Chapter 4 - Policy Context

Introduction

4.1 This chapter describes the environmental legislative and regulatory framework in addition to the national and development planning policy framework relevant to the proposed Corriemoillie Wind Farm. It provides some background to the consideration of potential local environmental effects and implications of the proposed Wind Farm as set out in Chapters 5 to 13. In particular this Chapter has informed the authors of specialist chapters of the policy test which need to be addressed by the decision maker.

4.2 This chapter explains only the legislation, regulations and policies relevant to the determination of the application. A separate Planning Statement, which addresses the legislative and policy considerations and reaches conclusions on the acceptability of the development in policy terms, will be submitted with the Planning Application.

Climate Change Targets

4.3 In order to reduce emissions of greenhouse gases, particularly carbon dioxide (CO_2), several international and UK targets have been established. Scottish Renewable Energy targets are set out in the next section: The United Nations Framework Connection on Climate Change (UNFCCC) is the principal international forum for action aiming to reduce reliance on fossils fuels and bring about a reduction in greenhouse gas emissions. The Kyoto Protocol[1] is an international agreement that set a legally binding target to reduce emissions of greenhouse gases (principally CO_2) by 12.5% relative to 1990 levels over the period 2008 to 2012;

4.4 The Intergovernmental Panel on Climate Change (IPCC) published their Fourth Assessment Report in November 2007, which clearly states that warming of the climate system is unequivocal.

European Union

4.5 Based upon the Intergovernmental Panel on Climate Change (IPCC) findings, the European Commission's analysis shows that global emissions will have to be stabilised by around 2020, then reduced by at least 50% of 1990 levels by 2050, with developed countries collectively cutting their emissions to 30% below 1990 levels by 2020 and 60-80% by 2050.

4.6 The European Union has unilaterally agreed a new Climate and Energy Package[2] which aims to deliver cuts in emissions of 20% by 2020 which will be increased to 30% cuts in the event of a global deal.

4.7 A draft Renewable Energy Directive from the European Commission was published in January 2008 which requires significant increases in renewable energy production. It is important to note that the Directive was adopted in March 2009 and is now legally binding. The UK Government has also publishing a strategy (July 2009) in order to implement the obligations contained within the Directive. The EU wishes to see 20% of all energy use to be generated by renewable sources. The 20% is split between member states – so called 'burden sharing'. The UK will have to provide 15% of all its primary energy use from renewable sources by 2020. This is a considerable challenge and would represent a 10-fold increase from the current level of some 1.5% of all energy used in the UK coming from renewable sources.

United Kingdom

4.8 The UK Government retains control of the overall direction of energy policy. Since devolution in 1999, some energy policy issues have been devolved to Scotland such as energy efficiency and renewable energy. Encouraging more electricity generation from renewable sources is an important element of both the UK and Scottish Climate Change Programmes. The UK Climate Change Programme 2006 set a target of 10% of all UK electricity being provided from renewable sources by 2010.

4.9 To implement their strategies, the UK Government and Scottish Government have placed an obligation on all licensed electricity suppliers to provide an increasing proportion of their electricity from renewable sources.

4.10 The UK's Energy White Paper of 2007 states that '*we are determined to become a low carbon economy'* (DTI, 2007) and reaffirms the UK Government's four energy priorities as reducing CO_2 emissions, maintaining energy security, promoting sustainable growth and tackling fuel poverty. Turning to the first of these objectives, the UK Government has set a goal of reducing CO_2 emissions to 20% below 1990 levels by 2010 and in 2006 launched the UK Climate Change Programme.

4.11 The Climate Change Act 2008, which received Royal Assent on 26 November 2008, established a system of 5 year carbon budgets to manage the trajectory of UK emissions to a target of 80% cuts by 2050. It also allowed for the establishment of the Committee on Climate Change to provide advice to the UK Government and Devolved Administrators on the setting of carbon budgets and other climate change issues.

4.12 In December 2008, the Committee on Climate Change proposed a set of 'interim' carbon budgets covering the five year periods 2008-12, 2013-17, and 2018-22. These budgets would see the UK's greenhouse gas emissions in 2020 fall to at least 34% below their 1990 level. The Committee also proposed more stretching 'intended' budgets which would see emissions reduce by 42% by 2020. In April 2009 the UK Government announced that it would set its carbon budgets based on the Committee's interim budgets.

4.13 The UK Renewable Energy Strategy (UKRES) was issued by the Department of Energy and Climate Change (DECC) in July 2009.The Strategy sets out what needs to happen and when for the UK to meet the EU's legally binding target that 15% of energy consumption to come from renewables by 2020. The strategy also presents a lead scenario that involves more than 30% of electricity to be generated from renewables (compared to around 5.5% today), with onshore wind to play a major role in achieving this target, and milestone reporting every 2 years commencing 2011/2012.

4.14 The Renewables Obligation (RO) is the main support scheme for renewable electricity projects and was introduced into the UK in 2002. The RO requires licensed electricity suppliers to source a specific and annually increasing percentage of the electricity they supply from renewable sources. The percentage target began at 3% in 2003 and is rising gradually to 10% in 2010 and 15% by 2015. Under the scheme, one Renewables Obligation Certificate (ROC) is issued for each megawatt hour (MWh) of eligible renewable output generated. The ROCs can be used by

[1] Kyoto Protocol, Third Conference of the Parties (CoP-3) to the UN Framework Convention on Climate Change (UNFCCC), Japan, 1997.
[2] http://ec.europa.eu/environment/climat/climate_action.htm

suppliers to demonstrate compliance with the RO and can also be sold (traded) to suppliers so that they may fulfil their obligation. As a result of the RO scheme, renewable electricity generation can be profitable for some renewable energy scheme owners[3].

4.15 In 2007, power generation from renewable sources eligible under the Renewables Obligation stood at 4.9%[4] indicating that further significant development in renewable energy sources is needed to meet this target.

Scottish Renewable Energy Targets

4.16 The Scottish Government published its first Scottish Energy Programme in 2006 detailing how to meet targets set in 2002 and to further increase the use of renewable sources in Scotland to around 18% by 2010 and 40% by 2020. SPP 6 confirms that the Scottish Government's 2010 target for renewable energy generation has been met.

4.17 On the basis of renewables providing 50% of gross electricity consumption (the current target), 10% of transport use, and renewables in heat remaining at 1%, renewable sources would provide some 15-17% of total energy consumed in Scotland by 2020 .

4.18 Following the assent of the UK Climate Change Act 2008, the Scottish Government have now passed the Climate Change (Scotland) Bill (SP Bill 17) which puts into statute (Climate Change (Scotland) Act 2009) the Scottish Government proposals aiming for an 80% reduction in Scotland's greenhouse gas (GHG) emissions by 2050 and include an interim target of a 50% reduction by 2030 compared to 1990 levels for CO_2, nitrous oxide (N_20) and methane (CH_4) and 1995 levels for hydrofluorocarbons (HFCs), perfluorocarbons (PFCs) and sulphur hexafluoride (SF_6).

4.19 The most recent energy statistics published by the Scottish Government show that 13% of Scotland's energy was generated from renewables in 2008 (7.9% hydro and 5.1% from other renewable sources)[6].

4.20 Part 1 of the Act sets the statutory framework for greenhouse gas emission reductions in Scotland by setting an interim 42 per cent reduction target for 2020 and an 80 per cent reduction target for 2050, from the baseline, which for CO^2 is based on 1990 emission levels. Part 1 of the Act also requires The Scottish Ministers to set annual targets in secondary legislation, for Scottish emissions from 2010 to 2050 to ensure that the 2050 target is attained. Part 1 of the Act also requires the Scottish Government to publish a land use strategy by 31 March 2011 setting out land use objectives to aid the achievement of the 2020 and 2050 targets.

4.21 Part 2 of the Act contains provisions that will allow the Scottish Ministers to establish a Scottish Committee on Climate Change or to designate an existing body to exercise advisory functions should it be decided that this is appropriate. Part 3 places duties on the Scottish Ministers requiring them to report regularly to the Scottish Parliament on Scotland's emissions and on the progress being made towards meeting the emissions reduction targets as set out in the Act.

4.22 Reductions in greenhouse gas emissions for energy generation are a key component to achieve the above targets. The Act places a statutory requirement on the Scottish Ministers to set appropriate levels for energy generation to contribute to meeting the targets. Annual targets for the years 2010 – 2022 require to be set out by the Scottish Ministers no later than 1 June 2010.

The Climate Change Delivery Plan (2009)

4.23 The Scottish Government issued the Climate Change Delivery Plan, entitled 'Meeting Scotland's Statutory Climate Change Targets' in June 2009.

4.24 The Climate Change Delivery Plan highlights that The Scottish Government is already taking action to tackle climate change, but states that Scotland requires a co-ordinated approach – a national delivery plan for all the actions that can be delivered over the next decade and beyond, to achieve the targets that Parliament has laid down in the Climate Change (Scotland) Act.

4.25 The Delivery Plan identifies key sectors of the economy for abatement and identifies the high level measures required in each sector to deliver the interim 2020 targets: both the 34% (UK) and the 42% (Scottish) targets.

4.26 The Plan confirms that the key milestone is that by 2020, more than 50% of electricity should be generated from renewable sources. The Plan (paragraph 3.19) confirms that the 2020 target equates to an electricity generation level of some 8.4GW of installed renewables capacity.

4.27 Paragraph 3.20 notes that the requirement on the UK to meet EU renewable targets by 2020, equating to 15% of all energy use from renewable sources, which will lead to strong demand from elsewhere in the UK for Scottish renewable electricity. The Plan also notes that a new Scottish Renewables Action Plan will be published for consultation in summer 2009.

The Scottish Renewables Action Plan (2009)

4.28 The Scottish Government issued the Renewables Action Plan (RAP) in June 2009. This identifies what needs to happen in the renewables sector in order to achieve Government objectives and it focuses on actions needed over the immediate 24-month period.

4.29 The RAP refers to that the imperative for action to address climate change (demonstrated by Scotland's world leading carbon reduction target of 42% (see the reference to the Climate Change (Scotland) Act above) is driving development across a host of policy interests. It makes reference to the Scottish Government's commitment to achieve a headline target of 20% of total Scottish energy use coming from renewable sources by 2020. Specific targets include 50% of electricity demand and the RAP sets out the framework for action in the specific area of renewable energy.

4.30 Key objectives are summarised as follows:

- To establish Scotland as a UK and EU leader in the field;
- To ensure maximum returns for the Scottish domestic economy; and
- To meet targets for energy from renewables, and for emissions reductions, to 2020 and beyond.

4.31 The RAP refers to Scottish and UK structures and makes it clear that the Scottish Government is continuing to engage very closely with the UK Government on the shape and scope of renewable energy legislation and the financial incentives that they create. There is reference to the

[3] Renewable Energy Overview, December 2006 - http://www.carbontrust.co.uk/publications/publicationdetail
[4] BERR UK Energy in Brief, July 2008
[5] Proposal for a Directive of the European Parliament on the promotion of the use of energy from renewable sources http://eur-lex.europa.eu
[6] http://www.scotland.gov.uk/Topics/Statistics/Browse/Environment/TrendElectricity

Renewables Obligation (RO) mechanisms and the RAP states that Scottish Government is working with "*UK colleagues on the further changes to the RO required to align it with the demands of the EU 20% target….*" (page 17).

4.32 Section 4 of the RAP highlights that each of the technology sectors will have its own part to play in helping Scotland meet its energy targets "*and ministers are committed to a diverse renewables mix to maximise the scope to match supply with demand and to enhance security of supply*" (page 20).

4.33 In terms of energy consents and planning, this matter is addressed in section 8 of the RAP and regarding specific actions, there is reference to planning. Actions include the need to:

- Create a supportive planning landscape;
- Ensure the planning and consenting regimes better support investment in renewables in Scotland; and
- Continue to work with Local Planning Authorities to develop their strategic locational guidance in line with Planning Advice Note (PAN) 45 and to ensure that the planning system produces decisions that are efficient, transparent, consistent and timely (page 37).

4.34 Each renewable technology is referred in the Annex to the RAP and with regard to onshore wind the vision is expressed as: "*continued expansion of portfolio of onshore wind farms to help meet renewables targets, with robust planning frameworks supporting timely processing of consents applications and ensuring wind farms are consented where they are environmentally acceptable*" (RAP, page 77).

4.35 The document (page 77) explains that onshore wind is expected to provide the majority of capacity in the timeframe for the Government's interim and 2020 renewable electricity targets.

Development Plan Context

4.36 Sections 25 and 37 (2) of the Town and Country Planning (Scotland) Act 1997 (as amended by The Planning etc (Scotland) Act 2006), require that planning decisions be made in accordance with the Development Plan, unless material considerations indicate otherwise.

4.37 The Development Plan in this instance comprises the Highland Structure Plan 2001 (hereafter referred to as the 'Structure Plan') and the Ross and Cromarty East Local Plan 2007 (hereafter referred to as the 'Local Plan').

4.38 Highland Council is at the preliminary stages of preparing a Highland Wide Local Development Plan under the requirements of the Planning etc (Scotland) Act 2006. The Council published the Main Issues Report for consultation in August 2009. The proposed Plan is timetabled to be published in November 2009 and the modified Plan subject to examination in 2010. However, no policies have yet been published and therefore the document cannot be given much weight at present. Three area local development plans (instead of the current seven) will also be prepared, with the Ross and Cromarty East Local Plan being replaced by the Inner Moray Firth Local Development Plan.

4.39 The Development Plan contains renewable energy policies that are generally consistent with national advice, although the Structure Plan pre-dates the prevailing national planning policy on such matters (SPP6 Renewable Energy, published in 2007). SPP6 is further discussed in the section 'National Planning Policy'.

4.40 The Development Plan policies relevant to the proposed development are set out in Table 4.1 below.

Table 4.1 Development Plan Policy

Policy Topic	Structure Plan	Local Plan
General and Site Specific	G1	BP2
Sustainability	G2	
Renewable Energy	E1, E2, E3	
Landscape and Visual Amenity	T6, L4	
Ecology	G6, N1, N4	
Built Environment	G6, BC1, BC3, BC4	
Other considerations	G3, G4, G8	GSP3, GSP4, GSP16

The Highland Structure Plan 2001

4.41 The Structure Plan was approved by the Scottish Ministers in March 2001 and is intended to provide a strategy to guide the location of development in the Highlands until 2021. The Structure Plan sets out objectives relating to economic development, urban and rural regeneration and enhancing the environment. Sustainability and renewable energy sources are highlighted as key indicators for the future of the Highlands and aims to *'promote and enhance the social, economic and environmental wellbeing of the people of Highland.'*[7]

Strategic Vision

4.42 The Structure Plan identifies seven strategic themes that address the issues facing the Highlands over the next 20 years. These are:

- Conserving and promoting Highland identity;
- Adopting a proactive approach to the wise use of the natural environment;
- Taking an integrated approach to improving accessibility to goods, services and markets;
- Consolidating the settlement hierarchy;
- Creating an improved business environments;
- Addressing the need for quality living environments; and
- Working in partnership with the community and other agencies.

4.43 The general strategic policies contained within the Structure Plan integrate the objective of sustainable development whilst promoting the Plan's strategic themes. **Policy G1 – Conformity with strategy** states:

> *The Council will support developments, having regard to the Plan's sustainable objectives, which promote and enhance the social, economic and environmental wellbeing of the people of Highland.*

[7] The Highland Structure Plan, Written Statement, March 2001, paragraph 1.1.1

Sustainability

4.44 With regards to sustainable development **Policy G2 - Design for sustainability** lists the criteria which each proposed development will be assessed against. The criteria relative to this development are:

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

- *Are compatible with service provision (water and sewerage, drainage, roads, schools, electricity);*
- *Maximise energy efficiency in terms of location, layout and design, including the utilisation of renewable sources of energy;*
- *Impact on individual and community residential amenity;*
- *Impact on non-renewable resources such as mineral deposits of potential commercial value, prime quality or locally important agricultural land, or approved routes for road and rail links;*
- *Impact on the following resources, including pollution and discharges, particularly within designated areas:*

Habitats	*Freshwater Systems*
Species	*Marine Systems*
Landscape	*Cultural Heritage*
Scenery	*Air Quality;*

- *Demonstrate sensitive siting and high quality design in keeping with local character and historic and natural environment and in making use of appropriate materials;*
- *Contribute to the economic and social development of the community.*

Developments which are judged to be significantly detrimental in terms of the above criteria shall not accord with the Structure Plan.

Renewable Energy

4.45 There are three policies specific to renewable energy and windfarm developments that are relevant to the proposed development.

4.46 Paragraph 2.12.2 of the Structure Plan confirms *'…the need to maximise the quality of air, water and land, to make efficient use of energy and the optimal use of renewable and non-renewable resources.'* **Policy E1 – Distributed renewable energy developments** underlines this objective and states:

The Council supports the utilisation of the region's distributed renewable energy resource, including hydro, wind, wave and tidal stream power. Proposals will be assessed against the provisions of the General Strategic Policies.

Approvals for renewable energy developments will normally be for a temporary period only (tied to the lifetime of a project), with provision where appropriate for the removal and reinstatement of affected areas. Earlier action for removal and reinstatement will be required in the event of premature permanent cessation of energy production.

4.47 **Policy E2 – Wind energy development** establishes the criteria against which all wind energy proposals require to be assessed. This policy states:

Wind energy proposals will be supported provided that impacts are not shown to be significantly detrimental. In addition to the General Strategic Policies, wind energy proposals will be assessed in respect of the following:

- *Visual impact;*
- *Noise;*
- *Electro-magnetic interference;*
- *Roads, bridges and traffic;*
- *Aircraft flightpaths/MOD operations; and*
- *Cumulative effects.*

4.48 **Policy E3 – Wind farm safeguarding** protects the approved and constructed wind farms by seeking to *'…safeguard the operational efficiency of approved and constructed wind farms in the consideration of adjacent proposed developments or other land use changes.'*

Landscape and Visual Amenity

4.49 Any proposal should take into account any detrimental effect it may have on the character and setting of National and Scenic Areas. A full Landscape and Visual Assessment has been carried out and its findings are detailed within Chapter 5 of this ES. The most relevant Structure Plan policies are:

Policy L4 – Landscape character

The Council will have regard to the desirability of maintaining and enhancing present landscape character in the consideration of development proposals, including offshore developments.

Policy T6 – Scenic views which states:

The Council will protect important scenic views enjoyed from tourist routes and viewpoints, particularly those specifically identified in Local Plans. There will be a presumption against development in narrow areas of land between roads and railways and open water.

Ecology

4.50 There are a wide variety of natural and semi natural habitats throughout the Highlands. Protecting these habitats and the wildlife which occurs within them is supported through **Policies G6, N1** and **N4**, which state:

Policy G6 – Conservation and promotion of the Highland heritage

The Council will seek to conserve and promote all sites and areas of Highland identified as being of a high quality in terms of nature conservations, landscape, archaeological or built environment.

Policy N1 – Nature conservation

New developments should seek to minimise their impact on the nature conservation resource and enhance it wherever possible. The Council will seek to conserve and promote all sites according to the following hierarchy:

- ***Sites and species of international importance** – Developments which would have an adverse effect on the conservation interests for which a site has been designated will only be*

permitted where there is no alternative solution and there are imperative reasons of over-riding public interest, including those of a social and economic nature. Where a priority habitat or species (as defined in Article 1 of the Habitats Directive) would be affected, prior consultation with the European Commission is required unless the development is necessary for public health or safety reasons.

- ***Sites of national importance*** *– Developments will only be permitted where the objectives of designation and the overall integrity of the area will not be compromised or any significant adverse effects on the qualities for which the area has been designated are clearly outweighed by social and economic benefits of national importance*
- ***Sites of local importance*** *– Developments will be assessed for their effects on the interests of sites of local conservation importance and will be resisted where these are judged to be unreasonably detrimental.*

Policy N4 – Local Biodiversity Action Plans

In respect of habitats and species, The Council will have regard to Local Biodiversity Action Plans, where available, in addition to Strategic Policy G6, in the consideration of development proposals.

Built Environment

4.51 The Structure Plan promotes the protection of the built environment, which includes conservation areas and historic settlements, historic and architecturally important buildings, scheduled ancient monuments, archaeological locations and landscapes, historic gardens and designed landscapes. Although many of these resources are protected by statutory legislation or government policy any proposed development which may have a detrimental effect on these resources will not be supported by policies and proposals **G6 – Conservation and promotion of the Highland heritage, BC1 – Preservation of archaeological sites, BC3 – Archaeological Heritage Areas, BC4 – Historic gardens and designed landscapes** and **BC5 - Listed buildings and Conservation Areas.**

4.52 These policies aim to protect the character, amenity or setting of the surrounding built environment. The following Structure Plan policies are relevant to this development:

Policy G6 – Conservation and promotion of the Highland heritage

As in paragraph 4.30

Policy BC1 – Preservation of archaeological sites

Archaeological sites affected by development proposals should be preserved, or, in exceptional circumstances where preservation is impossible, the sites will be recorded at developers' expense to professional standards. Provision will be made in Local Plans for the appropriate protection, preservation and enhancement of archaeological sites.

Proposal BC3 - Archaeological Heritage Areas

Local Plans will identify and zone areas of exceptional archaeological and historic interest, and make appropriate provision for the protection and interpretation of features of interest.

Policy BC4 - Historic gardens and designed landscapes

The Council will seek to preserve historic gardens and designed landscapes identified in the published inventory and in any additions to it. Local Plans will contain policies for their protection.

Policy BC5 - Listed buildings and Conservation Areas

The Council will seek to preserve Highland's buildings and groups of buildings of historic or architectural interest, some of which may be at risk from neglect, by the identification in Local Plans of opportunities for their productive and appropriate use.

Other Relevant Considerations

4.53 There are a number of other policies in the Structure Plan that are of relevance to the proposal. These are as follows:

- **Policy G3 – Impact assessments** addresses the requirement of the appropriate impact assessment to be carried out and that satisfactory mitigation measures are incorporated;
- **Policy G4 – Community benefit and commitment** outlines the Councils Development principles in relation to private sector contributions;
- **Policy G8 – Precautionary principle** seeks to protect the environment and wellbeing of communities…(the Council) will apply the precautionary principle where the potential impacts of a development are uncertain and there are scientific grounds to support this.

Ross & Cromarty East Local Plan 2007

4.54 The Local Plan was adopted in February 2007 and provides a strategy at a local level for development in the Ross and Cromarty East area for a 5 year period from the date the plan was published.

4.55 The policies contained within the Local Plan focus primarily on the allocation of housing and industrial land and have little detail in relation to the development of renewable energy, instead relying on the policies contained within the Structure Plan itself.

4.56 General policies within '*The Highland Council Structure Plan'* have been adopted by the Ross and Cromarty Local Plan. A number of policies relevant to the local environment have also been developed and adopted as part of the plan.

General and Site Specific Policy

4.57 The plan identifies four broad spatial areas which form the basis of the strategy:

- The **Development Corridor** comprising the main settlements from Muir of Ord through Dingwall and the towns of Easter Ross and Tain;
- The **Rural Development Area** which encompasses the Fearn Peninsula, Strathconon and the Garve to Achnasheen corridor;
- The **Hinterland** around Inverness and around the main work centres in the Development Corridor;
- The **Heritage/Natural Zone**.

4.58 The proposal site falls within the Rural Development Area.

4.59 The Local Plan also has four classifications for the areas of land outwith settlements. These range from Background Policy (BP) 1 where development is favoured to BP4 where the Council will not favour development unless there are over-riding environmental or public health or safety grounds or unless there are imperative reasons of over-riding public interest including those of a social or economic nature.

4.60 The site area is covered by **BP2**. This states that:

The Council will permit development unless this would be likely to have a significantly adverse effect on, or be significantly adversely affected by, the features for which the area has been designated. Where it is concluded that any such adverse effects are likely to arise, development will only be permitted where it is considered that these would be outweighed by social or economic benefits.

4.61 Part of the application boundary is designated as a Water Catchment Area around Loch Bad Leabhraidh.

Other Relevant Considerations

4.62 There are a number of other policies in the Local Plan that are of relevance to the proposal. These are as follows:

- **Policy GSP3 – Surface Water Drainage** provides that development proposals will be assessed for any requirement to provide related attenuation and treatment measures and where necessary, remedial works associated with existing drainage systems;
- **Policy GSP4 – Flood Risk** requires that developers demonstrate that no adverse impacts on the characteristics of watercourses will arise and to demonstrate use of best practice in the management and disposal of surface waters;
- **Policy GSP16 – Transport** provides that particular attention will be paid by the Council in assessing new developments to the impact on the local road network and its ability to accommodate any increases in traffic volumes.

4.63 In Chapter 6 (Landward Area – Environment), paragraph 70 , referring to the Structure Plan, states:

The Council will seek formally designate and confirm boundaries of the following proposed regional Areas of Great Landscape Value. These being large scale areas that are at least of regional importance in terms of scenic quality, and reflect those identified within the approved Structure Plan [L3] (BP2):

- *Ben Wyvis*
- *Freevattar/Ben Dearg /The Fannichs*
- *the Central Glens (including upper Strathconon)."*

4.64 Paragraph 72 states:

The Council will seek to identify and safeguard scenic views from inappropriate development and unsympathetic design [T6]. Views from public roads to open water are particularly important for amenity and tourism.

The Highland Renewable Energy Strategy 2006

4.65 The Highland Renewable Energy Strategy (HRES) was approved as supplementary planning guidance in support of the Development Plan by the Council in May 2006. It is a non-statutory document that was prepared in order to clarify the approach that the Council takes to renewable energy, with the intention of helping to give direction and reducing uncertainty regarding issues associated with renewable energy developments in the Highlands.

4.66 The provisions outlined in HRES were aimed at being aligned with the requirements of the then prevailing National Planning Policy Guideline (NPPG) 6 and Planning Advice Note (PAN) 45. However it has been demonstrated through various public inquiries that HRES is not fully consistent with national advice. With the subsequent publication of Scottish Planning Policy (SPP) 6: Renewable Energy in March 2007, it is now acknowledged by the Council that the weight that is applied to HRES when determining wind farm applications is limited given that HRES does not fully comply with the approach set out in SPP6. Consequently the Council is to prepare a new Supplementary Planning Guidance which will align the Council's approach with SPP6 and, when produced, this will supersede the planning guidelines section of HRES and parts of the strategy in so far as they relate to onshore wind energy proposals. However, until then HRES remains in force as a material consideration and is read together with the Development Plan and the more recent SPP6 by the Council when determining wind farm applications.

4.67 The HRES policies/strategy statements relevant to the proposed development are set out in Table 4.2 below.

Table 4.2 Highland Renewable Energy Strategy Policy/Strategy Statements

Policy Topic	HRES
General and Site Specific	E7
Sustainability	
Renewable Energy	E7
Landscape and Visual Amenity	T1, S3, U1, U2
Ecology	R1
Built Environment	R2
Other considerations	J1, J2, S1, S2, S3

General and Site Specific Policy

4.68 A major component of HRES comprises the identification of 'prospective development zones' for national and major onshore wind farms, and the inclusion of policy/strategy statements for these (E5 to E7). Three zones are identified: 'preferred development areas', 'possible development areas' and 'presumption against development'. The identification of these areas are based on optimal conditions in terms of planning constraints, energy production, technical feasibility and proximity to the grid but are not based on as full a range of information as is now stipulated by the methodology in SPP6 Annex A. In particular they do not take into account landscape character, sensitivity or capacity.

4.69 The proposed Corriemoillie Wind Farm lies within a 'presumption against development' area to which **policy/strategy statement E7** is relevant. This states:

Any proposals for national and major projects [in the presumption against development area] will have to overcome a precautionary approach to planning approval. Any development would also need to show that there is no scope for alternative development within other preferred and possible development areas.

4.70 Although this policy continues to carry weight by the Council, albeit limited as outlined above, in determining planning applications it should be noted that this sequential approach element is not in accordance with framework approach set out in SPP6.

Landscape and Visual Amenity

4.71 The HRES maps seek to ensure the locations of wind farms avoid designated landscape areas. However, it also identifies that wind farms outwith, but close to, designated places can have an impact upon the landscape experience within these areas. **Policy/strategy statement T1** states:

> *It is the Council's aim to avoid intrusive development of windfarms that would affect designated landscape areas. It will also seek to minimise intrusion by renewable developments into historical and other particularly sensitive landscapes.*

4.72 In order to reduce visual impact, **policy/strategy statement S3** provides that devices should also reflect the aesthetics of particular views. It states that:

> *Developments should not take place in widely acknowledged and particularly important views, i.e. those generally valued by residents for their lack of other development influences such as wires, poles, signs, buildings, vehicles, or commercial forestry.*

4.73 Turning to cumulative impacts, **policy/strategy statement U1** identifies that '…*the Council has taken a view that cumulative visibility of larger scale developments in a few localised areas is preferable to developments being scattered across the area. It is, however, also recognised that smaller scale renewable developments are likely to become ubiquitous across Highland in the future and will come to be seen as a prudent response to the challenges created by global warming*.' This is supplemented by **policy/strategy statement U2** which requires that '…*the cumulative zone of visual influence (ZVI) within a 10 km range for large (national and major) onshore renewables projects should be less than 10% of the land area of Highland*.'

Ecology

4.74 HRES aims to ensure that there is no overall degradation of natural heritage conservation interests in the Highland area from renewable energy developments. **Policy/strategy statement R1** sets out a general presumption against proposals in designated conservation areas unless there are exceptional circumstances '*…where the energy dividend within such an area is so significant that the overall weight of wider benefits outweighs possible site specific negative impacts*.' It also supports enhancement to biodiversity, and states that *'…wherever possible, renewable energy projects should incorporate positive enhancement of habitats and species associated with development sites in line with wider conservation and biodiversity objectives.*

Built Environment

4.75 **Policy/strategy statement R2** reinforces Structure Plan policy BC3 and states that:

> *Devices should be positioned to avoid direct disturbance of scheduled heritage sites and to protect the landscape in the immediate vicinity of prime visited sites.*

Other Considerations

4.76 There are a number of other policies/strategy statements in HRES that are of relevance to the proposal. These are as follows:

- **Policy/strategy statement J1** provides that all national, major and local scale renewables projects should undertake a pre-scoping phase of evaluation before locations, timing, and development type are specified.
- **Policy/strategy statement J2** provides that at a national and major level, consideration of alternatives should establish that there is advantage in locating the development in the Highland area and/or that the development will specifically support policy objectives set for the Highland area.
- **Policy/strategy statement S1** provides that devices should be positioned far enough away from residential areas and working places to avoid direct nuisance and disturbance.
- **Policy/strategy statement S2** provides that devices should be positioned so as to maintain at least a one km separation between dwellings and wind turbines.
- **Policy/strategy statement W1** provides that renewable energy developments should be sympathetic to the aesthetic qualities valued in the Highland landscapes and should not restrict or inhibit leisure, recreation and visitor activities.

Other Relevant Material Considerations

National Planning Policy

4.77 In addition to HRES, national planning policy guidance and associated advice is a material consideration. Statements of Scottish Government policy and guidance on planning matters are provided through National Planning Policy Guidelines (NPPGs) and Scottish Planning Policy (SPPs). The Scottish Government is rationalising national planning policy by replacing the current series of SPPs and NPPGs with a single SPP, namely SPP Part 3, which is still at draft stages (Parts 1 and 2 are already in force). This consolidated SPP will provide a shorter, clearer and more focused statement of national planning policy. Until Part 3 of this final consolidated SPP is published, the existing SPPs and NPPGs remain in force.

4.78 In addition to the noted policy and guidance above, are Planning Advice Notes (PANs). They are published by the Scottish Government and provide advice on good practice and information on technical planning matters.

4.79 The relevant planning policy guidance related to the proposed development is listed in Tables 4.3 and 4.4. The aims and objectives of these policies are addressed throughout this ES in more detail within the relevant chapters. Addressed in this section are the relevant national planning policies and advice notes to this development. These are assessed in more detail within the accompanying Planning Statement.

National Planning Framework 2

4.80 The National Planning Framework 2 (NPF2) was approved by the Scottish Parliament in 2009 and sets out a framework for strategic development priorities in Scotland to 2030 to support sustainable economic growth. NPF2 continues on from the National Planning Framework by identifying key issues and building on the strengths in the different regions of Scotland and

identifying the drivers of change. NPF2 sets out a vision to continue the commitments of sustainable economic growth.

4.81 Map 7 of NPF2 shows the Electricity Transmission System and Map 8 shows the Transmission System Reinforcements. National Development proposals are highlighted on Map 10.

SPP Parts 1 and 2

4.82 These documents set out the Government's key priorities for the planning system in Scotland. They provide detailed advice to local authorities regarding decision making through development management. They confirm that the primary objectives of the planning system are:

- It should be a plan-led system – plans should be succinct and provide long-term visions for an area;
- Prime responsibility for implementing the system is with planning authorities;
- Confidence in the system should be encouraged through efficient and predictable preparation of plans and handling applications with transparent decision-making and reliable enforcement;
- Constraints and requirements should be necessary and proportionate;
- All interests should be engaged fully and as early as possible;
- The focus should be on the quality of the outcomes.

4.83 In relation to determining planning applications through development management the SPP identifies the basis for making decisions. That is that decisions should be made in accordance with the provisions of the development plan unless material considerations indicate otherwise. Material considerations should relate to the development and the use of the land.

Scottish Planning Policy 6

4.84 In this instance SPP6: Renewable Energy is of particular relevance and provides key guidance, given that the adopted Development Plan and HRES predate SPP6.

4.85 The following extracts from SPP6 set out advice that appears to be of particular relevance to this proposed development. SPP6 outlines the Scottish Ministers commitment to renewable energy development:

The Scottish Ministers will continue to support the full range of renewable energy generation technologies, including microrenewables, to enable Scotland to realise its considerable renewable energy potential.

4.86 SPP6 confirms that the Scottish Government's renewable energy target for 2010 has been met. The Government's policy is that the 2020 target of 50% total electricity generation from renewable sources, will be met by a variety of renewable energy technologies. SPP6, in Paragraph 23, states:

…onshore wind power is likely to make the most substantial contribution towards meeting renewable targets. Scotland has considerable potential to accommodate this technology in the landscape although, increasingly, careful consideration must be given to the need to address cumulative impacts.

4.87 Paragraph 8 explains the fundamental position of the Scottish planning system with regard to technological capabilities and the impact upon the environment:

The planning system has a significant role to play in resolving conflicts so that progress towards the 2020 target continues to be made in a way that affords appropriate protection to the natural and historic environment without unreasonably restricting the potential for renewable energy development.

4.88 SPP6, Annex A, Paragraph 3, provides guidance on Development Plan policy:

Development Plan policies should be based on the principle that wind farms should be accommodated where the technology can operate efficiently and environmental and cumulative impacts can be addressed satisfactorily.

4.89 Paragraph 39 of SPP6 provides advice to Councils as to what planning guidance should be included within Development Plans. It states:

In updating Development Plan policies, authorities should reflect the policies in this SPP. Policies in all cases should:

- *Support the Scottish Ministers' commitment to renewable energy and provide positively for its development;*
- *Provide specific proposals satisfactorily addressing all other material considerations;*
- *Indicate areas that will be given significant protection from wind farms over 20 megawatts because of the existence of national and international natural heritage or green belt designations or where development would result in unacceptable cumulative impacts;*
- *Guide developers on the broad criteria to be considered for all new renewable energy proposals, including any additional criteria that will apply to areas where identifiable constraints exist;*
- *Include policies which support wider application of medium and smaller scale renewable technologies, such as decentralised energy supply systems, community, household and microgeneration projects; and*
- *Provide a clear development management framework.*

4.90 With regard to broad areas of search, SPP6 Paragraph 40 indicates that these areas should be included in development plans and not be prescriptive:

Such areas should provide a steer to developers on acceptable locations but their existence should not be used to rule out development elsewhere if it can be accommodated in a manner consistent with the approach set out in this SPP.

4.91 Whilst SPP6 promotes areas of search, the policy indicates that a sequential approach should not be adopted. Paragraph 23 states:

This framework should not be used to put in place a sequential approach to determining applications.

4.92 The policy is clear in its assertion that Councils should not delay applications for wind farm development in the absence of appropriate renewable energy Development Plan policy. Paragraph 40 states:

Planning authorities should continue to determine those applications that are, or come before them, ahead of revised local plan policies being put in place.

4.93 With regard to acceptable separation distances between settlements and wind farm developments, SPP6 Annex A provides the following guidance:

PAN 45 confirms that development up to 2 km is likely to be a prominent feature in an open landscape. The Scottish Ministers would support this as a separation distance between turbines and the edge of cities, towns and villages so long as policies recognise that this approach is being adopted solely as a mechanism for steering proposals to broad areas of search and, within this distance, proposals will continue to be judged on a case-by-case basis.

4.94 SPP6, Paragraphs 46 and 47 formalise and place an emphasis on the developer to carry out greater pre-application discussions for wind farm development:

Pre-application discussions with planning authorities are strongly recommended and the intention should be for planning authorities to be explicit in setting out what information and supporting documentation should be included in a planning application.

4.95 This emphasis is further iterated in PAN 81: Community Engagement – Planning with People.

4.96 With regard to cumulative impact, SPP6 provides guidance to Councils as to how this should be assessed. Paragraph 55 states:

In reaching decisions on individual applications, planning authorities should take account of those projects in the vicinity that have been built, those which have permissions and those which are currently the subject of valid but undetermined applications.

PAN 45: Renewable Energy Technologies

4.97 This Planning Advice Note supports the policies of SPP6 by providing information and advice on the technologies for harnessing renewable energy for electricity generation. PAN 45 includes a substantial section on wind power, explaining the technology and the potential for environmental effects. Of particular note are the sections on 'Siting in the Landscape' and 'Visual Impact', which contain a number of statements that clarify the Scottish Ministers' policy. More details of the PAN and how it relates to siting in the landscape and visual assessment are included in Chapter 5 – Landscape and Visual Impact Assessment.

4.98 Whilst the ES highlights the operational landscape impact, PAN 45 recognises that the introduction of a wind farm development will introduce a significant feature into the landscape.

4.99 Paragraph 64 states that:

Under certain combinations of geographical position, time of day and time of year, the sun may pass behind the rotor and cast a shadow over neighbouring properties. When the blades rotate, the shadow flicks on and off; the effect is known as "shadow flicker". It occurs only within buildings where the flicker appears through a narrow window opening. The seasonal duration of this effect can be calculated from the geometry of the machine and the latitude of the potential site. Where this could be a problem, developers should provide calculations to quantify the effect. In most cases however, where separation is provided between wind turbines and nearby dwellings (as a general rule 10 rotor diameters), shadow flicker should not be a problem.

4.100 Paragraph 71 states that:

There are no landscapes into which a wind farm will not introduce a new and distinctive feature.

Given the Scottish Ministers' commitment to addressing the important issue of climate change and the contribution expected from renewable energy developments, particularly wind farms, it is important for society at large to accept them as a feature of many areas of Scotland for the foreseeable future.

4.101 Paragraph 78 provides guidance on the visual impact of wind farm development:

Turbines in wind farms are likely to be tall, frequently located in open land, and therefore likely to be highly visible…It will normally be unrealistic to seek to conceal them. Developers should seek to ensure that through good siting and design, landscape and visual impacts are limited and appropriate to the location.

4.102 PAN 45: Annex 2: Spatial Frameworks and Supplementary Planning Guidance for Wind Farms was published in November 2008, provides planning authorities with supplementary guidance for windfarms.

Summary

4.103 This Chapter has set out the relevant planning policy to the determination of the planning application for the proposed Corriemoillie Wind Farm. A detailed policy analysis and consideration of the Wind Farm proposal is given in the separate Planning Statement.

Table 4.3 Planning Policy Guidance

Policy	Title	Summary	Relevant Chapter/s
NPF2	National Planning Framework 2 (2009)	Sets out a framework for strategic development priorities in Scotland to 2030 to support sustainable economic growth.	Chapter 4
SPP	Scottish Planning Policy Parts 1 and 2) (2008)	Sets out the Government's key priorities for the planning system in Scotland. It provides detailed advice to local authorities regarding decision making through development management.	Chapter 4
SPP2	Economic Development (2002)	Highlights the emphasis on business development and contributing to economic prosperity. Promotes the Development Plans should provide positive support for a range of economic development opportunities and must respond to market forces and the pace of economic change	Chapter 13
SPP6	Renewable Energy (2007)	Sets out the Governments renewable energy targets and this should be addressed by local authorities and guidance on Development Plan Policies.	Chapter 4

Policy	Title	Summary	Relevant Chapter/s
SPP7	Planning and Flooding (2004)	Aims to ensure that new development should not take place if it would be at significant risk of flooding from any source or would materially increase the probability of flooding elsewhere.	Chapter 9
SPP15	Planning for Rural Development (2005)	Provides guidance to local authorities on developments located in a rural setting. The policy highlights that there should be greater scope for more innovative planning polices for rural development.	Chapter 4
SPP17	Planning for Transport (2005)	Promotes an integrated approach to land use planning, economic development, transport and the environment. Seeks to ensure that developments likely to affect trunk and other strategic roads should be managed so as not to adversely impact on the safe and efficient flow of traffic. Includes guidance on planning for different transport modes, the use of transport assessment methodology and travel plans.	Chapter 12
SPP23	Planning and the Historic Environment (2008)	Provides guidance on the role of the planning system with respect to the preservation of the historic environment.	Chapter 10
NPPG14	Natural Heritage (1999)	Sets out national planning policy considerations in relation to Scotland's natural heritage and summarises the main statutory obligations in relation to the conservation of natural heritage. The guidance describes the role of the planning system in safeguarding sites of national and international importance, and draws attention to the importance of the safeguarding and enhancing the natural heritage beyond the confines of designated areas.	Chapters 6, 7 and 8

Table 4.4 Planning Advice Notes

Guidance	Title	Summary	Relevant Chapter
PAN42	Archaeology the Planning Process and Scheduled Ancient Monument Procedures (1994)	Provides best practice advice on addressing archaeological issues within the planning process, and on best practice separate controls over scheduled monuments. Also provides detailed advice on excavation, maintaining records, scheduling and legislation.	Chapter 10
PAN45	Renewable Energy Technologies (2002); and Annex 2: Spatial Frameworks and Supplementary Planning Guidance for Wind Farms (2008)	Supports the policies of SPP 6 by providing information and advice on the technologies for harnessing renewable energy for electricity generation. Provides planning authorities with supplementary guidance for wind farms.	Chapter 4
PAN56	Planning and Noise (1996)	Demonstrates the role of the planning system in preventing and limiting the adverse effects of noise without prejudicing investment in enterprise, development and transport.	Chapter 11
PAN58	Environmental Impact Assessment (1999)	Provides information and advice on the legislative background to EIA, EIAs in Scotland, the process of environmental impact assessment, environmental studies and statements, the evaluation of environmental information by the planning authority and implementation through the planning decision.	Chapter 2
PAN60	Planning for Natural Heritage (2000)	Gives basic advice in relation to development and natural heritage. It complements NPPG14 Natural Heritage. It reiterates the Government's Commitment to the protection and enhancement of the natural heritage.	Chapters 6, 7 and 8
PAN68	Design Statements (2003)	Provides information on the role of design statements with the aim is to see design statements used more effectively in the planning process and to create places of lasting quality.	Chapter 2 and 4
PAN75	Planning for Transport (2005)	Provides advice on the requirement to link transport strategies and development plans and the need to take into account accessibility, location, modal split parking and design.	Chapter 12
PAN81	Community Engagement – Planning with People (2007)	Advice to planning authorities and developers on how communities should be properly engaged in the planning process.	Chapter 4