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Introduction

4.1 This Chapter identifies the climate change, energy and planning legislation, policies and targets relevant to the determination of the planning application for the proposed development.

4.2 It is important to note that it is not the purpose of this chapter to provide an assessment of the proposed development against these climate change, renewable energy and planning policies and targets. Instead, it outlines the context in which the proposed development should be considered, including the urgent need case for rapidly increased renewable energy generation over the next decade in response to the global climate emergency. More detailed analysis and assessment of the proposed development against these policies and other material considerations is contained in the separate supporting Planning Statement which accompanies this application.

4.3 This Environmental Impact Assessment (EIA) Report is prepared to support the application for consent for the proposed development under Section 36 of the Electricity Act 1989. In the consideration of the application, the Scottish Ministers' have a duty to fulfil the requirements of Schedule 9 (paragraph 3) of the Electricity Act 1989. The applicant has had regard to the duties imposed upon them in terms of Schedule 9 and thereafter the Scottish Ministers will have to consider 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"*. In addition, the Scottish Ministers are required to assess whether the applicant has fulfilled the requirement to *"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"* for the proposed development. In addition to this Scottish Ministers are, in exercising their functions, also required to avoid (so far as possible) causing injury to fisheries or to the stock of fish in any waters.

4.4 Deemed planning permission under Section 57(2) of the Town and Country Planning Act 1997, is also sought.

4.5 In the case of Section 36 Applications the role of the Development Plan is not the same as in the case of the Town and Country Planning (Scotland) Act 1997 (hereinafter referred to as the '1997 Act'). The test set out in Section 25 of the '1997 Act which details that development must accord with the terms of the Development Plan, unless material considerations indicate otherwise, is not engaged in the case of a Section 36 application. The Development Plan is nonetheless relevant to the determination of the application. Through the EIA process the applicant has sought to develop a scheme that takes account of the duties set out in Schedule 9 of the Electricity Act 1989. The matters that are raised in Schedule 9 have been considered in the EIA process (including the design evolution for the proposed development) and the findings are presented in this EIA Report.

4.6 **Technical Appendix 4.1: Legislation, Planning Policy and Guidance**, provides a summary of specific relevant legislation, planning policy and guidance for each technical discipline considered in the EIA Report.

Policy on Climate Change and Energy

International and EU Context

4.7 In order to understand the need for a continuing increase of renewable energy generation in Scotland, it is important first to understand the international and European Union (EU) framework towards tackling climate change. The key targets and obligations in this regard are outlined below.

The COP21 UN Paris Agreement

4.8 On 12 December 2015 delegates from nearly 200 different countries gathered at the Paris Climate Conference (COP21) and adopted a legally binding international agreement – known as 'the Paris Agreement' – by which all countries vowed to cut their carbon emissions. They agreed:

- a long-term goal of keeping the increase in global average temperature to well below 2 degrees Celsius (°C) above preindustrial levels;
- to aim to limit the increase to 1.5 °C, since this would significantly reduce risks and the impacts of climate change;
- on the need for global emissions to peak as soon as possible, recognising that this will take longer for developing countries; and
- to undertake rapid reductions thereafter in accordance with the best available science, so as to achieve a balance between emissions and removals in the second half of the century.

4.9 Under the agreements, countries are also legally obliged to make new post-2030 commitments to reduce emissions every five years.

COP26 Glasgow

4.10 In addition to the above legislation and targets, consideration should also be given to the more recent UN Climate Change Conference of the Parties (COP26) event held in Glasgow in November 2021 at which there was worldwide consensus on the severity of the current climate emergency, in particular recognition of the loss and damage that the current impacts of climate change are already having. Following two weeks of intense talks, nearly 200 countries agreed to the Glasgow Climate Pact to continue to pursue efforts to limit global average temperature increases to 1.5˚C in accordance with the Paris Agreement. All countries also agreed to speeding up the pace of climate action this decade and to revisit and strengthen their current emissions targets to 2030. These outcomes further emphasise the importance of rapidly increasing renewable energy generation capacity over the next decade in response to the global climate emergency.

COP28 Dubai

4.11 More recently, at COP28 held in Dubai at the end of 2023 concluded with an agreement that signals the *"beginning of the end"* of the fossil fuel era. Agreement was reached on the world's first *"global stocktake"* which recognises that science indicates that global greenhouse gas emissions need to be cut by 43% by 2030 (compared to 2019 levels) in order to limit global warming to 1.5°C. The *"global stocktake"* recognises that Parties are

off track when it comes to meeting their Paris Agreement goals and calls on Parties to take actions towards achieving, at a global scale, a tripling of renewable energy capacity.

COP29 Baku

4.12 COP29 took place in Baku in November 2024. COP29 worked on enabling the pledges made during COP28 (including a tripling of global renewable energy capacity by 2030) through climate finance agreements.

UK Context

4.13 Although the overarching position in the UK is that energy policy is not a devolved matter, the UK Government have made it clear that the Devolved Administrations must play an important role in helping the UK meet international and EU climate change targets. The key UK targets in this regard are outlined below.

Net Zero: The UK's Contribution to Stopping Global Warming (2019)

4.14 At COP21, the Intergovernmental Panel on Climate Change (IPCC) was invited to publish a Special Report on the impacts of global warming of 1.5°C and associated greenhouse gas emissions pathways. The IPCC released this Special Report on 8 October 2018. In response to the IPCC's Special Report, the UK Government requested advice from the Committee on Climate Change (a non-departmental public body that advises the Government on the climate) on the implications of the Paris Agreement. This included requesting advice on what further action was needed to meet the goals of the Paris Agreement.

4.15 On 2 May 2019 the Committee on Climate Change published their advice in *'Net Zero: the UK's Contribution to Stopping Global Warming'*. The report made the following recommendations:

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

4.16 The UK targets in the report have since been legislated through the Climate Change Act 2008 (2050 Target Amendment) Order 2019, which came into force on 27 June 2019. Prior to this, the UK was committed under the Climate Change Act 2008 to reducing net greenhouse gas emissions by at least 80% of their 1990 levels by 2050. As discussed later in this chapter, the Scottish net-zero targets in the report have also since been legislated.

4.17 In terms of the new net-zero targets, the report makes it clear for both the UK and Scotland that *"this is only possible if clear, stable and well-designed policies to reduce emissions further are introduced across the economy without delay."* It continues that *"current policy is insufficient for even the existing targets."*

4.18 The Committee on Climate Change report sets out various scenarios for UK net zero greenhouse gases in 2050. These include one of extensive electrification, particularly of

transport and heating. Page 23 of the Executive Summary states that this would need to be *"supported by major expansion of renewable and other low carbon power generation. The scenarios involve around a doubling of electricity demand, with all power produced from low carbon sources (compared to 50 % today)."*

4.19 The Committee on Climate Change scenarios for electricity generation estimate that to keep the UK on track to meet is net zero target, that renewable energy deployment will require a fourfold increase across the UK from current levels. It identifies that this quadrupling of renewable energy will require approximately 22 to 29 gigawatts (GW) of onshore wind capacity by 2030 and solar capacity increased to 23 to 43 GW. Currently, capacity for both is approximately 13 to 14 GW each.

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

4.21 The report's 'further ambition scenario' for the power sector aims to see low-carbon sources providing 100% of power generation in 2050, with variable renewable sources (including onshore wind) anticipated to contribute some 57% of this total low carbon power generation.

4.22 Since the targets in the 'Net Zero: the UK's Contribution to Stopping Global Warming' report have been legislated through the Climate Change Act 2008 (2050 Target Amendment) Order 2019, the IPCC have released further reports on the impacts of climate change. The most recent report being the 'Synthesis Report of the IPCC Sixth Assessment Report (AR6)' which integrates the main findings of the Sixth Assessment Report (AR6) and the associated three Special Reports (including the 2018 Special Report detailed in paragraph 4.14 above). With regards current progress (globally) in climate change adaptation planning and implementation, the 'Synthesis Report of the IPCC Sixth Assessment Report (AR6)' states the following:

"Adaptation planning and implementation has progressed across all sectors and regions, with documented benefits and varying effectiveness. Despite progress, adaptation gaps exist, and will continue to grow at current rates of implementation. Hard and soft limits to adaptation have been reached in some ecosystems and regions. Maladaptation is happening in some sectors and regions. Current global financial flows for adaptation are insufficient for, and constrain implementation of, adaptation options, especially in developing countries.".

4.23 With regards future climate change, the 'Synthesis Report of the IPCC Sixth Assessment Report (AR6)' states the following:

"Continued greenhouse gas emissions will lead to increasing global warming, with the best estimate of reaching 1.5°C in the near term in considered scenarios and modelled pathways. Every increment of global warming will intensify multiple and concurrent hazards.".

The Sixth Carbon Budget

4.24 In December 2020 the Committee on Climate Change published 'The Sixth Carbon Budget', describing what the potential path options to net zero by 2050 look like and detailing the steps that must be taken to achieve this.

4.25 A key recommendation of the report is that the UK Government requires a reduction in UK territorial greenhouse gases of 78% by 2035 relative to 1990 levels. The report advises that this can be done through the following four steps:

- take up of low carbon solutions;
- expansion of low carbon energy supplies including onshore wind;
- reducing demand for carbon intensive activities; and
- land and greenhouse gas removals.

4.26 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.

4.27 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, that Scotland can take action through complementary measures at the devolved level including supporting policies such as *"planning and consenting".*

The UK Energy White Paper, Powering our Net Zero Future (2020)

4.28 The UK Government published its Energy White Paper *'Powering our Net Zero Future'* in December 2020. The White Paper sets out the UK Government's current thinking on the way in which the UK should work towards meeting its net zero targets. It advises that, although retiring capacity will need to be replaced, that modelling suggests overall that the demand for electricity could double as transport and heat switch from petrol/diesel and gas, respectively, to electricity. It notes that this will require a fourfold increase in low-carbon generation by 2030 if the increased demand and net zero targets are to be met.

4.29 The various actions set out in the White Paper are described as *"a strong signal to project developers and the wider investor community about the government's commitment to deliver clean electricity."* In the section 'Our Key Commitments', the White Paper states that *"onshore wind and solar will be the key building blocks for the future generation mix, along with offshore wind."*

British Energy Security Strategy (2022)

4.30 The British Energy Security Strategy policy paper was published in April 2022. The strategy identifies that if the UK is to reduce rapidly increasingly energy bills and keep them down for the long term, the UK needs to reduce its dependence on imported oil and gas and to source more of its energy domestically instead.

4.31 Whilst primarily focusing on offshore wind rather than onshore wind, the strategy highlights that onshore wind is one of the cheapest forms of renewable power, and advises that improvements will be made to infrastructure UK wide, in order to facilitate more onshore wind development. The strategy seeks to increase deployment of wind and solar energy, and identifies that it expects the measures detailed in the strategy to result in an electricity generation mix that is 95% low carbon electricity by 2030.

Energy Act 2023

4.32 The Energy Act 2023 received Royal Assent on 26 October 2023. The 2023 Act, which was originally introduced as the Energy Security Bill in 2022, seeks to build on the commitment set out in the April 2022 British Energy Security Strategy to reduce the UK's dependence on fossil fuel markets, by improving domestic energy production and making the UK more self-sufficient with regards energy use.

4.33 Following the introduction of the 2023 Act into law, the Energy Security Secretary Claire Coutinho commented that the *"Energy Act is the largest piece of energy legislation in a generation. It will boost investment in clean energy technologies and support thousands of skilled jobs across the country. It lays the foundations for greater UK energy independence, making us more secure against tyrants like Putin, and helps us to power Britain from Britain"*.

Climate Change Committee Progress Report to Parliament (2024)

4.34 The most recent Climate Change Committee's progress reports to Parliament 'Progress in reducing emissions' was published in July 2024. As with previous reports, it restates the need for renewable energy and stronger actions on reducing emissions. The report advises that *"The UK has a successful track record of emissions reductions, having met all its targets so far. Territorial emissions have now fallen by over half. We should celebrate this, and the Committee applauds the efforts of successive governments to achieve it. However last year, despite some progress, the previous Government signalled a slowing of pace and reversed or delayed key policies. The new Government will have to act fast to hit the country's commitments.".* The Report goes on to say "*The cost of key low-carbon technologies is falling, creating an opportunity for the UK to boost investment, reclaim global climate leadership and enhance energy security by accelerating take-up. British-based renewable energy is the cheapest and fastest way to reduce vulnerability to volatile global fossil fuel markets. The faster we get off fossil fuels, the more secure we become."*

Scotland Context

4.35 The Scottish Government has continually adopted more ambitious climate change and renewable energy policy and targets than that of the UK Government. These key targets, and the strategies and policies to delivering them, are outlined below.

The Climate Change (Scotland) Act 2009

4.36 The Climate Change (Scotland) Act 2009 initially established long term statutory targets for Scotland of reducing greenhouse gas emissions by at least 80% by 2050, with an interim target of reducing emissions by at least 42% by 2020. The Act also placed climate change duties on Scottish public bodies and included provisions on climate change including adaption, forestry, energy efficiency and waste reduction.

4.37 Section 44 of the 2009 Act places climate change duties on Scottish public bodies. It states that a *"public body must, in exercising its functions, act: in the way best calculated to contribute to the delivery of (Scotland's climate change) targets; in the way best calculated to help deliver any (Scottish adaption programme); and in the way that it considers most sustainable"*. This means that all public sector organisations, including the

Scottish Ministers and local planning authorities, are obliged in exercising their functions to do so in a manner which is consistent with meeting the net zero climate change target.

Scottish Energy Strategy (2017)

4.38 The Scottish Energy Strategy (SES) was published in 2017 and was therefore also prepared in the context of the lower greenhouse gas emissions targets set initially under the Climate Change (Scotland) Act 2009. The SES sets out the Scottish Government vision for the future energy system in Scotland for the period through to 2050. The Strategy identifies that 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.

4.39 The SES sets a target for the equivalent of 50% of the energy for Scotland's heat, transport and electricity consumption to be supplied from renewable sources by 2030. This 50% target roughly equates to of 17 GW of installed capacity in 2030. The latest figures on the Scottish Government's Energy Statistics Hub identify that in 2022, 29.5% of total Scottish energy consumption came from renewable sources.

4.40 Alongside these energy targets, the SES also sets out six strategic priorities. These include:

- *"System security and flexibility – we should have the capacity, the connections, the flexibility and resilience necessary to maintain secure and reliable supplies of energy to all of Scotland's homes and businesses as our energy transition takes place.*
- *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."*

4.41 The SES advises that onshore wind energy development is essential to Scotland's transformation to a fully decarbonised energy system by 2050 and brings opportunities which underpin our vision to grow a low carbon economy and build a fairer society.

4.42 The SES notes that the Scottish Government want to *"see a significant increase in shared ownership of renewable energy projects in Scotland – putting energy into the hands of local communities and delivering a lasting economic asset to communities across Scotland"*. The ambition is for at least half of newly consented renewable energy projects by 2020 to have an element of shared ownership. The Scottish Government believe that *"Shared ownership will play a key part in helping to meet our targets of 1 GW of community and locally-owned energy by 2020 and 2 GW by 2030."* The Scottish Government *"expect community involvement in onshore wind developments to continue to play a vital role in reaching these targets."*

The Climate Emergency Declaration (2019)

4.43 At the SNP Conference in April 2019, Scotland's First Minister declared a climate emergency:

"As First Minister of Scotland, I am declaring that there is a climate emergency. And Scotland will live up to our responsibility to tackle it."

4.44 In May 2019 the Scottish Government formally declared a climate emergency. In a speech to the Scottish Parliament, the Climate Change Secretary stated:

“There is a global emergency. The evidence is irrefutable. The science is clear. And people have been clear: they expect action.”

4.45 The Minister also highlighted the important role of the planning system in achieving climate change objectives, stating:

"…the next National Planning Framework and review of the Scottish Planning Policy will include considerable focus on how the planning system can support our climate change goals."

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

4.46 The Climate Change (Emissions Reduction Targets) (Scotland) Act 2019 received Royal Assent on 31 October 2019 and came into force in March 2020. The Act responds to the Paris Agreement and the declaration of a ‘climate emergency’ in Scotland. It amends the Climate Change (Scotland) Act 2009 and commits Scotland to a new target of net zero emissions of all greenhouse gases by 2045, and introduced interim and annual targets for reductions of at least 56% by 2020, 75% by 2030 and 90% by 2040 (% reduction of emissions targets are relative to 1990 baseline). To help ensure delivery of the long-term targets, the framework includes statutory annual targets for every year to net zero.

4.47 In April 2024, in response to the findings of the Committee on Climate Change (CCC) Report to the Scottish Parliament (March 2024), the Scottish Government abandoned its target of achieving a 75% reduction in emissions by 2030, stating that the target is unachievable. The Scottish Government did however note its continued commitment to reaching net zero by 2045, a target that remains embedded in statute.

4.48 The Climate Change (Emissions Reduction Targets) (Scotland) Act 2019 has now been replaced by the Climate Change (Emissions Reduction Targets) (Scotland) Act 2024. The interim and annual targets introduced by the 2019 Act have been superseded by the 2024 Act. The 2024 Act is covered in detail in the following sections of this chapter (paragraphs 4.66 to 4.67).

Climate Change Plan Update (2020)

4.49 The Scottish Government published its most recent Climate Change Plan in December 2020. The Climate Change Plan Update responds to the declared climate emergency and considers what policies and proposals are necessary to deliver against the new targets set under the Climate Change (Emissions Reduction Targets) (Scotland) Act 2019.

4.50 The Climate Change Plan Update states that it is essential that a recovery from the COVID-19 pandemic *“responds to the climate emergency”* and *“continues the rapid growth in renewables over the past 20 years, moving from a low to a zero-carbon electricity system”*.

4.51 Looking specifically at seeking to achieve Scotland’s emissions targets out to 2032, the Climate Change Plan Update states that there will need to a be *“a substantial increase in renewable generation, particularly through new offshore and onshore wind capacity.”* It seeks to quantify this by identifying that it expects between 11 to 16 GW of new renewable capacity will need to be developed during this period.

A Stronger and More Resilient Scotland: Programme for Government 2022-23 (2022)

4.52 The Programme for Government is published every year at the beginning of September and sets out the actions that the Scottish Government will take in the coming year and beyond.

4.53 The Scottish Government's *'A stronger and more resilient Scotland'* was published in September 2022. This document reaffirms the Scottish Government's commitment to targets set out in prior programmes by confirming that these commitments *"remain in place and our ambition to deliver them is undiminished: the more so since we are clear that much of the answer to the current cost crisis and the poverty it will cause lies in our journey to net zero, investment in a strong economy, and in building a fairer society.".*

4.54 Page 11 notes that *"Scotland has the potential to become a global green energy powerhouse, for Europe and beyond. Scotland's vast potential for renewable energy generation opens up opportunities for exporting electricity and green hydrogen, and attracting energy intensive industries."*.

Onshore Wind Policy Statement 2022

4.55 The Scottish Government's 'Onshore Wind Policy Statement 22' (OWPS 22) was published in December 2022, focusing on the following areas:

- main ambitions and aspirations;
- delivering on their ambitions in Scotland;
- environmental considerations: how to achieve a good balance and maximise benefits;
- benefits to local communities and financial mechanisms;
- benefits to Scotland;
- aviation considerations;
- technical considerations; and
- energy systems and regulation.

4.56 The OWPS '22 has been published with a purpose of restating the importance of onshore wind as a tool to accelerate Scotland's transition towards a net zero society. The policy cites the Russian invasion of Ukraine, and subsequent global energy crisis as an additional reason for the further development of onshore wind in Scotland. The statement emphasises the importance of onshore wind in Scotland as a cheap and reliable source of zero carbon electricity. Within the statement, the Scottish Government commits to an overall ambition of 20GW of total installed onshore wind capacity by 2030 (which remains in place despite the Scottish Government withdrawing, in April 2024, the target of a 75% reduction in greenhouse gas emissions by 2030, compared to 1990 levels), increasing the current installed capacity by 11.3GW. Referring to the projection that Scotland's peak demand for electricity will at least double within the next two decades, the report states that *"This will require a substantial increase in installed capacity across all renewable technologies."*.

4.57 The statement highlights the relative inexpensiveness to develop, and increasing profitability of onshore wind, showing that the cost of onshore wind has continued to fall

over the contract for difference allocation rounds – showing costs of around 45% lower than in 2015.

4.58 The necessity for taller turbines has been reaffirmed in section 3.4.6 *"…What would previously have been considered 'taller' turbines are now more common and must continue to be deployed in appropriate locations…"* whilst in section 3.4.7 it reiterates why these turbines are a necessity *"Taller turbines have a higher installed capacity which results in the need for fewer turbines per site."*.

4.59 The statement clarifies the Scottish Government's position on the construction of new wind farms and their effect on the landscape further in section 3.6.2 *"The only areas where wind energy is not supported are National Parks and National Scenic Areas. Outside of these areas, the criteria for assessing proposals have been updated, including stronger weight being afforded to the contribution of the development to the climate emergency, as well as community benefits"* in accordance with NPF4.

4.60 The OWPS '22 promotes community benefits, and the Scottish Government continues to encourage community benefits from all renewable energy businesses (it should be noted however, that this is a voluntary arrangement that is separate and distinct from the planning and consenting process). Along with community benefits, the statement advocates for an increase in shared ownership of renewables developments. The Scottish Government has set a target of 2GW of community and locally owned energy by 2030 as a minimum and encourages developers to consider shared ownership opportunities in all projects.

Draft Energy Strategy and Just Transition Plan 2023

4.61 On 10 January 2023, the Scottish Government published the Draft version of its 'Energy Strategy and Just Transition Plan - delivering a fair and secure zero carbon energy system for Scotland'. This plan outlines the key ambitions for Scotland's energy future, with an even greater focus on renewable energy. It is predicted that these policies would result in a net jobs gain across the energy production sector and will increase renewable energy exports whilst also reducing exposure to future global energy market fluctuations.

4.62 The Plan outlines several of the government's targets to reach a net zero Scotland, with the main milestones and dates outlined as:

- to substantially increase Scotland's renewable electricity generation capacity from the current level of 13.4 Gigawatts (GW) with an additional 20GW resulting in an overall capacity of at least 33.4GW by 2030;
- aims to have 8-11GW of installed offshore, and an additional 12GW of installed onshore wind capacity by 2030;
- for renewable and low-carbon hydrogen power to provide 5GW (the equivalent of 15% of Scotland's current energy needs) by 2030, increasing to 25GW by 2045; and
- to phase out the necessity for new petrol and diesel cars by 2032, and to reduce total car kilometres by 2030.

4.63 The plan also outlines general commitments made by the Government to assist with the transition to net zero, which include the following:

- to establish a national public energy agency – 'Heat and Energy Efficiency Scotland';
- to increase the contributions of solar, hydropower and marine energy within Scotland's energy mix;

- to accelerate the decarbonisation of domestic industry, transport and heat in buildings;
- to generate surplus electricity – allowing for the export of electricity and renewable hydrogen to support decarbonisation across Europe;
- to create energy security – through the development of Scotland's resources and additional energy storage;
- to allow for a just transition by maintaining or increasing employment in Scotland's energy production sector against a decline in North Sea production; and
- to maximise the use of Scottish manufactured components in the energy transition, ensuring high-value technology and innovation.

4.64 Page 120 of the Draft Energy Strategy highlights the UK Government's decision not to award the Scottish Cluster, led by the Acorn Project at St Fergus, track 1 status in their carbon capture, utilisation and storage (CCUS) cluster sequencing process. The Draft Energy Strategy goes on to state that this decision from the UK Government will have a negative effect on Scotland's ability to meet emissions reduction targets. As a result of this, it is highlighted that Scotland *"will require contingency planning to identify the additional emissions reduction effort that may be needed from other sectors to meet Scotland's 2030 target."*.

Onshore Wind Sector Deal 2023

4.65 On 21 September 2023, the Scottish Government published 'The Onshore Wind Sector Deal'. The deal sets out the commitments from the Scottish Government and the onshore wind farm industry to deliver 20GW of onshore wind energy by 2030. The Government and the onshore wind farm industry's commitments within the deal include:

- support the enhancement of current skills and training provisions through further higher education and training to focus on delivery of the needs of the wind industry;
- continue to collaborate with local communities, building on good practices to enhance its existing 'good neighbour' approach through engagement at all stages of the project's lifecycle and offering impactful community benefits and practical routes to shared ownership;
- new onshore wind projects will enhance biodiversity and optimise land use and environmental benefits;
- reduction in time taken to determine Section 36 applications for onshore wind farm projects by increasing skills and resources by streamlining approaches to scoping EIA Reports;
- develop evidence to support a more strategic approach to delivering the investment in our electricity network and to inform a coordinated approach to the transportation of wind turbine components across Scotland's road network; and
- deliver cooperative coexistence between onshore wind deployment and safe aviation operations.

The Climate Change (Emissions Reduction Targets) (Scotland) Act 2024

4.66 Scotland's emissions reduction targets have been amended, as set out in the Climate Change (Emissions Reduction Targets) (Scotland) Act 2024, which came into force on 23 November 2024. The 2024 Act amends the Climate Change (Scotland) Act 2009 and supersedes parts of the Climate Change (Emissions Reduction Targets) (Scotland) Act 2019, as a result of the Scottish Government accepting in April that the emissions goal set within the 2019 Act (a reduction in emissions of at least 75%, against baseline levels, by 2030) was *"out of reach"*. This 2024 Act replaces the system of annual and interim emissions reduction targets (75% reduction by 2030 and 90% by 2040), which are focussed on Scottish emissions of greenhouse gases in a given year, with a new system of periodic carbon budgets that are focussed on emissions over a five year period.

4.67 The Scottish carbon budget target is a target for the aggregate emissions reduction over a number of years, not a target for a single year. As a result, the Scottish Government is required to set budgets for five-year periods, not including the final budget, which may be shorter. This is because the final budget will run until the net-zero emissions target year, which might be less than five years after the previous budget period. The Scottish Government are currently preparing the carbon budget which will establish target emissions for the next five years.

Planning Policy

Scottish Government Planning Policy

4.68 The Scottish Government adopted the National Planning Framework 4 (NPF4) on 13 February 2023. NPF4 has now replaced National Planning Framework 3 (NPF3) and the Scottish Planning Policy 2014 (SPP). NPF3 and SPP no longer represent Scottish Ministers' planning policy and should not form the basis for (or be taken into consideration when) determining planning applications or Section 36 applications.

4.69 NPF4 is now also part of the statutory Development Plan alongside Local Development Plans (LDPs), in this case the Clackmannanshire Local Development Plan (2015) and the Perth & Kinross Local Development Plan (2019).

4.70 The NPF4 and the relevant LDPs are to be read together as the Development Plan. However, where there is an incompatibility between one document and the other, it should be noted that NPF4 is, at the time of writing, the more up-to-date document than either the Clackmannanshire Local Development Plan, or Perth and Kinross Local Development Plan 2. In addition to this NPF4 should attract greater weight in the determination process as it is a national planning policy document which outlines out the national spatial strategy.

National Planning Framework 4 (NPF4)

4.71 The National Planning Framework 4 (NPF4) was adopted on 13 February 2023. The NPF4 sets out an overarching spatial strategy for Scotland until 2045. It is based upon two prior rounds of consultation. These consultations identified the need for a rebalancing of the planning system to ensure that climate change is a guiding principle for all future plans and decisions. As expected, the urgency of the need to tackle climate change and the fundamental role of the planning system in delivering the radical change required to tackle and adapt to climate change is therefore a central focus for much of the NPF4: *"The world*

is facing unprecedented challenges. The global climate emergency means that we need to reduce greenhouse gas emissions and adapt to the future impacts of climate change.".

4.72 Within the spatial strategy, for the Central Area (which includes the site) the NPF4 identifies that *"We will only meet our climate change commitments if we make significant changes to the densely populated central belt of Scotland"* and states that *"We need to work together to decarbonise buildings and transport and tackle congestion, make more efficient use of existing land and buildings, generate renewable energy and establish supporting electricity and heat networks".*

4.73 The NPF4 states that the priority for these areas will include *"A coherent strategy that focuses on climate change and responds to the challenges of the pandemic will drive forward change to tackle inequalities and build a new, greener, future for this part of the country"* and highlights that national developments such as *"Strategic Renewable Electricity Generation and Transmission Infrastructure*", of which the proposed development would be, will *"support delivery of the spatial strategy for this area".*

4.74 Considering Scotland as a whole, the NPF4 in section 3 of Annex B, states that *"A large and rapid increase in electricity generation from renewable sources will be essential for Scotland to meet its net zero emissions targets"*. Further to this, as onshore electricity generation (including energy storage) with a generating capacity in excess of 50MW, the proposed development is a national development for the purposes of NPF4 as Strategic Renewable Electricity Generation and Transmission Infrastructure.

This means that the proposed development is a significant development of national importance that will help to deliver the spatial strategy, and that the principle of development is established.

4.75 In terms of national planning policy, the main policies that are most relevant to the proposed development are Policies 1, 3, 5 and 11. The following will look at the relevant aspects of these policies in more detail.

Policy 1: Tackling the climate and nature crisis

4.76 A key policy is Policy 1: Tackling the climate and nature crises. This policy requires that *"significant weight will be given to the global climate and nature crises"* when considering all development proposals. The addition of this policy is reflective of the increased prominence and weight which the Scottish Government now expect to be given to the climate emergency in all planning decisions. It goes on to state that Local Development Plans must: *"address the global climate emergency and nature crisis by ensuring the spatial strategy will reduce emissions and adapt to current and future risks of climate change by promoting nature recovery and restoration in the area.".*

Policy 3: Biodiversity

4.77 Policy 3: Biodiversity is another policy which will impact the decision-making process for the proposed development. This policy intends to: *"protect biodiversity, reverse biodiversity loss, deliver positive effects from development and strengthen nature networks"* and states that Local Development Plans should *"protect, conserve, restore and enhance biodiversity in line with the mitigation hierarchy. They should also promote nature recovery and nature restoration across the development plan area, including by: …restoring degraded habitats or creating new habitats…"*.

4.78 For applications that require an EIA such as the proposed development, the policy states that applications *"will only be supported where it can be demonstrated that the proposal*

will conserve, restore and enhance biodiversity, including nature networks so they are in a demonstrably better state than without intervention.".

Policy 5: Soils

4.79 Policy 5: Soils intends to "protect carbon-rich soils, restore peatlands and minimise disturbance to soils from development." and is especially relevant to this proposed development due to the relative prevalence of peatland on the Site. Policy 5 (a) goes on to say that:

"Development proposals will only be supported if they are designed and constructed:

i. In accordance with the mitigation hierarchy by first avoiding and then minimising the amount of disturbance to soils on undeveloped land"

4.80 Policy 5 (d) goes into further detail regarding what is required of developments that are proposed on peatland, carbon rich soils, or priority peatland habitat. It states that in these instances:

"a detailed site-specific assessment will be required to identify:

i. the baseline depth, habitat condition, quality, and stability of carbon rich soils;

ii. the likely effects of the development on peatland, including on soil disturbance; and

iii. the likely net effects of the development on climate emissions and loss of carbon.

This assessment should inform careful project design and ensure, in accordance with relevant guidance and the mitigation hierarchy, that adverse impacts are first avoided and then minimised through best practice. A peat management plan will be required to demonstrate that this approach has been followed, alongside other appropriate plans required for restoring and/ or enhancing the site into a functioning peatland system capable of achieving carbon sequestration.".

Policy 11: Energy

4.81 Regarding onshore wind, Policy 11: Energy, intends to *"encourage, promote and facilitate all forms of renewable energy development onshore and offshore."* Policy outcomes are identified as: *"expansion of renewable, low carbon and zero emission technologies"*. The policy declares that development proposals for wind farms outwith National Parks and National Scenic Areas should be supported, whilst also considering the impacts that have been identified. It is recognised that *"significant landscape and visual impacts,…. are to be expected for some forms of renewable energy. Where impacts are localised and/or appropriate design mitigation has been applied, they will generally be considered to be acceptable"*. In terms of the impacts, the policy goes on to state that: *"In considering these impacts, significant weight will be placed on the contribution of the proposal to renewable energy generation targets and on greenhouse gas emissions reduction targets".*

4.82 Policy 11: Energy is as follows:

"a) Development proposals for all forms of renewable, low-carbon and zero emissions technologies will be supported. These include:

i. wind farms including repowering, extending, expanding and extending the life of existing wind farms;

ii. enabling works, such as grid transmission and distribution infrastructure;

iii. *energy storage, such as battery storage and pumped storage hydro;*

iv. *small scale renewable energy generation technology;*

v. *solar arrays;*

vi. *proposals associated with negative emissions technologies and carbon capture; and*

vii. *proposals including co-location of these technologies.*

b) Development proposals for wind farms in National Parks and National Scenic Areas will not be supported.

c) Development proposals will only be supported where they maximise net economic impact, including local and community socio-economic benefits such as employment, associated business and supply chain opportunities.

d) Development proposals that impact on international or national designations will be assessed in relation to Policy 4.

e) In addition, project design and mitigation will demonstrate how the following impacts are addressed:

i. *impacts on communities and individual dwellings, including, residential amenity, visual impact, noise and shadow flicker;*

ii. *significant landscape and visual impacts, recognising that such impacts are to be expected for some forms of renewable energy. Where impacts are localised and/or appropriate design mitigation has been applied, they will generally be considered to be acceptable;*

iii. *public access, including impact on long distance walking and cycling routes and scenic routes;*

iv. *impacts on aviation and defence interests including seismological recording;*

v. *impacts on telecommunications and broadcasting installations, particularly ensuring that transmission links are not compromised;*

vi. *impacts on road traffic and on adjacent trunk roads, including during construction;*

vii. *impacts on historic environment;*

viii. *effects on hydrology, the water environment and flood risk;*

ix. *biodiversity including impacts on birds;*

x. *impacts on trees, woods and forests;*

xi. *proposals for the decommissioning of developments, including ancillary infrastructure, and site restoration;*

xii. *the quality of site restoration plans including the measures in place to safeguard or guarantee availability of finances to effectively implement those plans; and*

xiii. *cumulative impacts.*

In considering these impacts, significant weight will be placed on the contribution of the proposal to renewable energy generation targets and on greenhouse gas emissions reduction targets.

Grid capacity should not constrain renewable energy development. It is for developers to agree connections to the grid with the relevant network operator. In the case of proposals for grid infrastructure, consideration should be given to underground connections where possible.

f) Consents for development proposals may be time-limited. Areas identified for wind farms are, however, expected to be suitable for use in perpetuity."

Other Relevant NPF4 Policies

4.83 In addition to the above NPF4 policies, the following are also considered applicable to the proposed development: 2) Climate mitigation and adaptation, 4) Natural Principles, 7) Historic assets and places, 12) Zero Waste, 13) Sustainable transport, 14) Design, quality and place, 18) Infrastructure First, 19) Heating and cooling, 20) Blue and green infrastructure, 21) Play, recreation and sport, 22) Flood risk and water management, 23) Health and safety, 25) Community wealth building, 26) Business and industry, 29) Rural development, 30) Tourism, and 33) Minerals.

Development Plan Policy

4.84 The Development Plan for the proposed development includes the adopted Clackmannanshire Local Development Plan (2015) and adopted Perth & Kinross Local Development Plan (2019), along with their relevant supplementary guidance.

Clackmannanshire Council Development Plan

4.85 The primary development plan policy for assessment of the proposed development is 'Policy SC15 – Wind Energy Development' of the Clackmannanshire Local Development Plan (2015) (CLDP).

4.86 CLDP Policy SC15 sets out the criteria under which proposals for wind energy development will be supported. The policy states that proposals will be supported where the proposal:

- *"satisfies the criteria contained in Policy SC14 'Renewable Energy';*
- *accords with the guidance contained in the Onshore Wind Energy SG; and*
- *will not have adverse effects on the integrity of the Firth of Forth SPA, either alone or in combination with other projects and plans.*
- *has regard to the provisions of Policy EA13 – Significant Soil Resources."*

4.87 The Supplementary Guidance 2: Onshore Wind Energy' (SGOWE) contains a spatial framework, which identifies the areas within Clackmannanshire with potential opportunities for wind energy – split into 3 groups as follows:

- *"**Group 1: Areas where wind farms will not be acceptable:** National Parks and National Scenic Areas.*
- ***Group 2: Areas of significant protection:** 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.*

- ***Group 3: Area with potential for wind farm development:*** *Beyond groups 1 and 2, wind farms are likely to be acceptable, subject to detailed consideration against identified policy criteria."*

4.88 With regard to these designations, the SGOWE states that *"Areas of significant protection do not equate to a blanket restriction on wind turbine development in these areas but it will be for developers to demonstrate that any significant effects on the qualities of these areas can be substantially overcome when assessed against the criteria contained in LDP Policies SC14 and SC15, the guidance in Section 3.0 below and the relevant siting and design guidance in the LSS. Conversely, areas identified as having potential for wind energy development do not imply a presumption in favour of granting planning permission for development in these areas but recognises that they contain the least constraints and to accommodate this wind turbine development."*

4.89 **Table 4-1** lists the other CLDP policies (aside from Policy SC15: Wind Energy Development) and their associated supplementary guidance documents considered to be relevant to the proposed development. These other policies and guidance are covered in the Planning Statement which accompanies this application, and where appropriate within the relevant technical chapters of this EIA Report.

Table 4-1: Relevant CLDP Policies and Supplementary Guidance

CLDP Policies	Associated Supplementary Guidance
Policy SC11: Transport Networks	
Policy SC12: - Development Proposals - Access and Transport Requirements	
Policy SC13: Decentralised Energy	
Policy SC14: Renewable Energy	Supplementary Guidance 2 - Onshore Wind Energy
Policy SC23: Development in the Countryside – General Principles	Supplementary Guidance 2 - Placemaking Supplementary Guidance 6 - Green Infrastructure
Policy SC25: Business Development in the Countryside	
Policy EP3: Business and Industrial Uses Outwith Existing or Allocated Business Sites	
Policy EP6: Green Businesses	
Policy EP10: Minerals – General Principles	
Policy EA2: Habitat Networks and Biodiversity	Supplementary Guidance 6 - Green Infrastructure
Policy EA3: Protection of Designated Sites and Protected Species	Supplementary Guidance 6 - Green Infrastructure
Policy EA4: Landscape Quality	Supplementary Guidance 6 - Green Infrastructure
Policy EA6: Woodlands and Forestry	Supplementary Guidance 6 - Green Infrastructure Supplementary Guidance 8 – Woodland and Forestry
Policy EA9 Managing Flood Risk	Supplementary Guidance 4 - Water
Policy EA11: Environmental Quality	
Policy EA12: Water Environment	Supplementary Guidance 4 - Water

CLDP Policies	Associated Supplementary Guidance
Policy EA13: Significant Soil Resources	
Policy EA18: Minimising Wate in New Development	
Policy EA19: Scheduled Monuments	
Policy EA20: Other Archaeological Resources	
Policy EA21: Historic Gardens and Designed Landscapes	
Policy EA22: Listed Buildings	

Perth and Kinross Development Plan

4.90 The primary development plan policy for assessment of the proposed development is Policy 33: Renewable and Low Carbon Energy of the Perth & Kinross Local Development Plan (2019) (PKLDP).

4.91 Policy 33 of the PKLDP states the council's support in principle for renewable energy development and sets out the criteria under which these proposals will be assessed against. The policy states that:

"Proposals for the utilisation, distribution and development of renewable and low-carbon sources of energy will be supported subject to the following factors being taken into account:

(a) The individual or cumulative effects of developments and associated transport/electricity infrastructure on:

- *biodiversity and natural heritage;*
- *woodland and forestry;*
- *landscape character, Local Landscape Areas, Wild Land Areas and National Scenic Areas;*
- *visual amenity;*
- *the historic environment and cultural heritage;*
- *hydrology, the water environment and flood risk;*
- *air quality, including any effects on greenhouse gas emissions and impacts from construction;*
- *aviation, defence and seismological recording;*
- *telecommunications and broadcasting infrastructure;*
- *residential amenity of the surrounding area (including noise and shadow flicker); and,*
- *hazardous installations (including pipelines).*

(b) The contribution of the proposed development towards meeting carbon reduction and renewable energy generation targets.

(c) The net economic impact of the proposal, including local and community socio-economic benefits such as employment and supply chain opportunities.

(d) The transport implications, and in particular the scale and nature of traffic likely to be generated, and its implications for site access, road capacity, road safety, and the environment generally. (Applications with impacts on the Strategic Trunk Road Network will be subject to discussion and agreement with Transport Scotland)

(e) Construction and service tracks and borrow pits associated with any development.

(f) Effects on soils including:

- *carbon rich soils, deep peat and priority peatland habitats; or*
- *prime agricultural land;*

(g) The effects on public access, recreation and tourism interests including core paths, scenic corridors (the A9 trunk road as identified in NPF3) and other established routes for public walking, riding or cycling.

(h) Decommissioning including any conditions/bonds considered necessary for site restoration.

(i) Opportunities for energy storage.

(j) Cross-boundary impacts including any impacts on the qualities of the Cairngorms and Loch Lomond & The Trossachs National Parks."

4.92 Perth and Kinross Council have issued draft supplementary guidance on renewable and low carbon energy, however at the present time this is only draft guidance.

4.93 **Table 4-2** lists the other PKLDP policies (aside from Policy 33: Renewable and Low Carbon Energy) and their associated supplementary guidance documents considered to be relevant to the proposed development. These other policies and guidance are covered in the Planning Statement which accompanies this application, and where appropriate within the relevant technical chapters of this EIA Report.

Table 4-2: Relevant PKLDP Policies and Supplementary Guidance

PKLDP Policies	Associated Supplementary Guidance
Policy 2: Design Statements	
Policy 8: Rural Business and Diversification	
Policy 15: Public Access	
Policy 26: Scheduled Monuments and Archaeology	
Policy 29: Gardens and Designed Landscapes	
Policy 30: Protection, Promotion and Interpretation of Historic Battlefields	
Policy 31: Other Historic Environment Assets	
Policy 35: Electricity Transmission Infrastructure	
Policy 38: Environment and Conservation	
Policy 39: Landscape	Supplementary Guidance - Landscape
Policy 40: Forestry, Woodland and Trees	Supplementary Guidance - Forest & Woodland Strategy
Policy 41: Biodiversity	

PKLDP Policies	Associated Supplementary Guidance
Policy 48: Minerals and Other Extractive Activities - Safeguarding	
Policy 48: Minerals and Other Extractive Activities - Supply	
Policy 51: Soils	
Policy 52: New Development and Flooding	Supplementary Guidance - Flood Risk and Flood Risk Assessments
Policy 53: Water Environment and Drainage	Supplementary Guidance - Flood Risk and Flood Risk Assessments
Policy 56: Noise Pollution	
Policy 57: Air Quality	Supplementary Guidance - Air Quality
Policy 60: Transport Standards and Accessibility Requirements	

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