

CHAPTER 5: ENERGY AND PLANNING POLICY

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5. ENERGY AND PLANNING POLICY

5.1 Introduction

5.1.1 This Chapter identifies the relevant energy and planning policy considerations for the Proposed Varied Development, including reference to national, regional and local policies as well as other material considerations.

5.1.2 It is important to note that the Chapter does not include an assessment of the Proposed Varied Development's compliance with these policies. This is addressed in a separate Planning Statement accompanying the variation application.

5.2 Legislative Framework

5.2.1 The legislation of particular relevance to the Proposed Varied Development is:

- Electricity Act 1989;
- The Electricity Generating Stations (Applications for Variation of Consent) (Scotland) Regulations 2013;
- Town and Country Planning (Scotland) Act 1997; and
- The Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017.

5.3 Energy Policy

Current Scottish Government Energy Policy

5.3.1 In December 2017 the Scottish Government published two energy policy documents, comprising the following:

- the Scottish Energy Strategy 'The Future of Energy in Scotland'; and
- the Onshore Wind Policy Statement.

5.3.2 Together, these policy documents represent the Scottish Government's intended energy and climate change strategy for the period to 2050. Further information in respect of these documents is contained in the Planning Statement.

Other UK and Scottish Energy Policy

5.3.3 The following UK Climate Change, Carbon and Renewable Energy documents confirm the current commitments at a UK level and generally set out aspirations to reduce greenhouse gas emissions and to increase the proportion of energy consumption coming from renewable sources (as outlined in Table 5.1):

- Climate Change Act 2008;
- The Energy Act 2013;
- The UK Renewable Energy Strategy;
- The UK Carbon Plan;
- The UK Renewable Energy Roadmap (and 2013 update); and

5.3.4 Confirmation of how the Proposed Varied Development complies with these is contained within the separate Planning Statement.

5.3.5 Energy is a devolved matter for the Scottish Government, which is seeking to secure a de-carbonised economy by 2025. This is discussed in further detail in the Planning Statement.

5.3.6 Table 5.1 summaries the key Renewable energy targets set by the UK and Scottish governments.

Table 5.1 Renewable Energy Targets

Level	Target	Current position
UK	16% reduction in UK greenhouse gas emissions by 2020 relative to 1990 levels. Reduce UK greenhouse gas emissions in 2030 by 57% relative to 1990 levels	UK emissions were 42% below 1990 levels in 2016. The first carbon budget (2008-12) has been met and the UK is currently on track to outperform the second (2013-17) and third (2018-22) carbon budgets, but is not on track to meet the fourth, which covers the period 2023-27 (Source 1)
	Reduction in carbon dioxide emissions by at least 80% relative to 1990 levels by 2050	Meeting future carbon budgets and the UK's 2050 target to reduce emissions by at least 80% of 1990 levels will require reducing domestic emissions by at least 3% per year (Source 1) 35% below 1990 emissions in 2015 (Source 2)
Scotland	42% reduction in greenhouse gas emissions by 2020 and 80% by 2050.	Well on track to meet the 2020 target – 38% below 1990 emissions in 2015 (Source 2)
	At least 50% overall energy demand from renewable resources by 2030	17.8% was met by renewable sources in 2015 (Source 3)
	Reduce greenhouse gas emissions by 66% by 2032 against 1990-95 baseline	Greenhouse gas emissions have reduced by nearly 40% since 1990 (Source 4)

Source 1 <https://www.theccc.org.uk/tackling-climate-change/reducing-carbon-emissions/how-the-uk-is-progressing/>

Source 3 Energy Statistics for Scotland, (Scottish Government) December 2017

Source 2 Climate Change Plan, (Scottish Government) February 2018

Source 4 Energy in Scotland 2017, (Scottish Government) February 2017

5.4 Planning Framework

- 5.4.1 The Scottish Government influences the planning system through legislation, White Papers, the National Planning Framework, Scottish Planning Policy (SPP), Circulars, Planning Advice Notes (PANs), approval of strategic planning documents and through powers to call in planning applications.
- 5.4.2 The Development Plan system forms the basis on which decisions about development and future land use are made, and effectively incorporates national and strategic policies within a local framework.
- 5.4.3 The Development Plan system for Scotland requires the four largest city regions to prepare Strategic Development Plans (SDPs) and local authorities to prepare Local Development Plans (LDPs). For those authorities outside the city regions the LDPs will set out the area's strategic priorities and must be replaced every five years. LDPs should be concise, map-based documents focusing on specific proposals for a time horizon of a minimum of 10 years (where they are also covered by a Strategic Development Plan) or 20 years (outwith Strategic Development Plan areas). LDPs may be accompanied by supplementary guidance which will provide detailed policy and advice in discrete areas. Together (where relevant) SDPs, LDPs and issued supplementary guidance form the Development Plan.

5.5 National Planning Policy

National Planning Framework 3 (NPF3) (June 2014)

- 5.5.1 The Scottish Government published Scotland's third National Planning Framework (NPF3) on 23rd June 2014. NPF3 is a long-term strategy for Scotland and is the spatial expression of the Government's Economic Strategy and plans for development and investment in infrastructure.

- 5.5.2 Together, NPF3 and Scottish Planning Policy 2014 (referred to below) applied at the strategic and local levels, are intended to help the planning system deliver the Government's vision and outcomes for Scotland and to contribute to the Government's central objective: sustainable development.
- 5.5.3 NPF3 sets out the Government's "vision" for Scotland, which is referred to as inter alia:
- A successful, sustainable place – "we have a growing low carbon economy which provides opportunities..."
 - A low carbon place - "we have seized the opportunities arising from our ambition to be a world leader in low carbon generation, both onshore and offshore..."
 - A natural resilient place - "natural and cultural assets are respected; they are improving in condition and represent a sustainable economic, environmental and social resource for the nation..."
- 5.5.4 Paragraph 2.8 confirms that the Scottish Government will support growth in priority areas, which includes the energy sector. Chapter 3 of NPF3 address 'A Low Carbon Place', also a 'subject policy' in Scottish Planning Policy.
- 5.5.5 Paragraph 3.1 explains that planning will play a key role in delivering on the commitments set out in 'Low Carbon Scotland': The Scottish Government's Proposals and Policies'. It adds: "the priorities identified in this spatial strategy set a clear direction of travel which is consistent with our world leading climate legalisation".
- 5.5.6 The introduction to Chapter 3 of NPF3 states that the Government's ambition "is to achieve at least an 80% reduction of greenhouse gas emissions by 2050".

Scottish Planning Policy (SPP) (June 2014)

- 5.5.7 SPP addresses 'A Low Carbon Place' as a 'subject policy' on page 36 and refers to 'delivering electricity'. Paragraph 152 refers to the NPF3 context and states that NPF3 is clear that planning must facilitate the transition to a low carbon economy and help to deliver the aims of the Scottish Government.
- 5.5.8 In terms of 'Policy Principles', Paragraph 154 states that the planning system should:
- support the transformational change to a low carbon economy, consistent with national objectives and targets, including deriving: 30% of overall energy demand from renewable sources by 2020; and the equivalent of 100% of electricity demand from renewable sources by 2020;
 - support the development of a diverse range of electricity generation from renewable technologies – including the expansion of renewable energy generation capacity; and
 - guide development to appropriate locations and advise on the issues that will be taken into account when specific proposals are being assessed.
- 5.5.9 Paragraph 155 confirms that development plans should ensure an area's full potential for electricity and heat from renewable sources is achieved, giving due regard to relevant environmental, community and cumulative impacts.
- 5.5.10 Paragraph 169 sets out criteria which may be likely to be relevant for proposals for energy infrastructure, these include:
- net economic impacts, including local and community socio economic benefits such as employment, associated business and supply chain opportunities;
 - the scale of contribution to renewable energy generation targets;
 - effects on greenhouse gas emissions;
 - impacts on communities and individual dwellings, including visual impact, residential amenity and noise and shadow flicker;

- landscape and visual impacts including effects on wild land;
- effects on the natural heritage, including birds;
- impacts on carbon rich soils using the carbon calculator;
- public access, including impact on long distance cycling and walking routes and scenic routes identified in the NPF;
- impacts on the historic environments, including scheduled monuments, listed buildings and their settings;
- impacts on tourism and recreation;
- impacts on aviation and defence interests and seismological recording;
- impacts on telecommunications and broadcasting installations, particularly ensuring that transmission links are not compromised;
- impacts on road traffic; and
- impacts on adjacent trunk roads.

5.5.11 SPP also cross-refers to ‘key documents’. Those of relevance include:

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

5.5.12 In terms of onshore wind specifically, paragraphs 161 to 166 note that planning authorities should generally set out in the Development Plan a spatial framework identifying those areas that are likely to be most appropriate for onshore wind farms as a guide for developers and support the development of wind farms in locations where technology can operate efficiently. To provide guidance on appropriate locations, a spatial framework table (Table 1) is included in the SPP which sets out three groups; Group 1 contains areas where wind farms will not be accepted, i.e. National Parks and National Scenic Areas; Group 2 lists areas of significant protection where it should be demonstrated that effects can be overcome by siting, design or mitigation, and include international and national designated areas, other national mapped interests (e.g. wild land) and areas of separation from communities to limit visual impact; and Group 3 areas (all other areas) where wind farms are likely to be acceptable subject to detailed consideration against identified policy criteria.

5.5.13 SPP advises that planning authorities should consider a variety of potential constraints to wind farm development. These include the historic environment, landscape designations, tourism and recreation, effects on the community, aviation and defence interests and impact on broadcasting installations. SPP instructs that both strategic and local development planning authorities, working together where required, should identify where there is strategic capacity for wind farms, and areas with the greatest potential for wind development, considering cross-boundary constraints and opportunities.

5.6 Regional and Local Planning Policy

Introduction

5.6.1 The Highland Council area is not part of a City Region and therefore is not covered by a Strategic Development Plan. It is therefore the Council’s responsibility to incorporate its Strategic Priorities and Policies within the Local Development Plan (LDP) process. In response to the introduction of the new development plan system in 2006, the Council opted to maintain an overview document, The Highland Wide Local Development Plan (HWLDP), covering the entire council area. The HWLDP (adopted on 5th April 2012) updates and replaces parts of the Highland Structure Plan as well as parts of the existing Local Plans. It provides a strategic vision and covers strategic and framework policy issues.

5.6.2 Within the HWLDP, local area LDPs address in more detail local policy and spatial issues. The Development will be located within the Caithness and Sutherland LDP area (adopted in August 2018). In addition, The Highland Council has also published Supplementary Planning Guidance (SPG) of relevance to the Proposed Varied Development. The key documents that comprise the current Development Plan and associated guidance are discussed below.

Highland Wide Local Development Plan (HWLDP) (2012)

5.6.3 The HWLDP adopted by The Highland Council in 2012 sets out the overarching vision statement, spatial strategy and general planning policies for the whole of The Highland Council area. The HWLDP supersedes the General Policies of Area Local Plans covering the whole Highland Council area, including the Sutherland Local Plan (Adopted 2010); those elements that remain in force are listed in Appendix 7 of the HWLDP.

5.6.4 The vision of the HWLDP is to develop the Highland area as one of the leading regions in Europe, creating sustainable communities with a balanced population growth and economic development across the area. In land use planning terms this means that the environment will be safeguarded by ensuring that development of renewable energy resources are managed effectively with clear guidance on where renewable energy should and should not be located.

5.6.5 The HWLDP devolves details of how the land can be used into 3 area plans which, when all adopted, will replace all other local plans. The site for the Proposed Varied Development is situated within the Caithness and Sutherland Local Development Plan (CaSPlan) area. The HWLDP Vision and Spatial Strategy for the Caithness and Sutherland area states that by 2030 the area will:

- be a regenerating place with a network of strong communities;
- be a competitive place connected to the global economy;
- be a connected and accessible place;
- be a place of outstanding heritage: safe in the custody of local people;
- be a centre of excellence for energy and engineering;
- have become an international centre of excellence for marine renewables;
- have a high quality tourist industry; and
- have a more diverse economy.

5.6.6 In terms of renewable energy developments the HWLDP states that the Highland area has great potential for renewable energy production, contributing towards meeting ambitious targets set internationally, nationally and regionally. Paragraph 22.1.8 explains that the Council will expect renewable energy developments to benefit the local community, and will seek to enter into agreements with developers for environmental and socio-economic purposes.

5.6.7 Table 5.2 sets out the HWLDP policies of relevance to this Proposed Varied Development.

Table 5.2: Highland Wide Local Development Plan Policies

Policy	Description
Policy 28 – Sustainable Design	This policy states that the Council will support developments which promote and enhance the social, economic and environmental wellbeing of the people of Highland. The Policy states that proposed developments will be assessed on the extent to which they meet a range of sustainability indicators.
Policy 29 - Design Quality and Place-Making	This policy requires the design to make a positive contribution to the architectural and visual quality of the place where it is located, demonstrating sensitivity and respect towards the local distinctiveness of the landscape, architecture, design and layout.

Policy	Description
Policy 30 – Physical Constraints	This policy states that developers must consider whether their proposals would be located within areas of constraints as set out in the SPG: Physical Constraints. Where a proposed development is affected by any of the constraints detailed within the guidance, developers must demonstrate compatibility with the constraint or outline appropriate mitigation.
Policy 36 – Development in the Wider Countryside	Renewable energy proposals will be assessed against the Renewable Energy Policies, the non-statutory Highland Renewable Energy Strategy and where appropriate the Onshore Wind energy supplementary guidance document.
Policy 53 - Minerals	This policy states that the Council will support borrow pits which are near to or on the site of the associated development if it can be demonstrated that they are the most suitable source of material, are time limited and appropriate environmental safeguards are in place for the workings and the reclamation.
Policy 55 – Peat and Soils	Development proposals should demonstrate how they have avoided unnecessary disturbance, degradation or erosion of peat and soils.
Policy 56 - Travel	This policy requires that development proposals are accompanied by a statement which will enable the Council to consider the likely on and off site transport implications of the development.
Policy 57 – Natural, Built and Cultural Heritage	This policy sets out the test against which all development which affects natural, cultural and built heritage features must be assessed. All development proposals will be assessed taking into account the level of importance and nature of heritage features, the nature and scale of development, and any impact of the feature and its setting.
Policy 58 – Protected Species	This policy sets out that where the development may affect a protected species, surveys will need to be carried out and mitigation plan may need to be prepared to avoid any effects on the species from the development.
Policy 59 – Other Important Species	This policy concerns other important species and states that development proposals should avoid adverse effects, individually and/or cumulatively on the following categories of species, if not protected by other legislation or by nature conservation site designations: species listed in Annexes II and V of the EC Habitats Directive; priority species listed in the UK and Local Biodiversity Action Plans; species included on the Scottish Biodiversity List; and conditions and agreements will be used to ensure detrimental effects on these species are avoided.
Policy 60 – Other Important Habitats and Article 10 Features	This policy seeks to safeguard other important habitats such as landscape features that provide ‘stepping stones’ for the movement of flora and fauna. The Council will have regard to these features where they are not protected by designations. Habitats that may be affected individually and/or cumulatively: habitats listed in Annex I of the EC Habitats Directive; habitats of priority and protected bird species (see Glossary); priority habitats listed in the UK and Local Biodiversity Action Plans; and habitats of principal importance included on the Scottish Biodiversity List.
Policy 61 - Landscape	This policy states that development proposals should relate to the landscape characteristics and special qualities of the area in which it is proposed also taking into account cumulative effects where these occur. Landscape Character Assessments and the Council’s Supplementary Guidance on Sustainable Design should be taken into account, in addition to relevant capacity studies, design guides and Supplementary Guidance.
Policy 63 – Water Environment	This policy relates to the water environment and states that proposals that will not compromise the objectives of the Water Framework Directive will be supported. The Council will also take into account the River Basin Management Plan for the Scotland River Basin District and associated Area Management Plans.

Policy	Description
Policy 64 – Flood Risk	The flood risk policy states that development proposals should avoid areas that are susceptible to flooding and promote sustainable flood management. A Flood Risk Assessment or other suitable information demonstrating compliance with SPP may be required for development that is at risk of flooding.
Policy 66 – Surface Water Drainage	This policy states that all proposed development must be drained by Sustainable Drainage Systems (SuDS) as per guidance contained within the SuDS Manual (CIRIA C697), the Sewers for Scotland Manual 2nd Edition and PAN 69: Planning and Building Standards Advice on Flooding paragraphs 23 and 24 should be taken into account.
Policy 67 – Renewable Energy Developments	Renewable Energy Developments should be related to the source and resources needed for their operation. The Council will consider the contribution of the proposed development towards meeting generation targets and any positive or negative effects it is likely to have on the local and national economy. The Council will support proposals where it is satisfied that they are located, sited and designed that they will not be significantly detrimental, individually or cumulatively with other developments.
Policy 72 - Pollution	This policy relates to pollution including noise and states that proposals will only be approved where a detailed assessment is provided and mitigation measures are identified to reduce the impact. Independent monitoring may be required.
Policy 77 – Public Access	Where a development proposal affects a Core Path or affects wider access rights the Council may require the developer to submit an Access Plan, to ensure that access is maintained and is no less attractive and safe to use.
Policy 78 – Long Distance Routes	This policy states that the Council will safeguard and seek to enhance long distance routes and their settings.

Emerging Development Plan

- 5.6.8 The Emerging Highland Wide Local Development ('EHwLDP') Main Issues Report was consulted upon in September 2015, however progress was halted in Summer 2016 to allow the emerging area Local Plans to progress. Progress has further been delayed following the publication of the Planning Bill by the Scottish Government in December 2017. The Council has decided that the review of the EHwLDP should be postponed until there is clarity on possible changes to the content of local development plans and how they are prepared. The EHwLDP therefore remains at an early stage of preparation, and so is not considered to be currently of sufficient weight to be included within the EIA Report.

Caithness and Sutherland Local Development Plan (August 2018)

- 5.6.9 The CaSPlan is the second of the area Local Development Plans to be adopted by The Highland Council under the modernised planning system. It acts as an area plan and will be used to guide decisions on planning applications. It replaces the Caithness Local Plan and Sutherland Local Plan. The CaSPlan focuses on delivering the Scottish Government's aim for LDPs to reflect the views and aspirations of the communities they serve. Each of the plan's four outcomes (Growing Communities; Employment; Connectivity and Transport; and Environment and Heritage) have been taken from the Highland Community Planning Partnership's Single Outcome Agreement (SOA) and brought forward to reflect the priorities identified by all sectors of the community in Caithness and Sutherland.
- 5.6.10 CaSPlan sits alongside the two other area plans (Inner Moray Firth Local Development Plan and West Highlands and Islands Local Development Plan (still to be adopted)) and the existing HWLDP (including Supplementary Guidance) and form The Highland Council's Development Plan.

Onshore Wind Energy Supplementary Guidance (November 2016)

- 5.6.11 The Onshore Wind Energy Supplementary Guidance forms part of the Highland Council's Development Plan. It sets out how onshore wind energy proposals will be addressed and the material considerations, key features, aspects and issues that will be assessed. In line with SPP the SG sets out 'a spatial framework identifying those areas that are likely to be most appropriate for onshore wind farms.'
- 5.6.12 An addendum to the Onshore Wind energy Supplementary Guidance, 'Part 2b,' was published in December 2017. The addendum provided a landscape sensitivity appraisal for two study areas 'Black Isle, Surrounding Hills and Moray Firth Coast' and Caithness. The Proposed Varied Development sits outwith both of these study areas.

Other Supplementary Guidance

- 5.6.13 The Highland Council has also produced other supplementary guidance that may be relevant including:
- Highland Renewable Energy Strategy and Planning Guidelines (May 2006);
 - Supplementary Guidance: Sustainable Design Guide (January 2013);
 - Supplementary Guidance: Highland's Statutorily Protected Species (March 2013);
 - Supplementary Guidance: Physical Constraints (March 2013);
 - Trees, Woodland and Development: Interim Supplementary Guidance (January 2013);
 - Special Landscape Area Citations (June 2011);
 - Construction Environmental Management Process for Large Scale Projects (August 2010);
and
 - The Highland Council Community Benefit Policy "Policy for Onshore Developments" (2014).

5.7 Conclusions

- 5.7.1 This Chapter has set out the relevant national and local planning policy context against which the Proposed Varied Development will be assessed.
- 5.7.2 The separate Planning Statement, which does not form part of this EIA Report, provides a detailed assessment of the proposal against the planning policy context outlined in this Chapter to provide an independent assessment of the planning issues relevant to the Proposed Varied Development.