key role in supporting the delivery of Scotland's national outcomes and the United Nations Sustainable Development Goals.

5.3.2 Following the adoption of NPF4, the Chief Planner provided advice on NPF4 becoming part of the statutory 'development plan' alongside LDPs. The intention for this advice being to support consistency in decision making ahead of new style LDPs being in place.

5.3.3 This means that former Strategic Development Plans, National Planning Framework 3 and Scottish Planning Policy (SPP) are superseded. Thus, NPF4 forms part of the statutory development plan relevant to the consideration of this development proposal and carries significant weight.

5.3.4 All planning applications in Scotland must be determined in accordance with the provisions of NPF4 and the relevant Local Development Plans, unless material considerations indicate otherwise. As advised, the Development Plan is also a relevant consideration for applications for consent under S36 of the Electricity Act. The letter reiterates that, as per Section 13(2)(3)



of the Planning (Scotland) Act 2019, if there is any inconsistency with NPF4 policies and an LDP adopted before 13 February 2023, NPF4 will take precedence. The Scottish Government expects new LDPs in future to be more place-based. National policies relevant to the Site are outlined in NPF4.

5.3.5 NPF4 Annex B: National Development Statements of Need states that "*national developments are significant developments of national importance that will help to deliver our spatial strategy.*" National development 3 'Strategic Renewable Electricity Generation and Transmission Infrastructure' includes "on and off shore electricity generation, including electricity storage, from renewables of or exceeding 50 megawatts capacity". The Proposed Development is therefore a national development.

5.3.6 There are also two central themes running through NPF4 namely addressing i) the climate emergency and ii) the nature crisis. These key themes are reflected in the detailed wording of many policies, as well as their stated Intent and Outcomes. As the Ministerial Foreword notes:-

"Putting the twin global climate and nature crises at the heart of our vision for a future Scotland will ensure the decisions we make today will be in the long-term interest of our country".

5.3.7 The Ministerial Foreword also notes that delivering net zero greenhouse gas (GHG) emissions is one of three 'strategic priorities' alongside addressing child poverty and delivering a wellbeing economy.

5.3.8 While not all renewable energy applications will be granted permission, and there is still a need for decisions makers to apply the 'planning balance', it is clear that the introduction of NPF4 is having a material effect upon the weight that decision makers give to the global climate emergency and nature crisis. Following the adoption of NPF4, Reporters in two Section 36 wind farm cases changed their initial recommendations to refuse permission towards recommendations to approve. Those two schemes are:

- Clashindarroch II Wind Farm (Aberdeenshire); and
- Shepherds Rig Wind Farm (Dumfries & Galloway).

5.3.9 In the case of Clashindarroch II, in the post NPF4 Supplementary Report to Ministers (DPEA Reference WIN-110-2, 3 March 2023), the Reporter concluded in paragraph 2.90 that:

"I find the weight that should be given to the contribution these proposals make towards renewable energy generation and greenhouse gas emission targets is now greater and necessitates a change to my previous assessment of acceptable".

(it is noted that the decision of the Scottish Ministers was subject to a challenge by way of judicial review on matters relating to consideration of impacts on wild cat, which has since been dismissed at the Court of Session)

While in the Shepherds Rig Wind Farm case, in that post NPF4 Supplementary Report to Ministers (DPEA Reference WIN-170-2005, 2 March 2023), the Reporter reached similar conclusions in paragraph 3.14:

"... we recognise the urgent policy imperative in OWPS and NPF4 to deliver additional installed wind farm capacity. These recently published policy statements demonstrate a significant strengthening of policy support for renewable energy developments, to which the proposal would make an obvious contribution. In our original report, we found that the significant effects on the area's recreational resources should be given significant weight, to the extent that they outweighed the aims of delivering renewable energy. In the updated policy context, we find that the proposal's obvious contribution to renewable energy targets causes the benefits as a whole to now clearly outweigh the significant landscape and visual effects".



5.3.10 The material effect upon the weight that decision makers give to the global climate emergency and nature crisis as part of the planning balance against other considerations continued in Section 36 decisions made in 2024. The last Section 36 decision, and indeed approval dated 16 September 2024, for a wind farm in The Highlands, Hollandmey Wind Farm, demonstrates this. In the Report to the Scottish Ministers (DPEA Reference WIN-270-19, 16 February 2024), the Reporter concluded in paragraph 305:-

"On balance I consider that the strong updated national policy support for onshore wind energy, and the significant contribution that the proposal would make toward tackling the climate crisis and achieving Scotland's ambitious environmental goals, adds significant weight in favour of the proposed development. I consequently find that the combined benefits of the proposed development would outweigh the significant landscape and visual effects and the minor residual effects to the Castle of Mey and its associated designed landscape that have been identified."

5.3.11 Not all post-NPF4 wind farm applications have been granted permission and Ministers have refused permission for consent at sites, including Clauchrie Wind Farm, Kintradwell Wind Farm and Narachan Wind Farm. For the reasons discussed more fully in the following paragraphs, it is considered that the planning balance in the case of the Proposed Development clearly fall on the side of granting consent. The Proposed Development benefits from having National Development status which positively contributes towards addressing the global climate emergency and nature crisis. This is implemented through a variety of biodiversity enhancement measures which is further detailed in the submitted outline Biodiversity Enhancement Management Plan (BEMP) in Technical Appendix 7.2 of the EIA Report.

5.3.12 The positive contribution that the Proposed Development can make to addressing the climate emergency is set out in the following policy assessment. The following commentary starts with Part 1 of NPF4, working through the document in chronological order, and considering the Proposed Development against specific planning policies and wider stated outcomes and spatial priorities.

NPF4 Part 1 – A National Spatial Strategy for Scotland 2045

5.3.13 Part 1 of NPF4 sets out the national spatial strategy and regional spatial priorities for different parts of Scotland. Six spatial principles are identified which will influence all plans and decisions as follows:

- A Just Transition;
- Conserving and Recycling Assets;
- Local Living;
- Compact Urban Growth;
- Rebalanced Development; and
- Rural Revitalisation.

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

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

5.3.15 The commentary in NPF4 on 'Sustainable Places' is the most relevant section of Part 1 to this application. Page 6 highlights the legislative basis for Scotland's net zero GHG emissions target by 2045.



- 5.3.16 The commentary on page 7 states that *“Scotland’s future places will be net zero, nature-positive places that are designed to reduce emissions and adapt to the impacts of climate change, whilst protecting, recovering and restoring our environment”*.
- 5.3.17 Page 7 states that *“every decision on our future development must contribute to make Scotland a more sustainable place’* and there is encouragement for the expansion of renewable energy generation. To respond to the global biodiversity crisis, *‘nature recovery must be at the heart of future places’* (page 7).
- 5.3.18 In the ‘Cross-Cutting Outcome and Policy Links’ Box on page 8 ‘Reducing Greenhouse Gas Emissions’, NPF4 states that:
- “The global climate emergency and the nature crisis have formed the foundations for the spatial strategy as a whole”*.
- 5.3.19 In the ‘Cross-Cutting Outcome and Policy Links’ Box on page 9 ‘Improving Biodiversity’, NPF4 notes that the nature crisis and the global climate emergency underpin the spatial strategy as a whole.
- 5.3.20 These Policy Link Boxes clarify how NPF4 will help achieve the stated Outcomes through reference to relevant policies and summary commentary on each. The Proposed Development responds positively to both these challenges by providing National Development scale renewable energy generation, combined with biodiversity enhancements across a sizeable area.
- 5.3.21 The policies of most relevance to the proposed development in NPF4, are as follows:
- Policy 1: Tackling the climate and nature crises;
 - Policy 2: Climate mitigation and adaptation;
 - Policy 3: Biodiversity;
 - Policy 4: Natural places;
 - Policy 5: Soils;
 - Policy 6: Forestry, woodland and trees;
 - Policy 7: Historic assets and places;
 - Policy 11: Energy;
 - Policy 12: Zero Waste;
 - Policy 13: Sustainable Transport;
 - Policy 22: Flood risk and water management;
 - Policy 23: Health and safety; and
 - Policy 25: Community Wealth Building.
- 5.3.22 The policies in NPF4 of most relevance to the Proposed Development are discussed in the section below on NPF4 Part 2.
- NPF4 Part 2 – National Planning Policy*
- 5.3.23 Part 2 of NPF4 sets out the national planning policies. There are 33 national planning policies in total, set out under the three headings of:-
- Sustainable Places;
 - Liveable Places; and
 - Productive Places.
- 5.3.24 For each policy, NPF4 provides commentary on Policy Intent, Policy Outcomes and then discusses implications of the policy for Local Development Plans. Following the policy wording,



NPF4 then sets out statements on Policy Impact and cross references to other Key Policy Connections.

- 5.3.25 The policies considered to be of relevance to the Proposed Development are discussed in the following paragraphs, starting with Policy 11 ‘Energy’, being the most relevant in this case. Thereafter, commentary on policies follows in numerical order.

Policy 11: Energy

- 5.3.26 This policy is the most relevant to the Proposed Development. The Policy Intent is to:

“... encourage, promote and facilitate all forms of renewable energy development onshore and offshore. This includes energy generation, storage, new and replacement transmission and distribution infrastructure and emerging low-carbon and zero emissions technologies including hydrogen and carbon capture utilisation and storage (CCUS)”

- 5.3.27 The Policy Outcomes are the “expansion of renewable, low-carbon and zero emissions technologies”.
- 5.3.28 To achieve these Outcomes, Policy 11 states in part (a) that *“development proposals for all forms of renewable, low-carbon and zero emissions technologies will be supported”* This includes *“wind farms including repowering, extending, expanding and extending the life of existing wind farms”* not within National Parks and National Scenic Areas (NSA) (parts (a)(i) and (b)).
- 5.3.29 On the basis of the above, it is considered that the Proposed Development draw substantial, in-principle support from Policy 11 (a). In this respect, NPF4 Part 3 states, *“where a policy states that development will be supported, it is in principle, and it is for the decision maker to take account of all other relevant policies”*. It is also recognised that each application must be treated on its own merits, having regard to the assessment criteria in Policy 11 (e).
- 5.3.30 These criteria are discussed below in **Table 1** but what is important to highlight at this point is that the final part of Policy 11(e) requires decision makers to give ‘significant weight’ to the contribution that a proposal makes to *“renewable energy generation targets and on greenhouse gas emissions reduction targets”*. As already noted, the relatively new policy requirement has seen Reporters change recommendations on two wind farm cases, at Clashindarroch II Wind Farm and Shepherds Rig Wind Farm, with the weight given to these matters in the planning balance sufficient to outweigh identified environmental effects.
- 5.3.31 Part (c) of Policy 11 deals with the socio-economic impacts of renewable energy and low carbon proposals. It states that *“proposals will only be supported where they maximise net economic-impact, including local and community socio-economic benefits such as employment associated business and supply chain opportunities”*.
- 5.3.32 The socio-economic benefits associated with the Proposed Development are set out Chapter 13: Socio-economics, Tourism and Recreation of the EIA Report. During the development and construction phase, it is estimated that the Proposed Development could generate up to:
- £18.6 million Gross Value Added (GVA, a measure of economic activity) and 197 job years (a job year being equivalent to one person employed for a year) in Highland; and
 - £31.6 million GVA and 349 job years in Scotland (including Highland).
- 5.3.33 During each year of the operational phase, it was estimated that the Proposed Development could generate up to:
- £0.6 million GVA and 4 jobs in Highland; and
 - £1.7 million GVA and 13 jobs in Scotland (including Highland).



- 5.3.34 In line with Scottish Government recommendations, the Applicant has committed to offering £5,000 per MW per year in community benefits for the local area. This is equal to around £324,000 annually, or £13.0 million during a 35-year operational lifetime. How that money is spent will ultimately be a matter for local communities to decide. The Applicant has undertaken extensive discussions with local stakeholders about community needs and aspirations for the local area. There is a desire to use funds for long-term sustainable projects – such as the development of affordable housing and investing in community buildings. Should consent be granted, the Applicant would work with local communities to ensure the most appropriate structures are set up to ensure that the community benefits fund can be used in a way that meets with local community expectations and ultimately helps to facilitate community wealth building (see also later commentary on NPF4 Policy 25).
- 5.3.35 Over and above these benefits, it is important to recognise the strategic importance of the Proposed Development (as a defined National Development) to the provision of a more secure supply of energy for the UK, which in itself will have important economic benefits for society by reducing our exposure to fluctuating energy supplies on the global market.
- 5.3.36 In addition to the economic benefits stated above, the Applicant is exploring the opportunity of providing a private wire connection to Tomatin Distillery. This connection would not only support a local tourism business, but it would increase the impact of construction by an estimated:
- £3.3 million GVA and 40 years of employment in Highland; and
 - £5.3 million GVA and 63 years of employment in Scotland (including Highland).
- 5.3.37 Taking the above into account, it is considered that the Applicant has done what it reasonably can at this stage to maximise the socio-economic benefits of the Proposed Development consistent with Policy 11 (c), noting the commitment to working closely with stakeholders further should consent be granted to ensure the community benefit is targeted to those projects and initiatives with clear community backing.
- 5.3.38 Part (d) of Policy 11 confirms that proposals that impact on international or national designations will be assessed in relation to Policy 4. Commentary on Policy 4 is set out below.
- 5.3.39 Part (e) of Policy 11 sets out a list of factors to be considered in the assessment of renewable energy and zero emissions proposals. This list is very similar to what was previously set out in paragraph 169 of SPP and, in some cases, includes identical language to paragraph 169 of SPP. Part (e) of Policy 11 requires applicants to demonstrate how various factors have been addressed through design and mitigation. The Proposed Development is assessed against these factors in **Table 1** below.
- 5.3.40 In discussing the criteria in Policy 11 (e), the Reporter in the Glendye Wind Farm report (DPEA Reference WIN-110-3, 2 May 2023) noted in paragraph 9.129 that:-

“We do not agree with the interpretation of some parties that all the items listed must necessarily be fully mitigated or resolved. We agree with the applicant that this should form part of the decision-maker’s process of weighing the planning balance”.

Table 1: Commentary on NPF4 Policy 11 Part (e)

Policy Criteria	Commentary
Policy 11(e)(i) Impacts on communities and individual dwellings, including, residential amenity, visual impact, noise and shadow flicker.	The effects of the Proposed Development on these receptors are considered in EIA Report Chapter 6: Landscape and Visual and EIA Report Chapter 12: Noise. Due to the distances between turbines and residential properties, shadow flicker was scoped out of the EIA Report, as explained in EIA Report Chapter 4: Approach to EIA.



Policy Criteria	Commentary
	<p>Given the separation distances involved between potential vibration sources and sensitive receptors of greater than 1 km, vibration associated with construction and operation of the Proposed Development at the closest sensitive receptors will be negligible, therefore vibration has been scoped out of further assessment. The proposed location of the substation and BESS compound is approximately 3 km from the closest Noise Sensitive Receptor (NSR), therefore the noise level from these aspects of the project will meet the proposed noise limit by a substantial margin.</p> <p>Noise from wind turbines has been evaluated against the simplified ETSU-R-97 noise limits at NSRs. Predicted noise levels due to operation of the proposed development meet the adopted noise limits at all NSRs by a comfortable margin, and noise effects for standalone operation have therefore been determined to be not significant.</p> <p>Noise levels from wind turbines of the proposed development will be at least 10 dB below the simplified ETSU-R-97 noise limits at all NSRs, therefore there will be no cumulative effect with other developments and cumulative noise effects have been determined to be not significant.</p> <p>Noise limits for non-turbine fixed plant have been proposed and plant will be specified accordingly, such that noise impacts at NSRs are not significant.</p> <p>EIA Report Chapter 6: Landscape and Visual confirms that residential visual receptors were identified in bands of distance from the nearest turbine with a greater level of detail provided within the Chapter, in relation to those properties nearest to the Proposed Development.</p> <p>The assessment of effects on residential properties and settlements found that none would experience greater than a moderate minor effect and that none would experience a significant effect during daylight hours or the hours of darkness.</p>
<p>Policy 11(e)(ii)</p> <p>Significant landscape and visual impacts, recognising that such impacts are to be expected for some forms of renewable energy. Where impacts are localised and/or appropriate design mitigation has been applied, they will generally be considered to be acceptable.</p>	<p>Policy 11 highlights that proposals will generally acceptable where 'significant' landscape and visual effects are localised and/or appropriate design mitigation has been applied. It noted that not all landscape and visual effect need to be localised to be acceptable.</p> <p>Where appropriate design mitigation has been applied, there is an expectation that these localised effects are generally considered to found to be acceptable. Additionally, effects extending beyond localised are generally considered to found to be acceptable.</p> <p>The site is located within the south-western corner of the Drynachan, Lochindorb and Dava Moors LLA. The existing Tom nan Clach and Moy wind farms are also situated within the western part of the LLA.</p> <p>Whilst the LVIA identified some significant landscape and visual effects, it was considered that the landscape has the capacity to accommodate the effects identified, particularly when the consented but, as yet, unbuilt wind farms in the surrounding landscape is taken into account.</p>



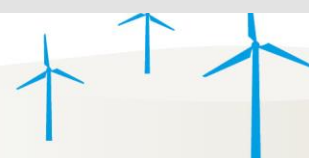
Policy Criteria	Commentary
	<p>It was acknowledged that there would be both significant effects on landscape character and visual amenity within parts of the LLA, as a result of the Proposed Development. However, with regard to the special qualities of the LLA identified by Highland Council, it is not considered that the addition of the Proposed Development would be such as to prevent an understanding or appreciation of the underlying landscape of the LLA or its special qualities.</p> <p>A detailed viewpoint assessment of the operational effects is presented on Technical Appendix 6.5 which considered the long-term visual effects during the operational phase of the Proposed Development for each of the 21 viewpoints brought forward into detailed assessment. It was assessed that there would be a significant visual effect at three of the 24 representative viewpoints during daylight hours and two of the 24 representative viewpoints during the hours of darkness. The assessments of effects on residential properties and settlements, recreational routes, roads and railways found that none would experience a significant effect during daylight hours or the hours of darkness.</p> <p>In terms of the overall totality of the cumulative landscape and visual effects when the Proposed Development is considered alongside the other operational and proposed developments. Collectively, the operational and proposed developments would serve to result in wind energy being seen as a noticeable feature in many views in the landscape of the wider study area to the west of the site. The addition of the Proposed Development would serve to reinforce this pattern, albeit extending the significant visual and character effects into a separate area within the landscape.</p> <p>In relation to effects on the special landscape qualities (SLQ) of the CNP, it is considered that there would not be any significant effects. There would be some limited non-significant effects on some SLQs, but these would not be of such a degree as to undermine their overall integrity.</p> <p>When considered with other operational, consented and proposed wind farms located to the north of the CNP, where visible aviation lighting is required, it is acknowledged that collectively there would be both in-combination and sequential cumulative effects during the hours of darkness. However, it is not considered that these effects would be significant on the 'Dark Skies' SLQ should all these schemes be consented.</p> <p>It was recognised that there would be some additional temporary effects during decommissioning of the turbines over and above those assessed. The additional effects resulting from decommissioning activities would be localised and relatively incidental when viewed in the context of the turbines being removed.</p> <p>The design of the Proposed Development is the result of a considered iterative process which has sought to minimise landscape and visual effects whilst achieving the technical and commercial requirements to ensure project viability.</p> <p>In considering the layout of other structures and ancillary features of the Proposed Development, the design has sought to utilise some of the existing Tom nan Clach Wind Farm access tracks. The position the substation, BESS,</p>



Policy Criteria	Commentary
	<p>construction compound and borrow pits are located so as to minimise their influence on the surrounding area.</p> <p>It is acknowledged that localised significant effects on landscape character and visual amenity are inevitable as a result of renewable energy development. As highlighted in subsequent sections of Chapter 6, it should be considered that the Proposed Development only gives rise to localised landscape and visual effects where the landscape has the capacity to accommodate the effects identified. Thus, the Proposed Development is considered acceptable.</p>
<p>Policy 11(e)(iii)</p> <p>Public access, including impact on long distance walking and cycling routes and scenic routes.</p>	<p>Technical Appendix 11.1 notes that there are no dedicated pedestrian facilities in the immediate vicinity of the site, reflecting its rural setting. Further away from the Proposed Development in the wider study area, there are pedestrian facilities within the larger settlements, including Dulnain Bridge, Aviemore, Carrbridge and Boat of Garten, where there are footways on one side or both sides of the carriageways. In addition, within Aviemore there are dedicated signal-controlled crossing points, drop kerbs and pedestrian refuge islands for pedestrians. The level of pedestrian infrastructure is commensurate with the scale of the local settlements and their relative rural setting.</p> <p>A review of the THC Core Path network indicates that there are no Core Paths on the B9007 where the site will be accessed from or within the immediate vicinity of the site.</p> <p>With regards to cycling, a review of Sustrans National Cycle Network (NCN) map does not show any routes in the immediate vicinity of the site. The closest route is the NCN Route 7 which forms the northern section of the long-distance Lochs and Glens Way route in the north of Scotland and links Inverness and Carrbridge in the CNP. Connecting to NCN Route 1 alongside the River Nairn, it passes the battlefield at Culloden and the Tomatin Distillery Visitor Centre.</p> <p>There is a short section of NCN Route 7 to the north of Aviemore and west of Boat of Garten, however this is a segregated off-road section of path, which is signed and traffic free.</p> <p>As highlighted EIA Report Chapter 6: Landscape and Visual, the visual sensitivity of trunk road and major roads is typically low. There are no recreational or long-distance walking routes (Scotland's Great Trails) within the immediate vicinity of the Proposed Development.</p> <p>However, given the nature of the landscape and the likelihood that a greater number of tourists are likely to be passing through the landscape, who are more likely to appreciate its scenic qualities, users of these roads are considered to have a higher susceptibility to the change proposed.</p>



Policy Criteria	Commentary
<p>Policy 11(e)(iv)</p> <p>Impacts on aviation and defence interests including seismological recording.</p>	<p>EIA Report Chapter 14: Aviation considers impacts of the Proposed Development upon these interests.</p> <p>As that assessment confirms, engagement with aviation stakeholders has been undertaken through the design evolution phase. The nearest significant aerodrome, Inverness Airport, is 22 km away from the site.</p> <p>The Proposed Development does have the potential to affect current or proposed instrument flight procedures (IFPs) at Inverness Airport. An IFP assessment has been commissioned to determine if any procedures would be affected. The findings of this work may result in a requirement to amend some procedures prior to the erection of the proposed turbines. In this event The Applicant would work with the operators, Highland and Islands Airport Limited (HIAL) and their procedure designer to, revise and implement affected procedures.</p> <p>No other aviation impacts are anticipated for all phases of the Proposed Development; commissioning, operation and decommissioning. There are no potential impacts to key military or civil radar installations, the site lies within an area identified as of low priority for military low flying and the Proposed Development is well beyond the limits of safeguarding areas for any navigational aids or radio communication stations.</p> <p>Because the turbines are over 150 metres tall, there is a statutory requirement for aviation obstacle lighting. The MOD, HIAL and other relevant aviation stakeholders have approved a lighting scheme consisting of visible spectrum lighting on five turbines and infra-red lighting on all turbines.</p>
<p>Policy 11(e)(v)</p> <p>Impacts on telecommunications and broadcasting installations, particularly ensuring that transmission links are not compromised.</p>	<p>There are no telecommunication links located within the site. The nearest telecommunication link is located approximately 4 km to the east of the site. Impacts on telecommunications links were therefore scoped out of the EIA following consultation with operators, who confirmed that no impacts or interference were anticipated as a result of the Proposed Development.</p> <p>The closest television transmitters are the Tomatin and Grantown transmitters. The Tomatin Transmitter is located approximately 3.5 km west of the Proposed Development Area, and the Grantown transmitter is located approximately 11.5 km east of the Proposed Development Area. there is a low risk of any interference from a wind energy development at this location on domestic television reception.</p> <p>Due to the low risk of interference with television reception, the requirement to address any reception issues once the Proposed Development is operational could be conditioned in any consent granted.</p> <p>As such, no impacts upon any telecommunications or broadcasting installations are predicted.</p>
<p>Policy 11(e)(vi)</p> <p>Impacts on road traffic and on adjacent trunk roads, including during construction.</p>	<p>Impacts of the Proposed Development arising because of traffic generation are considered in EIA Report Chapter 11: Traffic and Transport. The associated Study Area is shown on EIA Report Figure 11.1.</p>



Policy Criteria	Commentary
	<p>The Proposed Development will take access directly from the B9007 in the form of a priority junction used to access the operational Tom nan Clach Wind Farm. All vehicular traffic will use this access including AILs. Where feasible, local materials will be sourced which will avoid traffic impacting on local communities as much as possible.</p> <p>It is proposed that the access route for the AILs will be the same route that was taken for Tom nan Clach Wind Farm. The loads will be offloaded at Inverness Port and will access the site through the A9, A95, A938 and B9007. Full details of the AIL route are provided in EIA Report Annex A of Technical Appendix 11.1.</p> <p>The peak of construction activity is expected to occur in month eight of the 24-month programme when there will be a total of 148 vehicle movements per day, comprising 100 two-way HGV movements and 48 two-way car / LGV movements. Table 9 of Appendix 11.1 illustrates the trip generation throughout the construction programme for each month, showing two-way construction vehicle movements, i.e. an inbound and outbound trip.</p> <p>A review of existing theoretical road capacity has been undertaken using The NESAs Manual, formerly part of the Design Manual for Roads and Bridges, Volume 15, Part 5. The theoretical road capacity has been estimated for each of the road links for a 12-hour period that makes up the study area. The results are summarised in Table 12 of Appendix 11.1.</p> <p>The Proposed Development will lead to a temporary increase in traffic volumes within the study area during the construction phase only; however, this can be appropriately and effectively managed.</p>

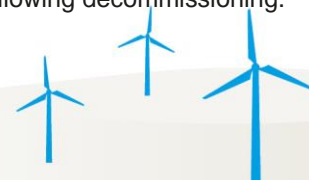
Policy 11(e)(vii)
Impacts on historic environment.

EIA Report Chapter 10: Cultural Heritage considers potential impacts arising from the construction and operational phases of the Proposed Development.

No significant direct effects on known heritage assets during the construction phase are predicted. Several assets are located within close proximity of the Proposed Development where preventative mitigation measures will be put in place to prevent any accidental impacts resulting from plant movement within the site boundary.

Potential operational effects on the settings of designated heritage assets within the Study Areas have been considered. This assessment has identified moderate significant operational and cumulative effects upon the setting of the Scheduled Lochindorb Castle (Asset 57). Whilst significant effects are expected in EIA terms upon the setting of the Scheduled Lochindorb Castle, it is not considered that there would be significant adverse impacts upon the integrity of its setting. The ability of the asset's setting to contribute to the understanding, appreciation and experience of the asset and its significance would be adequately retained.

It is also highlighted that any potential operational effects for the life of the Proposed Development would be reversed with the removal of the turbines following decommissioning.



Policy Criteria	Commentary
	<p>Overall, there would be no significant impact upon the integrity of the setting of any asset in terms of Policy 7 NPF4.</p>
<p>Policy 11(e)(viii) Effects on hydrology, the water environment and flood risk.</p>	<p>EIA Report Chapter 9: Hydrology, Geology and Hydrogeology, considers the potential impacts of the Proposed Development upon these receptors, including peat. It is accompanied by associated appendices addressing peat management; watercourse crossings etc. Potential effects upon peat are discussed in the later commentary on NPF4 Policy 5 'Soils'.</p> <p>A comprehensive suite of embedded mitigation and best practice measures has been incorporated into the design of the Proposed Development, referred to as 'embedded mitigation' and summarised in Section 9.9 of EIA Report Chapter 9. In addition, it is proposed that a range of good practice measures will be adopted during construction to further minimise the potential for significant effects upon hydrology and the water environment. These measures are set out in an outline Construction Environmental Management Plan (CEMP), submitted as Appendix 3.1. Should consent be granted, it is expected a detailed CEMP would be submitted for approval prior to the commencement of development.</p> <p>The current layout of the Proposed Development requires two new watercourse crossings for the construction of access tracks. It is recommended that all the watercourse crossings are designed to maintain hydrology as well as allowing the free passage of mammals and aquatic species. Overall, the design of the proposed track layout has been optimised as far as possible to make use of existing track, reduce the total area of land-take and minimise the number of watercourse crossings whilst accommodating other environmental or engineering related constraints.</p> <p>The current peatland condition is noted as actively degrading as a result of drainage ditches cut across the site to remove excess surface and shallow groundwater to improve conditions for grouse habitat. As a result of this artificial modification, the peatland is actively degrading and deteriorating through desiccation from a lowering of the water table. This, in turn, has resulted in significant erosion of the peat resource. Therefore, additional mitigation has been recommended that would prioritise the restoration of the peatland, resulting in an overall positive impact. If current conditions were allowed to persist, it is considered that the peat found within the Proposed Development would continue to erode and degrade beyond the restoration potential.</p> <p>Overall, Chapter 9 concludes that residual effects on geology, hydrology and hydrogeology receptors following the implementation of mitigation measures, there are no likely significant adverse effects related to the Proposed Development in isolation.</p>



Policy Criteria	Commentary
<p>Policy 11(e)(ix) Biodiversity including impacts on birds.</p>	<p>Potential effects upon biodiversity and birds are considered EIA Report Chapters 7: Ecology and 8: Ornithology.</p> <p>Chapter 7 evaluates habitats and non-avian animal species and assesses the predicted significance of effects of the Proposed Development on ecological interests.</p> <p>Following the surveys and assessments, receptors considered to be Important Ecological Features in the context of the Proposed Development, and subject to further impact assessment were dry modified/blanket bog and soprano pipistrelle bats. Following such further assessment no significant effects are anticipated upon these.</p> <p>Nonetheless, measures are anticipated to be put in place during construction, including a site-specific CEMP, Species Protection Plan, appointing an Environmental Clerk of Works (ECoW) to monitor adherence to such plans as well as BEMP to restore and enhance dry modified and blanket bog habitats, and to minimise impacts on bats is proposed.</p> <p>Overall, the assessment predicted no significant effects on all of the Important Ecological Features recorded and no significant cumulative effects on any Important Ecological Features.</p> <p>Chapter 8 provides details of the baseline ornithological conditions within the Site and the immediate surrounding environment.</p> <p>Following surveys and assessments on species considered to be Important Ornithological Features (IOFs) in the context of the Proposed Development, it was concluded that no significant effects are anticipated upon any IOFs. It was concluded that various measures will be implemented to ensure compliance with legislation, and to follow good practice guidance with regards to breeding birds, including the implementation of a BEMP.</p>
<p>Policy 11(e)(x) Impacts on trees, woods and forests.</p>	<p>EIA Report Chapter 6: Landscape and Visual highlights that the site of the Proposed Development is comprised entirely of heather moorland and rough grassland, with occasional shrubs and trees dotted intermittently within lower ground at the south-west corner of the site.</p> <p>The wider 20 km study area comprises extensive areas of heather moorland, although there is an area of coniferous forest to the immediate north of the site. There are also large tracts of coniferous woodland extending across the northern part of the study area on north facing slopes that extend down towards the Moray Firth. Newlands of Fleenas Wood, to the north-east of the site, extends southwards to the Findhorn Valley.</p> <p>To the south of the site, there are further large areas of coniferous plantation forest at lower elevations within the Spey Valley that extends through the south-eastern part of the 20 km study area.</p> <p>The construction phase would result in only the removal of moorland vegetation and other such ground-level vegetation, through the construction of access tracks, borrow pits, turbine foundations, crane pads, a substation, control building, battery storage, a temporary construction</p>



Policy Criteria	Commentary
	<p>compound and watercourse crossings. Underground electricity cables will generally follow access tracks.</p> <p>Overall, it was concluded that the Proposed Development would result in no greater than a moderate minor level of effect to existing landscape features on the site, with none of the effects considered significant.</p>
<p>Policy 11(e)(xi)</p> <p>Proposals for the decommissioning of developments, including ancillary infrastructure, and site restoration.</p>	<p>These matters can be covered by planning conditions as deemed necessary.</p>
<p>Policy 11(e)(xii)</p> <p>The quality of site restoration plans including the measures in place to safeguard or guarantee availability of finances to effectively implement those plans.</p>	<p>This matter can be covered by planning conditions consistent with other projects across the country.</p>
<p>Policy 11(e)(xiii)</p> <p>Cumulative impacts.</p>	<p>Each chapter of the EIA Report considers the potential for and significance of cumulative impacts associated with the Proposed Development. These are summarised in Table 16.3 of EIA Report Chapter 16: Residual Effects.</p> <p>EIA Report Chapter 6 'Landscape and Visual' concluded that there would be no additional significant cumulative effects as a result of the Proposed Development. EIA Report Chapter 9: Hydrology, Geology and Hydrogeology indicated that there would also be no cumulative water effects with other developments within the Proposed Development or wider Study Area or in the same surface catchments.</p>

- 5.3.41 The commentary within **Table 1** demonstrates, the Proposed Development can be positively considered against the Policy 11 (e) criteria.
- 5.3.42 NPF4 Policy 11 now explicitly recognises in national planning policy that significant landscape and visual impacts “*are to be expected for some forms of renewable energy*”. Policy 11 also notes that proposals will generally be acceptable where significant landscape and visual effects are localised **and/or** [emphasis added] appropriate design mitigation has been applied.
- 5.3.43 In the absence of any guidance on what defines 'localised' within the context of Policy 11(e)(ii), the Applicant's position is recognised in that 'localised' relates to not just the distance to which significant effects would occur, but also the type of landscape, the scale of the Proposed Development and the number of receptors who may be impacted by significant effects. It is considered that the Proposed Development only gives rise to localised landscape and visual effects, as demonstrated in the assessments set out in Chapter 6: Landscape and Visual of the EIA Report. Overall, appropriate design mitigation has been applied, which is reflected in the wider application submission material.
- 5.3.44 Positive effects would arise as a result of the Applicant's proposed biodiversity enhancement activities. These matters are discussed further below in relation to NPF4 Policy 3.
- 5.3.45 To add to this commentary, it is relevant to note that at the end of the part (e) assessment criteria after part (xiii), Policy 11 states that:-

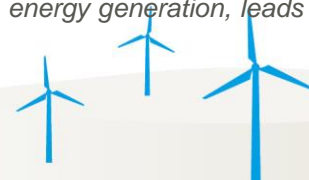


'In considering these impacts, significant weight will be placed on the contribution of the proposal to renewable energy generation targets and on greenhouse gas emission reduction targets' (emphasis added)

- 5.3.46 Whereas previously it was down to the discretion of individual decision makers about what weight they decided to give to a particular matter, Policy 11 now explicitly states that, as a matter of national planning policy, they must give significant weight to the renewable energy benefits (including storage) of a scheme in the planning balance. This position is also set out in Policy 1, which also addresses the nature crisis and is detail discussed below.
- 5.3.47 The strength of this new policy has been demonstrated in the Shepherds Rig and Clashindarroch II Wind Farm cases, where previous Reporters recommendations to refuse consent were amended to recommendations of approval, following the adoption of NPF4. In these cases, the Reporters gave 'significant weight' to the project benefits in the planning balance.
- 5.3.48 When considering Policy 11 holistically, it is important to remember the stated policy Outcome: *'Expansion of renewable, low-carbon and zero emissions technologies'*.
- 5.3.49 Following the policy summary in **Table 1**, it is considered that the Proposed Development can be positively assessed against the individual criteria of Policy 11 individually and when the policy is considered in totality.

Policy 1: Tackling the Climate and Nature Crises

- 5.3.50 Policy 1 is an overarching policy within NPF4. It states in full that:
- "When considering all development proposals significant weight will be given to the global climate and nature crises"*.
- 5.3.51 The intent of Policy 1 is *"To encourage, promote and facilitate development that addresses the global climate emergency and nature crisis"*. The policy outcomes are for *"Zero carbon, nature positive places"*.
- 5.3.52 This policy applies to all forms of development and not just renewable energy and infrastructure proposals. The reference to the need to give 'significant weight' to the twin and interlinked global climate and nature crises in this overarching policy aligns with, but goes further than, Policy 11, which does not specifically mention the nature crisis.
- 5.3.53 The language of this overarching policy is very clear, demonstrating the seriousness in which Ministers are treating these two fundamental issues. Combined with the Policy Intent and Policy Outcomes, there is no doubt about what this policy is designed to achieve and what it requires of decision makers. It clear that there is no longer any discretion about what weight should be given to these matters in the planning balance; this marks a notable and significant shift in national planning policy. This shift has been recognised and put into practice by Reporters and Ministers on wind farm cases following the adoption of NPF4.
- 5.3.54 Taking the Glendye Wind Farm case as an example, in their assessment of Policy 1 the Reporters noted in paragraph 9.100 that:
- "there is a strong needs case for the ongoing delivery of renewable energy and we recognise that this is all the more essential given the Scottish Government's declaration of a Climate Emergency in 2019, and legally binding targets introduced in 2020 for net zero greenhouse gas emissions by 2045"*.
- 5.3.55 In discussing NPF4 Policy 1 they continued in paragraph 9.109 and stated that:-
- "The national development status of the proposed development, which clearly identifies that the proposal is capable of providing strategic-scale renewable energy generation, leads us to*



conclude that its contribution to the achievement of net zero must be given significant weight under the terms of the policy”.

- 5.3.56 The proposed wind turbines will generate around 64.8 MW of renewable electricity supported by a 10 MW energy storage (BESS). Combined, these two elements are a national development as defined in Annex B of NPF4 that will help meet the Scottish Government’s renewable energy generation targets in the post 2020 period and the net zero legal obligations by 2045. The inclusion of a BESS helps to facilitate the creation of a more flexible energy system, helping the development of more ‘home grown’ energy and ultimately security of our energy supply.
- 5.3.57 The principles of the Applicant’s biodiversity improvements are set out in the outline BEMP, provided in Technical Appendix 7.2 of the EIA Report, and these measures are discussed below in Policy 3. The dual benefits of the Proposed Development will ultimately make a positive contribution to the Policy Outcomes of Policy 1 to deliver ‘Zero carbon, nature positive places’. These factors allow the Applicant to draw very strong support from Policy 1 for the Proposed Development.

Policy 2 - Climate Mitigation and Adaptation

- 5.3.58 The intent for Policy 2 *“To encourage, promote and facilitate development that minimises emissions and adapts to the current and future impacts of climate change”*. The policy outcomes *“Emissions from development are minimised; and our places are more resilient to climate change impacts”*.
- 5.3.59 Policy 2 states that all new development proposals should be able to adapt to current and future climate change risks. LDP spatial strategies should be drafted to minimise or avoid greenhouse gas emissions and should ensure that developments are placed in the most suitable places to avoid vulnerable areas from being affected further. The policy highlights that both new developments and the improvement of existing developments which can help make places more resilient to the impacts of climate change.

Policy 3 – Biodiversity

- 5.3.60 The intent for Policy 3 *“To protect biodiversity, reverse biodiversity loss, deliver positive effects from development and strengthen nature networks”*. The policy outcomes are for *“Biodiversity is enhanced and better connected including through strengthened nature networks and nature-based solutions”*.
- 5.3.61 Policy 3 sets out a range of criteria that vary depending upon both the scale and type of development proposed. Part (a) applies to all scales of development and states that proposals will contribute to the enhancement of biodiversity including, inter alia, restoring degraded habitats and building and strengthening nature networks and the connections between them. Part (b) relates to *“national or major development or for development that requires an Environmental Impact Assessment”*, where proposals will only be supported where they will conserve, restore and enhance biodiversity *“so that they are in a demonstrably better state than without intervention”*. Part (b) also sets five criteria for proposals to meet; these are discussed in **Table 2** below. Both parts (a) and (b) apply to the Proposed Development.
- 5.3.62 Prior to comment on Policy 3(b), it is first worth noting that the Scottish Government’s Chief Planer letter of 22 November 2023. which provided an update on various planning issues. The Chief Planner confirms within that letter that NatureScot will shortly commence work to develop an adapted biodiversity metric suitable for use in supporting delivery of NPF4 policy 3(b). For the time being, there is no standard agreed national metric for considering schemes against NPF4 Policy 3(b).



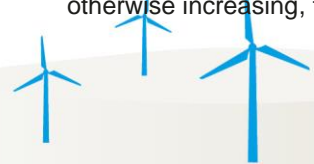
5.3.63 Nevertheless, an OBEMP was produced to highlight biodiversity improvements following implementation of the measures set out. The findings of which are summarised in **Table 2** below can be reviewed in EIA Report Chapter 7: Ecology.

Table 2: Commentary on NPF4 Policy 3 Part (b)

Policy Criteria	Commentary
<p>Policy 3(b)(i)</p> <p>'The proposal is based on an understanding of the existing characteristics of the Site and its local, regional and national ecological context prior to development, including the presence of any irreplaceable habitats'.</p>	<p>The EIA Report for the Proposed Development is based upon a thorough understanding of the site and its ecological context, obtained through desk-based assessment, field work and consultation.</p> <p>The assessment of the impacts of the Proposed Development, mitigation measures and enhancement proposals have been informed by a significant understanding of the site, built up over several years of surveys. This approach is consistent with this policy requirement.</p>
<p>Policy 3(b)(ii)</p> <p>'Wherever feasible, nature-based solutions have been integrated and made best use of.'</p>	<p>A BEMP has been prepared upon the recommendations of the EIA Report. The key objectives of the BEMP are:</p> <ol style="list-style-type: none"> 1. Peatland restoration to improve the overall condition of bog habitats within the Site, with associated benefits for upland waders such as dunlin and golden plover; 2. Enhancing existing juniper areas to improve the overall condition and extent of juniper within the Site; 3. Encourage growth and increased extent of dwarf birch within the Site; and 4. Riparian woodland planting to increase habitat suitability for fish. <p>It is expected that these proposals would be subject to further detailed work and development, should consent be granted which can be secured through an</p>



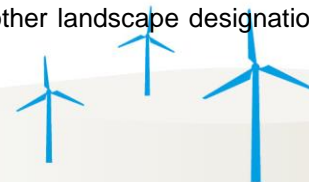
Policy Criteria	Commentary
	<p>appropriated worded planning condition. It is considered that the measures outlined above are consistent with the objectives of this criterion.</p>
<p>Policy 3(b)(iii) 'An assessment of potential negative effects which should be fully mitigated in line with the mitigation hierarchy prior to identifying enhancements'.</p>	<p>The design of the Proposed Development has sought to implement the mitigation hierarchy (NPF4 definition, page 153) and avoid features of biodiversity importance wherever possible.</p> <p>The layout of the Proposed Development has avoided impacts to sensitive habitats where possible (e.g. blanket bog). Where avoidance was not possible, the relevant infrastructure will be constructed in a manner to maintain the integrity and connectivity of the hydrology of hydrologically sensitive habitats.</p>
<p>Policy 3(b)(iv) 'Significant biodiversity enhancements are provided, in addition to any proposed mitigation. This should include nature networks, linking to and strengthening habitat connectivity within and beyond the development, secured within a reasonable timescale and with reasonable certainty. Management arrangements for their long-term retention and monitoring should be included, wherever appropriate'.</p>	<p>A BEMP has been prepared upon the recommendations of the EIA Report. This was based on the pre-submission surveys undertaken for the Proposed Development. This is in accordance with the NatureScot EIA Scoping Response, which advised that a BEMP or Outline Habitat Management Plan (HMP), should be prepared in line with NatureScot (2016) guidance, to mitigate for the loss of any key habitats. The BEMP highlights the additional biodiversity enhancements included within the Proposed Development, in accordance with NPF4 objectives.</p>
<p>Policy 3(b)(v)</p>	<p>The overall aim of the BEMP is to enhance the biodiversity of the Site by restoring and enhancing, or otherwise increasing, the</p>



Policy Criteria	Commentary
'Local community benefits of the biodiversity and/or nature networks have been considered'.	extent of the existing habitats to benefit targeted species. The peatland restoration and riparian woodland can also provide natural flood management solutions by slowing the flow of water off the Site. Nonetheless, the Applicant is considering several potential schemes in order to best meet the needs of the local area including a Local Energy Discount Scheme to provide local residents with an annual discount on the electricity bills, and a Local Energy Efficiency Programme, helping households install energy efficiency measures such as insulation and heat pumps.

Policy 4 - Natural Place

- 5.3.64 This policy sets the basis for assessing applications that affect European natural heritage designations, such as Special Protection Areas (SPAs), as well as proposals affecting National Parks and NSAs. Local level natural heritage and landscape designations should also be considered. The Policy Intent is to *“protect, restore and enhance natural assets making best use of nature-based solutions”*. There are two Policy Outcomes namely (i) *“natural places are protected and restored”* and (ii) *“natural assets are managed in a sustainable way that maintains and grows their essential benefits and services”*.
- 5.3.65 Part (a) states that proposals that have an 'unacceptable' impact on the natural environment will not be supported. Parts (b), (c) and (d) relate to European, national and local level designations, respectively. In respect of natural heritage designations, the site is located within the Highlands Natural Heritage Zone (simply known as NHZ 10: Central Highlands), the region in which impacts were assessed. Due to the high conservation status of the designation, the Proposed Development had the potential to cause a significant effect on several Important Ecological Features (IEF). It was considered, however, that impacts associated with IEFs at the Proposed Development would be low adverse, resulting in an effect which is not significant on the integrity of this feature at a Local and Regional level. As such, in respect of these designations, no conflicts arise with these parts of Policy 4.
- 5.3.66 Part (c) also relates to national level landscape designations, specifically National Parks and NSAs. The policy states that proposals will only be supported where the objectives of the designation, and overall integrity of the area, will not be compromised, or any significant adverse effects are clearly outweighed by social, environmental or economic benefits of national importance.
- 5.3.67 There are no international landscape designations covering the site or located within the 45 km study area. However, the CNP is situated adjacent to the southern boundary of the site, approximately 0.6 km south of the nearest turbine, as shown on Figures 6.4 and 6.5 in Chapter 6: Landscape and Visual of the EIA Report. There are also other landscape designations at



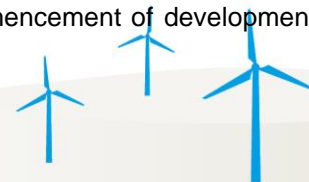
that location. Given the relatively proximity of the Proposed Development to the CNP, this was further assessed in Technical Appendix 6.7 of the EIA Report. Two NSAs are situated within the boundary of the CNP including the Cairngorms Mountains NSA and the Deeside and Lochnagar NSA. Potential Effects on the NSAs was also assessed as part of the assessment of effects of the CNP. As part of the design iteration process, a nine turbine layout was largely driven by sensitive views from Lochindorb Castle and hill summits identified during a meeting with NatureScot and Cairngorms National Park Authority. As such, the overall effects are not considered to be significant and there is no conflict with this part of Policy 4.

- 5.3.68 Part (d) deals with local landscape areas. This part of Policy 4 sets two considerations for decision makers when assessing proposals that affect local landscape designations. The policy states that such proposals will only be supported where:-

“Development will not have a significant adverse effect on the integrity of the area or the qualities for which it has been identified; or_[emphasis added]

Any significant adverse effects on the integrity of the area are clearly outweighed by social, environmental or economic benefits of at least local importance” [emphasis added].

- 5.3.69 The Site is located within the south-western corner of the Drynahan, Lochindorb and Dava Moors LLA. The existing Tom nan Clach and Moy wind farms are also situated within the western part of the LLA. It is noted that the Proposed Development would have a direct, localised and significant effect on a very small part of the moorland landscape fabric in the vicinity of the where the wind farm is sited. In terms of the visual qualities of the LLA, significant visual effects would occur across part of the LLA. However, these are limited to its south-western extent. Significant effects would extend along the southern boundary of the LLA where it meets the CNP at approximately 7.2 km. It is acknowledged within Chapter 6: Landscape and Visual that there would be some significant effects within parts of the LLA. However, it is not considered that the addition of the Proposed Development would strongly influence the perception of the LLA’s visual qualities.
- 5.3.70 It is considered that the Proposed Development can be positively considered against Policy 4(d) based on these findings. If these conclusions are not accepted, however, where developments which may have a significant effect on the integrity of a local landscape designation the wording of Policy 4(d)(ii) allows decision makers to approve development where these effects are clearly outweighed by social, environmental or economic benefits of at least local importance.
- 5.3.71 It is considered that the provisions of Policy 4(d)(ii) can be applied, as the benefits of the Proposed Development are considered to outweigh any adverse effects upon the SLAs and that these are demonstrably of at least local importance. This position is further supported due to categorisation of Proposed Development within National Development 3 in NPF4. This approach is consistent with the Reporters consideration of this issue in the Glendye Wind Farm case in relation to impacts upon an SLA. In assessing that proposal against this part of Policy 4(d)(ii), the Reporters noted in paragraph 10.7 of their report that:
- “We are of the view that this national development status logically offers benefits of more than local importance”.*
- 5.3.72 This supports the assessment of this Proposed Development above against NPF4 Policy 4(d)(ii).
- 5.3.73 Part (f) relates to protected species and states that the level of protection required by legislation must be factored into the planning and design of development, and potential impacts must be fully considered prior to determination. As highlighted in EIA Report Chapters 7: Ecology and 8: Ornithology subject to mitigation, a SPP will be produced as part of the CEMP. These documents would be agreed by consultees prior to the commencement of development and

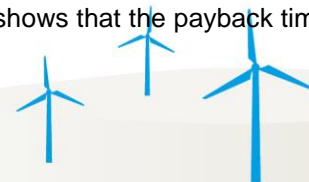


would detail measures to be implemented both before and during construction to protect and species present in the area of the proposed development.

- 5.3.74 Part (g) of Policy 4 is not relevant to the Proposed Development, as it is not located within a Wild Land Area (WLA); the nearest WLA, Area 20 Monadhliath, being situated approximately 11.2 km to the south-west. However, the consultation response received from NatureScot, highlighted in Section 6.4 of the EIA Report Chapter 6: Landscape and Visual, confirmed that Separate Wild Land Assessments were not required. As a result, the Proposed Development is suitable and complies with Policy 4.

Policy 5 – Soils

- 5.3.75 The Intent of Policy 5 is to “*protect carbon-rich soils, restore peatlands and minimise disturbance to soils from development*”. One Policy Outcome seeks that “*valued soils are protected and restored. Soils, including carbon-rich soils, are sequestering and storing carbon. Soils are healthy and provide essential ecosystem services for nature, people and our economy*”.
- 5.3.76 Part (a) notes that proposals should be designed in accordance with the mitigation hierarchy by first avoiding and then minimising the amount of disturbance to soils. Part (c)(ii) notes that proposals for the generation of energy from renewable sources that optimise the contribution of the area to GHG emissions reduction targets are one of the identified land uses potentially permitted on areas of peatland, carbon-rich soils and priority peatland.
- 5.3.77 The NatureScot Carbon & Peatland Map, which indicates the mapped presence of Class 1 nationally important priority peatlands within the site boundary. Class 1 peat is described as “*Nationally important carbon-rich soils, deep peat and priority peatland habitat. Areas likely to be of high conservation value*”.
- 5.3.78 Part (d) sets out a requirement for a detailed site-specific assessment to understand the peat and carbon-rich soils present on site to allow the consideration of the Proposed Development on these resources to be considered. This knowledge of the resource It should thereafter inform careful project design and that impacts should be first avoided and then minimised through best practice. As part of development operations, a peat management plan is also noted as being required.
- 5.3.79 The Applicant undertook extensive peat probing across the site to inform the design process, the results are summarised in EIA Report Chapter 9: Hydrology, Geology and Hydrogeology. Section 9.6. The surveys revealed the existing conditions in the area is no longer performing as a functioning peatland habitat and will continue to degrade further over time unless there is intervention. Given the current condition of the peatland, its capacity to act as carbon store will also be compromised and may cause increased carbon emissions. This primary cause of this situation is the existing land use as a grouse moor has resulted in the land being heavily managed with many artificial drainage ditches present across the site. Active peatland restoration is proposed to provide a solution that will reverse degradation result in an overall positive impact on the current peatland.
- 5.3.80 EIA Report Chapter 9 is supported by a Peat Management Plan (Technical Appendix 9.2 of the EIA Report). The positioning of turbines and alignment of access tracks has sought to minimise the need for peat excavation in the first instance. Where possible, existing access tracks have been utilised, and where new tracks are required, floating tracks over a length of 2,600 m is proposed.
- 5.3.81 In respect of the Policy 5 (d)(iii) objectives, the results of the carbon calculator (see EIA Report Technical Appendix 9.6) indicate that the Proposed Development will more than pay back its carbon debt as soon as degraded bogs are improved. Based on the worst-case scenario, which assumes that no degraded bogs were improved, the analysis shows that the payback time for



fossil fuel-mix generation is 1.9 years. Results are shown in Table 12.2 within Technical Appendix 9.6 illustrate that the main CO₂ losses arising from the Proposed Development are from power back-up, soil organic carbon and the turbine life parameters. The losses resulting that are attributed to less carbon fixing from bog plants is minor and is the smallest contributor to emissions and payback time. This is the case even though the assessment has taken a precautionary approach by including working areas in the infrastructure dimensions and does not account for the implementation of the Peat Management Plan.

5.3.82 As noted in EIA Report Chapter 3: Project Description, the Proposed Development would be expected to result in a saving of approximately 97,985 tonnes of carbon dioxide (tCO₂) per annum when compared to a fossil fuel mix. This means a total of over 3.4 million tonnes over the 35-year operational lifetime through displacement of carbon-emitting generation.

5.3.83 Overall, the Applicant's approach to site design, combined with the implementation of mitigation measures during the construction and restoration during the decommissioning phases, means that the Proposed Development can be positively considered against the Outcome of Policy 5.

Policy 6 - Forestry, woodland and trees

5.3.84 The Intent of Policy 6 is to 'protect and expand forests, woodland and trees'. One of the Policy Outcomes is 'Existing woodland and trees are protected, and cover is expanded'.

5.3.85 The importance of protecting and supporting the expansion and enhancement of woodland is highlighted in Policy 6 Developments will not be supported if:

- (i) They cause loss of ancient woodlands, veteran trees or adverse impacts on ecological conditions.
- (ii) Adverse impacts on native woodlands, hedgerows, trees of high biodiversity value, identified for protection in the Forestry and Woodland Strategy.
- (iii) cutting off or fragmenting forest ecosystems unless suitable mitigating strategies are found and put into place.

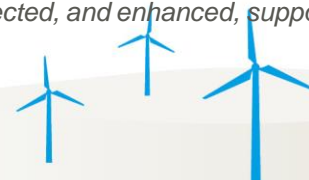
5.3.86 Development proposals that result in the removal of woodland will only be supported if there is a significant public benefit in accordance with relevant policies regarding removal of woodland. Where there is woodland being removed it is expected for there to be compensatory planning to be in place.

5.3.87 As part of the design iteration process when considering the proposed access to the site assessed possible impacts on forestry. Options to enter the site via the existing access track, 2.1 km to the north-east of the site, and constructing a new access track to the site was discounted as were other routes as they were near forestry (these routes are shown in Figure 2.3 in EIA Report Chapter 2). It was preferred to come from Tom Nan Clach Wind Farm, so that the existing access infrastructure to the B9007 could be utilised, resulting in no additional effect on forestry. The current proposed route has been designed to follow a route which also minimises the landscape and visual impacts and impacts on peat.

5.3.88 Overall, the EIA process has been an iterative one, where potential impacts identified throughout the design process could be avoided where feasible and overall adverse effects of the Proposed Development avoided, reduced and or mitigated. This approach is consistent with Policy 6.

Policy 7 - Historic assets and places

5.3.89 This policy sets out the framework for assessing the impact of the Proposed Development on cultural heritage receptors. The Intent is "to protect and enhance historic environment assets and places, and to enable positive change as a catalyst for the regeneration of places". Policy Outcomes include that "the historic environment is valued, protected, and enhanced, supporting

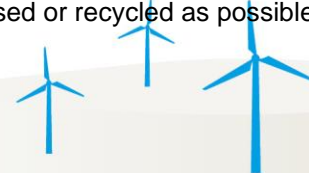


the transition to net zero and ensuring assets are resilient to current and future impacts of climate change. Redundant or neglected historic buildings are brought back into sustainable and productive uses. Recognise the social, environmental and economic value of the historic environment, to our economy and cultural identity”.

- 5.3.90 Policy 7 states that, if there are any possible impacts on surrounding historic assets, an assessment of this will be need assessments. These assessments should identify likely visual and physical impacts, including cumulative effects.
- 5.3.91 As required by part (a), an historic environment assessment has been undertaken as presented in EIA Report Chapter 10 ‘Cultural Heritage’. As discussed in the earlier commentary on NPF4 Policy 11, the assessment presented in EIA Report Chapter 10 identified the potential impacts arising from the construction and operational phases of the Proposed Development.
- 5.3.92 With regards to NPF4 Policy 7(h), it is indicated that development proposals affecting Scheduled Monuments will only be supported where *“significant adverse impacts on the integrity of setting of a scheduled monument are avoided”*. As highlighted earlier, the EIA Report Chapter 10 assessment states that a moderate and significant effect was predicted upon the Scheduled Lochindorb Castle during the operational phase. A moderate and significant cumulative effect on Lochindorb Castle was also identified. Whilst the moderate effects on the Scheduled Lochindorb Castle are significant in EIA terms, it is concluded that the changes to the factors of setting that contribute to the cultural significance of the monument would allow for adequate retention of the understanding, appreciation and experience of the castle. Accordingly, there would be no significant impact upon the integrity of the asset’s setting in terms of Policy 7 of NPF4.
- 5.3.93 With regards to Policy 7(o), several known assets have been recorded both within the footprint, and in close proximity to, the Proposed Development. Direct effects on five non-designated shooting butts have been identified within the assessment, with mitigation measures outlined in Chapter 10 of the EIA Report. Given the proximity of the Proposed Development to known assets, and the potential for unrecorded buried archaeological remains to survive, mitigations measures designed to avoid, minimise or offset impacts, are outlined in accordance with this Policy.

Policy 12 - Zero Waste

- 5.3.94 The intent for Policy 12 *“To encourage, promote and facilitate development that is consistent with the waste hierarchy”*. The Policy Outcomes *“The reduction and reuse of materials in construction is prioritised. Infrastructure for zero waste and to develop Scotland’s circular economy is delivered in appropriate locations”*.
- 1.1.1 In terms of waste, this will be created mainly during construction and decommissioning. During construction, the Peat Management Plan (Technical Appendix 9.2 of the EIA Report) adheres to regulatory requirements and focusses on best practice centred on the principles of prevention for creating waste peat and to maximise the re-use of peat s far as possible. In summary, peat will be re-used for reinstatement of Proposed Development infrastructure, and for remaining balance of peat, the alternative peat balance opportunities offer a significant potential for further re-use with the aim of site restoration. Through this approach, it is considered that recycling or disposal of waste peat methods would not be required.
- 5.3.95 During operation, waste is limited to maintenance. A CEMP will set out a range of measures that will be adopted on site during construction to avoid wider environmental impacts such as through waste storage and collection, water management, pollution prevention and incidence response measures. Waste created during construction and decommissioning can be managed through a Waste Management Plan with as much material reused or recycled as possible.



Policy 13 - Sustainable Transport

- 5.3.96 The Policy Intent is *“To encourage, promote and facilitate developments that prioritise walking, wheeling, cycling and public transport for everyday travel and reduce the need to travel unsustainably”*. The Policy Outcomes *“Investment in transport infrastructure supports connectivity and reflects place-based approaches and local living. More, better, safer and more inclusive active and sustainable travel opportunities. Developments are in locations which support sustainable travel”*.
- 5.3.97 To meet these outcomes, the spatial strategy of LDPs should prioritise the locations for future developments, ensuring that sustainable modes of access can be placed. This should be done by making use of existing infrastructure.
- 5.3.98 The Proposed Development will be accessed from the B9007 to the north-east of the main development area, via the existing junction that provides access to the operational Tom Nan Clach Wind Farm. Access will be provided via the Access Junction to the site for all AIL associated with turbine deliveries, including access for HGVs delivering construction materials and general site traffic.
- 5.3.99 Appendix 11.1 Transport Assessment to EIA Report Chapter 11: Traffic and Transport highlights that during the construction period, a project website, blog or social media feed would be regularly updated to provide the latest information relating to traffic movements associated with vehicles accessing the site, through agreement with THC. There is a list of measures which will be implemented during the construction phase through a Construction Traffic Management Plan (CTMP).
- 5.3.100 The Proposed Development will have a temporary increase in traffic volumes within the study area during the construction phase only. Nonetheless, this will be managed appropriately. Therefore, it can be concluded that there are no transport related matters which would prohibit construction of the Proposed Development site and this accords to NPF4 Policy 13.

Policy 22 - Flood risk and Water Management

- 5.3.101 The Intent for Policy 22 is *“To strengthen resilience to flood risk by promoting avoidance as a first principle and reducing the vulnerability of existing and future development to flooding”*. The Policy Outcomes *“Places are resilient to current and future flood risk. Water resources are used efficiently and sustainably. Wider use of natural flood risk management benefits people and nature”*.
- 5.3.102 This policy focuses on ensuring community resilience towards the current and future impacts of climate change, specifically flooding. Developments that are in an area where there is a risk of flooding will be supported if they are essential infrastructure, and where supporting assessments are made, with appropriate mitigations identified.
- 5.3.103 The current layout of the Proposed Development requires two new watercourse crossings for the construction of access tracks. It is recommended that all the watercourse crossings are designed to maintain hydrology as well as allowing the free passage of mammals and aquatic species. Overall, the design of the proposed tracks has been optimised as far as possible to make use of existing track, reduce the total area of land-take and minimise the number of watercourse crossings whilst accommodating other environmental or engineering related constraints.

Policy 23 - Health and Safety

- 5.3.104 The Intent of Policy 23 is *“to protect people and places from environmental harm, mitigate risks arising from safety hazards and encourage, promote and facilitate development that improves health and wellbeing”*. There are three Policy Outcomes *“Health is improved and health*



inequalities are reduced. Safe places protect human health and the environment. A planned approach supports health infrastructure delivery”.

5.3.105 Part (d) confirms that “*development proposals that are likely to have significant adverse effects on air quality will not be supported*”, while part (e) states that “*development proposals that are likely to raise unacceptable noise issues will not be supported*”.

5.3.106 Commentary in relation to Noise and Vibration is set out in EIA Report Chapter 12: Noise. As noted in related commentary on Policy 11, the closest NSR to construction and decommissioning activities is located approximately 3.0 km away. As such, noise effects associated with construction and decommissioning of the Proposed Development were scoped out of assessment. The operational noise assessment concludes that predicted wind turbine noise levels associated with operation of the Proposed Development meet the derived day and night-time noise limits at all the identified representative NSRs, for all wind speeds and no significant effects are predicted. EIA Report Chapter 12 specifies that predicted noise levels for the Proposed Development are below 25 dB at all NSRs and to potential cumulative effects will therefore occur between the Proposed Development and any other development.

5.3.107 The assessment has considered potential noise impacts associated with the Proposed Development and is accordance with Policy 23. The consideration of construction noise and vibration, including construction traffic noise, were scoped out through consultation with THC, on the basis that it was unlikely to be significant and would be controlled by implementation of Best Practicable Means. A CEMP would also be produced, which would provide further details on the methods by which construction noise as well as air quality will be controlled.

5.3.108 Overall, given the location of the site from NSRs and the commitment to the adoption of best practice construction measures, regards the Proposed Development complies with Policy 23.

Policy 25 - Community Wealth Building.

5.3.109 The Intent of Policy 25 seeks “*To encourage, promote and facilitate a new strategic approach to economic development that also provides a practical model for building a wellbeing economy at local, regional and national levels*”. Policy Outcomes include “*support local employment and supply chains*’ and ‘*support community ownership and management of buildings and land*”.

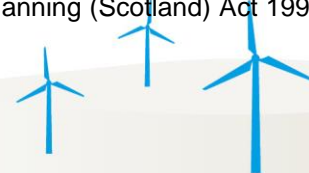
5.3.110 Part (a) of the Policy states that proposals that contribute to local or regional community wealth building strategies will be supported, and part (b) states that development proposals linked to community ownership of land and buildings will be supported.

5.3.111 As already discussed in relation to Policy 11 (c), the Proposed Development will give rise to local economic benefits during the construction and operational periods. The Applicant is committed to maximising the beneficial effects for the local community by actively engaging with residents and developing a community benefit package worth around £324,000 each year. The Applicant would work with local communities to ensure the most appropriate structures are set up to ensure the fund is used in a manner that meets local community expectations.

5.3.112 EIA Report Chapter 13: Socio-economics, Tourism, Recreation identified no significant adverse effects. This includes no significant adverse effects on local tourism assets (visitor attractions, accommodation providers and routes). This is also consistent with the most recent evidence on the relationship between wind farms and tourism. Furthermore, the opportunity for providing a private wire connection to Tomatin Distillery would support this local tourism business. As such, it is considered the Proposed Development draws support from Policy 25 and would achieve the Policy Outcomes.

NPF4 Part 3 - Annex A ‘Outcomes’

5.3.113 Part 3, Annex A confirms that NPF4 is required by law to contribute to six Outcomes. These Outcomes are set out in Section 3 of the Town and Country Planning (Scotland) Act 1997 (as



amended), having been amended by Section 2 of the Planning (Scotland) Act 2019. The six Outcomes are:

- (a) meeting the housing needs of people living in Scotland including, in particular, the housing needs for older people and disabled people,
- (b) improving the health and wellbeing of people living in Scotland,
- (c) increasing the population of rural areas of Scotland,
- (d) improving equality and eliminating discrimination,
- (e) meeting any targets relating to the reduction of emissions of GHGs, within the meaning of the Climate Change (Scotland) Act 2009, contained in or set by virtue of that Act, and
- (f) securing positive effects for biodiversity.

5.3.114 The Proposed Development can contribute positively to relevant Outcomes (e) and (f), through the generation of a significant amount of renewable electricity while delivering biodiversity enhancements through the BEMP. The inclusion of a battery storage facility helps the move to a more flexible and resilient energy system by storing electricity at times when generation is high, but demand is low. This helps deliver wider targets for lower greenhouse gas emissions, more renewable energy generation and more secure energy supplies. These are material factors in support of the case for granting consent.

NPF4 Part 3 - Annex B 'National Developments Statements of Need'

5.3.115 Part 3 of NPF4 identifies eighteen national developments which are described as “*significant developments of national importance that will help to deliver our spatial strategy*”.

5.3.116 The Proposed Development falls within the definition of National Development 3 ‘*Strategic Renewable Electricity Generation and Transmission Infrastructure*’. NPF4 confirms that this class of national development “*supports renewable electricity generation, repowering, and expansion of the electricity grid*’. It incorporates three types of development, including ‘*on and off shore electricity generation, including electricity storage, from renewables exceeding 50 megawatts capacity*’.

5.3.117 The commentary for National Development 3 states that “*a large and rapid increase in electricity generation from renewable sources will be essential for Scotland to meet its net zero emissions targets*”. Under the commentary on ‘Need’ states that “*additional electricity generation from renewables and electricity transmission capacity of scale is fundamental to achieving a net zero economy...*” (emphasis added).

5.3.118 NPF4 also confirms that these national developments will “*improve security of supply*” (page 7). This class of national development did not feature in the previous NPF3 and its inclusion in NPF4 is a clear sign that the Scottish Government clearly sees this type and scale of development as being “*of national importance*” and necessary to help deliver the national spatial strategy (page 97).

5.3.119 The national development status of the Proposed Development must be accorded considerable weight in consideration of the application. This weighting is evident in some recent cases where Reporters and Scottish Ministers have recognised the importance of National Development 3 to achievement of policy objectives and the legally binding net-zero targets.

NPF4 Part 3 – Annex C 'Spatial Planning Priorities'

5.3.120 The National Spatial Strategy is supported by commentary on five Regional Spatial Strategies, each of which will contribute in their own different ways to achievement of the National Spatial Strategy.



- 5.3.121 The Highland Council falls within the 'North' Regional Area and states that this part of Scotland can continue to make a strong contribution towards meeting our ambition for a net zero and nature positive country. Page 125 recognises that a programme of investment in peatland restoration will play a key role in reducing our national emissions and supporting biodiversity. This position echoes that of the OWPS, which was discussed above. The same page notes that as renewable energy technologies continue to develop, storage and other forms of generation will grow.
- 5.3.122 One of the priorities for this area identified on page 26 is to *"Protect environmental assets and stimulate investment in natural and engineered solutions to climate change and nature restoration, whilst decarbonising transport and building resilient connections"*. The Proposed Development can assist in achieving these regional objectives, while making a positive contribution to wider national efforts to combat the climate emergency and nature crisis.

5.4 Highland-wide Local Development Plan (HwLDP)

- 5.4.1 This Section of the Planning Statement considers those HwLDP policies of most relevance to the Proposed Development. As already noted, in the event of any incompatibility (which is not defined) between a NPF4 provision and a LDP provision, whichever of them is later in date shall prevail. The LDP is now over 12 years old, having been adopted in 2012. In the case of the Proposed Development therefore, in the event of any policy incompatibility, NPF4 carries greater weight in the planning balance as the more recent document.
- 5.4.2 Inevitably there is some overlap between the aims and objectives of some HwLDP policies and the previously discussed NPF4 policies. To avoid unnecessary duplication, where HwLDP policies raise matters already discussed in relation to NPF4, cross reference will be made to the earlier national policy appraisal.
- 5.4.3 HwLDP Policy 67 'Renewable Energy Developments' is the 'lead' policy for the assessment of Proposed Development. It is acknowledged that the Proposed Development requires to be assessed holistically against all policies in the HwLDP. Nevertheless, HwLDP Policy 67 is the key topic specific policy against which to assess the Proposed Development, noting also its criteria are wide ranging.
- 5.4.4 Policy 67 contains several criteria used to assess renewable energy applications and duplicates many of the aims and objectives of other planning policies within the HwLDP. As the Reporters report into the Limekiln Wind Farm from October 2018 (WIN-270-8) notes in paragraph 9.37:
- "Policy 67 can be relied upon almost exclusively given it provides the Council's adopted position specifically in respect of renewable energy development. Compliance or otherwise with Policy 67 largely dictates the degree of compliance against the relevant provisions of other policies, but to take those other policies in isolation would run the risk of applying their requirements out of context"*.
- 5.4.5 The relevant HwLDP policies for the Proposed Development addressed below are:

- Policy 67 – Renewable Energy Developments;
- Policy 28 – Sustainable Design;
- Policy 29 – Design Quality and Placemaking;
- Policy 30 – Physical Constraints;
- Policy 31 – Developer Contributions;
- Policy 36 – Development in the Wider Countryside;
- Policy 52 - Principle of Development in Woodland;
- Policy 53 – Minerals;
- Policy 55 – Peat and Soils;



- Policy 56 – Travel;
- Policy 57 – Natural, Built and Cultural Heritage;
- Policy 58 – Protected Species;
- Policy 59 – Other Important Species;
- Policy 60 – Other Important Habitats;
- Policy 61 – Landscape;
- Policy 63 – Water Environment;
- Policy 64 – Flood Risk;
- Policy 66 – Surface Water Drainage;
- Policy 72 – Pollution;
- Policy 77 – Public Access; and
- Policy 78 – Long Distance Routes.

Policy 67 - Renewable Energy Developments

- 5.4.6 At its core, Policy 67 supports the continued development of renewable energy developments, where a range of locational and environmental criteria can be met. It states that renewable energy proposals should be well related to the source of the primary renewable resources needed for their operation.
- 5.4.7 It further states that the Council will take account of the contribution proposals make towards meeting renewable energy generation targets and any positive or negative effects they are likely to have on the local and national economy. Proposals will be assessed against other relevant Development Plan policies, as well as other material considerations. The policy criteria seek to ensure that a proposal is located, sited and designed such that they will not be significantly detrimental overall, individually or cumulatively with other developments having regard to specified criteria listed on HwLDP page 123.
- 5.4.8 The bulleted criteria set out on page 123 largely reflect those set out in NPF4 Policy 11(e). The Proposed Development's compliance with NPF4 Policy 11(e) is discussed in **Table 1** above and is not repeated here. To summarise, that assessment demonstrates that the significant residual landscape and visual effects are localised and do not affect the Cairngorms National Park or NSAs. There will be some impacts upon SLAs, but as discussed in relation to NPF4 Policy 4 these impacts are more than outweighed by the benefits, which are by definition of national importance.
- 5.4.9 The EIA Report found that the Proposed Development has no significant adverse impacts on the cultural, historical or environmental designations or protected species that cannot be overcome through further mitigation. Peatland restoration and habitat creation, including additional woodland, form integral components of the Proposed Development and ensure that benefits go beyond just renewable energy generation, and will help address the nature crisis, too.
- 5.4.10 Some significant visual effects will arise that cannot be mitigated. The LVIA considers that significant visual effects will arise at three of the 24 representative VPs, with significant effects found to extend to around 4.1 km to the south-west and 6.7 km to the east of the site. These effects are relatively localised and are not unusual for a commercial scale wind farm. Indeed, the more recent NPF4 and OWPS 2022 explicitly recognise that significant landscape and visual impacts are to be expected for onshore wind farms, and makes clear that, where impacts are localised and/or appropriate design mitigation has been applied, they will generally be acceptable. There is therefore nothing unusual about the Proposed Development's impacts that require consideration against Policy 67, or more broadly against the wider Development Plan.



- 5.4.11 It is also recognised that some other impacts will arise, including short-term effects during the construction phase. These include increased traffic movements, but in each case mitigation has either been applied through application of the mitigation hierarchy or can be further mitigated post consent, to ensure no significant effects will arise (excepting the earlier noted localised significant landscape and visual effects, which includes visual impacts on walking routes).
- 5.4.12 The key test set by Policy 67 is whether, having considered all material factors, a proposal is, individually and cumulatively, “*significantly detrimental overall*”,. In considering this key test, it is imperative to note the following:
- The positive assessment against the NPF4 Policy 11 (e) criteria, which largely reflect Policy 67 criteria;
 - The Proposed Development will play an important role in helping to achieve net zero targets by 2045, as well as the move to a more flexible and resilient energy system, which will increasingly be dominated by renewable energy technologies over the coming years;
 - The Proposed Development will contribute to more secure energy supplies, by increasing the proportion of ‘home grown’ electricity, reducing our reliance on imported fuels and through the BESS having the ability to store electricity at time when generation is high, but demand is low;
 - No natural heritage or landscape designations would experience significant adverse effects from the operation of the Proposed Development;
 - There would be no significant effects upon any protected species following mitigation;
 - There would be no significant direct effects upon archaeological assets;
 - There are no residential properties within 2 km of the proposed turbines and no settlements within 5 km of the Proposed Development Area; and
 - There is now a requirement under NPF4 Policy 11 to give ‘significant weight’ to the contribution a proposal makes to addressing the climate emergency and nature crisis. This weighting is not specified in HwLDP Policy 67, but it is a fundamental element of NPF4 Policies 1 and 11. The NPF4 policy therefore would take precedence and must affect the planning balance in this case.
- 5.4.13 Considering this assessment, it is considered that the small number of adverse impacts associated with the Proposed Development, which are generally not significant and which are also localised to the site, are acceptable. There is no conflict with HwLDP Policy 67.

Other HwLDP Policies

- 5.4.14 This section considers other relevant HwLDP policies. It should be noted however that the topic areas are already largely contained within the ‘lead’ energy policy (HwLDP Policy 67) and so only brief commentary is provided.

Policy 28 – Sustainable Design and Policy 29 – Design Quality and Placemaking

- 5.4.15 Policies 28 and 29 set out the requirements for all development to be designed in the context of sustainable development and climate change, whilst making a positive contribution to the architectural and visual quality of the place in which it is located. These policies set out various principles relating to, among other things, the use and management of land; protection of both natural (landscapes, habitats and species) and built/cultural resources; preservation of air and water quality; and minimisation of waste.
- 5.4.16 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;
 - use resources efficiently;



- minimise the environmental impact of development; and
- enhance the viability of Highland communities.

5.4.17 As detailed in EIA Report Chapter 2: Site Selection and Design and Chapter 6: Landscape and Visual, the iterative design process has resulted in an appropriately located and designed wind farm that successfully limits the geographical spread of environmental effects to an area that can reasonably be described as localised. There are no significant environmental effects beyond localised landscape and visual effects that would arise and the construction and operation of the Proposed Development can proceed in a manner that minimises waste and preserves air and water quality. Details of construction techniques and site management practices would be developed through a CEMP should consent be granted. The Applicant's approach to iterative and careful site design is consistent with Policies 28 and 29.

Policy 30 – Physical Constraints

5.4.18 Policy 30 states that developments should avoid being located near areas where there are physical constraints, these constraints can be found in the 'Physical Constraints: Supplementary Guidance'. The main principles of this guidance are:

- To give developers the most recent details about the physical limitations on the highland development; and
- To guarantee the planned projects do not endanger protected sites or have a negative impact on the people's health and safety.

5.4.19 If any constraints effect developments, they must either provide suitable mitigating measures to be offered or show compatibility with the limitation.

5.4.20 There are no significant environmental effects beyond localised landscape and visual effects that would arise and the construction and operation of the Proposed Development, and it can proceed in a manner that minimises waste and preserves air and water quality. Details of construction techniques and site management practices would be developed through a CEMP should consent be granted. The project would not endanger protected species where a SPP and BEMP will be implemented. The Applicant's approach to physical constraints is consistent with Policy 30.

Policy 31 – Developer Contributions

5.4.21 Policy 31 states that "*development proposals which create a need for a new or improved public services, facilities or infrastructure, the Council will seek from the developer a fair and reasonable contribution in cash or kind towards these additional costs*". This will be done by following the Principles of Developer Contributions Guidance.

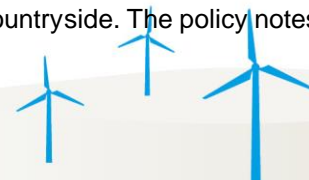
5.4.22 Principles of Developer Contributions: Supplementary Guidance are:

- Developer contributions should be equitable and proportionate for all projects on site designated in the HwLDP; and
- Flexibility in strategy to guarantee that despite challenging economic conditions, progress may proceed without causing any net harm.

5.4.23 It is understood that developer contributions would not be necessary for the Proposed Development. The Applicant has nevertheless committed to maximising the beneficial effects for the local community by actively engaging with residents and developing a community benefit package worth around £324,000 each year.

Policy 36 – Development in the Wider Countryside

5.4.24 Policy 36 supports the development of rural areas to help maintain population, infrastructure and services. Proposals in the Wider Countryside Area are to meet criteria set out on page 87 and 88 to ensure they do not compromise the qualities of the countryside. The policy notes that



proposals for renewable energy should be assessed against Policy 67 'Renewable Energy Development'. The above appraisal against that Policy shows the Proposed Development will not be "*significantly detrimental overall*" and it therefore complies with Policy 67.

Policy 52 – Principle of Development in Woodland

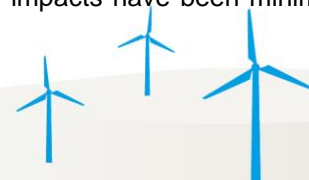
- 5.4.25 This policy places an onus upon a developer to justify development on a wooded site and sets out the Council's presumption in favour of protecting woodland. It also notes that proposals will only be supported where they offer clear and significant public benefit.
- 5.4.26 As discussed earlier in the NPF4 commentary, EIA Report Chapter 6: Landscape and Visual highlights that the site of the Proposed Development is comprised entirely of heather moorland and rough grassland, with occasional shrubs and trees dotted intermittently within lower ground at the south-west corner of the site. Overall, it was concluded that the Proposed Development would result in no greater than a moderate minor level of effect to existing landscape features on the site, with none of the effects considered significant, it is clear the Proposed Development complies with Policy 55.

Policy 53 – Minerals

- 5.4.27 This policy relates to where mineral extraction will be supported. Borrow pits which are supported near to or on the site of associated development if it can be demonstrated they are the most suitable source of material, are time limited and appropriate environmental safeguards are in place for the workings and the reclamation.
- 5.4.28 All mineral developments must provide information on pollution prevention, restoration and mitigation proposals. Restoration in parallel with extraction or within the shortest practicable timeframe, and restoration can be secured by planning condition. Impacts to residential amenity, the natural, built and cultural heritage and infrastructure capabilities should be avoided or satisfactory mitigated. Post-restoration uses should add to the cultural, recreational or environmental assets of an area.
- 5.4.29 The Proposed Development is predominantly underlain by peat soils according to the National Soil Map of Scotland. Peaty podzols, described as peaty gleyed podzols with dystrophic blanket peat, and peaty gleys, described as peaty gleys with dystrophic blanket peat with peaty gleyed podzols are present in the north-west and south-east of the site, respectively.
- 5.4.30 As discussed in relation to NPF4 Policy 5, The NatureScot Carbon & Peatland Map indicates the predominant presence of Class 1 nationally important priority peatlands within the site boundary. This is described as "*Nationally important carbon-rich soils, deep peat and priority peatland habitat. Areas likely to be of high conservation value*".
- 5.4.31 EIA Report Chapter 9: Hydrology, Geology and Hydrogeology indicates that due to historic and current land management practices, the peat underlying the Proposed Development has been highly modified. Further details relating to the condition of peat and the approach to management and enhancement can be found in EIA Report Technical Appendix 9.2: Peat Management Plan and Technical Appendix 7.2: OBEMP.

Policy 55 – Peat and Soils

- 5.4.32 Development proposals demonstrate how they have avoided the unnecessary disturbance, degradation or erosion of peat and soils. The Policy continues and states that unacceptable disturbance of peat will not be permitted unless it is shown that the adverse effects of such disturbance are clearly outweighed by the social, environmental or economic benefits of the development.
- 5.4.33 Where development on peat is clearly demonstrated to be unavoidable, a peatland management plan to be submitted clearly demonstrating how impacts have been minimised



and mitigated. This issue is discussed in relation to NPF4 Policy 5, which demonstrates that the Applicant has adopted an iterative approach to site design and applied the mitigation hierarchy to avoid unnecessary disturbance of peat.

- 5.4.34 This approach is further highlighted in EIA Report Chapter 2: Site Selection and Design which sets out the evolution of the site layout. Where possible, the Proposed Development site uses existing access tracks where possible to reduce the excavation of undisturbed peat. The Proposed Development overall is served by using 63% existing tracks, and only 37% are new access tracks (with little or no disturbance). Within the lengths of new access tracks, approximately 27% are proposed as floating track, further reducing the requirement to excavate peat. This is a positive aspect of the Proposed Development.
- 5.4.35 This policy states that 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. However, NPF4 Policy 5: Soils reiterates that development proposals on peatland, carbon-rich soils and priority peatland habitat is acceptable, to support the generation of energy from renewable sources which optimises the contribution of the area to greenhouse gas emissions reductions targets. Therefore, NPF4 Policy 5: Soils takes priority over HwLDP Policy 55: Peat and Soils as renewable energy development is acceptable in this instance.

Policy 56 – Travel

- 5.4.36 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.
- 5.4.37 As highlighted earlier, EIA Report Chapter 12: Traffic and Transport considers a list of measures which will be implemented during the construction phase through a CTMP.
- 5.4.38 The Proposed Development will have a temporary increase in traffic volumes within the study area during the construction phase only. Nonetheless, this will be managed appropriately. It is therefore concluded that the Proposed Development accords with Policy 56.

Policy 57 – Natural, Built and Cultural Heritage

- 5.4.39 Policy 57 sets a hierarchy of policy considerations for proposals, depending upon whether they have impacts upon features, or their settings, of local/regional, national or international importance. The scale of protection provided by the policy is reflective of whether the asset is of local/regional, national or international importance.
- 5.4.40 As already discussed in relation to NPF4 Policy 11, there will be no significant direct effects on known heritage assets during the construction phase and a moderate and significant effect is predicted upon the Scheduled Lochindorb Castle during the operational phase. A moderate and significant cumulative effect on Lochindorb Castle has also been identified. Whilst the moderate effects on the Scheduled Lochindorb Castle are significant in EIA terms, it is concluded that the changes to the factors of setting that contribute to the cultural significance of the monument would allow for adequate retention of the understanding, appreciation and experience of the castle and accordingly there would be no significant impact upon the integrity of the asset's setting.
- 5.4.41 Following implementation of mitigation measures outlined in EIA Report Chapter 10: Cultural Heritage, potential direct effects will be minimised or offset. All operational effects upon the settings of designated assets would be as per the conclusions presented under Operational Effects for the life of the Proposed Development; however, any such effects would be reversed following the removal of the turbines at decommissioning. It is noted that the scope and method



of any archaeological mitigation works would require to be agreed with the Highland Historic Environment Team as the archaeological advisors to the Highland Council.

5.4.42 Considering the above, the Proposed Development complies with Policy 57.

Policy 58 – Protected Species

5.4.43 Policy 58 sets out the objectives for the protection of species and habitats that may be affected by development. The policy effectively provides a ‘catch all’ approach to protecting species and habitats of varying levels of importance, to ensure an adequate degree of protection through the planning process. The policy reflects the hierarchical approach to protecting species and habitats and sets out the circumstances where development may be permitted, even where an adverse effect is identified

5.4.44 These considerations were assessed earlier against NPF4 Policies 3 and 11. This assessment demonstrates that the Proposed Development will not give rise to any significant effects upon protected species, following mitigation. As highlighted in EIA Report Appendix 7.2: OBEMP, the Proposed Development consists of targeted enhancements on important habitats and species. The Proposed Development therefore complies with the requirements of Policy 58.

Policy 59 – Other Important Species

5.4.43 Policy 59 is clear that the Council will have regard to the presence of other important species listed and any adverse effects development proposals have on them, either individually and/or cumulatively if these are not already protected by other legislation or by nature conservation site designations:

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

5.4.44 Conditions and agreements are used to ensure detrimental effect on these species is avoided. As highlighted in EIA Report Appendix 7.2 OBEMP, the Proposed Development consists of targeted enhancements on important habitats and species. The Proposed Development therefore complies with the requirements of Policy 58.

Policy 60 – Other Important Habitats

5.4.45 Policy 60 aims 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. The policy seeks to create new habitats which are supportive of this concept.

5.4.46 Regard should be given 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.

5.4.47 The policy continues that planning 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, satisfactory mitigation measures, including where appropriate consideration of compensatory habitat creation, will be sought.

5.4.48 As highlighted in EIA Report Appendix 7.2 OBEMP, the Proposed Development consists of targeted enhancements on important habitats and species, with enhancements to the existing juniper and dwarf birch as well as riparian planting. The proposed development therefore complies with the requirements of Policy 60.



Policy 61 – Landscape

- 5.4.49 Policy 61 states that proposed developments should be designed to reflect the characteristics and special qualities recognised in the respective Landscape Character Assessment(s). The appropriateness of the scale, form, pattern and construction materials and the cumulative impacts of the development will be considered. Policy 61 applies to all forms of development and does not add policy considerations of substance not otherwise addressed in Policy 67.
- 5.4.50 The LVIA in EIA Report Chapter 6 ‘Landscape and Visual’ extensively considers the landscape and visual effects upon a range of designations, visual receptors and landscape character, through reference to the host and nearby LCTs. These issues are discussed in relation to NPF4 Policy 11(e)(ii), which summarises that localised significant effects on landscape character and visual amenity are inevitable because of renewable energy development. The Proposed Development is considered to only give rise to localised landscape and visual effects, and this is demonstrated in subsequent sections of Chapter 6. It should be reiterated that this is not unusual for a commercial scale wind farm, and the OWPS 2022 notes that to ensure climate change targets are met, taller and more efficient turbines will be required and that *“this will change the landscape”*.
- 5.4.51 When considering impacts upon landscape character and landscape and visual effects more generally, it is very important to note that since the HwLDP was adopted the policy imperative on the need for more renewable energy and the increased urgency of addressing the climate emergency that has taken place. The policy position in the OWPS and NPF4 means that there needs to be a greater acceptance of the inevitability of landscape and visual effects associated with the roll out of further renewable energy development. In several cases these effects will be significant in EIA terms (as recognised by NPF4 Policy 11) but what has changed is the point at which such effects become unacceptable. This is well summarised in the Reporter’s Supplementary Report into the Shepherds Rig Wind Farm, where in paragraph 3.4 the Reporter concluded:-

“National policy has a clear expectation that more renewable energy proposals may be granted consent, focusing down on a tighter set of circumstances under which proposals would not be supported”.

- 5.4.52 Whilst the LVIA identified some significant landscape and visual effects, these impacts are localised and it was considered that the landscape has the capacity to accommodate the effects identified, particularly when the consented but as yet unbuilt wind farms in the surrounding landscape is taken into account.
- 5.4.53 The landscape effects that are identified in the LVIA are considered to be acceptable in the context of Policy 61.

Policy 63 – Water Environment

- 5.4.54 This policy states that proposals for development that do not compromise the objectives of the Water Framework Directive (WFD), which is aimed at the protection and improvement of Scotland’s water environment, will be supported. Potential effects of the Proposed Development upon the water environment are considered in EIA Report Chapter 9 ‘Hydrology, Geology and Hydrogeology’. The greatest potential for effects upon the water environment is likely to occur during the construction phase and could potentially arise from sedimentation or pollution of the water environment from surface run-off, compaction of soils, peat landslide hazard etc.
- 5.4.55 The assessment in EIA Report Chapter 9: Hydrology, Geology and Hydrogeology confirms that with the implementation of mitigation measures, to be included in a detailed CEMP the potential for significant effects on the water environment are not significant. No other significant pre-mitigation effects were identified upon any water related receptor.



5.4.56 The Proposed Development therefore complies with Policy 63.

Policy 64 – Flood Risk

5.4.57 This policy states that development proposals should avoid areas susceptible to flooding and promote sustainable flood management. According to SEPA, the site is at risk of flooding from fluvial sources along the Allt Loisgte watercourse. There is no particular risk of surface water flooding within the site boundary. EIA Report Chapter 9: Hydrology, Geology and Hydrogeology considers receptors within the hydrological environment. This assessment has considered any potential impacts on these receptors whilst providing details relating to the mitigation and approach to these specific receptors.

5.4.58 Best practice measures will nevertheless be implemented to prevent the increase of flood risk are included within the OCEMP, submitted in EIA Report Technical Appendix 3.1, where drainage measures will manage runoff rates from the wind farm to reduce downstream flood risk.

5.4.59 The Proposed Development therefore complies with Policy 64.

Policy 66 – Surface Water Drainage

5.4.60 Policy 66 highlights the importance that all development use Sustainable Drainage Systems (SuDS). Planning Advice Note 69: Planning and Building Standards Advice on Flooding (paragraphs 23 and 24) must be referred to when creating a planning application. Each proposal must state their plan for maintenance to ensure long-term success.

5.4.61 EIA Report Chapter 9 'Hydrology, Geology and Hydrogeology' confirms that greenfield runoff rates would be maintained. It is intended to submit a detailed design of drainage and SuDS by an Appointed Contractor post-consent. This will ensure the development manages surface water on site without increase flood risk elsewhere.

5.4.62 The Proposed Development therefore complies with Policy 66.

Policy 72 – Pollution

5.4.63 If developments cause significant pollution (noise, air, water and light) they will only be approved when appropriate assessments have been taken and the data on the levels, character and transmission and receiving environment of the potential pollution is provided. Once effects have been identified, mitigation measures must also be submitted.

5.4.64 These issues are discussed in relation to NPF4 Policy 11(e)(i), where the effects of the Proposed Development on nearby receptors are considered within EIA Report Chapters 6 'Landscape and Visual' and 12 'Noise'.

5.4.65 The Proposed Development therefore complies with Policy 72.

Policy 77 – Public Access

5.4.66 Policy 77 states that if the proposed development affects existing routes or access points, the developer must:

- Keep the current trail or water access point while preserving or improving its recreational appeal; or
- Make sure that other access options are equally appealing, safe, and practical for the general public and do not harm or disrupt animals or their habitats.

5.4.67 For Major Developments the Council requires for there to be an Access Plan to submitted.

"This should show the existing public, non-motorised 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)”.

5.4.68 EIA Report Appendix 11.1 Transport Assessment highlights that in terms of the site and in the immediate vicinity, consideration has been given to pedestrians and cyclists alike due to potential interactions between construction traffic and users of the Core Paths / paths and public roads. A Path Planning Study can be conducted post consent, and will be secured through a planning condition, if necessary.

5.4.69 The Proposed Development therefore complies with Policy 77.

Policy 78 – Long Distance Routes

5.4.70 This policy seeks to safeguard and enhance long distance routes, and their settings. Consideration will be given to developing/improving further strategic multi-user routes both inland and along the coast with due regard to the impact on the Natural Heritage features along these routes.

5.4.71 EIA Report Chapter 13 ‘Socio-economics, Tourism and Recreation’ concludes that the effect of the Proposed Development on recreational routes where visitors may experience visual effects was assessed as negligible. The Proposed Development therefore complies with Policy 78.

5.5 Inner Moray Firth Local Development Plan 2

5.5.43 Inner Moray Firth Local Development Plan 2¹⁴ (IMFLDP) was adopted on 27 June 2024. The Plan must be read along with NPF4 and HwLDP as it forms the statutory Development Plan that guides future development across the Inner Moray Firth area.

5.5.44 While the IMFLDP primarily focuses on regional and local services and facilities, the following IMFLDP policies are considered applicable as part of the EIA report:

- Policy 1 – Low and Zero Carbon Development;
- Policy 2 – Nature Protection, Restoration and Enhancement; and
- Policy 14 – Transport.

5.5.45 Since NPF4 was adopted, THC will likely oversee a reduction in the number and range of policies. This potentially means that a new, single Highland Local Development Plan will be prepared in future as a new-style LDP.

5.5.46 Inner Moray Firth LDP2 would apply as an ‘old-style’ LDP where policies highlighted above overlap with NPF4 policies. Thus, NPF4 will take priority over IMFLDP in this instance of since a new-style LDP needs to be put in place.

5.6 HwLDP, Onshore Wind Energy Supplementary Guidance (OWESG): (2016)

5.6.1 The OWESG was adopted by the Council as part of the HwLDP and it pre-dates adopted of NPF4. Therefore it includes an Onshore Wind Spatial Framework map on page 13, as was required at the time by Scottish Planning Policy. That Framework indicates Group 1, Group 2 and Group 3 areas, as follows:

- Group 1: Areas where wind farms will not be acceptable;
- Group 2: Areas of significant protection; and

¹⁴ Highland Council (2015). Inner Moray Firth Local Development Plan. Available at www.highland.gov.uk

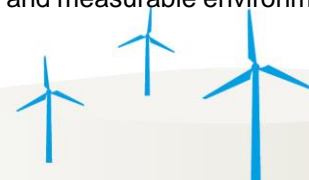


- Group 3: Areas with potential for wind farm development.

- 5.6.2 The OWESG is outdated to some extent by wind farm developments which have been either consented or constructed in the intervening period, changes to the onshore wind energy planning policy context and the development of wind turbine technology.
- 5.6.3 It is important to note that NPF4 no longer continues with the Spatial Framework approach for onshore wind farms. While there is reference to the Spatial Framework in the OWESG, an assessment of the Proposed Development should not seek to apply the Spatial framework as this is no longer supported by NPF4 policy. Therefore, no material weight is given to the OWESG.

Development Plan Conclusions

- 5.6.4 The Statutory Development Plan comprises NPF4, as well as the HwLDP and Inner Moray Firth Local Development Plan 2 (IMFLDP). As noted, in the event of any incompatibility between NPF4 and the HwLDP and/or the IMFLDP, NPF4 carries greater weight in the planning balance as the more recent document.
- 5.6.5 This Section of the Planning Statement has considered the Proposed Development against the relevant policies of NPF4 and the HwLDP drawing upon the findings of each of the EIA Report Chapters. Policy 11 is the main NPF4 policy that the Proposed Development is to be assessed against, with HwLDP Policy 67 the corresponding local policy. Other policies are relevant, and, in each case, the detailed appraisal has demonstrated that through careful site selection and design, the Proposed Development will give rise to very few significant adverse environmental effects. Those effects identified are either localised in the case of landscape and visual effects, or not significant and can be subject to further mitigation through the adoption of best practice construction techniques, to be specified in a detailed CEMP post-consent.
- 5.6.6 There is a paradigm shift and much strengthened support for renewable energy developments through policies 1 and 11 of NPF4, which require significant weight to be placed on the climate crisis and on the contribution of developments to renewable energy and greenhouse-gas-emissions targets respectively. These policies provide additional, decisive support for the Proposed Development.
- 5.6.7 NPF4 states on page 98 that “The policies should be read as a whole”. This is reiterated in the Chief Planners letters from 8 February 2023 and again in the 22 November 2023 Chief Planners letter, which noted that “*There remains a need to weigh up all relevant policies and factors in applying planning judgement*”.
- 5.6.8 When taking NPF4 as a whole, albeit with particular focus on the key twin objectives of tackling the climate emergency and the nature crisis, it is considered reasonable to conclude that the Proposed Development complies with the document as a whole and can contribute positively to the Intent and Outcomes of key policies.
- 5.6.9 The primary HwLDP policy of relevance is Policy 67, Renewable Energy Developments. That policy clearly recognises that renewable energy developments can give rise to significant environmental effects; as such, the key test in assessing the extent of compliance with the policy is to ascertain whether a proposal is 'significantly detrimental overall'. Integral to the policy is the requirement to have regard to the extent to which the proposal contributes to renewable energy targets, the location of the site relative to the primary source of energy and the extent of any positive or negative effects on the local and national economy.
- 5.6.10 The appraisal against HwLDP Policy 67 herein has demonstrated that significant environmental effects have been minimised through careful application of the mitigation hierarchy across all technical and environmental disciplines, resulting in only a few significant environmental effects that are generally localised in nature. In addition, demonstrable and measurable environmental



benefits will arise through measures set out in Technical Appendix 7.2: OBEMP. The inclusion of a BESS facility within the Proposed Development will contribute to a more flexible and robust energy system for the UK, with wider benefits for security of future energy supplies.

- 5.6.11 Taking these benefits into account, it is considered that the Proposed Development can be positively assessed against HwLDP Policy 67, and other relevant HwLDP policies. Where adverse effects are identified, these are outweighed by the benefits of the Proposed Development, so that any policy tension or conflict with individual criteria is outweighed by the wider contribution that the Proposed Development makes to the achievement of sustainable development. Overall, therefore it is considered that the HwLDP is supportive of the Proposed Development.

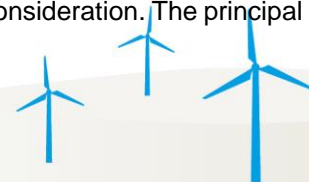
5.7 Other Relevant Considerations

Cairngorms National Park Partnership Plan 2022-2027

- 5.7.1 The CNPA was established as executive non-departmental public bodies under the provisions of the National Parks (Scotland) Act 2000.
- 5.7.2 The 2000 Act requires each of the Park Authorities to prepare a five-year National Park Partnership Plan to serve as an overarching management plan. These plans set out how all those with a responsibility in each park, across public, private and voluntary organisations, will co-ordinate their work to address the most important issues in relation to conservation, visitor experience and rural development.
- 5.7.3 The Park Authorities are responsible for leading the delivery of their respective plans and for ensuring the National Parks' activities continue to align with national strategies and aims. The current plan is the Cairngorms National Park Partnership Plan 2022– 2027 (the 'Partnership Plan').
- 5.7.4 Section 14 of the National Park Act states that The Scottish Ministers (and a National Park authority, a local authority and any other public body or officeholder) must, in exercising functions so far as affecting a National Park, have regard to the National Park Plan. To the extent that the Proposed Development affects the National Park, the requirements of Section 14 will apply to the Scottish Ministers when determining the S36 Application.
- 5.7.5 The Partnership Plan contain policies which will be of relevance to the Proposed Development. In particular, Policy C2 of the Partnership Plan states:
- 5.7.6 *“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 in areas outside the National Park where they adversely affect its landscape character or special landscape qualities.”*
- 5.7.7 EIA Report Chapter 6: Landscape and Visual has considered the potential effects of the Proposed Development on the CNP. An assessment in relation to effects on the CNP was provided under the NPF4 Policy 11(e)(ii) (**Table 1**). It was concluded that for the SLQ of the CNP, it is considered that there would not be any significant effects. There would be some limited non-significant effects on some SLQs, but these would not be of such a degree as to undermine their overall integrity. On this basis, there is no conflict with Policy C2 of the Partnership Plan.

6. Conclusion

- 6.1.1 As an application for S36 consent and associated deemed planning permission, the Development Plan does not have primacy in the determination of the Proposed Development. The Development Plan is nevertheless an important, relevant consideration. The principal issue



to be considered in determining this application are, however, for the Scottish Ministers to have regard to Schedule 9 of the Electricity Act.

- 6.1.2 Schedule 9 refers to the requirement for Scottish Ministers to “*have regard to the desirability*” of preserving natural beauty, of conserving flora, fauna etc. when determining S36 applications. Scottish Ministers have no duty to ensure these environmental qualities are preserved, but to have regard to the desirability of doing so. Schedule 9 does not, therefore, set strict development management tests.
- 6.1.3 In arriving at conclusions on the Proposed Development overall, Scottish Ministers can give weight to a range of matters. These considerations include national planning policy set out in NPF4, the extent to which it aligns with the objectives of the OWPS, the socio-economic benefits of the Proposed Development and the contribution that it would make towards attainment of GHG reduction and renewable energy generation targets.
- 6.1.4 The Scottish Government has legislated to achieve net-zero GHG emissions by 2045. A significant change in the way we generate electricity, as our primary energy resource, will be needed to achieve these legally binding targets will require. It is clear therefore that the Proposed Development would help meet the Scottish Government’s net zero GHG emission target by 2045, while also leading to demonstrable biodiversity improvements.
- 6.1.5 The Applicant adopted an iterative and detailed approach to site design, applying the mitigation hierarchy with the objective of avoiding significant environmental effects from arising where possible. Where this has not been possible, the design process has sought to reduce these to non-significant levels through mitigation and to then consider opportunities for compensation and enhancement.
- 6.1.6 NPF4 has refocused national planning policy upon the response to the growing climate and nature crises. The delivery of new renewable energy infrastructure is central to that response, which is reflected in the designation of renewable energy developments of 50MW or greater in capacity now being designated as national developments. The Applicant is committed to mitigating the impact of the Proposed Development on the natural environment and delivering enhancements that will help address the nature crisis, alongside the climate crisis, in accordance with NPF4 Policy 1.
- 6.1.7 As set out above, the Proposed Development is fully supported by NPF4. Given this and the wider case set out in the Planning Statement, it is respectfully requested that consent under Section 36 of the Electricity Act 1989 and deemed planning permission under Section 57(2) of the Town and Country Planning (Scotland) Act 1997, is granted by Scottish Ministers.



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