# Gordonbush Extension Wind Farm

## Planning Statement

January 2019

# PLANNING STATEMENT



**Figures**



**Appendices**

## Executive Summary

SSE Generation Limited is applying under section 36C of the Electricity Act 1989 and The Electricity Generating Stations (Applications for Variation of Consent) (Scotland) Regulations 2013 to vary the section 36 consent granted by Scottish Ministers on 29 September, for Gordonbush Wind Farm Extension. SSE Generation Limited is also applying for a direction under section 57(2ZA) of the Town and Country Planning (Scotland) Act 1997, as amended, for variation of the planning permission deemed to be granted for the Consented Development by the Scottish Ministers' decision letter of 29 September 2017.

An Environmental Impact Assessment Report is submitted with the variation application in accordance with The Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017.

The proposed variations include reducing the number of turbines from fifteen to eleven and increasing the tip height of the remaining turbines from 130m up to a maximum tip height of 149.9m (and a maximum rotor diameter of up to 136m). There is no change in turbine positions proposed for the remaining eleven turbines. The grid transformer and grid connection agreement capacity limit the export capacity of Gordonbush Extension Wind Farm. The developer does not currently plan to seek any increase in capacity to the grid connection agreement or onsite grid transformer. Therefore the Proposed Varied Development generation capacity is sought for a minimum of 30MW.

The application seeks to vary Conditions 5, 7, 8, 10, 11, 21, 23, 24, 25 (Habitat Management Plan) and 25 (Noise). It is further sought to renumber existing Condition 25 (Noise) as Condition 26.

The Consented Development was considered by The Highland Council and the Scottish Minsters to be acceptable, on balance. There has been no change in the National Planning Policy or the Development Plan since consent was granted for the Consented Development. The Proposed Varied Development would have fewer significant environmental impacts than the Consented Development. It is concluded that consent for the Proposed Varied Development should be forthcoming.

# 1. INTRODUCTION

## 1.1 Introduction

1.1.1 SSE Generation Limited (the "Applicant") are applying under section 36C of the Electricity Act 1989 (the "1989 Act" or "s.36C" as the context requires) and The Electricity Generating Stations (Applications for Variation of Consent) (Scotland) Regulations 2013 (the "2013 Regulations") to vary the s.36 consent granted (ECU Case ref: EC00003105) by Scottish Ministers on 29 September 2017 (the "relevant section 36 consent"), for Gordonbush Wind Farm Extension (the "Consented Development"). The Applicant is also applying for a direction under section 57 (2ZA) (varying existing deemed planning) of the Town and Country Planning (Scotland) Act 1997, as amended, (the "1997 Act" or "s.57" as the context requires) for variation of the planning permission deemed to be granted for the Consented Development by the Scottish Ministers' decision letter of 29 September 2017 (the "deemed permission"). Together these are referred to as the "variation application".

1.1.2 An Environmental Impact Assessment Report ("EIA Report") is submitted with the variation application in accordance with The Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017 (the "2017 Regulations").

1.1.3 The Consented Development comprises a total of fifteen turbines with an installed capacity of 56 megawatts (MW). Twelve of the consented turbines have a maximum tip height of 130 metres (m), whilst the remaining three turbines have a maximum tip height of 115m[1]. The Consented Development is located approximately 9.5km to the north-west of Brora, Sutherland, and is directly adjacent to the Applicant's operational Gordonbush Wind Farm, on Gordonbush Estate, see Figure 1: Site Location of this Planning Statement. The Applicant has not commenced implementation of the consent for the Consented Development. The deemed permission for the Consented Development requires that the Consented Development shall be commenced no later than five years from the date of the consent; i.e. 29 September 2022. There is no intention to revise this date as part of the variation application.

1.1.4 The proposed variations to the consent include reducing the number of turbines from fifteen to eleven, and increasing the tip height of the remaining turbines from 130m up to a maximum tip height of 149.9m (and a maximum rotor diameter of up to 136m). There is no change in turbine positions proposed for the remaining eleven turbines. Please see Figure 2: Site Overview Proposed Variation and Figure 3 Proposed Varied Development of this Planning Statement. The proposed changes are referred to as the "proposed variations" and the development as it would be if the proposed variations were permitted is referred to as "the Proposed Varied Development" in this Planning Statement.

1.1.5 The grid transformer and grid connection agreement capacity limit the export capacity of Proposed Variation Development when combined with the Consented Development to 108MW. The Applicant does not currently plan to seek any increase in capacity to the grid connection agreement or onsite grid transformer. Therefore the Proposed Varied Development generation capacity is sought for a minimum of 30MW.

1.1.6 The application for a variation of consent is submitted to the Scottish Ministers under the Electricity Generating Stations (Applications for Variation of Consent) (Scotland) Regulations 2013 for variation under s36C and s57 (2ZA)). The Applicant, by way of the s.36C process, requests that the Scottish Ministers issue a s.36C variation to consent reference EC00003105 to reflect the Proposed Varied Development.

[1] Annex 1 of the section 36 consent states that there would be eleven turbines with a maximum tip height of 130 m and four turbines with a maximum tip height of 115 m. This is inconsistent with the submitted application, as summarised in page 1 of the letter of consent.

1.1.7 Alterations to Annex 1, of the decision letter for the consented development, are sought in order to facilitate the changes proposed in the Proposed Varied Development.

1.1.8 The Applicant is applying under s.57 (2ZA) of the 1997 Act and the 2013 Regulations to vary the following Conditions of the Deemed Planning Permission set out in Annex 2 of the decision letter for the Consented Development:

- Condition 5 Implementation in accordance with approved plans and requirements of this permission;
- Condition 7 Design and operation of wind turbines;
- Condition 8 Decommissioning and restoration Plan;
- Condition 10 Electricity Supply;
- Condition 11 Micro-siting;
- Condition 21 Outdoor Access;
- Condition 23 Construction and Environmental Management Plan;
- Condition 24 Ecological Clerk of Works;
- Condition 25 Habitat Management Plan; and
- Condition 25 Noise

1.1.9 It is further sought to renumber existing Condition 25 (Noise) as Condition 26.

1.1.10 For ease of reference the conditions that are proposed to be altered are set out in full in Appendix 1 of this Planning Statement. The proposed variations to the condition wording are contained in Appendix 1.2 of the EIA Report.

1.1.11 For the avoidance of doubt no changes to the conditions attached to the s. 36 Consent for the Consented Development are sought.

1.1.12 This Planning Statement does not form part of the EIA Report but is submitted in support of the application for deemed permission. The Planning Statement refers to the EIA Report and the two documents should be read together.

## 1.2 Purpose of this Planning Statement

1.2.1 This Planning Statement sets out the planning case, under s.36C of the 1989 Act and s.57 of the 1997 Act for the variation application as follows:

- Section 1 includes the introduction to the Planning Statement, provides the framework for decision making and provides back ground information on the Applicant;
- Section 2 provides a description of the site, the location of the Consented Development and the nature of the Proposed Varied Development.
- Section 3 sets out the Planning Assessment for the Proposed Varied Development. It summarises the matters which are considered to be relevant to the decision making process. These are considered to be the key considerations for the determination for the application.
- Section 4 contains a conclusion in respect of the planning case for the variation application.

## 1.3 Decision Making Framework

1.3.1 In their consideration of the application s.36C(4) of the 1989 Act provides that Scottish Ministers' may make such variations as appear to them appropriate, having regard (in particular) to:

*a) " the applicant's reasons for seeking the variation;*

*b) the variations proposed;*

*c) any objections made to the proposed variations, the views of consultees and the outcome of any public inquiry."*

1.3.2 The role of the Development Plan in the case of applications made under s.36C of the 1989 Act is not the same as in the case of the 1997 Act. The test as set out in the s. 25 of the 1997 Act, against the Development Plan, is not required in the case of a s.36C application. This has been made clear in Lord Malcolm's ruling in relation to the Dorenell Judicial review of 2012. Further information is provided in Appendix 2 of this Planning Statement.

1.3.3 The Applicant through the Environmental Impact Assessment (EIA) process has sought to vary the relevant s.36 consent and deemed permission in a manner which takes account of the duties set out in the 2017 Regulations. The matters that are raised in Schedule 4 (as read with Regulation 28) have been considered in the EIA process and the findings are presented in the EIA Report. A summary of the findings of the EIA Report is set out in Section 3 of this Planning Statement.

## 1.4 The Applicant

1.4.1 The Applicant for the variation application is SSE Generation Limited (SSE). SSE is part of the SSE group and is one of the UK's largest energy companies. SSE currently operates several wind farms across the UK providing over 2.1GW of electricity per year from onshore wind. The company also has several wind farm projects which are in various stages of the planning process, have received consent or are currently under construction.

# 2. THE SITE, ITS SURROUNDINGS AND THE PROPOSED VARIED DEVELOPMENT

## 2.1 The Site

2.1.1 The site and main turbine area is centred on grid reference 285000, 913700, located approximately 9.5km to the north west of Brora, Sutherland within the Highland region of Scotland (Figure 1). This site is 7.3km2 of which approximately 8 hectares would be developed.

2.1.2 The site benefits from deemed planning permission for an extension to the existing Gordonbush Wind Farm.

2.1.3 The site is currently moorland and is located on a single slope which falls from approximately 330m AOD in the north east to a low point of around 105m AOD in the south west.

## 2.2 The Surrounding Area

2.2.1 The site is located to the south-west of Gordonbush Wind Farm which became operational in June 2012. Gordonbush Wind farm comprises 35 turbines with a tip height of 110m.

2.2.2 All sides of the site other than the west and south-west are surrounded by higher landform; to the west and south-west, the slope of the site continues to fall into the valley of the Allt a' Mhuilinn before rising gently again into a series of cnocans.

2.2.3 To the north-east of the site, the moorland continues to rise up to Cnoc a' Chrubaich Mhoir, and on this slope, above the site, is Gordonbush Wind Farm. Access to Gordonbush Wind Farm is gained by a track that runs from the public road in Strath Brora at Ascoile, across the southern edge and up the eastern side of the Proposed Varied Development site.

2.2.4 To the south of the site is Strath Brora. Loch Brora lies within the strath due south of the site. The minor road that links Brora to Rogart also runs through Strath Brora at this point, passing to the south of the site in a narrow corridor between Loch Brora and the landform of Cnoc a' Ghrianain. There is scattered settlement in this part of Strath Brora, largely to the north of the road, loch and river. Deciduous woodland is found along the banks of Loch Brora and is a notable characteristic of the enclosed strath landscape. Around 5km to the south of the site, on the north-west-facing slopes of Meall Horn and Meall Odhar, is the operational Kilbraur Wind Farm.

2.2.5 Immediately to the west of the site, east of the Allt a' Mhuilinn, is a 275kV transmission line which runs north-south through the northern part of the study area before diverting westwards around the Dornoch Firth in the southern part of the study area.

## 2.3 Description of the Proposed Varied Development

2.3.1 A full description of the Proposed Varied Development is contained in the EIA Report Chapter 4. There is limited capacity available on the existing substation transformer at the Gordonbush Wind Farm Generating Station which is why a maximum of 11 turbines are proposed. Until the turbines are procured it is unknown what turbine models will be available on the market and the corresponding output capacity. It is anticipated that the capacity of the Proposed Varied Development would exceed 30MW, which combined with the existing Generating Station capacity exceeds 50MW. For the purposes of the EIA Report, assessment has been carried out on the basis of 11 turbines as this is considered the worst case scenario.

2.3.2 Table 2.1 summarises the differences between the Consented Development and the Proposed Varied Development.

**Table 2.1: Comparison between the Consented Development and the Proposed Varied Development**

| Description | s.36 Consented Development | s.36C Proposed Varied Development |
|---|---|---|
| **Number of turbines (WTG)** | 15 | 11 |
| **Maximum Tip Height (TH)** | 115m x 3 (WTG) | N/A – These turbines are removed |
| | 130m x 12(WTG) | Up to 19.9m increase @149.9m x 11 (WTG) |
| **Maximum Rotor Diameter (RD)** | Max RD 93m (3 WTG @ 115m TH) | N/A – These turbines are removed |
| | Max RD 105m (12 WTG @ 130m TH) | Up to Max 136m |
| **Turbine Positions** | As per Consented layout | No change to remaining eleven turbines |
| **Borrow Pits** | BP1 indicative extraction volume=48,000m³<br><br>BP2 indicative extraction volume= 96,000m³<br><br>Net indicative extraction volume=144,000m³ | No change to BP search area.<br><br>Amend the indicative volume of extraction<br><br>BP1: increase from 48,000m³ to 105,600m³<br><br>BP2: decrease from 96,000m³ to 39,600m³.<br><br>Net indicative extraction volume increased to 145,200m³ |
| **Temporary Batching Plant** | North of BP2 | New location |
| **New Access Tracks** | 7.96km | 5.33km |
| **Operations Building** | As per Consented Development layout | No longer required. |
| **Meteorological Mast** | Permanent and temporary met mast as per Consented Development layout. Removal of existing operational Gordonbush Wind Farm meteorological mast (southern). | LiDAR proposed, removing requirement for permanent and temporary met masts. Retention of existing operational Gordonbush Wind Farm meteorological mast (southern). |

# 3. PLANNING ASSESSMENT

## 3.1 Introduction

3.1.1 The variation application should be considered under s.36C of the 1989 Act. The 1989 Act contains a clear test for decision makers which is to have regard to the desirability to preserve a range of environmental matters and to what extent has the applicant sought to mitigate any such effects.

3.1.2 The role of the Development Plan in the case of applications made under s.36 and 36C of the 1989 Act is not the same as in the case of the 1997 Act. The test, as set out in section 25 of the 1997 Act, against the Development Plan is not directly applicable in the case of a s.36 application as set out in prior decisions on s.36 scale developments (See Appendix 2 for case law examples). In effect a development being considered under s.36 of the Electricity Act need not accord with the Development Plan to be considered acceptable, provided it meets the test set out in Schedule 9 of the 1989 Act. However, the Development Plan will normally be a material consideration.

3.1.3 The 2017 Regulations, Part 9, provides that variation applications require a comparative assessment of the likely significant effects of the Consented Development and the Proposed Varied Development. This is set out in the EIA Report in Chapter 15.

3.1.4 This Section of the Planning Statement sets out the assessment of the Proposed Varied Development against the matters that are considered to be pertinent to the decision making process. It first considers the progress towards Scottish renewable energy targets, it then considers the National Planning Policy and then the Development Plan. It then sets out a comparison between the Proposed Varied Development and the Consented Development, noting the latter is considered to be acceptable.

## 3.2 Progress to the Scottish Renewable Energy & Electricity Targets

3.2.1 The targets that are set for renewable energy are described in Appendix 3 of this Planning Statement. It is acknowledged that although the Proposed Varied Development would make a meaningful contribution to renewable energy generation it would not be contributing energy to the national grid until after 2020 and therefore many of the current targets are not directly relevant to the Proposed Varied Development. Table 3.1 sets out the relevant Scottish targets post 2020.

**Table 3.1: Scottish Renewable Energy Targets**

| Target | Current position |
|---|---|
| **Overall renewable energy target – total Scottish energy consumption from renewables 50% by 2030** | 20% in 2017 (provisional) |
| **Renewable Electricity Target – Gross electricity consumption from renewables 100% by 2020** | 70.1% in 2017 |

Source 1 Energy Statistics for Scotland Q3 Figures December 2018

3.2.2 The Scottish Government estimates that, in 2017, renewable sources generated the equivalent of approximately 70% gross electricity consumption. (Energy Statistics for Scotland Q3 (Scottish Government 2018)).

3.2.3 Chapter 1 of the Routemap for Renewable Energy in Scotland Update 2015 (see Appendix 3 of this Planning Statement) states that the 2020 renewables target of 100% equates to the equivalent of circa 16 GW of installed capacity. The Renewable Electricity Planning Statistics for Scotland data as at September 2018 advises that as of September 2018 Scotland had in the region of 10.5GW of installed renewable energy capacity the majority of which was wind generation projects. The total Renewable energy capacity, by stage in Scotland is as follows:

- planning applications – 3.4GW;
- projects awaiting construction – 7.3GW;
- projects under construction –1.3GW; and
- operational projects – 10.5GW.

3.2.4 The information provided shows that there is a significant shortfall against the Scottish 2020 renewable electricity generation target as the 'operational' and 'under construction' figures together equate to 11.8GW of the required 16GW.

3.2.5 It is recognised that the targets which have been set by the Scottish Government are a target and not a cap, as set out in the letter from the Chief Planner to the Heads of Planning (2015). This letter advises that the Scottish Government target to generate at least 1-00% of gross electricity consultation from renewables by 2020 does not place a cap on the support for renewable energy development, which includes onshore wind farms, should the target be reached.

3.2.6 It is considered that although the Proposed Varied Development would not be operational before 2020 it would make a valuable contribution to meeting any shortfall in the 2020 target. If post 2020 Scotland is starting from a point behind where we were targeted to be, then there will be a clear need to increase capacity at greater speed. In this context the Proposed Varied Development would therefore make an important contribution to what is anticipated to be an unmet and uncapped target.

3.2.7 The international, UK and Scottish contexts set a framework of ambitious targets which should be met and exceeded if possible. It is considered that the international, UK and Scottish Renewable Energy Policy are all important considerations and should be afforded significant weight in the decision making process. This approach is supported by the Reporter in the case of Windy Edge Appeal Decision (Reference PPA-140-2055, June 2016) who stated that:

*"It seems to me that there is no doubt that there is strong support in Scottish Government planning and energy policy for further renewable energy developments, including new commercial scale wind farms."*

3.2.8 In the case of Windy Edge (Reference PPA-140-2055, June 2016) the output of the proposed development was 22.5MW which the Reporter described as a modest but still important contribution towards the various targets set at the European, UK and Scottish level.

3.2.9 The Proposed Varied Development would have an installed minimum capacity of 30MW, which would make an important contribution to Scottish Government targets on renewable energy and carbon emission reductions.

3.2.10 The Proposed Varied Development supports Scottish Government's desire to see substantial growth in renewables (including onshore wind) with reducing dependence on financial support mechanisms, as set out in the SES 2017 and OWS 2017. This is a challenging set of policy objectives, but the Proposed Varied Development seeks to meet these objectives whilst also ensuring the development is acceptable in terms of environmental impact and residential amenity considerations. The impacts of the Proposed Varied Development are considered in the EIA Report and summarised in Section 3 of this Planning Statement.

3.2.11 Significant weight should be attached to the strong support of the Government for the development of renewable energy, and onshore wind energy as part of that. The Proposed Varied Development draws considerable support from the policy material discussed in this Section of the Planning Statement. In particular it would make a meaningful contribution towards targets for renewable energy and it is considered to be commercially viable on a subsidy free basis as a result of the varied tip height.

### *The Proposed Varied Development Generation*

## 3.3 National Policy

3.3.1 National planning policy which is considered to be relevant to the consideration of the Proposed Varied Development is considered to include:

- The National Planning Framework 3 2014;
- Scottish Planning Policy 2014;
- Scottish Government Planning Guidance;
- Spatial Planning for Onshore Windfarms (Scottish Natural Heritage); and
- Historic Environment Scotland Policy Statement 2016 (HESPS).

### *National Planning Framework (NPF3)*

3.3.2 The National Planning Framework (NPF3) was laid before the Scottish Parliament on June 23 2014 and sets the context for development planning in Scotland. It is a long term strategy for Scotland and is considered to be an expression of the Government's economic strategy. It provides a framework for the spatial development of Scotland as a whole and includes 14 national developments identified which support the strategy. It is expected that the targets relating to renewable energy and the reduction of greenhouse gases which are stated in NPF3 will be updated and pushed out in the next version of NPF, following the lead given by the Energy Strategy.

3.3.3 The 1997 Act (as amended) puts the NPF3 on a statutory footing and provides the national context for development plans and planning decisions, as well as informing programmes of the Scottish Government, public agencies and local authorities.

3.3.4 There is high level support for the promotion of renewable energy developments throughout many parts of NPF 3. Chapter 3 of NPF3, 'A low carbon place' identifies that planning will play a key role in delivering the Scottish Government commitments set out in Low Carbon Scotland: the Scottish Governments report on proposals and policies. The priorities which are set out in this strategy set a clear approach which is consistent with Scottish climate change legislation.

3.3.5 The introduction states the Scottish Government's ambition to achieve at least an 80% reduction in the emission of greenhouse gases by 2020 Paragraph 3.1 states that "*the priorities identified in this spatial strategy set a clear direction of travel which is a consistent with our world leading climate change legislation."*

3.3.6 Paragraph 3.7 states that the planned approach to onshore wind energy development has ensured that development largely avoids internationally and nationally protected areas. It is also recognised that, whilst opinions about onshore wind in particular locations can vary, there is strong public support for wind energy as part of the energy mix.

3.3.7 In the section, 'Scotland tomorrow', the Scottish Government 2020 targets of a reduction of 12% in the total final energy demand, 30% of overall energy demand from renewables and the generation of at least 100% of gross electricity consumption are reaffirmed and the Electricity Generation Policy Statement 2013 sets out how these targets will be met.

3.3.8 Paragraph 3.9 makes it clear that the Scottish Government wants to continue to capitalise on the wind resource of Scotland. By presenting an application that maximises the potential of the site to generate electricity whilst respecting environmental considerations it is submitted that the Proposed Varied Development is seeking to capitalise on the wind resource within Sutherland.

3.3.9 NPF3 advises that, whilst Scotland is making good progress in diversifying the energy generation capacity and lowering carbon emissions, more action is required by way of continuing to capitalise on the wind resource to ensure security of supply. Paragraph 3.22 makes it clear that

onshore wind development will continue to make a significant contribution to the diversification of energy supplies.

3.3.10 NPF 3 provides strong support for developments such as the Proposed Varied Development.

### *Scottish Planning Policy (SPP)*

3.3.11 The SPP provides the planning policy of the Scottish Government relating to nationally important land use matters. It is an important material consideration as it reflects the Scottish Ministers' priorities for the operation of the planning system and for the development and use of land. As is the case with NPF 3 it is expected that the targets relating to renewable energy and the reduction of greenhouse gases which are provided in the current SPP will be updated and pushed out in the next version of SPP, following the lead of Energy Policy.

3.3.12 The SPP provides the planning policy of the Scottish Government relating to nationally important land use matters. It is an important material consideration as it reflects the Scottish Ministers' priorities for the operation of the planning system and for the development and use of land. As is the case with NPF 3 it is expected that the targets relating to renewable energy and the reduction of green house gases which are provided in the current SPP will be updated and pushed out in the next version of SPP, following the lead of Energy Policy.

3.3.13 The introduction of SPP sets out planning outcomes which are designed to explain how planning should support the vision of the SPP. Three of the four are considered to be relevant to the consideration of the Proposed Varied Development. These are:

- Outcome 1: A successful sustainable place;
- Outcome 2: A low carbon place; and
- Outcome 3: A natural resilient place.

3.3.14 Outcome 2 is perhaps the most relevant and it explains that NPF3 will facilitate the transition to a low carbon economy, particularly by supporting diversification in the energy sector. Paragraph 18 refers to the 2009 Act which sets a target of reducing greenhouse emissions by at least 80% by 2050 and an interim target of reducing emissions by at least 42% by 2020. This target has now been met, however the Scottish Government has announced further carbon emission targets in the 2017 Climate Change Plan as described in Appendix 3 of this Planning Statement. This sets out the requirement, in section 44 of the 2009 Act, for all public bodies to act in the following ways:

- in the best way calculated to contribute to the delivery of emissions targets in the 2009 Act;
- in the best way calculated to help deliver the Governments climate change adaption programme; and
- in a way that it considers is most sustainable.

3.3.15 In the cases of Corlic Hill Wind Farm (Reference PPA0280-2022, May 2016) and Windy Edge Wind Farm (Reference PPA-140-2055, June 2016) the Reporters placed significant weight on the benefits of a scheme with the potential of schemes to generate less than the Proposed Varied Development. In the case of Corlic Hill (16-24MW) the Reporter found that the output of the proposed wind farm represented "*a valuable contribution to Scottish, UK and International targets for greenhouse gas emissions reduction and the use of renewable energy*". He went on to conclude that "i*t would also potentially assist in providing greater security of supply in the Scottish energy market by potentially displacing imported energy*."

3.3.16 SPP sets out 2 Principal Policies – Sustainability and Place Making. In the context of sustainability paragraph 24 states that: "The Scottish Government's central purpose is to focus government and public services on creating a more successful country, with opportunities for all of Scotland to flourish, through increasing sustainable economic growth." Where sustainable

economic growth is defined as: "*building a dynamic and growing economy that will provide prosperity and opportunities for all, while ensuring that future generations can enjoy a better quality of life too.*"

3.3.17 SPP creates a presumption in favour of development that contributes to sustainable development. Sustainable development is focussed on throughout the SPP. Paragraph 28 advises that: *"the planning system should support economically, environmentally and socially sustainable places by enabling development that balances the costs and benefits of the proposal over the longer term. The aim is to achieve the right development in the right place; it is not to allow development at any cost."*

3.3.18 Paragraph 29 of SPP advises that planning policies and decisions should be guided by a number of principles, including:

- giving due weight to net economic benefit; and
- making efficient use of existing capacities of land.

3.3.19 Under the heading Development Management, Paragraph 32 of SPP states, "*the presumption in favour of sustainable development does not change the statutory status of the Development Plan as the starting point for decision-making. Proposals that accord with up-to-date plans should be considered acceptable in principle and consideration should focus on the detailed matters arising.*"

3.3.20 Paragraph 33, of SPP, advises that if the Development Plan is over five years old; the relevant policies are out of date; if there are no relevant policies then the presumption in favour of sustainable development is a significant material consideration. The Development Plan for the site is over 5 years old and therefore the policies maybe considered as out of date. It is however recognised that the criteria for assessment contained in the key policy in the Highland wide Local Development Plan 2012(HwLDP) are generally consistent with SPP. The approach to spatial mapping in the HwLDP is not considered to be in accordance with SPP.

3.3.21 It is considered that the presumption in favour of sustainable development is an important consideration which should attract significant weight in favour of this application in the determination process.

3.3.22 SPP contains a number of subject policies; one of these is A Low Carbon Place. The importance that the role of NPF3 places on the transition to a low carbon economy is highlighted in paragraph 152. Paragraph 153 advises that terrestrial planning facilitates the development of renewable energy technologies, links generation with consumers and guides new infrastructure to appropriate locations. It advises that efficient supply of low carbon and low cost generation of electricity from renewable resources are vital to reducing greenhouse gases. It also advises that renewable energy presents a significant opportunity for associated development, investment and growth in the supply chain.

3.3.23 SPP paragraph 145 relates to Scheduled Monuments (SMs) and is applied only to such designated sites. The SPP Glossary definition of SMs advises that they are:

*"Archaeological sites, buildings or structures of national or international importance. The purpose of scheduling is to secure the long term legal protection of the monument in the national interest, in-situ and as far as possible in its existing state and within an appropriate setting".*

3.3.24 Paragraph 145 states:

*"Where there is potential for a proposed development to have an adverse effect on a scheduled monument or on the integrity of its setting, permission should only be granted where there are exceptional circumstances. Where a proposal would have a direct impact on a scheduled monument, the written consent of Scottish Ministers, via a separate process is required in addition to any other consents required for the development."*

3.3.25 It is understood from paragraph 145 and the definition of SMs that SMs should be preserved within an 'appropriate setting'; and, that proposed development should avoid adverse effects on the 'integrity' of those settings.

3.3.26 In Paragraph 154 the SPP states (inter alia) 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*;*
- *11% of heat 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 energy technologies - including the expansion of renewable energy generation capacity - and the development of heat networks;*
- *guide development to appropriate locations and advise on the issues that will be taken into account when specific proposals are being assessed;"*

* It should be noted that the Scottish Government now have a target of 50% of overall energy demand to be met from renewable sources by 2030. This is addressed at Appendix 3 of this Planning Statement.

3.3.27 Onshore wind is specifically considered in SPP starting at paragraph 161. SPP advises that Planning Authorities should set out in the Development Plan a spatial framework identifying areas likely to be most appropriate for onshore wind farms where there is the greatest potential for onshore wind development.

3.3.28 Table 1 of SPP, which sets out the spatial framework requirements, is provided as Table 2 of this Planning Statement.

**Table 2: SPP Spatial Frameworks**

<table>
<tr><td colspan="3">Group 1: Areas where wind farms will not be acceptable:<br>National Parks and National Scenic Areas.</td></tr>
<tr><td colspan="3">Group 2: Areas of significant protection:<br>Recognising the need for significant protection, in these areas wind farms may be appropriate in some circumstances. Further consideration will be required to demonstrate that any significant effects on the qualities of these areas can be substantially overcome by siting, design or other mitigation.</td></tr>
<tr><td>National and international designations:<br>• World Heritage Sites;<br>• Natura 2000 and Ramsar sites;<br>• Sites of Special Scientific Interest;<br>• National Nature Reserves;<br>• Sites identified in the Inventory of Gardens and Designed Landscapes;<br>• Sites identified in the Inventory of Historic Battlefields.</td><td>Other nationally important mapped environmental interests:<br>• areas of wild land as shown on the 2014 SNH map of wild land areas;<br>• carbon rich soils, deep peat and priority peatland habitat.</td><td>Community separation for consideration of visual impact:<br>• an area not exceeding 2 km around cities, towns and villages identified on the local development plan with an identified settlement envelope or edge. The extent of the area will be determined by the planning authority based on landform and other features which restrict views out from the settlement.</td></tr>
<tr><td colspan="3">Group 3: Areas with potential for wind farm development:<br>Beyond groups 1 and 2, wind farms are likely to be acceptable, subject to detailed consideration against identified policy criteria.</td></tr>
</table>

3.3.29 The site is located predominantly within a Group 2 Area of Significant Protection, this is due to the area of carbon rich soils, deep peat and priority peatland habitat. The presence of peat on the site is a matter which has been carefully considered throughout the design evolution process. The mapping which is used in the SNH Carbon and Peatland Map 2016 is high level mapping which should not be used to rule out wind farm developments. SNH 'Spatial Planning for Onshore Wind Turbines – natural heritage considerations' Guidance document makes this clear. It states that the national level map information:

*"cannot (and should not) be used in isolation to determine the impacts of a specific development proposal on peat. This should be based on a detailed, site specific survey of peatland habitats and peat depths across the site using existing methods. ……. The location of a proposal in the mapped area does not, in itself, mean that the proposal is unacceptable, or that carbon rich soils, deep peat and priority peatland habitat will be adversely affected. The quality of peatland tends to be highly variable across an application site and a detailed assessment is required to identify the actual effects of the proposal, and to inform the location of site infrastructure…"*

3.3.30 The Draft Peatland and Energy Policy Statement issued by the Scottish Government provides a common basis from which it and its agencies act in developing and implementing policies in relation to peatland and energy. It contains clear advice and reiterates that the map is not to be used as a development management tool but is to assist in the preparation of spatial frameworks for onshore wind developments.

3.3.31 The Proposed Varied Development is in an area where there is consent for wind turbines and it is considered that the site is considered to be acceptable in perpetuity, in accordance with paragraph 170 of SPP, as the decision notice is dated after the publication of SPP.

3.3.32 The SPP states that Local Development Plans should set out the criteria that will be considered in deciding all applications for wind farms of different scales - including extensions and re-powering. It is noted, at paragraph 169, that considerations will vary, relative to the scale of the proposal and area characteristics, but are likely to include:

- net economic impact, including local and community socio-economic benefits such as employment, associated business and supply chain opportunities;
- the scale of contribution to renewable energy generation targets;
- effect on greenhouse gas emissions;
- cumulative impacts - planning authorities should be clear about likely cumulative impacts arising from all of the considerations below, recognising that in some areas the cumulative impact of existing and consented energy development may limit the capacity for further development;
- impacts on communities and individual dwellings, including visual impact, residential amenity, noise and shadow flicker;
- landscape and visual impacts, including effects on wild land;
- effects on the natural heritage, including birds;
- impacts on carbon rich soils, using the carbon calculator;
- public access, including impact on long distance walking and cycling routes and scenic routes identified in the NPF;
- impacts on the historic environment, including scheduled monuments, listed buildings and their settings;
- impacts on tourism and recreation;
- impacts on aviation and defence interests and seismological recording;
- impacts on telecommunications and broadcasting installations, particularly ensuring that transmission links are not compromised;
- impacts on road traffic;

- impacts on adjacent trunk roads;
- effects on hydrology, the water environment and flood risk;
- the need for conditions relating to the decommissioning of developments, including ancillary infrastructure, and site restoration;
- opportunities for energy storage; and
- the need for a robust planning obligation to ensure that operators achieve site restoration.

3.3.33 The following text of the Planning Statement summarises the key findings of the environmental effects of the Proposed Varied Development which are presented in the EIA Report in the context of the test set out in SPP. This draws on the EIA Report submitted as part of the application. This demonstrates that the matters referred in Schedule 9 of the 1989 Act have been considered by the Applicant. This Section of the Planning Statement first considers the information in respect of sustainable development and then the location of the Proposed Varied Development. It then considers the technical tests for the Proposed Varied Development and for ease of reference they are ordered as per the criteria set out in SPP Table 1 and paragraph 169.

*Net Economic Impact*

3.3.34 During the construction of Gordonbush wind farm tangible economic and social benefits to Brora were delivered. SSE invested over £100 million in the development of the wind farm. An estimated 237 construction job years were created in Scotland, including 166 in the Highland Council area and 52 in the local Sutherland economy.

3.3.35 The construction of Gordonbush wind farm resulted in benefits to local firms in Brora and other towns providing a wide range of labour and services. Local supplies included accommodation providers supplied accommodation for many of the construction workers, labour providers included vehicle servicing and maintenance stone masons, joiners, electricians, fencers and general labourers. Examples of companies who were involved in the Construction of Gordonbush wind farm include:

- fuel from Highland Fuels;
- drainage supplies from Alpha Drainage in Dingwall,
- Keyline in Tain and WT Burden in Muir of Ord;
- traffic signs from Ansco Signs in Muir of Ord;
- aggregates from Dornoch Quarry and Edward Mackay Ltd in Brora;
- concrete from Pat Munro in Alness and Achley Concrete in Dornoch;
- general site supplies from MacGregor Industrial Supplies in Inverness;
- office supplies from Grants Office Supplies in Alness;
- timber products from G & R Sutherland in Brora;
- grass seed from WA Geddes in Brora; and
- building stone from Sutherland Estates.

3.3.36 The investment associated with the Proposed Varied Development is anticipated to have similar net economic benefits associated with the Consented Development and the operational Gordonbush wind farm.

3.3.37 The potential for net economic benefit associated with the construction of the Proposed Varied Development could also be associated with the proposed community benefit and the wider effects of the way in which that could be spent.

3.3.38 The economic benefits of the Proposed Varied Development would be similar to that of the Consented Development.

*Contribution to Renewable Energy Generation Targets*

3.3.39 The Proposed Varied Development would assist with the achievement of the UK and Scottish Government policies which set targets for renewable electricity generation. The Proposed Varied Development would make a valuable contribution to the current targets. Governments at Westminster and Holyrood have made clear their ongoing commitment to the decarbonisation of electricity generation and the proposal would contribute to this policy objective.

3.3.40 It is concluded that the Proposed Varied Development would make a valuable and meaningful contribution to government targets. This view is in keeping with Reporters and Scottish Ministers decisions on other renewable energy projects.

*Effect on Greenhouse Gas Emissions*

3.3.41 The Proposed Varied Development would make a valuable and significant contribution towards UK national generation targets and the reduction in emissions of greenhouse gases, principally Carbon Dioxide in becoming carbon neutral in less than one year.

3.3.42 The Proposed Varied Development would make Scotland, and therefore the UK, less reliant on imported and price-volatile fossil fuels by generating energy to supply domestic needs of households.

3.3.43 The potential savings in $CO_2$ emissions due to the Proposed Varied Development replacing other electricity sources over the 25 year lifetime of the wind farm are approximately:

- 74,305 tonnes of $CO_2$ per year over coal-fired electricity;
- 22,735 tonnes of $CO_2$ per year over grid-mix of electricity; or
- 37,234 tonnes of $CO_2$ per year over a fossil fuel mix of electricity.

3.3.44 It is concluded that the Proposed Varied Development would make a valuable and meaningful contribution to the reduction of Greenhouse gas emissions.

*Cumulative Impacts*

3.3.45 The cumulative impact of the Proposed Varied Development has been considered in the EIA process. In particular it has been considered in the context of landscape, ornithology, cultural heritage and noise and is addressed in Chapters 7, 8 and 13 respectively.

- Landscape

  Table 7.4 of the EIA Report advises that when the cumulative effect of the Proposed Varied Development is compared to the Consented Development the level of significance is reduced or remains unchanged in respect of all landscape receptors. Specifically the EIA Report, Chapter 7, concludes that the Proposed Varied Development would result in the following cumulative effects becoming not significant:

- The cumulative effect at Viewpoint 13. Creag nam Fiadh; and
- The cumulative effect on the eastbound Brora - Rogart minor road, other than a stretch of approximately 2km between Sciberscross and Point.
- Ecology and Ornithology

  Chapter 8 of the EIA Report advises that the information provided in the original assessment remains relevant in terms of the cumulative effect. The reduced number of turbines reduces the risk to the Important Ecological Features considered in the EIA Report. No cumulative effects were identified in respect of the Consented Development and this continues to be the case for the Proposed Varied Development.

- Noise

The EIA Report, Chapter 13 advises the predicted operational noise levels for the Proposed Varied Development are lower than that for the Consented Development. The assessment for the Proposed Varied Development concluded that predicted operational noise levels are below stringent criteria derived in accordance with current planning policy, for the Proposed Varied Development cumulatively with other nearby wind farms. This is consistent with the conclusions of the noise assessment undertaken for the Consented Development.

*Impacts on Communities and Individual Dwellings*

- Landscape

  The impact of the Proposed Varied Development on communities is considered in Chapter 7 of the EIA Report. This advises that the Proposed Varied Development, would result in a minor decrease in the occurrence of significant landscape and visual effects, including cumulative effects. This is due to the reduced visibility of development, particularly from Strath Brora which hosts communities and properties. No significant landscape and visual effects on settlements are predicted as a result of the Proposed Varied Development.

  Further information on the landscape and visual impact of the Proposed Varied Development is provided under the Landscape heading in this Section of the Planning Statement.

- Residential Visual Amenity

  The distance between properties and the Proposed Varied Development means an assessment in respect of Residential Visual Amenity is not required.

- Noise

  Chapter 13 of the EIA report advises that six residential properties within the vicinity of the Proposed Varied Development were selected as being representative of the closest located properties to the Proposed Varied Development. The minimum separation distance between these properties and the Proposed Varied Development is approximately 3km.

  Operational noise from the wind farm has been assessed in accordance with the methodology set out in the ETSU-R-97 Report, 'The Assessment and Rating of Noise from Wind farms'. This document provides a robust basis for assessing the operational noise of a wind farm as recommended in Scottish Planning Policy. The operational noise assessment was undertaken based on a representative candidate turbine model and assuming worst case downwind propagation.

  The assessment demonstrates that both of the previously derived day time and night time noise limits can be satisfied at all receptors assessed across all wind speeds. Furthermore, the simplified fixed noise limit included in ETSU-R-97 was also satisfied in all cases. Noise limit values are proposed for the Proposed Varied Development to control noise levels in practice based on previous consultation. Revised predicted operational noise levels are lower than those for the Consented Development.

  The construction noise assessment has determined that associated levels would be lower than for the Consented Development due to the reduced amount of activities and increased separation distances between construction works and noise sensitive properties. Although construction noise could be audible at various times throughout the construction programme, noise levels would remain within acceptable limits such that their temporary effects are considered slight at most. Various mitigation methods were previously suggested to reduce the effects of construction noise, the most important of these being suggested restrictions of hours of working, and these remain applicable.

- Shadow Flicker

  The EIA Report Chapter 14 advises that in the UK, only properties within 130 degrees either side of north, relative to the turbines can be affected by shadow flicker, as turbines do not cast shadows on their southern side (ODPM, 2004). As there are no properties within 130 degrees either side of north from the Proposed Varied Development, there are no potential impacts on shadow flicker predicted as a result of this Proposed Varied Development.

- Private Water Supplies

  Chapter 9 of the EIA Report advises that The Highland Council and SEPA provided details of six private water supplies and contractors located within 5km of the centre of the site. One of these (P6, Moulin Cottage) is located in close proximity to the Consented Development. However, a new supply to this property was installed by the Applicant during construction of the operational Gordonbush Wind Farm to prevent any impacts associated with the adjacent access track. The new supply was not considered to be at risk from the Consented Development, as no changes to the existing access track are proposed in this location. The same applies to the Proposed Varied Development. None of the supplies identified have hydraulic connectivity with the site, and none are identified at risk from the Proposed Varied Development. One additional private water supply was identified following an updated data collection in November 2018 (P7, Table 9.3 of EIA Report) associated with the existing wind farm. This is supplied from rainwater and is not considered at risk from the Proposed Varied Development.

- Traffic

  The traffic associated with the construction of the Proposed Varied Development has the potential to impact on dwellings and properties. The EIA Report, Chapter 12 concludes that with the implementation of mitigation measures, including an appropriate traffic management plan and liaison with the relevant authorities and local communities the residual traffic and transport effects would not have a significant effect.

- Summary

  The Proposed Varied Development would be subject to a condition which would require the provision of a Construction and Environmental Management Plan. This would provide any mitigation to ensure that the construction operations would be undertaken in a manner that minimises their impact on individual dwellings and communities. The impact of the Proposed Varied Development on communities and individual dwellings is considered to be acceptable.

*Landscape and Visual Impacts*

3.3.46 The EIA Report Chapter 7 considers the impact of the Proposed Varied Development on landscape and visual matters. This Chapter concludes that the assessment of the Proposed Varied Development indicates that the removal of turbines and the change in turbine dimensions would result in a reduction to the number and extent of significant effects, including cumulative effects, on landscape character receptors and views. This reduction is due to the removal of turbines and the reduced visibility and horizontal extent of the Proposed Varied Development. The change to the appearance of the Proposed Varied Development in terms of the relationship to the landform setting in which it is seen is also a contributing factor.

3.3.47 The following effects, which were assessed to be significant for the Consented Development, are assessed to be not significant for the Proposed Varied Development:

- The area of Strath (Strath Brora): eastern section LCT around Killin Rock;
- The area of the Loch Fleet, Loch Brora and Glen Loth SLA around Killin Rock;
- Approximately 1km of the eastbound Brora - Rogart minor road, between Balnacoil and graveyard;

- Approximately 1km of SU06.02 ('Loch Brora - West Track') as it passes the property at Kilbraur; and
- Approximately 100-150m of SU06.14 ('Doll Bridge – Loch Brora').

3.3.48 There are no situations where the landscape and visual assessment of the Proposed Varied Development found an increase in magnitude of change that would result in a not significant effect becoming significant.

3.3.49 Overall, the effects of the Proposed Varied Development would be similar to those of the Consented Development while in some areas, the layout revisions would reduce the level of visibility and extent of the Proposed Varied Development across views, and lead to a more balanced appearance of development. Of particular note are the reduction in visibility of the Proposed Varied Development from Strath Brora and the reduction in the extent of the Proposed Varied Development across the view as seen from locations to the west and north-west.

*Effects on the Natural Heritage, Including Birds*

3.3.50 One of the biggest threats to the natural environment is generally recognised to be climate change. The SNH website advises that "*Climate change is one of the most serious threats facing the world. It presents a huge challenge to Scotland's nature.*"

3.3.51 As a development which is intended to contribute to tackling the impacts of climate change the Proposed Varied Development would ultimately contribute to the mitigation of the worst effects of climate change. The Proposed Varied Development is considered to assist in safeguarding the built and natural environment as it would assist in mitigating the negative effects of climate change through the production of sustainable energy.

3.3.52 Natural heritage includes ecology, ornithology, peat, hydrology and landscape. This section provides a summary of the key findings in respect of ecology and ornithology as the other topics are considered under other headings.

3.3.53 The EIA report Chapter 8 advises that the effects on ecological features from the Proposed Varied Development have been assessed, taking into account consultation feedback from SNH.

3.3.54 At the request of SNH an up-dated otter survey was carried out to inform the assessment of the Proposed Varied Development. It has been confirmed that there would be no significant impact on otters, allowing the conclusion to be reached that the Proposed Varied Development would have no adverse impact on the integrity of the Caithness and Sutherland Peatlands Special Area of Conservation. This is the same conclusion as was reached for the Consented Development.

3.3.55 There would be an Otter Species Protection Plan in place to ensure relevant protective measures are implemented during construction, and its implementation would be overseen by an ECoW, in accordance with conditions. A pre-commencement water vole survey would be undertaken to ensure this species and its habitats are also suitably protected during construction, as requested by SNH.

3.3.56 The Proposed Varied Development abuts the western boundary of the Caithness and Sutherland Special Area of Conservation (SAC). The EIA Report Chapter 8 advises that there would be no likely significant effects on the SAC as a result of the Proposed Varied Development.

3.3.57 The EIA Report, Chapter 8, advises that there would be no negative effect on implementation of the Gordonbush wind farm Habitat Management Plan. Overall, the effects of the Proposed Varied Development on ecology would be similar to those of the Consented Development.

3.3.58 The EIA Report Chapter 10 advises that there would be no significant negative effect of the Proposed Varied Development on birds through habitat loss, disturbance outside the bird breeding season or collision risk. Potential disturbance of nesting birds if construction were to be carried out during the bird breeding season would be mitigated by appropriate deterrence

and nest protection measures, part of measures that would be put in place by the Ecological Clerk of Works (as required by a condition). It is concluded that there would be no significant residual negative effects of the Proposed Varied Development on birds through habitat loss, disturbance or collision risk. There would be no adverse effect on the integrity or bird populations of the Caithness and Sutherland Peatlands Special Protection Area (SPA). There would be no negative effect on the bird populations of the Gordonbush Estate Habitat Management Plan area.

3.3.59 The EIA Report, Chapter 10, concludes that the effects of the Proposed Varied Development would be similar to those of the Consented Development.

3.3.60 The Proposed Varied Development abuts the western boundary of the Caithness and Sutherland SPA. The EIA Report Chapter 10 advises that no qualify species from this SPA were found to be using the site. It is concluded in the EIA Report that there would be no adverse effect on the integrity or bird populations of the SPA as a result of the Proposed Varied Development.

3.3.61 The impact of the Proposed Varied Development is therefore considered to be acceptable on natural heritage.

*Impacts on Carbon Rich Soils, Using the Carbon Calculator*

3.3.62 The footprint of the infrastructure proposed in the Proposed Varied Development is less than the Consented Development, and therefore impacts on areas of carbon rich soils will be reduced. The final land take of the Proposed Varied Development is approximately 1.8 hectares less than the Consented Development.

3.3.63 The carbon calculator has been submitted to the Scottish Government and SEPA using the online tool. The $CO_2$ 'pay back', which is the period of wind farm operation required until there is a net saving of $CO_2$ can be calculated as the total $CO_2$ losses associated with the Development divided by the $CO_2$ saving per year of wind farm operation. Based on the Scottish Government recommended methodology, the Proposed Varied Development has an expected payback time of between 0.9 to 2.9 years (using coal and UK grid supply mix CO2 emission factors, respectively). This is a substantially shorter time period than the 25 year operational period applied for.

*Public Access*

3.3.64 There are no core paths within the site. There are core paths located to the south of the site in Strath Brora. These routes would not be directly impacted by the Proposed Varied Development. There are no formal equestrian or cycling routes within the site. The closest National Cycle Route (NCR) to the site is NCR1 Lands end to John O Groats. This would not be directly impacted by the Proposed Varied Development.

3.3.65 The Land Reform (Scotland) Act 2003 conferred general access rights over much of rural Scotland. The lack of any designated or recorded paths within the site, does not necessarily preclude the right of the public to use the area for recreational purposes including for walking, cycling and horse riding.

3.3.66 It is expected that members of the public may use parts of the site for walking, cycling and horse riding informally. An Outdoor Access Plan which is required by Condition 21 of the Deemed Planning Permission would set out measures to ensure that recreational users of the site are informed of the construction work and directed into safe areas where there would be no conflict with plant and machinery. Given the temporary nature of the construction works, the measures that would be put in place and the low sensitivity of the receptors, the effect would be negligible and not significant.

3.3.67 The impact of the Proposed Varied Development would be similar to the Consented Development and is considered to be acceptable.

*Impacts on the Historic Environment*

3.3.68 The EIA Report Chapter 11 considers the impact of the Proposed Varied Development on the historic environment. It considers the likely significance of visual effects on cultural heritage sites within 15km of the Proposed Varied Development.

3.3.69 The assessment concludes that there would be a significant visual impact at two Scheduled Monuments (SMs) (Balnacoil Cairn and Duchary Rock Fort). The visual impact on all other sites would be Minor or Negligible, and not significant, due principally to screening effects from topography. The assessment concludes that the Proposed Varied Development would result in significant cumulative effects at two SMs (Kilbraur Hut Circle and Duchary Rock Fort).

3.3.70 Paragraph 145 of SPP is considered to set a test which the Proposed Varied Development is required to address. The first part of the test is to consider if there would be an adverse effect on a SM. The turbines and the infrastructure would not be located in the vicinity of any SM. The Proposed Varied Development therefore would not have a direct effect on any SMs and therefore this element is passed.

3.3.71 The second part of the test is on the integrity of the setting of SMs. The setting of a SM has no legal protection in itself and is considered to be the ability to understand and appreciate the SM.

3.3.72 The Corlic Hill decision (reference PPA-280-2022 May 2016) sets out the approach to assessing the likely impact of a development proposal on the setting of a historic asset. The three stages are in accordance with Historic Environment Scotland Guidance on Managing Change in the Historic Environment: Setting, and are set out as follows:

- Stage 1 identify the asset.
- Stage 2 define and analyse the setting.
- Stage 3 assess the impact of the proposed development on that setting.

3.3.73 These three stages are considered for the Proposed Varied Development as follows:

- Stage 1- The EIA Report, Chapter 11, identifies a number of SMs within the cultural heritage assessment.
- Stage 2 - The EIA Report, Chapter 11, identifies those SMs where there would be inter visibility between the Proposed Varied Development and the SMs. In the cases where there is inter visibility the EIA Report considers the setting of the SMs. The EIA Report concludes that there would be a significant effect on 2 of these SMs. This is no different to the Consented Development. There would be a minor effect, non-significant, on 5 of these SMs, in the case of the Consented Development there would be a minor effect on 2 of these SMs.

  The significant effects on the SMs would be the same as for the Consented Development and are therefore considered to be acceptable.

- Stage 3- The Corlic Hill Reporters decision (Reference PPA-280-2022, May 2016) advises at paragraph 131 that:

  *"in order to determine whether this [the proposed development] would unacceptably harm the setting of the monument, it is necessary to consider very carefully whether the visual intrusion would undermine the integrity of the monument's setting. The setting guidance confirms that an understanding of the impact of a proposed change on setting should not be confined to whether keys views to and from the asset are interrupted, but should also assess whether the proposed change would dominate or detract in a way that affects our ability to understand or appreciate the historic asset."*

3.3.74 Whilst significant effects are noted, the EIA Report confirms that the impact is considered to be to acceptable levels in both cases as, although there will be a significant visual impact, this only

takes the form of increasing the density and marginally increasing the visible extent of the existing group of turbines. None of the SMs are associated with significant visual relationships with other sites or natural features which would be interrupted by the Proposed Varied Development.

3.3.75 The final part of the paragraph 145 test of SPP concerns direct impacts on SMs. The Proposed Varied Development would not result in a direct impact on any SMs and therefore no further consents are required in respect of scheduled monuments.

3.3.76 It is concluded that the Proposed Varied Development is in accordance with SPP paragraph 145 as it would not result in unacceptable impacts on SMs or the integrity of their settings.

3.3.77 The EIA Report concludes that the significant effects are of a comparable nature to that identified in respect of the Consented Development, and are therefore considered to be acceptable.

*Impacts on Tourism and Recreation*

3.3.78 The impacts of the Proposed Varied Development on tourism and recreation would be similar to that of the Consented Development. These were considered to be acceptable and therefore the Proposed Varied Development is considered to be acceptable.

*Impacts on Aviation and Defence Interests and Seismological Recording*

3.3.79 The EIA Report Chapter 14 advises that the Consented Development was not within line of sight to the HIAL Inverness Airport or the RAF Lossiemouth Primary Surveillance Radars (PSRs) and no effects were anticipated.

3.3.80 The EIA Report advises that no radar line of sight exists between the Consented Development and the Perwinnes and Allanshill PSRs or NATS air to ground communications facilities and that there would be no technical impact on NATS operated aviation navigational facilities. As such, there were no anticipated effects predicted on aviation navigational equipment. This remains the position for the Proposed Varied Development.

3.3.81 The Consented Development and therefore the Proposed Varied Development lie within an area which is deemed a low flying area by the MOD and by aircraft transiting to and from the Tain Air Weapons Range.

3.3.82 No objections were raised by aviation operatives (MOD, HIAL or NATS) in relation to the Consented Development. Condition 16 of the existing Consent requires the Applicant to agree an appropriate lighting scheme with the MOD, other aviation interests and the Planning Authority in order to ensure air safety. There are no changes proposed to this Condition.

3.3.83 The impact of the Proposed Varied Development on aviation and defence interests and seismological recording is considered to be the same as for the Consented Development and is considered to be acceptable.

*Impacts on Telecommunications and Broadcasting Installations*

3.3.84 No disruption to telecommunications, such as television and radio reception, were predicted as a result of the Consented Development, and no objections were raised by telecommunication providers in response to that application.

3.3.85 The EIA Report, Chapter 14, advises that the Proposed Varied Development is not anticipated to result in any change to the assessment findings of the Consented Development. The impact of the Proposed Varied Development is considered to be the same as the Consented Development and is considered to be acceptable.

*Impacts on Road Traffic*

3.3.86 The Proposed Varied Development would require the transportation of larger turbines to the site than the Consented Development. Chapter 12 of the EIA Report advises that a comparison

between the potential significance of effects between the Proposed Varied Development and the Consented Development has been undertaken and is summarised in Table 12.12 of the EIA Report. This shows that there is no increase in effect or effect of significance as a result of the use of the larger diameter turbines.

3.3.87 The EIA Report concludes that with the implementation of mitigation measures, including an appropriate traffic management plan and suitable liaison with the relevant authorities the residual traffic and transport effects are temporary and are assessed as having no significant effect.

3.3.88 The impact on road traffic of the Proposed Varied Development is considered to be acceptable.

*Impacts on Adjacent Trunk Roads*

3.3.89 The impact of the Proposed Varied Development on trunk roads is covered in the preceding text and is not repeated here. The impact of the Proposed Varied Development on truck roads is considered to be acceptable.

*Effects on Hydrology, The Water Environment and Flood Risk*

3.3.90 The EIA Report Chapter 9 considers hydrology and the water environment. It is confirmed that there are no potential sources of flood risk to the site. The assessment has confirmed, subject to best practice measures, that the Proposed Varied Development would not have any significant effects on hydrology, hydrogeology and geology. Overall, the effects of the Proposed Varied Development will remain similar to those of the Consented Development, albeit these would be slightly reduced in extent given the removal of four turbines and associated access tracks.

3.3.91 All mitigation measures previously identified within the 2015 ES and 2016 FEI Report are recorded within a Schedule of Mitigation (see the EIA Report Appendix 4.2). These would be secured through appropriate Conditions.

3.3.92 The effect of the Proposed Varied Development on Hydrology, the Water Environment and Flood Risk is considered to be acceptable.

*The Need for Conditions Relating to the Decommissioning of Developments*

3.3.93 A Decommissioning and Restoration Plan is required under Condition 8 of the Deemed Planning Permission.

*Opportunities for Energy Storage*

3.3.94 The Proposed Varied Development would not include battery storage.

*The Need for a Robust Planning Obligation to Ensure that Operators Achieve Site Restoration*

3.3.95 Condition 8 of the Consented Development would be altered slightly to ensure that the restoration process is flexible enough to ensure that best practice at the time can be implemented. The condition proposed is considered to be robust.

3.3.96 Condition 9 of the Consented Development would not be altered.

*Summary*

3.3.97 The Proposed Varied Development would meet the principles set out in SPP (paragraph 29). They would assist in the delivery of the outcomes which are identified in SPP and are considered to be consistent with sustainable development. The Proposed Varied Development is considered to satisfy the criteria which are set out at paragraph 169 of SPP. The Proposed Varied Development is in an area which has the potential for wind farm development subject to the satisfaction of the relevant criteria. The relevant criteria have been considered and addressed through the EIA process. It has been concluded that, although there are a number of significant landscape and visual impacts as a result of the Proposed Varied Development, these are considered acceptable when the Proposed Varied Development is considered as a whole.

3.3.98 SPP also sets out a clear presumption in favour of development that contributes to sustainable development. Reference has been made to the application of the presumption in various Appeal cases and these are set out in this Planning Statement. It is submitted that weight should be attached to the meaningful contributions the Proposed Varied Development would make to meeting sustainability targets.

## 3.4 Development Plan

3.4.1 Section 24 of the 1997 Act, as amended, defines the Development Plan as a Strategic Development Plan (SDP), a Local Development Plan (LDP) and any supplementary guidance issued in connection with those plans.

3.4.2 The Development Plan for the site therefore comprises:

- The Highland wide Local Development Plan 2012;
- Caithness and Sutherland Local Development Plan 2018 (CaSPlan);
- Onshore Wind Energy Supplementary Guidance November 2016 including Addendum Supplementary Guidance: 'Part 2b', December 2017;
- Flood Risk and Drainage Impact January 2013;
- Highland Statutorily Protected Species March 2013; and
- Sustainable Design Guide January 2013.

### *Highland wide Local Development Plan 2012*

3.4.3 HwLDP is a material consideration of significant weight in the Section 36 decision making process. However it is important to remember, that section 25 of the 1997 Act as amended, requiring that planning determinations are made in accordance with the Development Plan unless material considerations indicate otherwise, is not engaged in the case of s.36C applications. The Proposed Varied Development need not accord with the Development Plan, and associated supplementary guidance for it to be considered acceptable and consent/permission granted.

3.4.4 It should be noted that the HwLDP was adopted in 2012 and predates SPP. It is accepted that with the exception of the spatial strategy provisions, which has been superseded by Supplementary Guidance, Policy 67 of the HwLDPis generally consistent with SPP.

3.4.5 The HwLDP policies with the potential of being relevant to the Proposed Varied Development are as follows:

- Policy 28 – Sustainable Design;
- Policy 29 – Design Quality and Place-making;
- Policy 30 – Physical Constraints;
- Policy 36 – Development in the Wider Countryside;
- 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 and Article 10 Features;
- 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.

3.4.6 The key policy against which the Proposed Varied Development should be considered is the topic specific Policy 67 – Renewable Energy Developments. The polices identified are provided in full in Appendix 2 of this Planning Statement.

3.4.7 It is not considered that the HwLDP introduces any matters which have not been covered by paragraph 169 of SPP. For this reason an assessment against each of the policies has not been presented in this Planning Statement in order to avoid repetition. For ease of reference Table 3.3 sets out the matters which are raised in the criteria of Policy 67.

**Table 3.3: Highland wide Local Development Plan Policy 67**

| Criteria | Response |
|---|---|
| **Natural, built and cultural heritage features;** | This is covered in respect of natural heritage and the historic environment in the context of SPP in Section 3.3 of this Planning Statement. The potential for cumulative impacts is considered in the context of the Section 3.3 of the Planning Statement. The issue of landscape is considered separately.<br>The impact of the Proposed Varied Development on SM's is specifically considered in the context of paragraph 145 of SPP.<br>It is concluded that the Proposed Varied Development would have no more significant effects than the Consented Development in respect of the natural built and cultural heritage environment. It is concluded that the Proposed Varied Development is acceptable. |
| **Species and habitats** | This is covered in respect of natural heritage in the context of SPP in Section 3.3 of this Planning Statement. The potential for cumulative impacts is considered in the context of the Section 3.3 of the Planning Statement. The issue of designated areas is also considered.<br>It is concluded that the Proposed Varied Development would have no more significant effects than the Consented Development in respect of species and habitats. It is concluded that the Proposed Varied Development is acceptable. |
| **Visual impact and impact on the landscape character of the surrounding area** | This is covered in respect of landscape and visual impacts in the context of SPP in Section 3.3 of this Planning Statement. The potential for cumulative impacts is considered in the context of the Section 3.3 of the Planning Statement.<br>It is concluded that the Proposed Varied Development would have less significant effects than the Consented Development in respect of visual impacts. It is concluded that the Proposed Varied Development is acceptable. |
| **Amenity at sensitive locations** | This is covered in respect of impacts on communities in the context of SPP in Section 3.3 of this Planning Statement. The potential for cumulative impacts is considered in the context of the Section 3.3 of the Planning Statement.<br>It is concluded that the Proposed Varied Development would have no more significant effects than the Consented Development in respect of amenity at sensitive locations. It is concluded that the Proposed Varied Development is acceptable. |
| **Safety and amenity of regularly occupied buildings** | This is covered in respect of impacts on local communities in the context of SPP in Section 3.3 of this Planning Statement.<br>It is concluded that the Proposed Varied Development would have no more significant effects than the Consented Development in respect the safety and amenity of regularly occupied buildings. It is concluded that the Proposed Varied Development is acceptable. |
| **Ground water, surface water, aquarium ecosystems and fisheries** | This is covered in respect of hydrology and the water environment in the context of SPP in Section 3.3 of this Planning Statement.<br>It is concluded that the Proposed Varied Development would have no more significant effects than the Consented Development in respect of the water environment. It is concluded that the Proposed Varied Development is acceptable. |

| | |
|---|---|
| **The safe use of airport, defence or emergency service operations, including flight activity, navigation and surveillance systems and associated infrastructure, or on aircraft flight paths or MoD low-flying areas;** | This is covered in respect of aviation and defence interests in the context of SPP in Section 3.3 of this Planning Statement.<br>It is concluded that the Proposed Varied Development would have no more significant effects than the Consented Development in respect of aviation. It is concluded that the Proposed Varied Development is acceptable. |
| **Other communications installations or the quality of radio or TV reception;** | This is covered in respect of impacts on telecommunications and broadcasting in the context of SPP in Section 3.3 of this Planning Statement.<br>It is concluded that the Proposed Varied Development would have no more significant effects than the Consented Development in respect of aviation. It is concluded that the Proposed Varied Development is acceptable. |
| **The amenity of users of any Core Path or other established public access for walking, cycling or horse riding;** | This is covered in respect of tourism and recreation in the context of SPP in Section 3.3 of this Planning Statement.<br>It is concluded that the Proposed Varied Development would have no more significant effects than the Consented Development in respect of the amenity of users of core paths or established public access for walking, cycling and horse riding. It is concluded that the Proposed Varied Development is acceptable. |
| **Tourism and recreation** | This is covered in respect of tourism and recreation in the context of SPP in Section 3.3 of this Planning Statement.<br>It is concluded that the Proposed Varied Development would have no more significant effects than the Consented Development in respect of tourism and recreation. It is concluded that the Proposed Varied Development is acceptable. |
| **Land and water based traffic and transport interests.** | This is covered in respect of road traffic and trunk roads in the context of SPP in Section 3.3 of this Planning Statement.<br>It is concluded that the Proposed Varied Development would have no more significant effects than the Consented Development in respect of traffic and transport. It is concluded that the Proposed Varied Development is acceptable. |

3.4.8 The other relevant policies in the HwLDP are set out in full in Appendix 4 of this Planning Statement and have been reviewed in the preparation of this Planning Statement. They do not raise issues that are not considered in the context of SPP and Policy 67.

3.4.9 In the case of the Consented Development the Report to Committee noted that that proposal was in conflict with Policy 61 and Policy 67 as a result of the conflict of the Consented Development with the special qualities of the Loch Fleet, Loch Brora and Glen Loth SLA. Chapter 7 of the EIA Report concludes that the impact of the Proposed varied development on the Loch Fleet, Loch Brora and Glen Loth SLA would not be significant. The Proposed Varied Development is considered to be in accordance with Policy 61 and 67 of the HwLDP.

3.4.10 In the Report to Committee, in respect of the Consented Development, the recommendation advises that the adverse effects of the development would on balance be acceptable overall. The Local Development Plan has not changed since the consideration of the Consented Development and the impacts, as set out in the EIA Report, of the Proposed Varied Development are less than those for the Consented Development. The Proposed Varied Development is considered to be in accordance with the HwLDP.

### *Onshore Wind Energy Supplementary Guidance November 2016 including Addendum Supplementary Guidance: 'Part 2b', December 2017*

3.4.11 The Onshore Wind Energy Supplementary Guidance as amended 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 assessed. In line with SPP the SG sets out a '*a spatial framework identifying those areas that are likely to be most appropriate for onshore wind farms.*' The site is located predominantly within a Group 2 Area of Significant Protection, this is due in the area of carbon rich soils, deep peat and priority peatland habitat.

3.4.12 The location of the Site within a Group 2 area is considered in the context of Table 1 of SPP and is not repeated here.

3.4.13 The Onshore Wind Energy Supplementary Guidance list 10 criteria that "*set out key landscape and visual aspects that the Council will use as a framework and focus for assessing proposals*" (para 4.16). It is clear that they are not absolute requirements. Appendix 5 of this Planning Statement is a document prepared by the Landscape and Visual Impact assessor It is concluded that the Proposed Varied Development meets the criteria that are set out in the Onshore Wind Energy Supplementary Guidance.

### *Caithness and Sutherland Local Development Plan 2018 (CaSPlan)*

3.4.14 On 31 August 2018 CaSPlan was formally adopted by The Highland Council and constituted as part of the Development Plan. It has replaced the Caithness Local Plan and Sutherland Local Plan and is used to guide decisions on planning applications. The CaSPlan sets out the Highland Council vision and development strategy for the area over the next 20 years.

3.4.15 Paragraph 4 of the CaSPlan recognises the role that renewable energy plays in supporting the local economy Paragraph 53 states:

*"Investment in renewable energy generation in North Highland is not only helping to meet Council and national climate change targets but it has also delivered economic benefits for the area. Onshore wind energy has grown significantly over recent years, particularly in the south and north-east of the Plan area."*

### *The Emerging Development Plan*

3.4.16 THC commenced the process of reviewing the HwLDP with a Main Issues Report consultation in 2016. In December 2017 the Scottish Government published a Planning Bill outlining potential

changes to the Scottish planning system. This includes possible changes to the content of Local Development Plans and how they are prepared, and a broadening of the issues covered by national policy namely Scottish Planning Policy. In light of these changes THC have decided that the review of the HwLDP should be postponed until the implications of the Planning Bill are more clearly understood.

3.4.17 This Scottish Government Bill was introduced by the Cabinet Secretary for Communities, Social Security and Equalities, Angela Constance MSP, on 4 December 2017. The Bill completed Stage 2 on 14 November 2018. The Bill is anticipated to be enacted in 2019. Given the early stage of the emerging Development Plan no weight should be attached to it in the decision making process.

## 3.5 Scottish Government Planning Guidance

3.5.1 The Scottish Government provides advice and guidance for planning applications which has relevance to wind farm development. This Guidance is for planning applications and covers many of the issues that have been identified in the context of renewable energy policy, the Development Plan, NPF and SPP and is therefore not set out in this Planning Statement.

## 3.6 SNH - Spatial Planning for Onshore Wind Turbines – Natural Heritage Considerations 2015

3.6.1 In June 2015, SNH published Spatial Planning for Onshore Wind Turbines – natural heritage considerations. This guidance document focuses on providing advice in developing spatial frameworks for wind energy developments. The guidance is aimed at planning authorities and, whilst the document does not set out any new policy positions or technical requirements for applicants, it does highlight the importance of natural heritage considerations and provides links to existing policy and guidance documents.

3.6.2 The design evolution process which has been carried out for the Proposed Varied Development has respected natural heritage considerations in an appropriate manner. The Proposed Varied Development is in a location which, is largely, considered as an area with the potential for wind farm development in the context of SPP Table 1 of this Planning Statement.

## 3.7 Historic Environment Scotland Policy Statement 2016 (HESPS)

3.7.1 The HESPS contains Scottish Ministers' policies and provides direction for Historic Environment Scotland and policy frameworks. The HESPS guides the operation of decision making in the Scottish planning system. It sets out how Historic Environment Scotland fulfils its regulatory and advisory roles and how it expects others to interpret and implement SPP. It is a material consideration in the Scottish planning system.

3.7.2 The EIA Report Chapter 11 has been prepared with reference to HESPS and concludes that there are no direct effects and limited effects on the settings of any cultural heritage assets arising from the construction and operation of the Proposed Varied Development. Whilst significant effects are identified on two scheduled monuments, the impacts on these sites, and the historic environment in general, are considered to be acceptable. The position in respect of paragraph 145 of SPP is set out in Section 3.3 of this Planning Statement.

## 3.8 Comparison of the Consented Development and the Proposed Varied Development

3.8.1 The differences in the assessment of the Consented Development and the Proposed Varied Development are set out in the EIA Report at Chapter 15. The key differences are as set out in Table 3.4 of this Planning Statement and show that the Proposed Varied Development would have less environmental impact than the Consented Development.

**Table 3.4: Summary Comparison of Effects of the Consented Development Compared to the Proposed Varied Development**

| Environmental Issue | Potential for Material Change / Significant Effects of Proposed Varied Development |
|---|---|
| Landscape and Visual | The Proposed Varied Development would result in a decrease in the occurrence of significant effects, including cumulative effects.<br>In four locations effects which were assessed to be significant for the Consented Development, are now assessed to be not significant.<br>In two locations the cumulative effects would become not significant, where there are considered to be significant for the Consented Development. |
| Ecology | The effects of the Proposed Varied Development would be similar to those of the Consented Development.<br>There would be no negative effect on implementation of the Gordonbush Habitat Management Plan.<br>There would be no significant effect on ecology. |
| Hydrology, Hydrogeology and Geology | The effects of the Proposed Varied Development would be similar to those of the Consented Development assuming that mitigation measures identified within the Schedule of Mitigation (see Appendix 4.2 of the EIA Report) and are secured through appropriate Conditions of Consent.<br>There would be no significant effect on Hydrology, hydrogeology, geology or peat. |
| Ornithology | The residual effects of the Proposed Varied Development would be similar to those of the Consented Development.<br>There would be no adverse effect on the integrity or bird populations of the Caithness and Sutherland Peatlands SPA or on the bird populations of the Gordonbush Habitat Management Plan area.<br>There would be no significant effect on ornithology. |
| Cultural Heritage | The effects of the Proposed Varied Development would be similar to those of the Consented Development.<br>There would be a significant visual impact at two SMs (Balnacoil Cairn and Duchary Rock Fort) as was the case for the Consented Development. |
| Traffic and Transport | The residual effects of the Proposed Varied Development would be similar to those of the Consented Development. The residual traffic and transport effects are temporary and have been assessed as having no significant effect. |
| Noise | The effects of the Proposed Varied Development would be similar to those of the Consented Development. There is no significant effect in respect of noise. |
| Socio Economic and Tourism | The effects of the Proposed Varied Development would be similar to those of the Consented Development. No significant effects are predicted on socio economics or tourism. |
| Other Issues | The effects of the Proposed Varied Development would be similar to those of the Consented Development. No significant effects are anticipated with regards to telecommunications, television, radio, aviation, shadow flicker, ice throw, air quality and the carbon assessment. |

3.8.2 It can be seen from Table 3.4 that the significant effects as a result of the Proposed Varied Development are similar or less than the significant effects that were considered to be acceptable for the Consented Development.

3.8.3 The EIA Report for the Proposed Varied Development considers matters which were not considered at the time of the EIA for the Consented Development. The assessment of the potential for significant effects in respect of new topics is set out in the EIA Report at Chapter 15. These new topics have been included as a result in a change in the EIA Regulations between the submission of the Consented development and the preparation of the EIA Report for the Proposed Varied Development. No significant effects are predicted as a result of those factors.

3.8.4 It is submitted that as the significant effects of the Proposed Varied Development are less than those of the Consented Development that they should be considered acceptable in planning terms.

# 4. CONCLUSIONS

4.1.1 The variation application requires to be considered under the terms of the 1989 Act, in particular under s.36C and Schedule 9. The introduction and Section 3 of this Planning Statement set out the statutory context for the application and is not repeated here.

4.1.2 The Proposed Varied Development, which the variation application seeks to allow, has been through an EIA process which has carefully considered the design approach which seeks to respond to constraints identified. Taking the EIA Report as a whole the Proposed Varied Development would have fewer significant effects than the Consented Development, as summarised in Table 3.

4.1.3 This Planning Statement has considered renewable energy policy and has identified the renewable energy targets which have been set in Appendix 3. Appendix 3 identifies where Scotland is positioned in respect of meeting existing renewable energy targets. Global climate change is widely recognised as one of the greatest environmental, social and political challenges facing the world today. The Proposed Varied Development would make a meaningful contribution to the Scottish Government's uncapped target of generating the equivalent of 100% of electricity demand from renewable sources beyond 2020. While the UK Government is clear that they expect the generation of renewable energy to become more self-sufficient, Scotland continues to support the existing framework to meet ambitious targets. The viability of sites is critical to the ability to meet targets. The design process has sought to maximise the viability of the Proposed Varied Development. It has carefully considered the scale of the turbines in order to maximise the generating capacity of the wind farm within the technical and environmental constraints that exist on the site and in the surrounding area.

4.1.4 The UK Government's objective to cut carbon emissions (at a low cost) combined with the Scottish Government's ambitious targets mean that large onshore wind sites with good wind resource, which are well located in terms of infrastructure, including grid connection, along with limited significant environmental impacts, are required. The Proposed Varied Development fulfils these requirements.

4.1.5 The Proposed Varied Development is located in a site which is considered to be suitable for wind farm development as it has consent for wind turbines. It is also considered to be suitable when considered in the context of Table 1 of SPP.

4.1.6 The EIA Report sets out a number of mitigation measures, including embedded mitigation as part of the design process and the inclusion of a CEMP, as required by Condition 25, should consent be forthcoming. As a result, the Proposed Varied Development would not result in any significant adverse effects on biodiversity, traffic and transportation, aviation and defence, noise and residential amenity. In addition to this there is the potential for economic benefits to arise as a result of the Proposed Varied Development.

4.1.7 While the Proposed Varied Development could result in a reduction in capacity when compared to the Consented Development the proposed changes make the project viable. The Proposed Varied Development has the potential to make a valuable contribution to the targets that have been set by the Scottish Government for the production of renewable energy and reduction of carbon emissions. The Proposed Varied Development would also make valuable community and socio-economic benefits which are described in this Planning Statement.

4.1.8 The national planning policy is supportive of the Proposed Varied Development. The Proposed Varied Development is considered to be acceptable when assessed against the criteria set out in SPP at paragraph 169.

4.1.9 At the time of the consideration of the Consented Development the Scottish Ministers concluded that the significant effects of the Consented development were mitigated by siting, design and layout and the proximity to the operational Gordonbush Wind Farm. They concluded

that the Consented Development, was on balance acceptable. The EIA Report identifies no new likely significant effects compared to the Consented Development. There are no reasons which have been identified in the EIA process that mean that consent for the Proposed Varied Development should be withheld.

4.1.10 In the context of Policy 67 of the HwLDP it is concluded that the Proposed Varied Development should be supported as it would not be significantly detrimental. In reaching this conclusion regard has been had to the significant effects on the identified criteria. The Proposed Varied Development is considered to be in accordance with the HwLDP.

4.1.11 The Proposed Varied Development has addressed the criteria set out in Schedule 9 of the 1989 Act taking into account other policy considerations including the relevant Development Plan. On this basis, it is requested that the s.36C consent variation is consented and deemed planning permission be varied as sought in the variation application in order that the benefits identified in this Planning Statement can be delivered.

# APPENDIX 1: CONDITIONS

The variation application seeks to alter the following conditions which are provided here in their original form.

Condition 5 Implementation in accordance with approved plans and requirements of this permission

*"Except as otherwise required by the terms of the section 36 consent and this deemed planning permission, the Development shall be undertaken in accordance with the application including the approved drawings shown in the Environmental Statement, the Further Information (submitted on 30 June 2015) and Supplementary Environmental Information (submitted 6 October 2016)."*

Condition 7, Design and operation of the wind turbines

*"No development shall commence unless and until full details of the proposed wind turbines (including, but not limited to, the power rating and sound power levels, the size, type and external finish and colour), the monitoring masts, any transformer units and all associated apparatus have been submitted to, and approved in writing by, the Relevant Planning Authority."*

Condition 8, Decommissioning and Restoration Plan

*"The Development will be decommissioned and will cease to generate electricity by no later than the date falling twenty five years from the Final Commissioning Date. The total period for restoration of the Site in accordance with this condition shall not exceed three years from the Date without prior written approval of the Scottish Ministers in consultation with the Planning Authority.*

*There shall be no Commencement of Development unless a decommissioning, restoration and aftercare strategy has been submitted to and approved in writing by the Planning Authority in consultation with SNH and SEPA. The strategy shall outline measures for the decommissioning of the Development, restoration and aftercare of the site and will include, without limitation, proposals for the removal of the Development, the treatment of ground surfaces, the management and timing of the works, and environmental management provisions.*

*No later than 3 years prior to decommissioning of the Development or the expiration of this consent (whichever is the earlier) a detailed decommissioning, restoration and aftercare plan, based upon the principles of the approved decommissioning, restoration and aftercare strategy, shall be submitted to the Planning Authority for written approval in consultation with SNH and SEPA. The detailed decommissioning, restoration and aftercare plan will provide updated and detailed proposals for the removal of the Development, the treatment of ground surfaces, the management and timing of the works and environment management provisions which shall include:*

*d) a site waste management plan (dealing with all aspects of waste produced during the decommissioning, restoration and aftercare phases);*

*e) details of the formation of the construction compound, welfare facilities, any areas of hardstanding, turning areas, internal access tracks, car parking, material stockpiles, oil storage, lighting columns, and any construct ion compound boundary fencing;*

*f) a dust management plan;*

*g) of measures to be taken to prevent loose or deleterious material being deposited on the local road network including wheel cleaning and lorry sheeting facilities, and measures to clean the site entrances and the adjacent local road network;*

*h) a pollution prevention and control method statement, including arrangements for the storage and management of oil and fuel on the site;*

*i) soil storage and management;*

*j) a surface water and groundwater management and treatment plan, including details of the separation of clean and dirty water drains, and location of settlement lagoons for silt laden water;*

*k) sewage disposal and treatment;*

*l) temporary site illumination;*

*m) the construction of any temporary access into the site and the creation and maintenance of associated visibility splays;*

*n) details of watercourse crossings;*

*o) a species protection plan based on surveys for protected species (including birds) carried out no longer than 18 months prior to submission of the plan.*

*The Development shall be decommissioned, site restored and aftercare thereafter undertaken in accordance with the approved plan, unless otherwise agreed in writing in advance with the Planning Authority in consultation with SNH and SEPA."*

Condition 10, Electricity Supply

*"The Company shall, at all times after the Date of First Commissioning, record information regarding the monthly supply of electricity to the national grid from each turbine within the development and retain the information for a period of at least 12 months. The information shall be made available to the Planning Authority within one month of any request by them. In the event that:*

*a) any wind turbine installed and commissioned fails to supply electricity on a commercial basis to the grid for a continuous period of 6 months , then unless otherwise agreed, the wind turbine, along with any ancillary equipment, fixtures and fittings not required in connection with retained turbines, shall, within 3 months of the end of the said continuous 6 month period, be dismantled and removed from the site; or*

*b) the wind farm fails to supply electricity on a commercial basis to the grid from 50% or more of the wind turbines installed and commissioned and for a continuous period of 12 months, then the Company must notify the Planning Authority in writing immediately.*

*All decommissioning and reinstatement work required by this condition shall be carried out in accordance with the finalised Decommissioning and Restoration Plan (DRP), or as otherwise specified in writing by the Planning Authority."*

Condition 11, Micro-siting

*"The turbines, access tracks and crane hard-standing areas may be micro sited but no more than 50 metres from the positions shown in the approved plan (Figure 4.2 of Volume 3 of the Environmental Statement) unless otherwise agreed in writing with the Planning Authority in consultation with SEPA. Micro-siting will also be constrained to ensure 50m buffers are retained from all watercourses, except in the vicinity of the approved water crossings."*

Condition 21, Outdoor Access

*"No development shall commence until an Outdoor Access Plan is submitted to and approved in writing by the Planning Authority. The purpose of the Outdoor Access Plan shall be to plan site tracks and paths to enhance public outdoor access. The Outdoor Access Plan shall be implemented as approved."*

Condition 23, Construction and Environmental Management Plan

*"There shall be no Commencement of Development unless a Construction and Environmental Management Plan ("CEMP") outlining site specific details of all on-site construction works, post-construction reinstatement, drainage and mitigation, together with details of their timetabling, has been submitted to and approved in writing by the Planning Authority in consultation with SNH and SEPA.*

*The CEMP shall include (but shall not be limited to):*

a) *a site waste management plan (dealing with all aspects of waste produced during the construct ion period other than peat), including details of contingency planning in the event of accidental release of materials which could cause harm to the environment;*
b) *details of the formation of the construction compound, welfare facilities, any areas of hardstanding, turning areas, internal access tracks, car parking, material stockpiles, oil storage, lighting columns, and any construction compound boundary fencing;*
c) *a dust management plan;*
d) *site specific details for management and operation of any concrete batching plant (including disposal of pH rich waste water and substances);*
e) *details of measures to be taken to prevent loose or deleterious material being deposited on the local road network including wheel cleaning and lorry sheeting facilities, and measures to clean the site entrances and the adjacent local road network;*
f) *a pollution prevention and control method statement, including arrangements for the storage and management of oil and fuel on the site;*
g) *soil storage and management;*
h) *a peat management plan, to include details of vegetated turf stripping and storage, peat excavation (including volumes), handling, storage and re-use;*
i) *a drainage management strategy, demonstrating how all surface and waste water arisings during and after development will be managed and prevented from polluting any watercourses or sources;*
j) *a surface water and groundwater management and treatment plan, including details of the separation of clean and dirty water drains, and location of settlement lagoons for silt laden water;*
k) *sewage disposal and treatment;*
l) *temporary site illumination;*
m) *the construction of the access into the site and the creation and maintenance of associated visibility splays;*
n) *the method of construct ion of the crane pads;*
o) *the method of construction of the turbine foundations;*
p) *the method of working cable trenches;*
q) *the method of construction and erection of the wind turbines and meteorological masts;*
r) *details of watercourse crossings*
s) *post-construction restoration/ reinstatement of the working areas not required during the operation of the Development, including construction access tracks, borrow pits, construction compound, storage areas, laydown areas, access tracks, passing places and other construction areas.*

*The development shall be implemented thereafter in accordance with the approved CEMP unless otherwise approved in advance in writing by the Planning Authority in consultation with SNH and SEPA."*

Condition 24, Ecological Clerk of Works

*"There shall be no Commencement of Development unless the Planning Authority has approved in writing the terms of appointment by the Company of an independent Ecological Clerk of Works (ECoW) in consultation with SNH and SEPA. The terms of appointment shall;*

*a) Impose a duty to monitor compliance with the ecological and hydrological commitments provided in the environmental statement and other information lodged in support of the application, the Construct ion and Environmental Management Plan, the Habitat Management Plan approved in accordance with condition 25, and other plans approved in terms of condition 23;*

*b) Require the EcoW to report to the Company's nominated construction project manager any incidences of non-compliance with the ECoW works at the earliest practical opportunity;*

*c) Require the ECoW to submit a monthly report to the Planning Authority summarising works undertaken on site; and*

*d) Require the ECoW to report to the Planning Authority any incidences of non-compliance with the ECoW Works at the earliest practical opportunity.*

*The EcoW shall be appointed on the approved terms throughout the period from Commencement of Development, throughout any period of construction activity and during any period of post construct ion restoration works approved in terms of condition 8.*

*No later than 18 months prior to decom missioning of the Development or the expiration of this consent (whichever is the earlier), the Company shall submit details of the terms of appointment by the Company of an independent ECoW throughout the decommissioning, restoration and aftercare phases of the Development to the Planning Authority for approval in consultation with SNH and SEPA. The ECoW shall be appointed on the approved terms throughout the decommissioning, restoration and aftercare phases of the Development."*

Condition 25, Habitat Management Plan

*"There shall be no Commencement of Development unless a habitat management plan has been submitted to and approved in writing by the Planning Authority in consultation with SNH and SEPA. The habitat management plan shall set out proposed habitat management of the wind farm site during the period of construction, operation, decommissioning, restoration and aftercare of the site, and shall provide for the maintenance, monitoring and reporting of any deer, breeding birds, otter, pine marten and water vole habitat on site.*

*The approved habitat management plan will include provision for regular monitoring and review to be undertaken to consider whether amendments are needed to better meet the habitat plan objectives. In particular, the approved habitat management plan will be updated to reflect ground condition surveys undertaken following construction and prior to the date of Final Commissioning and submitted to the Planning Authority for written approval in consultation with SNH and SEPA.*

*Unless otherwise agreed in advance in writing with the Planning Authority, the approved habitat management plan shall be implemented in full."*

Condition 26 Noise

*"The rating level of noise immissions from the combined effects of the wind turbines hereby permitted and those of the existing Gordonbush Wind Farm (including the application of any tonal penalty), when determined in accordance with the attached Guidance Notes, shall not exceed the values for the relevant integer wind speed set out in or derived from Table 1 attached to these conditions and:*

*a) No electricity shall be exported from the development to the electricity grid network until a list of proposed independent consultants who may undertake compliance measurements in accordance with this condition has been submitted to, and approved in writing by, the*

*Planning Authority. Amendments to the list of approved consultants shall be made only with the prior written approval of the Planning Authority.*

b) *Within 21 days from receipt of a written request of the Planning Authority, following a complaint to it alleging noise disturbance at a dwelling, the Company shall, at its expense, employ an independent consultant approved by the Planning Authority to assess the level of noise immissions from the wind farm at the complainant's property in accordance with the procedures described in the attached Guidance Notes. The written request from the Planning Authority shall set out at least the date, time and location to which the complaint relates. Within 14 days of receipt of a written request from the Planning Authority made under this paragraph (b), the Company shall provide the information relevant to the complaint logged in accordance with paragraph (h) to the Planning Authority in the format set out in Guidance Note 1(e).*

c) *Where there is more than one property at a location specified in Tables 1 and 2 attached to this condition, the noise limits set for that location shall apply to all dwellings at that location. Where a dwelling to which a complaint is related is not identified by name or location in the Tables attached to these conditions, the Company shall submit to the Planning Authority for written approval, proposed noise limits to be adopted at the complainant's dwelling for compliance checking purposes. The proposed noise limits are to be those limits which the independent consultant considers as being the most appropriate. The submission of the proposed noise limits to the Planning Authority shall include a written justification of the choice of the representative background noise environment provided by the independent consultant. The rating level of noise immissions resulting from the combined effects of the wind turbines when determined in accordance with the attached Guidance Notes shall not exceed the noise limits approved in writing by the Planning Authority for the complainant's dwelling.*

d) *Prior to the commencement of any measurements by the independent consultant to be undertaken in accordance with these conditions, the Company shall submit to the Planning Authority for written approval the proposed measurement location identified in accordance with the Guidance Notes where measurements for compliance checking purposes shall be undertaken. Measurements to assess compliance with the noise limits set out in the Tables attached to these conditions or approved by the Planning Authority pursuant to paragraph (c) of this condition shall be undertaken at the measurement location approved in writing by the Planning Authority.*

e) *Prior to the submission of the independent consultant's assessment of the rating level of noise immissions pursuant to paragraph (f) of this condition, the Company shall submit to the Planning Authority for written approval a proposed assessment protocol setting out the following:*

i. *The range of meteorological and operational conditions (the range of wind speeds, wind directions, power generation and times of day) to determine the assessment of rating level of noise immissions.*

ii. *A reasoned assessment as to whether the noise giving rise to the complaint contains or is likely to contain a tonal component.*

*The proposed range of conditions shall be those which prevailed during times when the complainant alleges there was disturbance due to noise, having regard to the information provided in the written request from the Planning Authority under paragraph (b), and such others as the independent consultant considers necessary to fully assess the noise at the complainant's property. The assessment of the rating level of noise immissions shall be undertaken in accordance with the assessment protocol approved in writing by the Planning Authority and the attached Guidance Notes.*

*f) The Company shall provide to the Planning Authority the independent consultant's assessment of the rating level of noise immissions undertaken in accordance with the Guidance Notes within 2 months of the date of the written request of the Planning Authority made under paragraph (b) of this condition unless the time limit is extended in writing by the Planning Authority. All data collected for the purposes of undertaking the compliance measurements shall be made available to the Planning Authority on the request of the Planning Authority. The instrumentation used to undertake the measurements shall be calibrated in accordance with Guidance Note 1(a) and certificates of calibration shall be submitted to the Planning Authority with the independent consultant's assessment of the rating level of noise immissions.*

*g) Where a further assessment of the rating level of noise immissions from the wind farm is required pursuant to Guidance Note 4(c) of the attached Guidance Notes, the Company shall submit a copy of the further assessment within 21 days of submission of the independent consultant's assessment pursuant to paragraph (f) above unless the time limit for the submission of the further assessment has been extended in writing by the Planning Authority.*

*h) The Company shall continuously log power production, wind speed and wind direction, all in accordance with Guidance Note 1(d). These data shall be retained for a period of not less than 24 months. The Company shall provide this information in the format set out in Guidance Note 1(e) to the Planning Authority on its request, within 14 days of receipt in writing of such a request.*

***Note:** For the purposes of this condition, a "dwelling" is a building within Use Class 9 of the Use Classes Order which lawfully exists or had planning permission at the date of this consent."*

# APPENDIX 2: SCHEDULE 9 OF THE ELECTRICITY ACT 1989

In the consideration of the application under s.36C of the 1989 Act the Scottish Ministers have a duty under Schedule 9, paragraph 3, of the 1989 Act. Schedule 9 considers the preservation of amenity and sets out a number of environmental matters which must be considered by the decision maker. Schedule 9, paragraph 3, states:

*"(1) In formulating any relevant proposals, a licence holder or a person authorised by an exemption to generate, distribute, supply or participate in the transmission of electricity-*

*(a) shall have regard to the desirability of preserving natural beauty, of conserving flora, fauna and geological or physiographical features of special interest and of protecting sites, buildings and objects of architectural, historic or 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) In considering any relevant proposals for which his consent is required under section 36 or 37 of this Act, the Secretary of State shall have regard to—*

*(a) the desirability of the matters mentioned in paragraph (a) of sub-paragraph (1) above; and*

*(b) the extent to which the person by whom the proposals were formulated has complied with his duty under paragraph (b) of that sub-paragraph.*

*(3) Without prejudice to sub-paragraphs (1) and (2) above, in exercising any relevant functions each of the following, namely, a licence holder, a person authorised by an exemption to generate or supply electricity and the Secretary of State shall avoid, so far as possible, causing injuries to fisheries or to the stock of fish in any waters."In the Fauch Hill / Harburnhead S36 decision (Reference EC00003184 and EC00003190 respectively, July 2014), the Reporters considered Schedule 9 of the 1989 Act and advised that:*

*"The provisions of Schedule 9 of the Electricity Act 1989 apply to the assessment of wind farms with an installed capacity of over 50MW. The Scottish Government's position is that whether an applicant is licensed or not, Ministers will have regard to the Schedule 9 provisions and expect them to be addressed through the Environmental Statement."*

The High Court (England and Wales), in 2012, made clear in the decision of R (on the application of Samuel Smith Old Brewery) v Secretary of State for Energy & Climate Change that the provisions of section 38(6) (of the Planning and Compulsory Purchase Act 2004)[2] which requires that planning determinations should be made in accordance with the Development Plan unless material considerations indicate otherwise, does not apply in respect of a direction under section 90 (of the Town & Country Planning Act 1990)[3]. This decision related to a 'direction' in connection with an application for section 37 consent under the 1989 Act.

The judgement advised that a "direction" that planning permission shall be deemed to be granted was not a "determination" under the Planning Acts. The Court stated (para 75) that *"as a matter of construction I consider that it is a direction that such a determination is not required".* It was therefore judged that there was no duty on the decision maker in making a direction under section 90 (of the Town & Country Planning Act 1990) to comply with the requirement in section 38(6) (of the Planning and Compulsory Purchase Act 2004) that determinations must be made in accordance with the Development Plan unless material considerations indicate otherwise.

[2] Section 38(6) of the Planning and Compulsory Purchase Act 2004 is equivalent of section 25 of the 1997 Act in Scotland.

[3] Section 90 of the Town & Country Planning Act 1990 is equivalent to section 57 (2) of the 1997 Act

In Scotland the matter was considered in the William Grant / Dorenell s.36 Wind Farm Judicial Review case (2012). In this case Lord Malcolm ruled that s.25 of the 1997 Act did not apply to a 1989 Act case. He advised that his decision was broadly in line with the Samuel Smith old Brewery Case In respect of Schedule 9 of the 1989 Act Lord Malcom stated:

> *"I consider that Parliament intended that the relevant provisions of the 1989 Act would provide a self-contained code…….Schedule 9 narrates the relevant considerations, dealing with, amongst other things, the preservation of amenity……By contrast, section 25 [s.38(6) in England] applies to decisions under the planning acts when it is a requirement that regard is to be had to the development plan".*

It is therefore considered that there is no 'primacy' of the Development Plan in the case of application made under section 36 of the 1989 Act. This was made clear in the Reporter's Report in respect of Harestanes Wind Farm (Reference IEC/3/77 May 2007). The findings of fact stated:

> *"Schedule 9 of the Electricity Act 1989 identifies a number of matters – concerning natural and built heritage and fisheries – to which regard must be had in considering an application under section 36 of the Electricity Act. However these are not the only relevant matters in this case. Others include: energy policy; the development plan and other planning policy guidance; the environmental effects of the proposal; and the views of consultees and other parties."*

In the Fauch Hill/Harburn Head S36 Decision (Reference EC00003184 and EC00003190 respectively July 2014) the Reporters found that:

> *"There was general agreement that section 25 of the Town and Country Planning (Scotland) Act 1997 was not engaged in a section 36 Electricity Act application. Nonetheless, there was also agreement that this did not mean that the development plan was irrelevant, not least because it contained policies relating to many of the environmental features listed in Schedule 9. There was also general agreement that the Scottish Government energy policy is a further important consideration."*
>
> *"We consider the basis of our decision is the consideration of the impact on the environmental features listed in Schedule 9, the policies of the development plan and other relevant practical considerations (such as the impact on aviation radar) bearing in mind the context set by the Scottish Government energy policy."*

# APPENDIX 3: RENEWABLE ENERGY

## Renewable Energy Policy

In order to understand the context within which the Proposed Varied Development is being promoted, it is considered important that international, national (UK) and Scottish Government commitments to the development of renewable energy technology and approach to climate change are understood. Renewable energy policy and associated targets are material considerations in the determination of the variation application.

## International Context

In order to understand the need for renewable energy generation in the UK it is important to consider the international drive towards addressing climate change. The policy framework for renewable energy development in the UK is largely motivated by international agreements on the reduction of emissions of greenhouse gases. The international context is well understood and is summarised here.

The United Nations Framework Convention on Climate Change (UNFCCC) came into force on 21 March 1994 and sought to stabilise the atmospheric concentrations of greenhouse gases at "safe levels". The Convention provides an overall framework for international government efforts to address the challenge posed by climate change. Currently there are 194 parties signed up to the Convention. The Convention embodies a series of review mechanisms. The first of these, the Kyoto Protocol, was adopted in December 1997. As a result of this Protocol the European Union was obliged to secure an 8% reduction in greenhouse gas emissions from 1990 levels by 2012.

The United Nations Climate Change Conference in Doha, Qatar took place in 2012, when the Kyoto Protocol was amended so that it would continue as of 1 January 2013.

The twenty-first session of the Conference of the Parties (COP 21), held in Paris in December 2015, resulted in a legally binding global climate change target agreed by all 196 member parties with the aim of capping climate change well below 2°C of warming. Recently there have been reports of 1.5$^{o}$C being considered as an appropriate limit, UN Intergovernmental Panel on Climate Change October 2018.

The twenty-second session of the Conference of the Parties (COP 22), the twelfth session of the Conference of the Parties (serving as the meeting of the Parties to the Kyoto Protocol (CMP 12)), and the first session of the Conference of the Parties serving as the meeting of the Parties to the Paris Agreement (CMA 1) were held in Morocco in November 2016. The Conference successfully demonstrated to the world that the implementation of the Paris Agreement is underway and the constructive spirit of multilateral cooperation on climate change continues. The 23rd Conference of the Parties to the United Nations Framework Convention on Climate Change (COP 23) took place in Bonn from 6 to 17 November 2017. The Conference produced new climate action initiatives, commitments and partnerships, the announced actions cover many of the areas covered by the Sustainable Development Goals including energy, water, agriculture, oceans and coastal areas, human settlements, transportation, industry, and forests. Climate finance and climate resilience were also at the centre of the discussions at the conference.

## European Context

In January 2008 the European Commission published a package of 20-20-20 targets. This included proposals to:

- reduce the EU's greenhouse gas emissions to at least 20% below 1990 levels;
- increase the proportion of final EU energy consumption from renewable sources to 20%; and

- a reduction in primary energy use by 20% compared with projected levels, which is to be achieved by improving energy efficiency.

These targets are set out in the EU Renewable Energy Directive (March 2009) and are to be achieved by 2020. The 20% target is split between Member States. For the UK, the EC's obligations include a 16% reduction in UK greenhouse gas emissions by 2020 and for 15% of all energy consumed in the UK to be produced by renewable sources by 2020.

Directive 2009/28/EC created, at clause 13, mandatory national targets consistent with a 20 % share of energy from renewable sources by 2020. The Directive, clause 15, advises that it is necessary to translate the European Community target into individual targets for each Member State, with due regard to an equitable allocation, this takes into account the different starting points of the Member States and their potential, including the current level of energy from renewable sources and the existing energy mix.

In January 2014 the European Commission presented 'A 2030 Framework for Climate and Energy Policies' stating that the target of a 40% emissions reduction below the 1990 level would be met through domestic measures alone. An EU-wide binding target for renewable energy of at least 27% of energy consumption by 2030 was introduced which will be enforced through a new governance system based on national energy plans.

### UK Context

The main responsibilities for policy development in relation to energy production and regulation in Scotland are reserved by Westminster. The following summarises the UK Government's approach to renewable energy generation since 2008. This provides the framework for the development of renewable energy generation across the UK and provides a background for the emergence of Scottish renewable energy generation and wind energy policy.

#### *The Climate Change Act 2008*

The Climate Change Act 2008 became law on 26 November 2008 (the 2008 Act). Scotland is a partner in delivering the UK emissions reduction target set out in the 2008 Act.

Two key aims underpin the 2008 Act, these are:

- to improve carbon management and help the transition towards a low carbon economy in the UK; and
- to demonstrate strong UK leadership internationally.

The 2008 Act introduced for the first time a legally binding framework to tackle the challenges of climate change. The 2008 Act sets legally binding targets for the UK to reduce carbon dioxide emissions by at least 80% by 2050 relative to 1990 levels. Energy generated from renewable sources was identified as a key component for meeting the challenge of reducing carbon emissions and the fight against climate change.

#### *The UK Renewable Energy Strategy 2009*

The requirement for delivery and monitoring, contained in the EU Directive March 2009, is reflected in the Executive Summary at paragraph 2.3 of the UK Renewable Energy Strategy (published in July 2009) (UKRES). It advises that the Commission has set indicative interim targets for the delivery of renewable energy to 2020. The summary advises that the first interim target, for the years 2011-2012, will be most challenging to meet, due to the time required to plan, finance and build renewable energy infrastructure. This interim target was to achieve 4% share for renewables in the energy mix.

### *National Renewable Energy Action Plan*

The National Renewable Energy Action Plan for the UK was published in July 2010, and advises that the UK needs to radically increase its use of renewable energy. It states that:

> *"The UK Government believes that climate change is one of the gravest threats we face, and that urgent action at home and abroad is required…..The development of renewable energy sources, alongside nuclear power and the development of carbon capture and storage, will also enable the UK to play its part in international efforts to reduce the production of harmful greenhouse gases."*

### *2050 Pathways Analysis*

The 2050 Pathways Analysis (published July 2010 by Business Energy Infrastructure and Strategy Department) presents a framework through which to consider some of the trade-offs and choices that will have to be made over the next 40 years. It is system-wide and covers all parts of the economy and all greenhouse gas emissions in the UK. It demonstrates that it is possible for the 80% emissions reduction target to be achieved in a range of ways. The document invited feedback on the choices that were to be made at the time.

### *The UK Renewable Energy Roadmap (UKRER)*

The UK Renewable Energy Roadmap (published July 2011) sets out a comprehensive action plan to speed up the UK's deployment and use of renewable energy and to place the country on a path to achieving the targets for 2020, whilst reducing the cost of renewable energy over time. It identifies eight technologies, including onshore wind, that have the potential to assist the UK in meeting the targets in a cost effective way or that offer the greatest potential for the future.

The UK Renewable Energy Roadmap Update 2013 (published November 2013) advised that, since the first UK Roadmap, the UK was at that time on track to meet the first interim target towards the ambitious target of 15% renewable energy by 2020. The Executive Summary reaffirmed the Coalition Government's commitment to increasing the deployment of renewable energy across the UK. The Executive Summary noted that the UK Government projections of energy consumption in 2020 had been revised downwards, and the estimated amount of renewable energy required to meet the 15% target of renewable energy production (for heat, transport and electricity) had also been revised downwards in line with this projection of energy consumption.

### *UK Carbon Plan*

The UK Carbon Plan (published December 2011) sets out how the UK Government proposes to tackle climate change and build a green economy through specific, practical action across government, with clear targets and milestones. The Plan is set in the context of Scotland's role in leading the way to a low carbon society, explaining what is meant by a low carbon society and economy, and why Scotland is ideally placed to be at the forefront of this transition.

### *The Fifth Carbon Budget*

In November 2015, the Committee on Climate Change (CCC) advised the UK Government to set the fifth carbon budget (as required by the 2008 Act) to reduce UK greenhouse gas emissions in 2030 by 57% relative to 1990 levels; that advice was accepted in June 2016. At that time provisional figures showed that in 2015 UK emissions were 38% below 1990 levels (Source CCC).

In June 2016 the CCC also laid its annual progress report before Parliament. That report emphasised the need to then bring forward policies and proposals that would achieve the levels of reduction set out in the fifth carbon budget.

At the UK level there remains a clear commitment to reducing carbon emissions and seeking to address the impacts of climate change alongside support for renewable energy.

### *Reducing UK Emissions 2018 Progress Report to Parliament*

Reducing UK Emissions 2018 Progress Report to Parliament (June 2018) is the most recent report to Parliament on progress in reducing emissions to meet carbon targets, as required under the 2008 Act.

The foreword to the Summary and Recommendations section of the report advises that although overall UK emissions continue to fall, the emissions from sectors out with power and waste have plateaued. This is sited as a worrying trend which cannot continue if the 2050 target is to be met. The committee says it is giving the government a strong message: "*Act now, climate change will not pause while we consider our options*".

The report concludes that progress in emission reduction is mixed across the devolved nations, with transport emissions in particular seeing increases across all three nations.

## Scottish Context

Tackling climate change is a devolved matter and therefore the Scottish Government has a responsibility to set policy to ensure compliance with targets set at EU and UK level. To encourage the production of renewable energy in 2011, the Scottish Government introduced a '2020 target' for the production of renewable energy as a percentage of the total gross annual electricity consumption. This 2020 target for renewables production has steadily increased from 40% to 50% in November 2007 and further upwards to 80% in September 2010, due to developments in the sector and changing expectations. As of May 2011, the target was 100% of gross annual electricity consumption by 2020.

In order to set the context for the need for renewable energy development in Scotland it is important to understand the obligations that Scotland has to generate renewable energy. The following text identifies key Scottish Government renewable energy targets and policy that are relevant at the current time.

### *The Climate Change (Scotland) Act 2009*

The Climate Change (Scotland) Act 2009 (the 2009 Act) received Royal Assent on August 4, 2009, the Bill having been passed unanimously by members of the Scottish Parliament. The 2009 Act is a key commitment of the Scottish Government, and was defined as the most far-reaching environmental legislation considered by the Parliament during the first ten years of devolution. There were a number of parts to the 2009 Act which set the context for the setting of targets and the monitoring of deliverables to achieve those targets. These are described as follows:

- Part 1 created the statutory framework for greenhouse gas emissions reductions in Scotland by setting an interim 42% reduction target for 2020, with the power for this to be varied based on expert advice, and an 80% reduction target for 2050. To help ensure the delivery of these targets, the 2009 Act required the Scottish Ministers to set annual targets, in secondary legislation, for Scottish emissions between 2010 and 2050;
- Part 2 contained provisions to allow the Scottish Ministers to establish a Scottish Committee on Climate Change;
- Part 3 placed a duty on the Scottish Ministers requiring that they report regularly to the Scottish Parliament on Scotland's emissions and on the progress being made towards meeting the emissions reduction targets set in the 2009 Act; and
- Part 4 contained the ability to impose further duties on public bodies in relation to climate change.

### *Climate Change Delivery Plan: Meeting Scotland's Statutory Climate Change Targets 2009*

In the Climate Change Delivery Plan: Meeting Scotland's Statutory Climate Change Targets 2009 the Scottish Government set a '2020 target' for the production of renewable energy as a percentage of the total gross annual electricity consumption. This 2020 target for renewables production has been steadily increased since it was first introduced and is now 100%. It is acknowledged that the Proposed Varied Development would not directly assist in meeting the 2020 targets owing to the timescales for its development.

### *The 2020 Renewable Routemap for Scotland Update 2011*

The 2020 Routemap for Renewable Energy was published in June 2011 and updates and extends the Scottish Renewable Action Plan 2009. This document sets out a Scottish Government target to meet an equivalent of 100% demand for electricity from renewable energy by 2020. The 2020 Routemap also makes a commitment to achieve at least 30% overall energy demand (heat and transport as well as electricity) from renewable sources by 2020.

Section 2.3.4 of the 2020 Routemap identifies that in order to meet the 2020 target for 100% of electricity demand from renewables, a further increase in consenting and deployment rates will be required.

Given the proven status of the technology, and the known and anticipated quantity of applications in the system, the Routemap notes that onshore wind is expected to provide the majority of capacity in the timeframe of the 2020 renewable electricity targets. Key actions relate to providing a supportive planning system which provides clear spatial and policy direction, continues to engage local communities, and balances the need to protect the environment alongside the need to continue to make progress to renewable energy targets (page 72).

### *Electricity Generation Policy Statement (EGPS) 2013*

The Scottish Government published the Electricity Generation Policy Statement (EGPS) in 2013. The EGPS sets out the pathway to meeting the Scottish Government target of delivering the equivalent of at least 100% of gross electricity consumption from renewables by 2020. It sets out how Scotland currently generates electricity, and the changes needed to meet Scottish Government targets and deliver a low carbon generating mix.

Paragraph 5 of the Executive Summary of the EPGS advises that the EPGS is constructed around a number of relevant targets and related requirements which include the following:

> *"delivering the equivalent of at least 100% of gross electricity consumption from renewables by 2020 as part of a wider, balanced electricity mix, with thermal generation playing an important role though a minimum of 2.5GW of thermal generation progressively fitted with Carbon Capture and Storage (CCS); and enabling local and community ownership of at least 500MW of renewable energy by 2020".*

### *The 2020 Renewable Routemap for Scotland Update 2013*

The 2020 Renewable Routemap for Scotland Update 2013 was issued in December 2013. This document advises on the progress that has been made to date in the renewable energy sector and identifies what requires to be progressed and the ways in which the requirements are being addressed.

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

### *Reducing Emissions in Scotland 2015 (2015 Report)*

The fourth report on Scotland's progress towards meeting emission reduction targets, as requested by Scottish Ministers under the Climate Change (Scotland) Act 2009, was published in March 2015 by the Committee on Climate Change. The 2015 Report assessed latest emission trends across the economy and for energy supply; homes and communities; business and the public sector; transport; agriculture; rural land use and forestry and waste.

The 2015 Report suggests that the Scottish Government should continue to investigate additional opportunities to reduce emissions that go beyond current policies. The 2015 Report advises that the Climate Change Committee proposes to agree a process and timeline with the Scottish Government to advise on the implications of improved inventory data that is expected later in 2015 and again in 2017.

### *The 2020 Renewable Routemap for Scotland Update 2015*

In September 2015, the Scottish Government published the 2020 Routemap for Renewable Energy in Scotland Update 2015. The foreword of this document advises that provisional figures show that renewable sources generated 49.8% of gross electricity consumption in 2014. While this suggests that Scotland was on target to meet the interim target of 50% by 2015 it is clear that Scotland should not underestimate the challenge of meeting the 2020 target of 100% renewable generation.

The document is clear that onshore wind has a pivotal role in delivering the 2020 renewable energy targets for Scotland. It confirms that the Scottish Government policy on wind farm applications strikes a careful balance between making the most of Scotland's renewable energy potential and protecting environmental issues and residential amenity.

The document identified the potential for energy storage to enable the integration of renewables into the grid, and balance supply and demand thus enhancing the security of supply.

### *Energy in Scotland 2016*

Energy in Scotland 2016 has in many respects been updated by Energy in Scotland 2017. However, it considers the matter of storage which is not repeated in the 2017 document. Page 27 of the document states:

> *"With the increased deployment of renewables and the decarbonisation of heat and transport, energy storage technologies- alongside other flexibility options such as demand side response, active network management and interconnectors – could greatly improve the flexibility, security, sustainability, and affordability of Scotland's energy system."*

It goes on to advise that the role at all scales of energy storage will be an important consideration in the Scottish Government's strategy to support the next stage in the energy transition for Scotland.

### *Consultation on proposals for a new Climate Change Bill (Scotland) June 2017*

The Scottish Government intends to introduce a new Climate Change Bill with even more ambitious targets than The Climate Change (Scotland) Act 2009. The proposals include setting targets based on actual emissions, increasing the 2050 target to 90% emissions reduction (up from 80%), and making provisions for a net-zero greenhouse gas emissions target to be set when the evidence becomes available. A number of technical amendments designed to improve the transparency of the targets and functioning of the Act are also being considered. The Bill will reaffirm the Scottish Government's commitment to focusing Government and public services on creating a more successful country, with opportunities for all of Scotland to flourish, through increasing sustainable economic growth.

Proposals for a new Bill were outlined by the Cabinet Secretary for Environment, Climate Change and Land Reform, Roseanna Cunningham, in a statement to Parliament in June 2017. A consultation on these proposals ended in September 2017.

### *Reducing Emissions in Scotland 2017*

The sixth report on Scotland's progress towards meeting emission reduction targets, as requested by Scottish Ministers under the Climate Change (Scotland) Act 2009, was published in September 2017 by the Committee on Climate Change. The 2017 Report assessed latest emission targets and trends across the economy and for energy supply; homes and communities; business and the public sector; transport; agriculture; rural land use and forestry; and waste.

The report concluded that Scotland has performed well and that the annual legislated target for 2015 was met, the second annual target to be achieved. The 2015 target for net emissions is 45.928 MtCO2e. Net Scottish emissions were 45.5 MtCO2e in 2015, i.e. below the annual target. Emissions on the net basis in 2015 were 41% below 1990 levels. The report anticipates Scotland is on track to meet the interim target for at least a 42% reduction in net emissions by 2020.

The report suggests that in order to meet Scotland's ambitious target, more needs to be done in sectors other than power, especially in sectors such as transport, agriculture and heat for non-residential buildings in which little progress is currently being made. Otherwise, Scotland's ambitious targets will be at risk. There have not been significant emission reductions in most sectors outside electricity generation in recent years.

### *Energy in Scotland 2017*

Energy in Scotland 2017 provides a summary of the energy statistics for Scotland across the range of technologies. It provides information on where matters stand with regards to meeting the energy generation targets and this is covered in Section 3 of this Planning Statement.

Energy in Scotland 2017 advises that battery devices which store electrical energy in the form of chemical energy, and then convert that energy back into electrical energy when there is demand, can be used in a variety of applications and can operate at a range of scales, including the balance of supply and demand from the grid.

### *Climate Change Plan The Third Report on Proposals and Policies 2018-2032*

The Climate Change Plan (CCP 2018), is the third report on proposals and policies for meeting Scotland's annual greenhouse gas emissions targets that the Scottish Ministers must lay before the Scottish Parliament as required by the 2009 Act.

CCP 2018 outlines the Scottish Government revised target of reducing greenhouse gas emissions by 66% by 2032. The reduction figure is to be measured against the 1990 baseline figures. The CCP 2017 envisages that by 2030 Scotland's electricity system will be wholly decarbonised and with electricity supplying a growing share of Scotland's energy needs.

## Current Scottish Government Energy Policy

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 OWPS.

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 following text.

### *Current Scottish Government Energy Policy*

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.

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 following text.

### *Scottish Energy Strategy 2017*

The Scottish Government published its Scottish Energy Strategy (SES 2017) in December 2017. The SES 2017 sets out a vision for a strong and sustainable low carbon economy. SES 2017 describes the Scottish Government's vision for the future energy system in Scotland beyond 2020 looking forward until 2050.

The SES is designed to provide a long term vision to guide detailed energy policy decisions over the coming decades. It sets out the priorities for an integrated system-wide approach that considers both the use and the supply of energy for heat, power and transport. It contains six energy priorities including increasing renewable energy production and increasing flexibility, efficiency and resilience of the energy system.

The main document was published alongside the Onshore Wind Policy Statement (OWPS). This document provides focus for onshore wind.

The SES 2017 advises that for Scotland to meet the domestic and international climate change targets, the Government will set a new 2030 'all-energy' target for the equivalent of 50% of Scotland's heat, transport and electricity consumption to be supplied from renewable sources. It advises that it has a vision for:

> *"a flourishing, competitive local and national energy sector, delivering secure, affordable, clean energy for Scotland's households, communities and businesses."*

The SES 2017 sets two new targets for the Scottish energy system by 2030. These are:

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

Reaching 50% in the 13 years from the publication of the SES2017 will be challenging, despite the good progress being made with the equivalent of 17.8% being met by renewable sources in 2015, and the SES2017 acknowledges this.

Renewable and low carbon solutions are identified as one of six energy priorities around which the 2050 vision is built. The document advises that the Scottish Government "will continue to champion and explore the potential of Scotland's huge renewable energy resource, and its ability to meet our local and national heat, transport and electricity."

The SES 2017 advises that "changes to how we store energy across the system, and particularly in terms of electricity and heat, could have a profoundly important bearing on our low carbon future".

Under the heading of Renewable Energy SES 2017 it is clear that the Scottish long term climate change targets will require the near complete decarbonisation *"of the Scottish energy system by 2050 and that renewable energy is anticipated to meet a significant share of this".*

In the section on Onshore Wind, SES 2017 advises that "onshore wind is now amongst the lowest cost forms of power generation of any kind, and is a vital component of the huge industrial

opportunity that renewables create for Scotland". Onshore wind is identified as being required to play a vital role in the future of Scotland, helping to decarbonise electricity, boosting the economy and meeting demand. The SES 2017 notes that in order to achieve the targets it means developers and community's working together and striking the right balance between environmental impacts, local support, benefit and where possible economic benefits deriving from community ownership.

### *Onshore Wind Policy Statement*

The Onshore Wind Policy Statement (OWPS 2017) reaffirms the existing Scottish Government's onshore wind policy set out in previous publications. The Ministerial forward is clear that there is no question that onshore wind has played a dominant and hugely successful role in contributing to the targets. It notes that onshore wind plays a valuable role in the empowerment and reward of local communities which are located near developments. The document focuses on the need to support development in the right places including, where acceptable, the inclusion of larger turbines, with effects and impacts of proposed developments being considered on their merits. The need to strike the right balance between environmental effects and impacts, local support and economic benefits is highlighted.

It includes separate sections on the following key priority areas:

- route to market;
- repowering;
- a strategic approach to development;
- barriers to deployment;
- protection for residents and the environment;
- community benefits; and
- shared ownership.

The section on Route to Market makes it clear that the Scottish Government expect "*onshore wind to remain at the heart of a clean, reliable and low carbon energy future in Scotland*." Onshore wind is to remain "*crucial in terms of meeting the goals for a decarbonised energy system*." The Scottish Government is clear that the approach taken in the OWS 2017 means that "*Scotland will continue to need more onshore wind development and capacity, in locations across landscapes where it can be accommodated*."

The OWPS 2017 is clear that the Scottish Government believe that "*new onshore wind projects can and must be developed with no additional subsidy cost to consumers*." The OWS invites "*applicants to explain clearly how environmental impacts have been balanced against energy yield during design iteration, and reported as part of the information provided in support of applications*."

In the Chapter on Community Benefits the OWS 2017 advises that "*As of November 2017 over £12 million [in community benefit payments] has been paid out over the preceding 12 month period*". The community benefit being offered by the Proposed Varied Development. is considered to be a valuable contribution to the community.

The Proposed Varied Development would directly contribute to meeting the aspirations of the OWPS.

### *Climate Change Plan, The Third report on Proposals and Policies 2018-2032*

The Scottish Government published the Climate Change Plan, The Third report on Proposals and Policies 2018-2032 (CCP 2018) in February 2018 which sets out Scotland's decarbonisation plans to 2032. The Executive Summary advises that the CCP 2018 sets out how Scotland can deliver its target of 66% emissions reductions, relative to the baseline for the period 2018-2032.

# APPENDIX 4: DEVELOPMENT PLAN POLICIES

## Highland wide Local Development Plan

Policy 67 – Renewable Energy Developments:

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

- the contribution of the proposed development towards meeting renewable energy generation targets; and
- any positive or negative effects it is likely to have on the local and national economy;

and will assess proposals against other policies of the development plan, the Highland Renewable Energy Strategy and Planning Guidelines and have regard to any other material considerations, including proposals able to demonstrate significant benefits including by making effective use of existing and proposed infrastructure or facilities.

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

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

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

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

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

Policy 28 – Sustainable Design

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

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

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

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

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

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

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

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

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

Policy 29 – Design Quality and Place-Making:

New development should be designed to make a positive contribution to the architectural and visual quality of the place in which it is located, where appropriate, and should consider the incorporation of public art as a means of creating a distinct sense of place and identity in line with the Council's Public Art Strategy for the Highlands. Applicants should demonstrate sensitivity and respect towards the local distinctiveness of the landscape, architecture, design and layouts in their proposals.

The design and layout of new residential development proposals should focus on the quality of places and living environments for pedestrians rather than movement of vehicles, and should incorporate all of the six qualities of successful places. Further guidance on this policy topic will be provided in the Council's Residential Layout: Supplementary Guidance.

Where relevant, the Council will judge proposals in terms of their contribution to place-making. Proposals should have regard to the historic pattern of development and landscape in the locality and should, where relevant, be an integral part of the settlement. The Council will examine proposals to ensure that people of all abilities can move safely and conveniently within the development and, where appropriate, to facilities in other parts of the settlement.

Policy 30 – Physical Constraints:

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

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

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

Policy 36 – Development in the Wider Countryside:

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

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

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

Within Fragile Areas, proposals that will lead to the change of use or loss of a lifeline rural facility such as a village shop, whether or not that facility is outwith the settlement development area, will be required to provide information as why the facility/use is no longer feasible including evidence that it has been marketed for that purpose at a reasonable price/rent for a minimum period of 3 months.

Renewable energy development proposals will be assessed against the Renewable Energy Policies, the non statutory Highland Renewable Energy Strategy and where appropriate, Onshore Wind Energy: Supplementary Guidance.

All proposals should still accord with the other general policies of the plan.

Development proposals for housing in the wider countryside will be determined against the relevant sections of the Housing in the Countryside and Siting and Design: Supplementary Guidance.

Policy 53 – Minerals

The Council will support the following areas for mineral extraction:

- Extension of an existing operation/site
- Re-opening of a dormant quarry
- A reserve underlying a proposed development where it would be desirable to extract prior to development.

Before a new site for minerals development will be given permission, it must be shown that other existing reserves have been exhausted or are no longer viable or, for construction aggregates, amount to less than a ten-year supply of permitted reserves.

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.

Geodiversity will also be considered when assessing proposals; the Council may set out conditions covering working methods, restoration and after use to safeguard the geodiversity value. Geodiversity value may occur outwith designated sites. The Council will encourage opportunities to enhance geodiversity in all relevant development proposals including the potential to create, extend or restore geodiversity interests e.g. during mineral working and restoration.

The Council will safeguard all existing economically significant, workable minerals reserves/operations from incompatible development which is likely to sterilise it unless:

- there is no alternative site for the development; and
- the extraction of mineral resources will be completed before the development commences.

All minerals developments will have to provide information on pollution prevention, restoration and mitigation proposals. Restoration should be carried out in parallel with excavation where possible. Otherwise it should be completed in the shortest time practicable. Planning conditions will be applied to ensure that adequate provision is made for the restoration of workings. The Council will expect all minerals developments to avoid or satisfactorily mitigate any impacts on residential amenity, the natural, built and cultural heritage, and infrastructure capacities. After uses should result in environmental improvement rather than just restoring a site to its original state. After uses should add to the cultural, recreational or environmental assets of an area. A financial guarantee may be sought.

Policy 55 – Peat and Soils:

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

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

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

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

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

Policy 56 – Travel:

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

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

- incorporate an appropriate level of parking provision, having regard to the travel modes and services which will be available and key travel desire lines and to the maximum parking standards laid out in Scottish Planning Policy or those set by the Council.

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

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

The Council will seek the implementation and monitoring of Green Travel Plans in support of significant travel generating developments.

Development proposals that are likely to affect the operation of any level crossing will be considered in accordance with the relevant part of the supplementary guidance associated with Policy 30: Physical Constraints.

Where site masterplans are prepared, they should include consideration of the impact of proposals on the local and strategic transport network. In assessing development proposals, the Council will also have regard to any implications arising from the relevant Core Paths Plan and will apply the terms of Policy 77: Public Access.

Policy 57 – Natural, Built and Cultural Heritage:

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

1. For features of **local/regional importance** we will allow developments if it can be satisfactorily demonstrated that they will not have an unacceptable impact on the natural environment, amenity and heritage resource.
2. For features of **national importance** we will allow developments that can be shown not to compromise the natural environment, amenity and heritage resource. Where there may be any significant adverse effects, these must be clearly outweighed by social or economic benefits of national importance. It must also be shown that the development will support communities in fragile areas who are having difficulties in keeping their population and services.
3. For features of **international importance** developments likely to have a significant effect on a site, either alone or in combination with other plans or projects, and which are not directly connected with or necessary to the management of the site for nature conservation will be subject to an appropriate assessment. Where we are unable to ascertain that a proposal will not adversely affect the integrity of a site, we will only allow development if there is no alternative solution and there are imperative reasons of overriding public interest, including those of a social or economic nature. Where a priority habitat or species (as defined in Annex 1 of the Habitats Directive) would be affected, development in such circumstances will only be allowed if the reasons for overriding public interest relate to human health, public safety, beneficial consequences of primary importance for the environment, or other reasons subject to the opinion of the European Commission (via Scottish Ministers). Where we are unable to ascertain that a proposal will not adversely affect the integrity of a site, the proposal will not be in accordance with the development plan within the meaning of section 25(1) of the Town and Country Planning(Scotland) Act 1997.

   Note: Whilst Appendix 2 groups features under the headings international, national and local/regional importance, this does not suggest that the relevant policy framework will be

any less rigorously applied. This policy should also be read in conjunction with the Proposal Map.

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

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

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

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

Policy 58 – Protected Species:

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

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

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

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

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

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

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

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

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

Policy 59 – Other Important Species:

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

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

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

Policy 60 – Other Important Habitats and Article 10 Features:

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

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

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

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

Policy 61 – Landscape:

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

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

Policy 63 – Water Environment:

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

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

Policy 64 – Flood Risk:

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

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

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

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

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

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

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

Policy 66 – Surface Water Drainage:

All proposed development must be drained by Sustainable Drainage Systems (SuDS) designed in accordance with The SuDS Manual (CIRIA C697) and, where appropriate, the Sewers for Scotland Manual 2nd Edition. Planning applications should be submitted with information in accordance with Planning Advice Note 69: Planning and Building Standards Advice on Flooding paragraphs 23 and 24. Each drainage scheme design must be accompanied by particulars of proposals for ensuring long-term maintenance of the scheme.

Policy 72 – Pollution:

Proposals that may result in significant pollution such as noise (including aircraft noise), air, water and light will only be approved where a detailed assessment report on the levels, character and transmission and receiving environment of the potential pollution is provided by the applicant to show how the pollution can be appropriately avoided and if necessary mitigated.

Where the Council applies conditions to any permission to deal with pollution matters these may include subsequent independent monitoring of pollution levels.

Major Developments and developments that are subject of Environmental Impact Assessment will be expected to follow a robust project environmental management process, following the approach set out in the Council's Guidance Note "Construction Environmental Management Process for Large Scale Projects" or a similar approach.

Policy 77 – Public Access:

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

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

For a proposal classified as a Major Development, the Council will require the developer to submit an Access Plan. This should show the existing public, nonmotorized 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).

Policy 78 – Long Distance Routes:

The Council, with its partners, will safeguard and seek to enhance long distance routes (as indicated on Figure 11), 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.

# APPENDIX 5: THE HIGHLAND COUNCIL'S 2016 SUPPLEMENTARY GUIDANCE LANDSCAPE AND VISUAL CRITERIA

The Highland Council's (THC) 2016 Supplementary Guidance includes a table of 10 criteria that "set out key landscape and visual aspects that the Council will use as a framework and focus for assessing proposals" (para 4.16). THC's pre-application advice for the Proposed Varied Development makes reference to these criteria and notes that:

> *"Given that this application is for a reconfiguration of a consented scheme and involves the reduction in the number of turbines and an increase in the height of some remaining turbines, it would be useful if the applicant outlined whether the new scheme was expected to have a positive or negative impact on each of the relevant criterion compared to the consented scheme."*

Section 7 of THC's response suggests that criteria 1, 2, 4, 5, 6, 7, 8 and 9 will be the most relevant in the case of the Proposed Varied Development, while Section 9 suggests that criteria 6, 8 and 9 will be the most relevant and gives a brief explanation as to their applicability.

The table below reviews the Proposed Varied Development in relation to criteria 1, 2, 4, 5, 6, 7, 8 and 9. It should be noted that these criteria refer to various features of the landscape and visual resource, such as 'key locations', 'key gateway locations' and 'key recreational routes', which the THC 'landscape sensitivity appraisals' will identify and list for all of the various regions of the THC area. A 'landscape sensitivity appraisal' has not yet been produced for the area within which the site lies, and detailed identification of the various features is therefore not yet available. Assumptions are therefore made by the project landscape architect's (OPEN) as to the likely relevant features for each criterion.

| **Table A5.1: SG Landscape and Visual Criteria** |
|---|
| **Criterion** |
| 1. Relationship between Settlements/Key locations and wider landscape respected.<br>The extent to which the proposal contributes to perception of settlements or key locations being encircled by wind energy development.<br>Development should seek to achieve a threshold where: turbines are not visually prominent in the majority of views within or from settlements/Key Locations or from the majority of its access routes. |
| The LVIA indicates that the Proposed Varied Development will not significantly affect views from any settlements/key locations or their access routes.<br>Visibility of the Proposed Varied Development from settlements is very similar to that of the Consented Development.<br>The Proposed Varied Development will not be "visually prominent in the majority of views within or from settlements/Key Locations or from the majority of its access routes" and is therefore considered to fulfil this criterion. |
| 2. Key Gateway locations and routes are respected<br>The extent to which the proposal reduces or detracts from the transitional experience of key Gateway Locations and routes.<br>Development should seek to achieve a threshold where: Wind Turbines or other infrastructure do not overwhelm or otherwise detract from landscape characteristics which contribute the distinctive transitional experience found at key gateway locations and routes. |
| The LVIA indicates that the Proposed Varied Development will have significant effects on views from one road route (the minor Brora – Rogart road). This route and its start/end points are unlikely to be considered as 'key gateway locations or routes'.<br>Visibility of the Proposed Varied Development from this route is lower than that of the Consented Development, and the extent of significant effects on views from the route has been reduced, as described in the LVIA. |

| **Table A5.1: SG Landscape and Visual Criteria** |
|---|
| The Proposed Varied Development will not "overwhelm or otherwise detract from landscape characteristics which contribute the distinctive transitional experience found at key gateway locations and routes" and is therefore considered to fulfil this criterion. |
| 4. The amenity of key recreational routes and ways is respected.<br>The extent to which the proposal affects the amenity of key recreational routes and ways (e.g. Core Paths, Munros and Corbetts, Long Distance Routes etc.)<br>Development should seek to achieve a threshold where: Wind Turbines or other infrastructure do not overwhelm or otherwise significantly detract from the visual appeal of key routes and ways. |
| The LVIA indicates that the Proposed Varied Development will not have significant effects on views from any of the long-distance recreational routes, munros or corbetts that have been identified in the LVIA. There will be a significant effect on views from a stretch of one core path (SU06.02).<br>Visibility of the Proposed Varied Development from core path SU06.02 is lower than that of the Consented Development, and the extent of significant effects on views from the route has been reduced, as described in the LVIA.<br>The Proposed Varied Development will not "*overwhelm or otherwise significantly detract from the visual appeal of key routes and ways"* and is therefore considered to fulfil this criterion. |
| 5. The amenity of transport routes is respected.<br>The extent to which the proposal affects the amenity of transport routes (tourist routes as well as rail, ferry routes and local road access)<br>Development should seek to achieve a threshold where: Wind Turbines or other infrastructure do not overwhelm or otherwise significantly detract from the visual appeal of transport routes. |
| The LVIA indicates that the Proposed Varied Development will not have significant effects on views from any transport routes other than the minor Brora to Rogart minor road, as described in Criterion 2 above.<br>Visibility of the Proposed Varied Development from this route is lower than that of the Consented Development, and the extent of significant effects on views from the route has been reduced, as described in the LVIA.<br>The Proposed Varied Development will not "*overwhelm or otherwise significantly detract from the visual appeal of transport routes"* and is therefore considered to fulfil this criterion. |
| 6. The existing pattern of Wind Energy Development is respected.<br>The degree to which the proposal fits with the existing pattern of nearby wind energy development, considerations include:<br>• Turbine height and proportions<br>• density and spacing of turbines within developments<br>• density and spacing of developments<br>• typical relationship of development to the landscape<br>• previously instituted mitigation measures<br>• Planning Authority stated aims for development of area<br>Development should seek to achieve a threshold where: the proposal contributes positively to existing pattern or objectives for development in the area. |
| **Turbine height and proportions**: the increase in turbine height and rotor diameter of the Proposed Varied Development over the Consented Development is likely to be apparent in closer views but will become indiscernible in more distant views. It is beneficial that the Proposed Varied Development will generally be seen in front of the operational turbines (i.e. Viewpoints 6, 7 and 8); this follows natural perspective, as the human eye 'expects' to see larger objects in front of smaller objects. Larger turbines seen behind smaller turbines can lead to visual confusion and altered perspective. It is also beneficial that the turbines in the Proposed Varied Development are all of the same dimensions, unlike the Consented Development, as the overall Gordonbush development will thus include two turbine models rather than three, as was the case with the Consented Development.<br>**Density and spacing of turbines within developments**: the turbine spacing in the Proposed Varied Development remains the same as the Consented Development. The turbine density has, however, |

**Table A5.1: SG Landscape and Visual Criteria**

reduced, beneficially, with the removal of the four southernmost turbines. This removal will strengthen the visual association of the Proposed Varied Development with the operational wind farm as these four turbines were the furthest away from the operational turbines and thus had the least association with them. The reduction in the extent of the Proposed Varied Development is also an improvement over the Consented Development in terms of the compactness and cohesion of the overall Gordonbush development.

**Density and spacing of developments**: the Proposed Varied Development represents an improvement over the Consented Development in terms of spacing of developments, as the separation distance from Kilbraur Wind Farm has beneficially increased (for example, as seen in Viewpoints 8, 11, 12 and 13). The spacing of the Proposed Varied Development from the operational Gordonbush Wind Farm remains the same as for the Consented Development.

**Typical relationship of development to the landscape**: the Proposed Varied Development and the operational Gordonbush Wind Farm are located in the same landscape setting, on a long, south-facing, sweeping moorland slope that falls down to Strath Brora. This shared landscape setting is of great benefit in the accommodation of the Proposed Varied Development in the existing pattern of wind energy development. The Proposed Varied Development represents an improvement over the Consented Development due to the removal of the four southernmost turbines, as these were on the lowest part of the slope, closest to the strath landscape of Strath Brora.

**Previously instituted mitigation measures**: the mitigation that was incorporated into the Consented Development in terms of turbine locations and spacing and landscape setting is retained in the Proposed Varied Development, and is further enhanced by the removal of the four turbines. The increase in turbine dimensions in the Proposed Varied Development is itself mitigated by the removal of the four turbines, as demonstrated in the LVIA for the Proposed Varied Development.

Planning Authority stated aims for development of area: in its pre-application response, THC noted that:

**"**The council is currently working on Landscape Sensitivity Appraisal for this area…Preliminary work, not yet publically consulted in, identified limited potential for this area within the existing pattern and includes the recommendation that turbines should (be):

- Preserve mitigation established by current schemes
- Maintain the landscape setting of each existing scheme.
- Respect spacing and scale of existing development pattern."

These points are covered under the headings above.

The Revised Development "contributes positively to existing pattern or objectives for development in the area." and is therefore considered to fulfil this criterion.

7. The need for separation between developments and/or clusters is respected.

The extent to which the proposal maintains or affects the spaces between existing developments and/ or clusters

Development should seek to achieve a threshold where: The proposal maintains appropriate and effective separation between developments and/ or clusters

The removal of four turbines in the Proposed Varied Development, when compared to the Consented Development, will beneficially increase the separation between the overall Gordonbush development and Kilbraur Wind Farm. The benefit of this is seen at Viewpoint 13, for example, where the significant cumulative effect arising from the Consented Development will become not significant due to the increased separation from Kilbraur Wind Farm.

The Proposed Varied Development "*maintains appropriate and effective separation between developments and/ or clusters"* and is therefore considered to fulfil this criterion.

8. The perception of landscape scale and distance is respected.

The extent to which the proposal maintains or affects receptors' existing perception of landscape scale and distance.

Development should seek to achieve a threshold where: the proposal maintains the apparent landscape scale and/or distance in the receptors' perception.

There are two different scenarios of this criterion in relation to the Consented/ Proposed Varied Development; where it is seen with the operational Gordonbush Wind Farm, and where it is seen without the operational wind farm.

| **Table A5.1: SG Landscape and Visual Criteria** |
|---|
| Where it is seen with the operational wind farm, the close association of the Proposed Varied Development with the operational turbines (as described in Criterion 6 above) ensures that receptors' perception of landscape scale and distance will not be compromised, as the Proposed Varied Development is clearly seen as part of the same development, and not as a separate wind farm. In some respects, this relationship has been improved by the Proposed Varied Development in relation to the Consented Development. This can be seen in Viewpoints 6, 7 and 8, for example.<br>Where the Proposed Varied Development is seen without the operational wind farm, the increased scale of the turbines in relation to the landscape may be theoretically discernible, particularly at closer viewpoints. However, visibility of the Proposed Varied Development has been reduced in comparison with the Consented Development at closer viewpoints (Viewpoints 2, 3, 4 and 5, for example), and the distance of the viewpoints from the nearest turbine has been increased, and these factors minimise the potential for scale comparisons with the landscape to arise. As a result, altered perceptions of distance are also minimised.<br>The Proposed Varied Development achieves "a threshold where: the proposal maintains the apparent landscape scale and/or distance in the receptors' perception" and is therefore considered to fulfil this criterion. |
| 9. Landscape setting of nearby wind energy developments is respected<br>The extent to which the landscape setting of nearby wind energy developments is affected by the proposal.<br>Development should seek to achieve a threshold where: Proposal relates well to the existing landscape setting and does not increase the perceived visual prominence of surrounding wind turbines. |
| The relationship of the Proposed Varied Development with the adjacent operational Gordonbush Wind Farm is discussed above in Criterion 6. The spatial relationship with the nearby Kilbraur Wind Farm is discussed in Criterion 7. In relation to landscape setting, Kilbraur Wind Farm and a large part of the operational Gordonbush Wind Farm lie within the *moorland slopes and hills* LCT, within which the eastern part of the Proposed Varied Development also lies.<br>The increased turbine dimensions in the Revised Development in comparison to the Consented Development is unlikely to be clearly noticeable in relation to Kilbraur Wind Farm as the Proposed Varied Development and Kilbraur Wind Farm are very rarely seen directly juxtaposed with one another. Where they are seen in the same view, the separation distance between the wind farms is sufficient to avoid a comparison of turbine dimensions. Overall, it is considered that the proposed changes to the Proposed Varied Development will improve the relationship that the Consented Development has with Kilbraur Wind Farm due to the increased separation distance.<br>The Proposed Varied Development achieves "a threshold where: Proposal relates well to the existing landscape setting and does not increase the perceived visual prominence of surrounding wind turbines" and is therefore considered to fulfil this criterion. |

sse

**Key**

Site Boundary

Scale 1:250,000@ A3

0 5 10 Km

N

Scale 1:70,000 @ A3

0 1 2 Km

**Figure 1**
**Site Location**

**Gordonbush Extension Wind Farm**
**Planning Statement**

sse

**Key**

Consented and Retained

- Site Boundary
- Turbine (Locations Unchanged)
- Access Track
- Operational Access Track to be Reused
- Borrow Pit Search Area
- Construction Compound
- Operational Substation

Consented but Removed

- Turbine
- Permanent Met Mast
- Operations Building
- Access Track

Consented but Repositioned

- Batching Plant (Old Position)
- Batching Plant (Proposed New Position)

Proposed New

- LiDAR
- Access Track

Operational and Retained

- Operational Met Mast

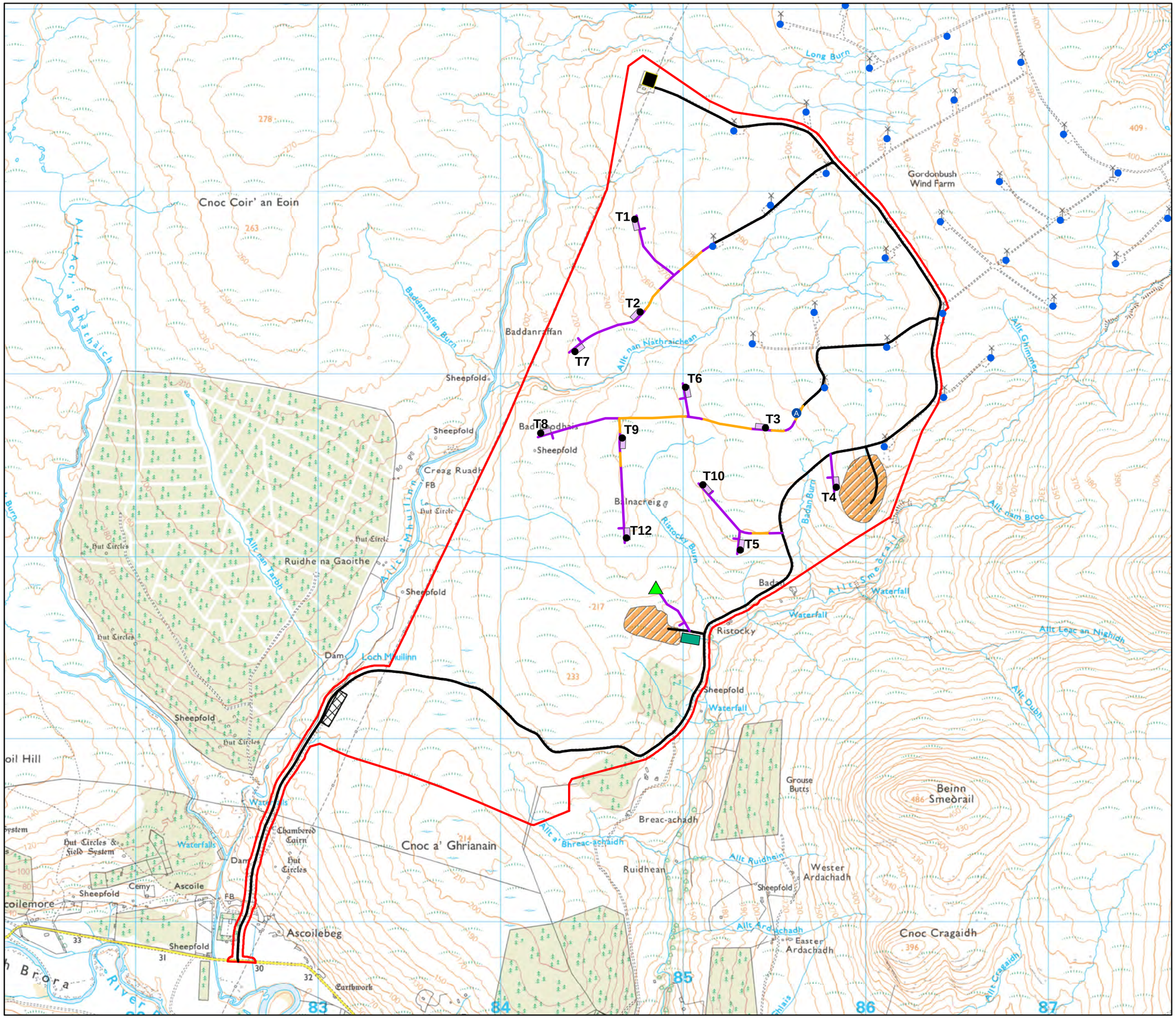
Scale 1:20,000 @ A3

0 0.5 1 Km

N

**Figure 2**
**Proposed Variation**

**Gordonbush Extension Wind Farm**
**Planning Statement**




**Key**

- Site Boundary
- Turbine
- Operational Turbine
- Operational Met Mast
- Proposed LiDAR

Access Track

- Existing
- Cut
- Float
- Indicative Hardstanding
- Existing Substation
- Batching Plant
- Borrow Pit Search Area
- Construction Compound

**Figure 3**
**Proposed Varied Development**

**Gordonbush Extension Wind Farm**
**Planning Statement**