

Cairn Duhie Wind Farm, Highland: Section 36c Application
Planning Statement

August 2021



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1. Introduction

1.1 Background

1.1.1 This Planning Statement Update has been prepared by David Bell Planning Ltd (DBP) on behalf of Renewable Energy Systems Ltd. (the Applicant) in relation to an application under Section 36c of the Electricity Act 1989 to vary conditions 1 (Duration of the Consent) and 2 (Commencement of Development) of the consent granted by Scottish Ministers in 2017 for Cairn Duhie Wind Farm (ECU case reference EC00002087).

1.2 The Applicant

1.2.1 RES is the world's largest independent renewable energy company active in onshore and offshore wind, solar energy, energy storage and transmission and distribution. At the forefront of the Industry for over 35 years, RES has delivered more than 17 giga-watts (GW) of renewable energy projects across the globe and supports an operational asset portfolio exceeding 5GW worldwide for a large client base. Understanding the unique needs of corporate clients, RES has secured 1GW of Power Purchase Agreements (PPAs) enabling access to energy at the lowest cost. RES employs more than 2,000 people and is active in 10 countries.

1.2.2 From its Glasgow office, RES has been developing, constructing and operating wind farms in Scotland since 1993. RES has developed and/or built sixteen wind farms in Scotland, with a total generation capacity of 417 mega-watts (MW). RES is currently constructing Blary Hill Wind Farm in Argyll and Bute and has recently completed construction of the Solwaybank Wind Farm in Dumfries and Galloway, which is now operational.

1.3 Proposed Variation Conditions

1.3.1 In 2013, an application for consent under Section 36 of the Electricity Act 1989 ('the 1989 Act') was submitted to the Scottish Government by RES UK & Ireland Limited for the construction of 20 wind turbines up to 110m to turbine blade tip (hereinafter referred to as 'the Development'). The Development comprises a wind-powered electricity generating station known as Cairn Duhie Wind Farm, located approximately 1.5km south-east of Ferness, off the A939 between Nairn and Grantown on Spey within the administrative area of The Highland Council (THC).

1.3.2 On 6th October 2017, Section 36 consent and deemed planning permission was granted by Scottish Ministers for consent EC00002087 subject to 33 planning conditions based on the original ES as supplemented.

1.3.3 Separately, an application for consent under Section 36 of the Act was submitted to the ECU by the Applicant in 2021 for the construction of 16 turbines up to 149.9m to turbine blade tip on the site (application EC00003225) and is currently being considered by the Energy Consents Unit (ECU).

1.3.4 Both the existing Section 36 consent and deemed planning permission for consent EC00002087 are currently set to expire on 30th September 2021 however the Applicant is seeking extensions to these under the Extended Emergency period under the Town and Country Planning Coronavirus Regulations. This date also represents an extension to the original expiry dates as agreed with the ECU as a result of the Coronavirus pandemic having an effect on the ability of works being able to commence as previously agreed on 5th October 2020.

1.3.5 Therefore, the Section 36c application seeks to vary conditions 1 and 2 of the Section 36 consent EC00002087, relating to the duration of consent and the commencement of development. It is proposed:

- > to change condition 1 so that the consent shall expire after a period of 32 years from the date of Final Commissioning, instead of 30 years currently; and
- > to change condition 2 so that the Development shall be commenced no later than six years from the date of consent, instead of three years currently.

1.4 Environmental Impact Assessment

- 1.4.1 The Section 36c application is supported by an Addendum Environmental Impact Assessment (EIA) Report (referred to as the 'Addendum Report') which refers to, and is to be read in conjunction with:
- > The Environmental Statement (ES) that accompanied application EC00002087 (2013);
 - > the Environment Statement Addendum (ES Addendum) (2014) and Supplementary Environmental Information (SEI) (2016), provided to supplement the above ES; and
 - > the EIA Report that accompanied the Section 36 consent application of 2021 (reference ECU00003225) for alternative proposals for a wind farm at Cairn Duhie.
- 1.4.2 These documents, taken collectively, comprise the EIA Report as defined by the Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017 ('the Regulations') for the purposes of the present Section 36c application.
- 1.4.3 As explained in the introduction to the Addendum Report, the 2021 EIA Report for consent ECU00003225 provides up-to-date information on the environmental conditions at the site and the surrounding area, this has been used to inform the assessment for the variation of consent Section 36c application to consider potential additional or previously unreported significant environmental effects.
- 1.4.4 The EIA team reviewed the proposed condition variations with respect to their potential to result in new or additional significant effects under the EIA Regulations beyond those reported in the original ES as supplemented. This involved consideration of:
- > any changes in policy or guidance with material implications for the method or findings of the original ES as supplemented;
 - > the potential effects of the proposed variations to conditions 1 and 2 of consent EC00002087 in themselves; and
 - > changes to the environmental baseline since consent EC00002087 was granted. Consideration of the current baseline involved reference to the baseline reported within the 2021 EIA Report; and also to the cumulative baseline (with other wind developments) as of July 2021, as this has changed further since application ECU00003225 was submitted.
- 1.4.5 Not surprisingly, with regard to a number of topics, it was concluded on the basis of this review that no further assessment would be needed in order to determine that no new or additional significant effects will occur beyond those reported within the original ES. For a small number of topics, further assessment has been undertaken and this is reported upon.

1.5 Scope of Planning Statement

- 1.5.1 The scope of this Planning Statement has also taken a proportionate perspective, considering the question as to whether there have been any material changes in climate change and energy, and local and national planning policy since the Development was consented in 2017?

- 1.5.2 In this regard over the last four years there have been changes to national planning policy and climate change and energy policy legislation, with the publication of a number of key documents at the UK and Scottish levels and by way of new statute. Key matters in this regard include the declaration of a Climate Emergency at the UK and Scottish levels and new law.
- 1.5.3 It is considered important to therefore provide an up to date position in terms of these important policy matters. The existing consent is also referenced as an important consideration.
- 1.5.4 In addition, as a consequence of the COVID-19 pandemic and the impact that it has had on the UK and indeed worldwide economy, the need and opportunity for a 'green recovery' is a key matter that is consistently referenced in renewable energy policy documents that have been published in 2020 and early 2021.
- 1.5.5 This policy appraisal takes into account the environmental findings set out in the Addendum Report and focuses on these new matters and concludes as to the acceptability of the Development in terms of the specific variations sought, in relation to the overall policy framework.
- 1.5.6 This report is set out as follows:
- > Chapter 2 sets out the up-to-date position with regard to the renewable energy policy framework with reference to recent policy developments.
 - > Chapter 3 presents a policy appraisal, which makes reference to the key elements of national planning policy including the Fourth National Planning Framework Position Statement and to changes made to Scottish Planning Policy (SPP), including the recent successful legal challenge to SPP. The position with regard to the Development Plan is also addressed.
 - > Chapter 4 presents overall policy and planning balance conclusions, taking into account the updated renewable energy and national planning policy position, the benefits of the Development, and the findings on the environmental topics addressed within the Addendum Report.

2. Renewable Energy & Legislative Policy Framework

2.1 Introduction

- 2.1.1 This Chapter refers to the renewable energy policy and emissions reduction legislative framework with reference to relevant international, UK and Scottish provisions. The framework of international agreements, legally binding targets and climate change global advisory reports is the foundation upon which national energy policy and emissions reduction law is based. This underpins what can be termed the 'need case' for renewable energy from which the Development can draw a high level of support. The detail of this policy and legislative framework, with a focus on more recent provisions is set out in **Appendix 1**.
- 2.1.2 Any relevant Government policy is a material consideration as a matter of law. Thus, it is not necessary for new Government policy, where relevant, to find explicit expression in national planning policy for it to be or become a material consideration. In contrast the weight to be given to any policy is, subject to taking a reasonable and rational approach, a planning judgement and a matter for the decision maker.
- 2.1.3 The Development must therefore be considered against a background of directly material UK and Scottish Government energy and climate policy and legislative provisions, as well as national planning policy and advice. These together provide very strong support for onshore wind in principle as explained below. Moreover, much of this energy and climate policy and most of the key legislative provisions postdate issued national planning policy. The law must be applied. Energy and climate change related policy can, and in this application should, be given great weight if the Climate Emergency and Net Zero are taken seriously.
- 2.1.4 It is evident that there is unequivocal, clear and consistent policy support at all levels, from international to local, for the deployment of renewable energy generally (including onshore wind) to combat the global heating crisis, diversify the mix of energy sources, achieve greater security of supply, and to attain legally binding emissions reduction targets.
- 2.1.5 This support has strengthened since the Development was consented in 2017. The Development would make a valuable contribution to help Scotland meet its renewable energy and electricity production targets, while supporting emissions reduction to combat global heating in the current Climate Emergency.
- 2.1.6 Government renewable energy policy and associated renewable energy and electricity targets and the need for a 'green recovery' from the Covid-19 pandemic are important considerations and it is important to be clear on the current position as it is a fast-moving topic of public policy. More fundamentally, there are legally binding targets at both a UK and Scottish level and declared Climate Emergencies.

2.2 The Climate Emergency & Net Zero – the new law

- 2.2.1 The UK Government is legally committed to the delivery of a reduction in carbon emissions to 'net zero' by 2050. The Scottish Government has committed to achieve net zero by 2045, some five years earlier.
- 2.2.2 The Climate Emergency was declared in Scotland in April 2019. The declaration of climate emergency needs to be viewed in the context in which it was declared (advice from the Committee on Climate Change and in response to commitments under the Paris Agreement, as set out in **Appendix 1**) and what followed from it as a result of the declaration (new emissions reduction law).

- 2.2.3 The Scottish Government therefore acted on the Climate Emergency in 2019 by bringing in legislation and increasing the Interim emission reduction target to 75% - a higher figure than recommended by the CCC.
- 2.2.4 Furthermore, the declaration of the emergency is not simply a political declaration, it is now the overriding priority of Government at all levels. Indeed, defining the issue as an emergency is a reflection of both the seriousness of climate change and its potential effects and the need for urgent action to cut carbon dioxide and other greenhouse gas emissions.
- 2.2.5 It means action now, not next year. The new emissions reduction legislation was brought in (enacted) in 2019 and brought into force by Regulations in March 2020 – it did not wait for planning policy to be updated.

The Climate Change (Emissions Reduction Targets) (Scotland) Act 2019

- 2.2.6 When it was enacted, the Climate Change (Scotland) Act 2009 set world leading greenhouse gas emissions reduction targets, including a target to reduce emissions by 80% by 2050 and that target was in place when the Cairn Duhie Wind Farm was first considered by Scottish Ministers.
- 2.2.7 However, the new Climate Change (Emissions Reduction Targets) (Scotland) Act 2019 amends the 2009 Act and sets even more ambitious targets – which reflect the recommendations of the Committee on Climate Change (CCC) for a net zero greenhouse gas (GHG) emissions target by 2045 at the latest, with challenging interim stages – a 75% reduction target by 2030 and 90% by 2040.
- 2.2.8 This means the trajectory, in terms of the scale and pace of action to reduce carbon dioxide emissions, is steeper than before and the 2020s is a critical decade.

The Sixth Carbon Budget

- 2.2.9 As referenced in the detail of policy framework presented in **Appendix 1**, the CCC published its Sixth Carbon Budget December 2020. It is no exaggeration to say that the scenario analysis by the CCC indicates that Scotland's 75% emissions reduction target by 2030 will be almost impossible to meet. None of the five scenarios¹ modelled by the CCC – even its most optimistic and stretching – suggests Scotland is close to achieving the 75% emissions reduction by 2030².

“Scotland's 75% target for 2030 will be extremely challenging to meet, even if Scotland gets on track for net zero by 2045. Our balanced net zero pathway for the UK would not meet Scotland's 2030 target – reaching a 64% reduction by 2030 – while our most stretching tailwinds scenario reaches a 69% reduction”.

- 2.2.10 But this does not mean that we may just accept failure. On the contrary we should redouble our efforts, and this will mean taking many timeous and positive decisions on projects such as the Cairn Duhie Wind Farm.

The UK Energy White Paper

- 2.2.11 The UK Government Energy White Paper 'Powering our Net Zero Future' (December 2020) sets out that: *“electricity is a key enabler for the transition away from fossil fuels and decarbonising the economy cost-effectively by 2050”.*
- 2.2.12 It adds a key objective is to *“accelerate the deployment of clean electricity generation through the 2020s”* (page 38). Electricity demand is forecast to double out to 2050, which will *“require*

¹ The five scenarios are referred to in the report as follows: Balanced Net Zero Pathway; Headwind; Widespread Engagement; Widespread Innovation and Tailwinds.

² See pages 228-9. The five scenarios are explained in pages 43-48.

a four-fold increase in clean electricity generation with the decarbonisation of electricity increasingly underpinning the delivery of our net zero target” (page 42).

- 2.2.13 The scale of the challenge presented by the new targets for net zero within the timescale adopted by the Scottish Government on the advice of the CCC is considerable, especially given the requirements for decarbonisation of heat and transport – this will require very substantial increases in renewable electricity generation by 2030.

The Scottish Energy Strategy & Onshore Wind Policy Statement

- 2.2.14 The Scottish Government's Energy Strategy (SES) 2017 set a target for the equivalent of 50% of the energy for Scotland's heat, transport and electricity consumption to be supplied from renewable sources. As heat and transport are decarbonised, demand for electricity from renewable sources will increase significantly and that is shown in the recent White Paper projects.
- 2.2.15 Further substantial deployment of renewable energy generating technology will be required throughout the 2020s in order to meet targets identified above. As a mature technology which can be deployed relatively quickly (e.g. compared to offshore wind), onshore wind development has a continuing and important role to play, as set out in policy.

2.3 Climate Change & Renewable Energy Policy

- 2.3.1 The **Scottish Energy Strategy**, which preceded the important events and publications referred to above, already sets out that onshore wind is recognised as a key contributor to the delivery of renewable energy targets – specifically 50% energy from renewable sources to be attained by 2030. The SES did not and could not take account of what may be required in terms of additional renewable generation capacity to attain the new legally binding ‘net zero’ targets so it is out of date in that respect.
- 2.3.2 One of the key messages in the **Onshore Wind Policy Statement (OWPS)** (2017) is the recognition that onshore wind is to play a “vital role” in meeting Scotland’s energy needs, a “material” role in growing the economy and it is specifically stated that the technology remains “crucial” in terms of Scotland’s goals for an overall decarbonised energy system and to attain ambitious renewable targets for the milestone dates of 2020, 2030 and 2045.
- 2.3.3 This language on the role of onshore wind is demonstrably stronger than that in the National Planning Framework (NPF) and Scottish Planning Policy (SPP) published in 2014. Moreover, the context within which the NPF / SPP policy statements were given is demonstrably different by way of fundamentally different targets. The increased importance of the contribution that onshore wind is expected to make to targets and meeting future energy needs to be recognised.
- 2.3.4 Whilst the SES and the OWPS are evidence of a continuum of ever stronger positive advice on onshore wind development as part of the Scottish Government's renewables strategy, the latest documents and legally binding targets for net zero introduced in 2019 and which came into force in March 2020 go further still.
- 2.3.5 The Scottish Government published ‘Scotland’s **Energy Strategy Position Statement**’ in March 2021. It provides an overview of Government policies in relation to energy. It sets out (page 5) that it reinforces the Government’s commitment to remain guided by the key principles set out in the SES of 2017 and reinforces “*the importance the Scottish Government attaches to supporting the energy sector in our journey towards net zero, thus ensuring a green, fair and resilient recovery for the Scottish economy*”.
- 2.3.6 The Ministerial Foreword references the challenge of the pandemic which has created an economic crisis and notes that the Climate Emergency “has continued unabated”. It sets out:

“in this context, the need for a just transition to net zero greenhouse gas emissions by 2045, in a manner that supports sustainable economic growth and jobs in Scotland, is greater than ever”. (underlining added)

- 2.3.7 The benefits of the proposed development would help attain these policy objectives – the net zero target which the National Audit Office say is “a colossal challenge”. Moreover, the project would deliver economic benefits at a time of economic difficulty – consistent with the ‘green’ recovery being sought by both the UK and Scottish Governments.
- 2.3.8 It is clear from the UK White Paper and the forecasts by the CCC that electricity demand is expected to grow substantially (scenarios vary but potentially by a factor of three or four) as carbon intensive sources of energy are displaced by electrification of other industry sectors, particularly heat and transport.
- 2.3.9 As noted in **Appendix 1**, the CCC’s Sixth Carbon Budget suggests that onshore wind installed would need to double to 25-30GW by 2050, across all scenarios. The need for onshore wind derives not only from the scale of the challenge but also the pace of required progress. The 2030 interim target is critical and Scotland is not on the required trajectory. Onshore wind is uniquely well placed to be deployed quickly and cost efficiently during the 2020s.
- 2.3.10 The Scottish Government’s Climate Emergency declaration, the new targets and legislative provisions are at odds with what might be termed a “business as usual” approach to the planning balance for onshore wind (say by only relying on the provisions of NPF3 and SPP).
- 2.3.11 Decisions through the planning system must be responsive to this changed position and bring these new material matters (as described above) into play in planning determinations: by according these factors proper weight through the application of the planning balance. The current situation must therefore go to the matter of weight to be attributed to benefits and the need case for the proposed development. This is further examined below with reference to some relatively recent decisions.

2.4 The Weight to be given to Renewable Energy Policy and new Targets

- 2.4.1 It has to be acknowledged therefore that the need case with regard to renewable generation and emissions reduction targets as set out in NPF3 and SPP, drafted in 2014, are more than 6 years old and do not reflect the new reality for the reasons outlined above. The documents are under review and have to a large extent been overtaken by new statutory provisions and related policy on renewable energy targets and GHG emissions reductions. We can only expect the expression of the need case to intensify in future policy documents such as NPF4 which will need to facilitate the meeting of the new targets set by the 2019 Act.
- 2.4.2 The current situation is more urgent and more grave than that which prevailed in 2014 when SPP and NPF3 were published - that must therefore go to the matter of weight to be attributed to the benefits of the Development and the need case. Great weight should be given to the recent new law and net zero related pronouncements which clearly go much further than the current targets in SPP and NPF3.
- 2.4.3 The Applicant’s position is that the planning balance clearly needs to take into account SPP and NPF3 since they remain important material considerations unless and until replaced. However, as noted, other legislative interventions and statements of Government policy such as described above (and see **Appendix 1**) are also material considerations of relevance that should be afforded weight, and indeed increasingly greater weight.
- 2.4.4 Ultimately the amount of weight is for the decision maker to determine. In cases where older policy is out of step with newer relevant policy on a matter, it is usual to attach greater weight to the more recent policy as it stands to reason that the more recent document is more likely to reflect current requirements.

2.4.5 In other words, the Applicant is not saying the current national planning policy framework is to be disregarded, but it does not currently reflect the weight that needs to be afforded to benefits and the speed of response of renewable deployment that is needed, as set out by the provisions of the 2019 Act. SPP and NPF3 are of their time and place and did not predict the scale of the transformation needed to a carbon free society however it is clear now (by way of the 2019 Act) that Scotland was not moving fast enough to achieve the necessary emissions reduction. Both documents advocate a 'low carbon' shift in terms of policy – but the policy and law is now to attain a *net zero* position.

2.5 Conclusions

- 2.5.1 The increased weight to be given to benefits of the Development is justified on the basis of the new material considerations that have arisen since SPP and NPF3 were published in 2014. As the Reporters in the above cases rightly highlight, the context since then has considerably changed and that is what needs to be taken into account in planning decisions.
- 2.5.2 In the most recent renewable energy policy documents referred to, there is a consistent and what might be termed a 'green thread' which ties a number of related policy matters together: namely the 'colossal' and urgent challenge of net zero and the need to substantially increase renewable capacity. At the same time, there is the need to take advantage of the renewable and low carbon sector to drive the green recovery from the current coronavirus pandemic. This is a consistent message at both the UK and Scottish Government levels which comes through clearly.
- 2.5.3 In short, climate change mitigation is a priority of Government. The NPF4 Position Statement referenced in the next Chapter, recently expressed the position in clear and succinct terms:
- "We cannot afford to compromise on climate change. If we are to meet our targets, some significant choices will have to be made."*
- 2.5.4 It must follow that the need case is a very important consideration: not an over-riding matter, but one which should be afforded great weight – and these very recent material considerations strengthen that position, for the reasons set out.

3. Policy Appraisal

3.1 Introduction

- 3.1.1 This Chapter makes reference to the national planning policy and relevant Development Plan policies and related guidance and provides an updated assessment of the Proposed Development against the key policy provisions.
- 3.1.2 National planning policy guidance and advice in terms of the National Planning Framework 3 (NPF3) and Scottish Planning Policy (SPP) was addressed in the Planning Statements submitted with the applications ref: ECU00002087 and ECU00003225. That material is not repeated.
- 3.1.3 Amendments were made to SPP in December 2020 and the NPF4 'Position Statement' was published in November 2020. These are new matters. Furthermore, there has been a recent successful legal challenge to the Scottish Planning Policy (SPP) Amendments of 2020 and this is referenced below.

3.2 Scottish Planning Policy

- 3.2.1 As noted, 'Amendments' were made to SPP in December 2020. The amendment of relevance to the application was in relation to the changed wording on the 'presumption' at paragraphs 28 through to 33 of SPP.
- 3.2.2 The Court of Session upheld the grounds of challenge to the 2020 Amendments to SPP and has granted a decree of reduction³. The position now is that we therefore fall back on SPP as it was before the amendments, i.e. SPP of 2014.
- 3.2.3 Paragraph 27 of SPP (2014) which as noted is now revived – is a presumption in favour of development that "*contributes to sustainable development*".
- 3.2.4 Paragraph 29 of SPP (2014) sets out that policies and decisions should be guided by a number of principles. These have not changed. The Proposed Development was assessed against those principles as set out in the Planning Statements which accompanied applications ref: ECU00002087 and ECU00003225, and that overall appraisal remains relevant.
- 3.2.5 The Proposed Development would therefore be consistent with the principles set out at paragraph 29 of SPP and it would also assist in delivering SPP Outcomes in particular Outcomes 1 and 2 (namely a successful sustainable and low carbon place) – indicating that overall the proposal is considered to be one that would 'contribute to sustainable development'.
- 3.2.6 The conclusion remains therefore that the Proposed Development enjoys the presumption in favour – which is a presumption in favour of granting consent.
- 3.2.7 Furthermore, paragraph 170 of SPP makes it clear that wind farm consents should be on the basis for suitability of use in perpetuity. This further supports the application.

3.3 The Fourth National Planning Framework Position Statement

- 3.3.1 The Fourth National Planning Framework (NPF4) is being prepared by the Scottish Government to replace NPF3 and SPP and will represent a new National Plan and, for the first time, will become part of the statutory Development Plan. The NPF4 'Position Statement' was published by the Scottish Government on 26 November 2020.

³ [2021] CSOH 74 – the challenge succeeded on the first ground, which was that the consultation was procedurally flawed because it was misleading.

- 3.3.2 A call for ideas for NPF4 was undertaken by the Scottish Government in early 2020 and the Position Statement "sets out our current thinking to inform further discussions on the content of a draft revised framework for consultation. It aims to support those discussions and is not, in itself, a document setting out policy".
- 3.3.3 The Statement makes it clear that the current NPF3 and SPP "remain in place until NPF4 is adopted by Ministers". Page 40 of the Statement states however that "the Position Statement provides an idea of the direction of travel" to inform a full draft of NPF4.
- 3.3.4 The plan looks ahead to 2050 and it is clear that a central element is a planning approach to deliver 'net-zero' emissions. The introductory section entitled 'Our Future Places' states that:
- > "a significant shift is required to achieve net-zero emissions by 2045"; and that
 - > "We will have to rebalance the planning system so that climate change is a guiding principle for all plans and decisions".
- 3.3.5 Page 2 states "we cannot afford to compromise on climate change. If we are to meet our targets, some significant choices will have to be made". References to "significant choices" and "no more compromises" is strong language.
- 3.3.6 It is also clear that a central part of the new policy approach will be to help stimulate the green economy.

Key Opportunities

- 3.3.7 In terms of future places, the Government has set out twelve "key opportunities to achieve this" and with specific reference to renewables, 'Opportunity 8' states "supporting renewable energy developments, including the re-powering and extension of existing wind farms ..." (page 3). (underlining added).

Outcomes

- 3.3.8 The Statement sets out various outcomes for 2050 (page 5) and states that the long-term strategy "will be driven by the overarching goal of addressing climate change. We must play our full part in tackling the global climate emergency by reducing greenhouse gas emissions in line with our legal targets." The four key outcomes for NPF4 are expected to be as follows:
- > Net-Zero Emissions;
 - > A Well-being Economy;
 - > Resilient Communities; and
 - > Better, Greener Places.
- 3.3.9 The Statement addresses each of these outcomes in turn, covering a summary of the principal consultation responses on these matters, emerging spatial priorities and outlines potential policy changes. In terms of the net-zero emissions outcome, the Statement sets out "a plan for net-zero emissions". Key points in this include that the Government will build on the Climate Change Plan⁴ and take forward the advice provided by the UK Committee on Climate Change. The Statement sets out that the new spatial strategy will:
- > Prioritise emissions reduction – in this regard it states: "climate change will be the overarching priority for a spatial strategy. To achieve a net-zero Scotland by 2045 and meet the interim emissions reduction targets of 75% by 2030 and 90% by 2040, an urgent and radical shift in our spatial plan and policies is required. Scotland's updated Climate Change Plan will be published later this year, setting a course for achieving the

⁴ Climate Change Plan (2018).

targets in the Climate Change (Emissions Reductions Targets) (Scotland) Act 2019. NPF4 will take forward proposals and policies to support it. (underlining added)

- > Deliver infrastructure to reduce emissions – it states: "we expect that NPF4 will confirm our view that the Global Climate Emergency should be a material consideration in considering applications for appropriately located renewable energy developments." (page 9).

Potential National Planning Policy Changes

3.3.10 In terms of potential policy changes (page 10), there are various proposals which are intended to "support a spatial strategy for net-zero emissions" and these are to include "updating the current spatial framework for onshore wind to continue to protect National Parks and National Scenic Areas, whilst allowing development outwith these areas where they are demonstrated to be acceptable on the basis of site-specific assessments".

3.3.11 In terms of the Wellbeing Economy outcome, the Statement sets out that the new spatial strategy will support a sustainable and green economic recovery and references the need to recover from the impacts of COVID-19 through "a sustainable, green economic recovery, as recognised in the 2020 report by the Advisory Group on Economic Recovery" (page 22).

Next Steps on NPF4 & Key Points

3.3.12 The Government is continuing its engagement process on NPF4 and opened a further consultation period which ended on 19 February 2021. A full draft of NPF4 is expected to be published in September 2021 at which time it will be laid before the Scottish Parliament and will also be the subject of wider public consultation, with a view to being adopted in 2022.

3.3.13 Key points in the Position Statement include:

- > Whilst the Statement does not yet provide any detail of any changes to spatial planning for onshore wind, the document is an expression of the Government's clear direction of travel of policy – involving a "rebalance" of the planning system "so that climate change is a guiding principle for all plans and decisions".
- > The new spatial strategy will "prioritise emissions reduction" – which is underpinned and made necessary by the changes in energy policy and the law (in terms of emissions reduction targets).
- > Onshore wind is the specific renewable technology referenced in the "key opportunities" and is expected to play a significant role in the plan for net-zero emissions.
- > The Scottish Government is following the clear recommendations of the CCC, recognising an "urgent and radical shift in our spatial plan and policies is required".
- > Recognition that the climate emergency should be a material consideration in considering applications for renewable energy developments.

3.3.14 Whilst the document is not issued and consulted upon planning policy, it is, as noted, a clear insight into the direction of travel of planning policy. Indeed, as a Ministerial Statement, the Position Statement is relevant to the Proposed Development, and a material consideration that requires to be considered and weighed with other material considerations. The weight to be given to the Position Statement will be decisively influenced by the emissions reduction law now in place.

3.3.15 Section 1 of the Planning (Scotland) Act 2019 amended the 1997 Act to include a 'purpose of planning'. The purpose of planning is now set out in Section 3ZA of the 1997 Act and is described as follows:

"(1) The purpose of planning is to manage the development and use of land in the long term public interest.

- (2) *Without limiting the generality of subsection (1), anything which—*
- (a) *contributes to sustainable development, or*
- (b) *achieves the national outcomes (within the meaning of Part 1 of the Community Empowerment (Scotland) Act 2015), is to be considered as being in the long term public interest.” (underlining added added)*

- 3.3.16 This emphasises that a Planning Authority should be taking a view on development and use of land over the long term and in particular with the public interest in mind. Section 3ZA(2) specifically references that anything which contributes to sustainable development shall be considered as being in the long term public interest.
- 3.3.17 Section 3(A)(3)(c) requires the NPF to state how development will contribute to each of the outcomes in Section 3(A) (these are the national outcomes referred to in Section 3(Z)(A)).
- 3.3.18 Under Section 3A(e) of the 1997 Act, one of these outcomes is “*meeting any targets relating to the reduction of emissions of greenhouse gases...*” Therefore, the target has been set for the policies in NPF4 to provide for development that contributes to the push towards net zero.
- 3.3.19 It is clear from the amendments to the 1997 Act by the Planning (Scotland) Act 2019 that the long term public interest will be key and underpin the preparation of NPF4. Sustainability and meeting net zero/greenhouse gas emission reduction targets will be pivotal in serving that long term public interest and this has been provided for with statutory recognition.
- 3.3.20 It is also clear that achieving net zero underpins the Position Statement and this key matter ‘ties in’ to the various other energy policy material considerations referred to. Planning policy therefore needs to adapt to properly address these other considerations. In short, planning policy needs to ‘catch up’ with the law on net zero and it is almost certain to do so through crystallising into the adopted NPF4 - those sections of the Position Statement relating to climate change.

3.4 The Development Plan

- 3.4.1 The statutory development plan covering the application site comprises the following:
- > the Highland Wide Local Development Plan (the “HwLDP”) (adopted 5th April 2012);
 - > The Inner Moray Firth Local Development Plan (“IMFLDP”) (adopted 2015)
 - > Relevant Supplementary Guidance, particularly the Onshore Wind Energy Supplementary Guidance (November 2016) (“OWSG”).
- 3.4.2 The IMFLDP focuses largely on settlements and communities, rather than presenting planning policies of relevance to onshore wind. It does not present any specific planning policies of relevance to onshore wind.

3.5 Policy 67 ‘Renewable Energy’

- 3.5.1 In the HwLDP, Policy 67 ‘Renewable Energy’ is the lead policy and it was in place at the time the Ministers made their decision on the existing Section 36 consent for the Cairn Duhie Wind Farm.
- 3.5.2 In summary the policy sets out that wind resource, contribution towards targets and economic effects of a wind energy development will be considered by the Council. Developments will be supported where they do not have a significantly detrimental effect overall (individual or cumulative), having regard in particular to any significant effects on:
- > natural, built and cultural heritage features;
 - > species and habitats;

- > visual impact and impact on the landscape character of the surrounding area;
- > amenity at sensitive locations;
- > safety and amenity of any regularly occupied buildings and their grounds (visual intrusion, noise, ice throw, 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;
- > 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.

- 3.5.3 As set out above, Policy 67 is the key or 'lead' HwLDP policy for the assessment of onshore wind farm developments. The policy contains a number of criteria which generally address the environmental topics that are referred to in other policies within the Plan.
- 3.5.4 Firstly, Policy 67 refers to the need for renewable energy development proposals to be "*well related to the source of the primary renewable resources that are needed for their operation*". The proposed development meets this requirement as the "*primary renewable resource*" for its operation is wind.
- 3.5.5 Secondly, Policy 67 states the Council will consider a proposed development's contribution "*towards meeting renewable energy generation targets*". The proposed development has over 50 MW of installed capacity and would make a valuable contribution to unmet international, UK and Scottish Government climate change and renewable electricity and energy generation targets. Such targets have been referred to in Chapter 2.
- 3.5.6 Thirdly, Policy 67 states the Council will consider "*any positive or negative effects [the proposed development] is likely to have on the local and national economy*". The proposed development would contribute to the attainment of economic development objectives at local and national levels.
- 3.5.7 Fourthly, a proposed development is to be assessed against other policies of the Development Plan, the Highland Renewable Energy Strategy and Planning Guidelines (HRES) and must have regard to any other material considerations. HRES is no longer used by the Council as a material policy / guidance document and is therefore of no relevance.
- 3.5.8 Fifthly, the Council will have regard to proposals able to "*demonstrate significant benefits including by making effective use of existing and proposed infrastructure or facilities*". The proposed development will realise a range of benefits, as summarised in Chapter 4.
- 3.5.9 Finally, Policy 67 requires a proposed development to be assessed against 11 factors with regard to predicted significant effects, and a judgement has to be reached as to whether or not such effects would be "*significantly detrimental overall*". Each of these 11 factors are considered below.
- 3.5.10 The Addendum Report for the Development sets out that potential significant effects are predicted in relation to landscape and visual amenity and also positively in terms of climate change.
- 3.5.11 It is important to recognise that there is no change to the physical development that was consented in 2017. Furthermore, there is scope to mitigate the predicted significant effect on hydrology, hydrogeology geology and peat and aviation and therefore adverse significant residual effects from the Development are limited to landscape and visual amenity during

construction (temporary) and during operation. As noted, a number of positive residual effects are also identified in relation to climate change and socio-economics, albeit the effects on socio-economics are not considered significant.

3.5.12 Overall, the Addendum Report shows that potential adverse environmental effects associated with the construction and operation of the proposed development can be avoided or minimised.

3.5.13 The existing consented development was assessed against Policy 67 and the associated OWSG in 2017 and it was determined then that no effects would be significantly detrimental or unacceptable. The principle of a wind farm on the site and indeed the detail of an infrastructure layout was deemed acceptable – as reflected in the existing consent. This is a very important material consideration to be afforded significant weight.

3.6 Onshore Wind Energy Supplementary Guidance

3.6.1 The OWSG was adopted by the Council in November 2016 and now forms part of the statutory Development Plan. Policy 67 refers to the SG and its role in providing further criteria for the consideration of onshore wind energy proposals. Accordingly, as the SG supplements Policy 67 and assists with its application.

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

3.6.3 In terms of the role and function of the SG, it is supplementary to the ‘lead’ Policy 67 of the LDP which contains the applicable policy test. The SG provides criteria against which to help assess a proposal with the application of Policy 67 but introduces no new or separate tests.

3.6.4 As noted, the existing consented development was assessed against Policy 67 and the associated OWSG in 2017 and was found to be acceptable.

3.7 Policy Appraisal – Conclusion

3.7.1 Both NPF3 and SPP set out a strong position of support in relation to renewable energy and renewable energy targets and recognise the significant energy resource provided by onshore wind. This is clearly not at any cost and development continues to be guided to appropriate locations and environmental effects need to be judged to be acceptable when weighed against the benefits of such schemes, before consents are forthcoming.

3.7.2 The Development benefits from the presumption in favour of ‘development that contributes to sustainable development’ as per SPP (2014).

3.7.3 It can be considered to be the ‘right development in the right place’ (paragraph 28 of SPP) not only because the proposal is in accordance with the guiding principles relevant to this type of development set out in paragraph 29 of SPP, but also because what is proposed has a strong consistency with the declared desirable planning Outcomes within SPP. Moreover, the existing consented development underlines the suitability of the site.

3.7.4 Finally, with regard to national planning policy, it has to be acknowledged that the need case with regard to renewable generation and emissions reduction targets as set out in NPF3 and SPP is both out of date and out of step with current targets as set out in new law. The documents are under review and have to a large extent been overtaken by new renewable energy targets and statutory provisions on greenhouse gas emissions reductions which have been explained in the previous Chapter.

- 3.7.5 Whilst the NPF4 Position Statement does not yet provide any detail of any changes to spatial planning for onshore wind, the document is an expression of the Government's clear direction of travel of policy involving a "rebalance" of the planning system "*so that climate change is a guiding principle for all plans and decisions*".
- 3.7.6 Furthermore, in terms of planning policy provisions set out in SPP, there is now a clear shift from what was then (in 2014) termed the move to a 'low carbon economy' – there is now an ambitious policy imperative underpinned by new statute to move to a 'net zero economy and society'. The Development can help achieve that clear policy objective.
- 3.7.7 No effects would arise from the Development that could be considered unacceptable having specific regard to LDP policies and it is considered that the Development accords with the Development Plan when read as whole.

4. Conclusions

4.1 The Benefits of the Development

4.1.1 The Development would result in a wide range of benefits as follows:

- > With an indicative capacity of in excess of 50MW, the Development would make a **valuable contribution to the attainment of the UK and Scottish Government policies** of encouraging renewable energy developments; and in turn contribute to the achievement of UK and Scottish Government currently unmet targets for renewable energy and electricity generation. The Government has confirmed its long-term commitment to the decarbonisation of electricity generation and the proposal would help advance this policy objective.
- > Furthermore, the UK legally binding target of net zero GHG emissions by 2050 and the Scottish Government target of a 75% reduction of such emissions by 2030 and net zero by the earlier date of 2045 are major challenges. The Government has made it clear that onshore wind plays a vital role in the attainment of future targets in relation to helping to combat the crisis of global heating.
- > The potential annual **carbon emission savings** for the Development will be greater than the consented development given the proposed increase in the operational period from 30 to 32 years. It is explained in the Addendum Report (Carbon Balance Assessment) that as a result of the operation of the Development, it is expected that the annual carbon savings would be in the order of 37,319 tCO₂e (grid mix - annually) a beneficial environmental effect.
- > The Development would have a carbon 'payback' time of 0.3-0.9 years. The Development therefore has a **very low carbon footprint** - the electricity generated is estimated to be carbon neutral and will displace grid electricity generated from fossil fuel sources after a very short time period. Therefore, the Development is evaluated to have an overall beneficial effect on climate change mitigation.
- > The economic analysis found that during the development and construction phase, the Development would result in a range of **economic benefits**:
- > The Proposed Development would result in a **capital expenditure** of the order of £240 million and would generate employment during the construction and operational periods.

4.1.2 The importance of the economic benefits arising from the proposed development cannot be under-estimated in today's circumstances. Reference has been made in Chapter 2 (and **Appendix 1**) to the recent advice to the Scottish Government from their Advisory Group on Economic Recovery and from the Government's Climate Emergency Response Group – the consistent strong recommendation is that there is an economic and environmental imperative to seek to deliver projects that can contribute to the economic recovery and indeed which can make a positive response to the Climate Emergency. The Development can make such a valuable contribution to these objectives.

4.2 Climate Emergency & Renewable Energy Policy Framework

- 4.2.1 The urgent need for onshore wind has been set out: an increase of this renewable energy technology is supported through a number of policy documents and by Scottish Government commitments.
- 4.2.2 As noted, the technology was already viewed and described as “vital” to the attainment of targets in 2017. This imperative has only increased since a ‘climate emergency’ was declared by the Scottish First Minister in April 2019, in line with the recommendations made by the CCC (2019) ‘net zero’ publication. Furthermore, the drive to attain net zero emissions is legally binding at the UK and Scottish Government levels by way of amendments to the Climate Change Act 2008 and in Scotland with the provisions of the Climate Change (Scotland) Act 2009 and the Climate Change (Emissions Reduction Targets) (Scotland) Act 2019.
- 4.2.3 Overall, the renewable energy policy framework is a very important consideration and one that should attract great weight in the balance of factors in the determination of the application. It also needs to be acknowledged that the need case with regard to renewable generation as set out in NPF3 and SPP was predicated on emissions reduction targets that are now superseded by more challenging targets, to be achieved sooner. The documents are under review and the targets referred to in them have to a large extent been overtaken by new renewable energy targets and statutory emissions reduction targets.
- 4.2.4 The benefits of the Development have been set out in the context of the current Climate Emergency and after a period of severe economic recession – they would help address the issue of global heating and very challenging ‘net zero’ targets and moreover, would deliver economic benefits, contributing to the green recovery.
- 4.2.5 The socio-economic benefits are also now of particular importance. The letter from the Chief Planner dated 03 April 2020 entitled ‘Planning Procedures and COVID-19’ is clear in stating that “*planning has a crucial part to play within and beyond the immediate emergency*” and *makes reference to the planning system’s critical role in our “future economic and societal recovery”*. When this is considered alongside the policy imperative in response to the Climate Emergency – great weight should be placed on the benefits that would arise from the Development.

4.3 National Planning Policy

- 4.3.1 NPF3 and SPP set out a strong position of support in relation to renewable energy and renewable energy targets and recognise the significant energy resource that can be provided by onshore wind. This is clearly not at any cost and environmental effects need to be judged to be acceptable in the overall planning balance when set against the benefits.
- 4.3.2 Furthermore, each of the relevant sustainable development principles introduced through Paragraph 29 of SPP have been considered and the Development would be consistent with these and should benefit from the presumption in favour of ‘development that contributes to sustainable development’.
- 4.3.3 The Development is in an appropriate location and it is considered that it is consistent with the relevant provisions of national planning policy and advice – as demonstrated by way of the existing consent.
- 4.3.4 Furthermore, in Scotland, in terms of planning policy provisions set out in SPP, there is now a clear shift from what was then (in 2014) termed the move to a ‘low carbon economy’ – there is now an ambitious policy imperative to move to a ‘net zero economy and society’. The Development can help achieve that clear policy objective.
- 4.3.5 Whilst the NPF4 Position Statement does not yet provide any detail of any changes to spatial planning for onshore wind, the document is an expression of the Government's clear direction of travel of policy involving a “rebalance” of the planning system “*so that climate change is a*

guiding principle for all plans and decisions". Moreover, onshore wind is the specific renewable technology referenced in the "key opportunities" and is expected to play a significant role in the plan for net-zero emissions.

4.4 The Development Plan

- 4.4.1 It is important to recognise that there is no change to the physical development that was consented in 2017. Furthermore, residual effects from the Development are limited to landscape and visual amenity during construction (temporary) and during operation. As noted, a number of positive residual effects are also identified in relation to climate change and socio-economics.
- 4.4.2 Overall, the Addendum Report shows that potential adverse environmental effects associated with the construction and operation of the Development can be avoided or minimised to an acceptable level.
- 4.4.3 The existing consented development was assessed against Policy 67 and the associated OWSG in 2017 and it was determined then that no effects would be significantly detrimental or unacceptable. The principle of a wind farm on the site and indeed the detail of an infrastructure layout was deemed acceptable – as reflected in the existing consent. This is a very important material consideration to be afforded significant weight.
- 4.4.4 The Development would also be consistent with the lead policy of the Development Plan, and with the Plan when read as a whole, insofar as that is a material matter in a Section 36C application.

4.5 Overall Conclusions

- 4.5.1 It has been demonstrated that the Development accords with local and national planning policy, and that there is a substantial need for this type of development in order that pressing future targets in relation to the global heating crisis and renewable energy generation and greenhouse gas emission reductions can be met in time.
- 4.5.2 There is a climate emergency. That is a factor of importance and considerable weight. It does not require a statement to that effect in a planning document to make it so. Planning decisions must be made within and respond to the changing economic and wider policy context within which development comes forward. The planning balance can therefore no longer be approached as it has been in the past.
- 4.5.3 The overall conclusion reached is that the Development – namely, to vary conditions 1 (Duration of the Consent) and 2 (Commencement of Development) of the consent granted by Scottish Ministers in 2017 for Cairn Duhie Wind Farm (ECU case reference EC00002087) is acceptable.
- 4.5.4 On this basis, it is respectfully recommended that Section 36c consent should be granted for the Development.

5. Appendix 1: The Renewable Energy Policy Framework

5.1 Introduction

5.1.1 This Appendix sets out the renewable energy policy framework with reference to relevant UK and Scottish energy policy provisions. It supplements Chapter 2 above and has a focus on more recent provisions.

5.2 The UK Net Zero Target

5.2.1 On 27 June 2019 the UK Government became the first major economy in the world (the first G7 country) to pass legislation to end its contribution to global warming by 2050 – by way of “at least” a 100% reduction of greenhouse gas emissions. The target is now legally binding by way of an amendment to the Climate Change Act 2008 by the Climate Change Act 2008 (2050 Target Amendment) Order 2019.

The UK’s Sixth Carbon Budget (December 2020)

5.2.2 The CCC published the Sixth carbon budget ‘the UK’s Path to Net Zero’ in early December 2020. The recommendations relate to the budget to run from 2033 to 2037. It builds upon the CCC’s previous advice to Government in relation to net zero. The CCC recommends that the UK:

- > Sets a Sixth Carbon Budget to require a reduction in UK greenhouse gas emissions of 78% by 2035 relative to 1990 levels. This is seen as a world leading commitment, placing the UK “*decisively on the path to net zero by 2050 at the latest with a trajectory that is consistent with the Paris Agreement*”;
- > It should be accompanied by an ambitious 2030 pledge to reduce emissions by at least 68% from 1990;

5.2.3 The recommended budget would achieve well over half of the required emissions reduction to 2050 in the next 15 years.

5.2.4 Page 23 refers to the devolved nations and sets out that “*UK climate targets cannot be met without strong policy action across Scotland, Wales and Northern Ireland*” and recognises that although the main policy levers are held by the UK Government, Scotland can take action through complementary measures at the devolved level including supporting policies such as “*planning and consenting*”.

5.2.5 Page 29 sets out recommendations for action including “*delivering the actions required in the 2020s to meet the Sixth Carbon Budget requires policies to be strengthened now. Matching strong ambition with action is vital for the UK’s credibility...*”

5.2.6 The report sets out recommendations for policy and in relation to the devolved administrations and with regard to planning policy, sets out at page 235 that planning frameworks are a useful lever over infrastructure that needs to be well aligned to objectives for emissions reduction in devolved administrations including “*a favourable planning regime for low cost onshore wind*”.

5.2.7 Key points from the Sixth Carbon Budget include:

- > UK climate targets cannot be met without strong policy action in Scotland where action can be taken in terms of “*planning and consenting*”.

- > The CCC is clear in setting out that new demand for electricity will mean that electricity demand will rise 50% to 2035 and “doubling or even trebling by 2050”.
- > The Sixth Carbon Budget needs to be met /achieved and that will need more and faster deployment of renewable energy developments than has happened in the past.
- > The related ‘Methodology Report’ from the CCC advice, states that in all scenarios for the carbon budget and looking ahead to 2050, the CCC sees “new onshore wind generation being deployed by 2050”. They set out that their “modelling reflects this by almost doubling onshore wind capacity to 20-30 GW in all scenarios by 2050.”
- > Key benefits for the UK are seen as including the opportunity for low carbon investment – recognised at a time when it is needed to support the UK’s economic recovery from the COVID-19 health crisis.

5.2.8 Following the Sixth Carbon Budget, the UK Government announced on 20 April 2021 that it would set the world’s most ambitious climate change target into law (by the Carbon Budget Order 2021⁵) to reduce emissions by 78% by 2035 compared to 1990 levels.

The UK Energy White Paper (December 2020)

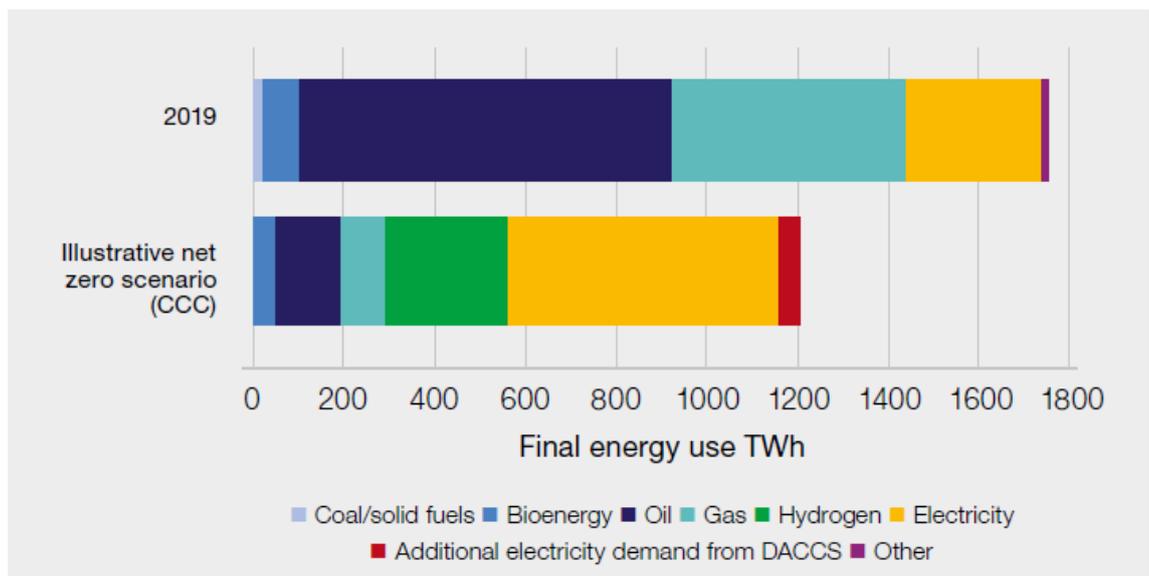
5.2.9 The Energy White Paper ‘Powering our Net Zero Future’ was published on 14 December 2020 represents a sea change in UK policy and highlights the importance of renewable electricity.

5.2.10 It sets out that “electricity is a key enabler for the transition away from fossil fuels and decarbonising the economy cost-effectively by 2050”. A key objective is to “accelerate the deployment of clean electricity generation through the 2020s” (page 38).

5.2.11 Electricity demand is forecast to double out to 2050, which will “require a four-fold increase in clean electricity generation with the decarbonisation of electricity increasingly underpinning the delivery of our net zero target” (page 42).

5.2.12 This anticipated growth of renewable electricity is illustrated in the graph below – **Figure 1**.

Figure 1: Illustrative UK Final Energy Use in 2050⁶



⁵ The Order sets the carbon budget for the 2033-2037 budgetary period at 965 million tonnes of carbon dioxide equivalent. Carbon budgets set a cap on the maximum level of the net UK carbon account for each five-year budgetary period. The net UK carbon account is defined in section 27 of the Climate Change Act 2008.

⁶ Source: Energy White Paper page 9 (2020).

- 5.2.13 Other key points in the White Paper include:
- > The White Paper builds on the Prime Minister’s recently announced ‘Ten Point Plan’ to set the energy-related measures and a long-term strategic vision for the energy system, consistent with net zero emissions by 2050.
 - > It sets out (page 2) that it “puts net zero and our effort to fight climate change at its core.”
 - > It aims to support a ‘green recovery’ from COVID-19 and confirms that electricity demand could double by 2050.
 - > Whilst offshore renewables are expected to grow significantly, the White Paper also sets out that “onshore wind and solar will be key building blocks of the future generation mix, along with offshore wind. We will need sustained growth in the capacity of these sectors in the next decade to ensure that we are on a pathway that allows us to meet net zero emissions in all demand scenarios” (page 45).

5.3 Scottish Government Policy & Targets

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

- > The Scottish Energy Strategy (2017);
- > The Onshore Wind Policy Statement (2017);
- > Statements from the First Minister on the ‘Climate Emergency’ (2019);
- > The Climate Change (Emissions Reduction Targets) (Scotland) Act 2019;
- > The CCC advice to the Scottish Government on recovery from the COVID-19 crisis (May 2020);
- > The recommendations from the Scottish Government’s Advisory Group on Economic Recovery (June 2020);
- > The Report from the Climate Emergency Response Group (CERG) ‘Eight Policy Packages for Scotland’s Green Recovery’ (July 2020);
- > The Update to the Climate Change Plan (December 2020);
- > The Scottish Energy Strategy Position Statement (March 2021).

The Scottish Energy Strategy (2017)

5.3.2 The Scottish Energy Strategy (SES) was published in December 2017 and sets a 2050 vision for energy in Scotland as “a flourishing, competitive local and national energy sector, delivering secure, affordable, clean energy for Scotland’s households, communities and businesses”.

5.3.3 The 2050 vision is expressed around six priorities including:

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

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

- > The equivalent of 50% of the energy for Scotland’s heat, transport and electricity consumption to be supplied from renewable sources;

- > An increase by 30% in the productivity of energy use across the Scottish economy.

- 5.3.5 The longer-term target is further articulated on page 34 where it is stated: “*Scotland's long-term climate change targets will require the near complete decarbonisation of our energy system by 2050, with renewable energy meeting a significant share of our needs.*”
- 5.3.6 The SES refers to “*Renewable and Low Carbon Solutions*” as a strategic priority (page 41) and states “*we will continue to champion and explore the potential of Scotland's huge renewable energy resource, its ability to meet our local and national heat, transport and electricity needs – helping to achieve our ambitious emissions reduction targets*”.
- 5.3.7 The SES sets out what is termed the “opportunity” for onshore wind and there is explicit recognition that onshore wind is amongst the lowest cost forms of power generation. It is also recognised as “*a vital component of the huge industrial opportunity that renewables creates for Scotland*”.
- 5.3.8 Reference is made to the employment levels and economic activity derived from onshore wind and the SES sets out that the Government is “*determined to build on these strengths*”.
- 5.3.9 The SES sets out the Government's clear position on onshore wind namely:

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

“*this can be done in a way which is compatible with Scotland's magnificent landscapes, including our areas of wild land. This means that the relevant planning and consenting processes will remain vitally important. A major review of the Scottish planning system is well underway and will continue as now to fully reflect the important role of renewable energy and energy infrastructure, in the right places*”.
- 5.3.10 The SES goes on to cross refer to further detail in relation to onshore wind as contained within the Onshore Wind Policy Statement (OWPS) which has been published alongside the SES. The SES therefore, in addition to setting new stretching renewable energy and electricity targets, gives unequivocal strong policy support for the further development of onshore wind. In short, there is a renewed and enhanced impetus being imparted, rather than just a continuation of previous support.
- 5.3.11 Page 69 references “near term actions” for onshore wind including:

> “*Build on the positive and practical provision for onshore wind in our planning system under the next National Planning Framework and Scottish Planning Policy; and*

> *Implement the new Onshore Wind Policy Statement, which underlines the continued importance of this established low-cost resource*. (underlining added).
- 5.3.12 On the basis of the near-term actions for onshore wind in the SES (see above), it can be anticipated that these new national planning policy documents, with their enhanced status, will reflect this strong support for onshore wind now set out in the SES and OWPS. A National Planning Framework 4 (NPF4) ‘Position Statement’ was published in late November 2020 – this is referred to below.
- The Onshore Wind Policy Statement (2017)**
- 5.3.13 The Onshore Wind Policy Statement (OWPS), published in December 2017 sets out the up-to-date national policy position in relation to onshore wind. The Ministerial Foreword sets out that “*there is no question that onshore wind is a vital component of the huge industrial opportunity that renewables more generally create for Scotland*”.

- 5.3.14 It adds *“our energy and climate change goals mean that onshore wind will continue to play a vital role in Scotland’s future – helping to substantively decarbonise our electricity supplies, heat and transport systems, thereby boosting our economy.”*
- 5.3.15 Chapter 1 is entitled ‘Route to Market’ and it sets out (paragraph 2) that onshore wind, as a mature and established technology, is now amongst the lowest cost forms of generating electricity, renewable or otherwise. It adds *“we expect onshore wind to remain at the heart of a clean, reliable and low carbon energy future in Scotland”*.
- 5.3.16 Establishing a route to market is essential to enable wider deployment and an increased contribution from onshore wind. In a subsidy free context, it will be the larger scale developments that can capture a good wind resource and which have cost effective grid connection arrangements which will make a valuable early contribution to targets. Paragraph 3 continues:
- “In order for onshore wind to play its vital role in meeting Scotland’s energy needs, and a material role in growing our economy, its contribution must continue to grow. Onshore wind generation will remain crucial in terms of our goals for a decarbonised energy system, helping to meet the greater demand from our heat and transport sectors, as well as making further progress towards the ambitious renewable targets which the Scottish Government has set”*.
- 5.3.17 The statement therefore makes it very clear that onshore wind is expected to make a significant contribution to Scotland’s energy needs including renewable targets into the long term.
- 5.3.18 Paragraph 4 of Chapter 1 states that given the recognised contribution that onshore is expected to make to Scotland’s future energy and renewable targets *“this means that Scotland will continue to need more onshore wind development and capacity, in locations across our landscapes where it can be accommodated”*. (shown in bold text format in the OWPS).
- 5.3.19 This statement continues the current approach as set out in SPP that, whilst there is a very strong need case for further onshore wind development, environmental considerations are factors to be taken into account in the operation of the planning system. This principle is reflected throughout the OWPS.
- 5.3.20 Paragraph 8 of Chapter 1 emphasises the industrial opportunity presented by a growing onshore wind sector and it states that *“the extent to which we can continue to capture these benefits, remains a top priority for Scottish Ministers”*.
- 5.3.21 The role of onshore wind in sustaining and further growing the supply chain for the sector is therefore a very important consideration and this is recognised in SPP at paragraph 169.
- 5.3.22 Paragraph 23 states that the Scottish Ministers *“acknowledge that onshore wind technology and equipment manufacturers in the market are moving towards larger and more powerful (i.e. higher capacity) turbines and that these by necessity – will mean taller towers and blade tip heights”*. (underling added)

The declaration of a Climate Emergency in Scotland

- 5.3.23 Scottish First Minister Nicola Sturgeon declared a "Climate Emergency" in her speech to the SNP Conference in April 2019. Furthermore, Climate Change Secretary Roseanna Cunningham made a statement on 14 May to the Scottish Parliament on the 'Global Climate Emergency'. Again, with reference to the recent CCC Report:
- "There is a global climate emergency. The evidence is irrefutable. The science is clear And people have been clear: they expect action The Intergovernmental Panel on Climate Change issued a stark warning last year the world must act now By 2030 it will be too late to limit warming to 1.5 degrees.*

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

- 5.3.24 The Minister also highlighted the important role of the planning system stating:
- "And subject to the passage of the Planning Bill at Stage 3, the next National Planning Framework and review of Scottish Planning Policy will include considerable focus on how the planning system can support our climate change goals.*
- The Scottish Government has therefore begun to act on the stark warnings issued by the IPCC who have stated that by 2030 it would be too late to limit global heating to 1.5 degrees – but there is much more to be done".*
- 5.3.25 The current situation is more urgent and more grave than that which prevailed in 2014 when SPP and NPF3 were published and that must therefore go to the matter of weight to be attributed to the benefits of the Proposed Development and the need case.
- The Climate Change (Emissions Reduction Targets) (Scotland) Act 2019**
- 5.3.26 It is important to take into account the Climate Change (Emissions Reduction Targets) (Scotland) Act 2019 ('the 2019 Act'). The Scottish Government, having taken advice from the Committee on Climate Change, progressed this legislation which received Royal Assent on 31 October 2019.
- 5.3.27 The Act sets a legally binding target of 'net zero' emissions for Scotland by 2045 at the latest, five years ahead of the date set for the whole of the UK. The Act amends the Climate Change (Scotland) Act 2009. It is also relevant to note that at Stage 3 of the Bill in Parliament the interim target for 2030 was amended and strengthened from a 70% to a 75% reduction in emissions lower than the baseline of 1990 levels (and 90% for 2040)⁷. The new targets were brought into force by way of Commencement Regulations on 23 March 2020⁸.
- 5.3.28 The Scottish Government publishes an annual report⁹ that sets out whether each annual emissions reduction target has been met. The latest report is for the 2019 target year which was published in June 2021. The Report states that the 'GHG Account' reduced by only 51.5% between the baseline period and 2019. As noted, the 2019 Act specifies a 55% reduction over the same period – therefore the targets for 2019 has not been met. **Table 1** below sets out the annual targets for every year to net-zero.

⁷ Progress against the targets is measured against 1990 levels of carbon dioxide, methane and nitrous oxide and 1995 levels of hydrofluorocarbons, perfluorocarbons, sulphur hexafluoride and nitrogen trifluoride.

⁸ The Climate Change (Emissions Reduction Targets) (Scotland) Act 2019 (Commencement) Regulations 2020.

⁹ Scottish Government, Official Statistics, Scottish Greenhouse Gas Emissions 2019, (June 2021).

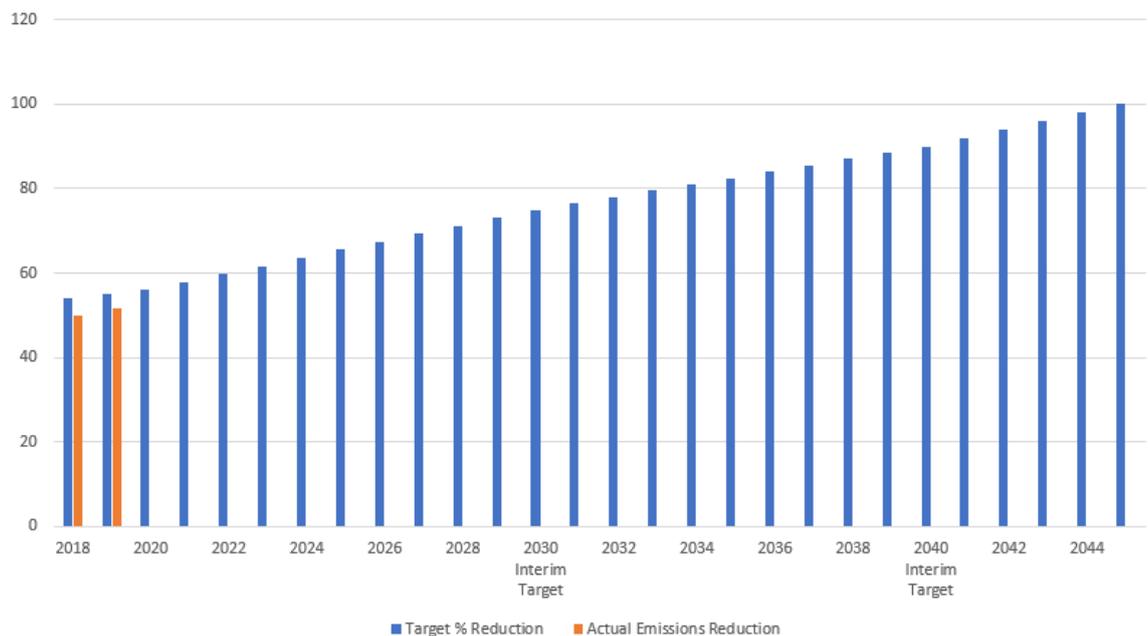
Table 1: Scotland’s Annual Emission Reduction Targets to Net Zero

Year	% Reduction target	Actual Emissions Reduction %	Year	% Reduction Target
2018	54	50	2032	78
2019	55	51.5	2033	79.5
2020	56	Interim Target	2034	81
2021	57.9	-	2035	82.5
2022	59.8	-	2036	84
2023	61.7	-	2037	85.5
2024	63.6	-	2038	87
2025	65.5	-	2039	88.5
2026	67.4	-	2040	90 (Interim)
2027	69.3	-	2041	92
2028	71.2	-	2042	94
2029	73.1	-	2043	96
2030	75	Interim Target	2044	98
2031	76.5	-	2045	100% Net Zero

5.3.29

This target position is illustrated in **Figure 2** below.

Figure 2: Scotland’s Annual Emission Reduction Targets to Net Zero – Current Position



CCC Response to Scottish Government on advice for a Green Recovery (May 2020)

5.3.30 The CCC wrote to the Scottish Government (6 May 2020) following a request for advice on a 'green recovery for Scotland' in light of the COVID-19 crisis. The CCC advice relates to how climate policy can play a core part of the Government's approach to 'rebuilding' after the COVID-19 crisis. In the letter, the CCC set out that

"reducing greenhouse gas emissions and adapting to climate change should be integral to any recovery package. These remain scientific, economic and social imperatives and will only be delivered if ambitious steps are taken by the Scottish Government". The CCC make it clear that there are clear economic, social and environmental benefits for immediate expansion including "investment in low carbon and climate resilient infrastructure".

5.3.31 The CCC also comment that delaying the update to Scotland's Climate Change Plan was the right decision and it is welcomed in terms of it being 'reframed' in the context of a 'green pathway' to aid an economic recovery and to be in line with Scotland's statutory net zero targets. The Update was published in December 2020.

5.3.32 The Annex to the letter adds that the UK and Scottish Governments have already declared their intentions to deliver large scale national infrastructure programmes. The CCC state that *"many of these projects are critical to preparing for climate change and achieving net zero emissions."* Reference is specifically made in this regard to matters such as electric vehicle charging infrastructure, hydrogen production and *"onshore wind"*. The letter adds that *"acceleration of these projects should take priority"*. (underlining added)

The Report of the Advisory Group on Economic Recovery (June 2020)

5.3.33 The Scottish Government received the report of the Advisory Group on Economic Recovery - entitled 'towards a robust, resilient well-being economy for Scotland' in June 2020.

5.3.34 The group was established by the Scottish Government in April 2020 as a response to the long-term impact of COVID-19 and was specifically asked to focus on Scotland's economic recovery with the emphasis on the period after the immediate emergency created by COVID-19 had been addressed.

5.3.35 The report provides advice to the Scottish Government on actions across businesses, sectors and regions throughout Scotland and the solutions are intended to enable a swift economic recovery and one that also ensures the Scottish economy will emerge stronger and more resilient.

5.3.36 The report recognises amongst various measures that there is a need now to considerably increase the pace and scale of deployment of renewables to meet low carbon generating targets over the next 25 years and to enable Scotland to: *"grasp the tremendous opportunities for a green recovery which such a transition offers"*. It adds:

"This imperative presents increased and urgent challenges for the existing policy, planning and licensing framework to identify and consent suitable projects with a sufficient level of impact in the light of the climate emergency at a scale and to a timetable to deliver on Scotland's net zero targets".

The Report of the Climate Emergency Response Group to the Scottish Government (July 2020)

- 5.3.37 The Report from the Climate Emergency Response Group¹⁰ (CERG) entitled 'Eight Policy Packages for Scotland's Green Recovery' was published in July 2020.
- 5.3.38 The Report sets out that the CCC has written to the Scottish Government with their own initial advice on 'Building a resilient recovery from the COVID-19 crisis' which has now been followed with more detail in its 2020 Progress Report to the UK Parliament. The CERG has developed its policy packages, building on the CCC advice as well as providing CERG principles for a green recovery.
- 5.3.39 The Report recognises that there has been an enormous impact on the economy in Scotland as a result of COVID-19, potentially of a scale not seen since the Great Depression of the 1920s.
- 5.3.40 This report is focussed on delivering practical, workable, solutions that the Scottish Government can implement now, in order to move Scotland towards a net-zero economy, while recovering from the COVID-19 crisis.
- 5.3.41 The recommendations include eight policy packages identified as priorities for accelerating Scotland's climate emergency response as part of a wider economic recovery package for a fairer and greener Scotland.
- 5.3.42 The Report concludes by stating that:

"Scotland's response to COVID-19 is a massive opportunity to catapult and prioritise a just transition to a net-zero economy.... This report has identified specific policy proposals which can help make that a reality - directly addressing the economic concerns resulting from the public health crisis while stepping up our response to the climate crisis – an existential emergency that has not gone away. The packages have also been designed to make the most of the wider social, health and well-being benefits."

The Update to the Climate Change Plan (2018-2032) (December 2020)

- 5.3.43 The Scottish Government published the update to the Climate Change Plan (CCP) 'Securing a Green Recovery on a Path to Net Zero' on 16 December 2020. The plan covers the period 2018-2032 and responds to the new net zero targets aimed at ending Scotland's contribution to climate change by 2045. The period it covers refers to the timescale in which the Government has committed to reduce greenhouse gas emissions by 75% by 2030 (compared with 1990 levels).
- 5.3.44 A key part of the plan is the green recovery and it states (page 1) that:

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

"The Scottish Government has been clear in its commitment to securing a just and green recovery, which prioritises economic, social and environmental well-being, and responds to the twin challenges of the climate emergency and biodiversity loss".

¹⁰ The CERG comprises leaders spanning Scotland's private, public and third sectors, delivery organisations and membership bodies. The group aims to inform and influence the Scottish Government's response to the climate emergency by providing practical, workable solutions that can be implemented – now. After launching in August 2019, the group's 12-point plan for action was adopted by the Scottish Government as part of its 2019 Programme for Government to support its target of achieving net zero carbon emissions by 2045.

- 5.3.45 The various policies and actions in the update are set out on a sector-by-sector basis, however, there is emphasis on the need to achieve climate change targets by what is termed a “joined up” approach. This is explained by reference to the development of renewable energy which is aimed at supporting “*decarbonisation across the whole energy system, including electricity, transport, industry and buildings*” and “*integrating climate change action into all of the decisions we make across Government*” (page 9).
- 5.3.46 In terms of electricity, the CCP update announces, “*further policies to continue the rapid growth in renewable generation over the past 20 years, moving from a low to a zero-carbon electricity system*”.
- 5.3.47 Reference is also given to the intention to prepare an Energy Strategy update in 2021 and an updated Electricity Generation Policy Statement by 2022. Page 18 refers to the “*pathway to 2032*” and sets out what the policies mean in practice. It states:
- “*by 2032 our energy system will be in the midst of a major transformation, integrating new ways of producing, transporting and using energy with existing technologies. This transformation will be planned and developed through a systems led approach, ensuring that decisions take account of the benefits across all of the energy sectors as well as the economic and social benefits they create for everyone in Scotland. By 2032 we will generate at least the equivalent of 50% of our energy across heat, transport and electricity demand from renewable sources*”.
- “*our electricity system will have deepened its transformation for the better, with over 100% of Scotland’s electricity demand being met by renewable sources. More and more households, vehicles, businesses and industrial processes will be powered by renewable electricity, combined with green hydrogen production. There will also be a substantial increase in renewable generation, particularly through new offshore and on shore wind capacity*” (page 18). (underlining added)
- 5.3.48 Chapter 1 addresses electricity. Paragraph 3.1.4 recognises that as Scotland transitions to net zero, a growing and increasingly decarbonised electricity sector “*is critical to enabling other parts of our economy to decarbonise – notably transport, buildings and industry*”.
- 5.3.49 Annex A of the CCP contains policies and proposals. For the electricity sector, ‘outcome 1’ is that “*the electricity system will be powered by a high penetration of renewables, aided by a range of flexible and responsive technologies*”.
- 5.3.50 In addition, the target is maintained of “*a new renewable all energy consumption target of 50% by 2030, covering electricity, heat and transport*”.
- 5.3.51 In terms of the coordinated approach needed, Section 2.5 refers to the planning system and the forthcoming NPF4. Planning is seen as a “*key delivery mechanism for many of the policies within this climate change plan update, across all sectors*”.
- 5.3.52 Key points from the Climate Change Plan Update include:
- > Government views it as essential that a recovery from the pandemic responds to the climate emergency and puts Scotland on a pathway to deliver statutory climate change targets and a transition to net zero (page 1).
 - > A growing and increasingly decarbonised electricity sector is seen as critical to enabling other parts of the economy to decarbonise, particularly transport, buildings and industry (page 32).
 - > Planning is recognised as remaining as a “*critical enabler of rapid renewables deployment in Scotland*” (page 78)
 - > The need to invest in renewable generation and related infrastructure to reduce greenhouse gas emissions is critical to creating good, green jobs as part of the green recovery and longer-term energy transition (page 78).

- > Renewable generation is expected to increase substantially between now and 2032 with an expectation of development of between 11 and 16 Giga Watts (GW) of new capacity during this period, “helping to decarbonise our transport and heating energy demand” (page 40).
- > Electricity demand is expected to have grown considerably over this period (page 82).

The Scottish Energy Strategy Position Statement (March 2021)

- 5.3.53 The Scottish Government published ‘Scotland’s Energy Strategy Position Statement’ in March 2021. The Position Statement provides an overview of Government policies in relation to energy. It sets out (page 5) that it reinforces the Government’s commitment to remain guided by the key principles set out in the Scottish Energy Strategy (SES) of 2017 and reinforces “*the importance the Scottish Government attaches to supporting the energy sector in our journey towards net zero, thus ensuring a green, fair and resilient recovery for the Scottish economy*”.
- 5.3.54 The Ministerial Foreword references the challenge of the pandemic which has created an economic crisis and notes that the Climate Emergency “has continued unabated”. It sets out “*in this context, the need for a just transition to net zero greenhouse gas emissions by 2045, in a manner that supports sustainable economic growth and jobs in Scotland, is greater than ever*”.
- 5.3.55 Reference is made to the most ambitious legislative framework for emissions reduction in the world and “*a particularly challenging interim target for 2030*”. This is the ambitious target of achieving a 75% reduction in greenhouse gas emissions by 2030 in advance of net zero by 2045.
- 5.3.56 The summary of the document (page 7) sets out that the current SES remains in place until any further Energy Strategy refresh is adopted by Ministers.
- 5.3.57 In terms of key priorities for energy, with regard to renewables this includes working on a ‘refresh’ of the OWPS which is expected to be published in 2021.
- 5.3.58 Section 5 of the document addresses ‘a green economic recovery’ and states that creating green jobs is at the heart of the Scottish Government’s plans for a green economic recovery and that the Programme for Government (2020) set out what is termed as a ‘national mission’ to create new and green jobs. It also adds (page 15) that a priority for the Scottish Government is “*ensuring our local communities and economies reap the opportunities from a just transition to net zero*”.
- 5.3.59 Onshore renewables is specifically addressed in Section 8 where it is set out that “*the continued growth of Scotland’s renewable energy industry is fundamental to enable us to achieve our ambition of creating sustainable jobs as we transition to net zero*”.
- 5.3.60 It adds that “*the Scottish Government is committed to supporting the increase of onshore wind in the right places to help meet the target of net zero. In 2019, onshore wind investment in Scotland generated over £2 billion in turnover and directly supported approximately 2,900 full time equivalent jobs across the country*”. (underlining added)

Progress to the Scottish Renewable Energy & Electricity Targets

- 5.3.61 The Scottish Government's targets are to achieve 30% of total Scottish energy use from renewable sources by 2020 and 50% by 2030. The Government's 'Energy Statistics for Scotland' (March 2021) show that in 2019, only 24% of total Scottish energy consumption came from renewable sources.
- 5.3.62 In addition, the statistics show that in 2020, renewable sources generated the equivalent of approximately 97.4% gross electricity consumption. The target was 100% by 2020.
- 5.3.63 These figures do not demonstrate that Scotland is doing extremely well – the UK White Paper (2020) (as referenced above) makes it clear that electricity demand is going to massively increase – that demand needs to be met from renewable sources.

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