Bhlaraidh Wind Farm Extension

Planning Statement

December 2025

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1. Introduction

1.1. Overview

1.1.1. This Planning Statement (this "*Statement*") has been prepared by SSE Generation Ltd (hereinafter referred to as *"the Applicant*"), in support of its application under Section 36C of the Electricity Act 1989 (the "*S36C application*"). The S36C application proposes the variation of the Section 36 consent granted by Scottish Ministers in May 2023 under the Electricity Act 1989 for the construction and operation of the Bhlaraidh Wind Farm Extension (the "*Consented Development*"). The application is made in accordance with the relevant provisions under The Electricity Generating Stations (Applications for Variation of Consent) (Scotland) Regulations 2013 (as amended).

1.1.2. The S36C application seeks a variation to the Description of Development contained in Annex 1 of the Consented Development and seeks to increase the implementation period from six to eight years. The proposed variations to the Description of Development are discussed in Section 2 of this Statement and can be summarised as follows:

- Increase in maximum tip height from up to 180m to up to 230m
- Increase in the size of hardstand areas to accommodate larger turbines
- Optimisation of onsite access tracks

1.1.3. The Consented Development with proposed variations as summarised above, will be referred to as the Proposed Varied Development.

1.1.4. Throughout this Planning Statement, reference will be made to the Environmental Impact Assessment Report (EIAR) which has been prepared in support of the S36C Application which will be referred to as "*the EIAR*". Reference will be made to relevant Chapters within the EIAR for more detailed information.

1.1.5. It is important to note that the site enabling works for the Consented Development have already been completed. These are detailed on the site layout plan, refer to **EIAR, Volume 2, Figure 1.2: Site Layout.** The Applicant has submitted a number of documents to satisfy planning condition requirements with The Highland Council (THC) ahead of the intended construction start on the Consented Development prior to the project being paused. A summary of the status of each planning condition, for example, whether condition wording amendments are requested and S36C relevant condition satisfaction documents is included as part of the EIAR (refer to **EIAR, Volume 4, Technical Appendix 3.6: Planning Conditions Summary)** and is also discussed further in **Chapter 3: Approach to EIA** of the EIAR. Documents which have been submitted to satisfy conditions and have

supported the impact assessments for the Proposed Varied Development have been included in the EIAR, refer to **Volume 4, Technical Appendices: 3.6a-i.**

1.1.6. **Chapter 2: Design Iteration and Proposed Varied Development** of the EIAR provides a full, detailed description of the Proposed Varied Development. Volume 2 of the EIAR contains the following figures:

- **Figure 1.1: Site Location Plan** shows the site location
- **Figure 1.2: Site Layout** shows the site layout of the Proposed Varied Development
- **Figure 1.3: Wider Site Layout Plan** shows the wider site layout for the Proposed Varied Development, and
- **Figure 1.4: Varied Development Vs Consented Development Layout** shows a comparison of the site layouts of the Consented Development and Proposed Varied Development, overlaid.

1.2. The Need /Benefits Case for the Proposed Varied Development

1.2.1. Regulation 3(1)(c) of the 2013 Regulations states that an explanation should be provided as to why it is proposed that the Section 36 consent should be varied.

Need for Proposed Varied Development

1.2.2. The Proposed Varied Development is required because the Consented Development is no longer a commercially viable project in its current form. This is due to a wide range of economic challenges currently facing the Global onshore wind industry, including supply chain cost escalation and the significantly higher Transmission Network Use of System (TNUoS) costs in the North of Scotland. All of these factors together significantly increased the risk profile for the project.

1.2.3. Following a thorough internal review of the Consented Development's design, the Applicant decided to increase the project's energy yield by raising the height of the wind turbine generators (WTGs), enabling access to higher wind speeds and greater output.

1.2.4. Without the taller turbines, the Consented Development would not be commercially viable and would not proceed to construction. This would result

in the permanent loss of the opportunity to establish a wind farm at this location, along with all the associated environmental and economic benefits.

1.2.5. For the purposes of this assessment, the benefits of the Proposed Varied Development will be looked at in direct comparison to the Consented Development.

Benefits of the Proposed Varied Development

1.2.6. The Proposed Varied Development would make an extremely valuable additional contribution to the achievement of the UK and Scottish Government '*whole system'* targets to decarbonise energy consumption by increasing the zero-carbon energy yield. The increased energy production would supply more homes with clean, renewable energy and an equivalent increase in CO_2 reduction, making a valuable contribution to the Scottish Climate Change Plan targets. This contribution is indeed greater than that of the Consented Development due to its higher MW capacity (increase from a capacity of 84MW for the Consented Development to 93-108MW (dependent on wind turbine model)). Further details on the statutory and policy framework are provided in **Chapter 4: Planning Policy**.

1.2.7. A further benefit of the Proposed Varied Development is the establishment of a community investment fund valued at £5,000 per Mega Watt (MW) of installed wind energy capacity per year and index linked to Consumer Price Index (CPI). A total of £2,500 per MW would be allocated to the local fund(s) and £2,500 per MW to the regional Highland Sustainable Development Fund as administered by the Applicant. Funding will be available for the operational life of the project. The Proposed Varied Development would offer a larger investment fund than the Consented Development due to its higher MW capacity.

1.2.8. A Socio-Economic Report has been submitted to support the S36C application for the Proposed Varied Development which details how the project would bring a wealth of socio-economic benefits to the local community. These benefits include the creation of jobs and opportunities for local businesses and suppliers during the construction phase and for the lifetime of the project.

1.2.9. Sections 3 & 4 of this planning statement will demonstrate that, for a similar level of impact, or minimal increase in comparison to the Consented Development, the significant additional benefits outlined above can be realised for the Proposed Varied Development.

1.3. Legislative Context

1.3.1. Consent under Section 36 of the Electricity Act 1989 is required prior to the construction, extension or operation of a generating station with a capacity in excess of 50 MW. Since the consenting of generating plant under Section 36 of the Electricity is a matter devolved to Scottish Government, determination of such applications for consent is the responsibility of Scottish Ministers. As noted above, the relevant Section 36 consent and associated deemed planning permission for the proposed development were granted in May 2023.

1.3.2. The Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017 ("the 2017 EIA Regulations") apply to S36C applications. The EIAR has been prepared in accordance with the requirements of the 2017 EIA Regulations.

1.3.3. Schedule 9 of the Electricity Act 1989 requires the Applicant 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'* and '*shall do what he reasonably can to mitigate any effect which the proposals would have on the natural beauty of the countryside or on any such flora, fauna, features, sites, buildings or objects.'* These considerations are factored into formulating any proposal for generating stations that require consent under Section 36 as a result of which the requirements of Schedule 9 have been addressed through the Applicant's assessment of the proposed variation under S36C as reported in the EIA Report.

1.3.4. The regulatory context for the proposed varied development is referred to where relevant in this Statement.

1.4. Purpose of the Planning Statement

1.4.1. The purpose of this Planning Statement is to consider the land use policy issues relevant to the determination of the application. Policies will be assessed, and it will be demonstrated that the Proposed Varied Development is compliant with local and national planning policies and wider Scottish, UK and International legislation and guidance relating to Climate Change.

1.4.2. This Planning Statement will present the Proposed Varied Development within the context of the current Planning Framework, comprising the National Planning Framework 4 (NPF4) adopted in February 2023 and the relevant Local Development Plans which together which make up the Development Plan. The policies and guidance contained within the Development Plan are

material considerations and therefore should be appropriately weighed in the planning balance.

1.4.3. The key assumption of this Planning Statement is that the principle of a large-scale wind farm development has already been established as acceptable in this location through the Consented Development. Therefore, policy consideration within this statement will focus on the implications of the proposed variations in comparison to the Consented Development.

1.4.4. To ensure that this statement focuses solely upon the key issues and assessment of the proposal against the Planning Framework, it will confirm where the 2025 EIAR findings support policy requirements and provide a more detailed focus on those matters which the EIAR found to be significant. It is important to note that the information contained within the EIAR will give a more detailed focus to, and an explanation of, the issues discussed within this Planning Statement.

1.4.5. The Planning Statement is structured as follows:

- Section 2 describes the Proposed Varied Development
- Section 3 discusses energy legislation and policy matters and considers the Proposed Varied Development with reference to relevant renewable energy generation and GHG reduction targets;
- Section 4 assesses the Proposed Varied Development against the relevant policies of the Development Plan, including National Planning Framework 4 (NPF4); and
- Section 5 weighs up the case for the Proposed Varied Development providing concluding remarks on its overall acceptability.

2. The Bhlaraidh Extension Proposed Varied Development

2.1. Introduction

2.1.1. As stated in Section 1.2 above, the key benefit of the Proposed Varied Development is that it presents an opportunity to generate up to an extra 24MW, which is the equivalent to powering up to an additional 18,000 homes. This additional power will support Scotland's net zero targets and renewable energy ambitions.

2.2. Planning History

2.2.1. A Section 36 application for the Bhlaraidh Wind Farm Extension project (the Consented Development was submitted in August 2021 (the *"2021 Application").* Initially, the proposal was to install 18 WTGs, however three turbine locations were removed from consideration as the determination process progressed. Consent for 15 WTGs with a maximum ground to blade tip height of 180 metres was granted by the Scottish Ministers in August 2022 together with a direction under Section 57(2) of the Town and Country Planning (Scotland) Act 1997 granting deemed planning permission.

2.2.2. The Scottish Ministers' decision letter for the Consented Development sets out their main considerations in determining the application and the relevant material considerations taken into account. The decision letter is contained within **Technical Appendix 1: Bhlaraidh Wind Farm Extension Sec36 Decision Letter – 30.08.22** of this Planning Statement.

- the landscape and visual impacts and their cumulative effects including the
- effects of aviation lighting;
- the impact on designated sites and protected landscapes; and
- the extent to which the Proposed Development accords with and is supported
- by Scottish Government policy.

2.2.3. Key reasons given by the Scottish Ministers in granting consent for the Consented Development are outlined in the decision notice and are summarised as follows.

- **Renewable Energy Contribution**: supports Scotland's renewable energy targets and climate change commitments by increasing clean energy generation capacity.
- **Carbon Emission Reduction**: contributes to reducing greenhouse gas emissions, aligning with national and international climate goals.

- **Economic Benefits**: expected to deliver local economic benefits, including job creation during construction and operational phases of the Proposed Development. The Scottish Ministers are satisfied the Proposed Development has the potential for positive net economic benefits for the local communities of the Highlands and for Scotland
- **Landscape and Visual Impact**: impacts on landscape and visual amenity were not deemed significant enough to outweigh the benefits. Mitigation measures were considered sufficient. The Scottish Ministers note that in the response to the Application consultation THC stated *"On balance, and subject to the removal of turbines 13, 14 and 18, it is considered that the landscape and visual impact of the scheme can be seen as acceptable".* It is also noted by the Scottish Ministers that in the response to the additional consultation THC stated that, overall, the impact of the removal of the three turbines would be *"reduced from VPs, by improving the overall composition through horizontal containment, removing the most prominent/perceptible turbines and reduced stacking or density of turbines".*
- **Wildlife and Ecology**: Environmental assessments concluded that impacts on protected species and habitats could be managed through conditions and mitigation strategies.
- **Public Interest and Policy Alignment**: The proposal aligns with national planning policy and is considered to be in the public interest. The proposal was found to be consistent with relevant national and local planning policies, including Scotland's Onshore Wind Policy Statement and National Planning Framework 4 (NPF4)

2.3. Proposed Varied Development Description

Site Location

2.3.1. Regulation 3(1)(b) of the 2013 Regulations specifies that the location of the Proposed Varied Development must be identified by reference to a map. As stated above Fig 1.1 of the EIAR shows the location of the Proposed Varied Development.

2.3.2. The extent of the site of the Proposed Varied Development remains as per the Consented Development. The Site is located on the Glenmoriston Estate, north-west of Invermoriston. The British National Grid (BNG) reference for the centre point of the Turbine Development Area is (NH) 239512, 820991.

2.3.3. As already stated, a full site description is set out in Chapter 2 of the EIAR.

Proposed Varied Development – Key Components

2.3.4. Regulation 3(1)(b) of the 2013 Regulations specifies that the Proposed Varied Development should be described. The key components of the Proposed Varied Development are as follows:

- 15 WTGs each with internal transformers, a maximum tip height of 230m and nominal rotor diameter of 163m.
- Crane hardstanding and associated laydown area at each WTG location;
- A new on-site substation, welfare building and storage;
- On site access tracks (of which approximately 8.1 km is new access tracks and approximately 13.5 km are existing tracks, where upgrades may be required to facilitate delivery of the WTG components);
- A network of underground cabling to connect each WTG to the on-site substation;
- A LiDAR unit to collect meteorological and wind speed data, and associated hard stand; and
- Any associated ancillary works required.

2.3.5. The maximum capacity of the Proposed Varied Development will between 93MW and 108MW depending on the model of wind turbine selected. This is an increase from the Consented Development which proposed a maximum capacity of 84 MW.

Proposed Varied Development / Consented Development Comparison

2.3.6. **Table 2.1** summarises the differences between the Consented Development and the Proposed Varied Development in terms of the description of development.

Table 2.1 Summary of Differences between the Consented Development and the Proposed Varied Development (replicated from EIAR)

S36 Consent (Annex 1 Description of Development)	S36c Proposed Variations
15 turbines each with a maximum blade tip height of up to 180m	15 turbines each with a maximum blade tip height of up to 230m. While the overall layout of the scheme is not substantially changed, due to the increase in tip height and resultant change to wake zones and increased safety buffer for topple distance, some turbines have necessarily been repositioned.
Crane hardstandings for each turbine	The size of the hardstands has increased to reflect the proposed candidate turbine model. Some hardstands have also been repositioned /reorientated to improve and reduce earthworks requirements and in response to turbine repositioning.
Approximately 7.9km of new access tracks	Very slight change to the approximate length of the new track to approximately 8.1km Some spurs may get longer, especially T10, but this is balanced against some shorter spurs (T16 + T05). It is estimated that just over 100m – 200m of additional track is required. 1.4km of access track was constructed in 2024 as part of the site enabling works.
Approximately 13.5km of existing access tracks	No change.
An onsite substation	No change. The substation platform has been constructed during site enabling works up to 275mm below final ground level (bFGL) as part of the Site Enabling Works in 2024. The final 275mm profile and construction of the substation building and associated infrastructure is still to occur as part of the main works. The transformer configuration is expected to change slightly,
Eight turning heads	Nine turning heads to accommodate turbine supplier delivery requirements for larger components.
Up to eight borrow pit search areas;	Up to seven borrow pit search areas two of which have been worked and reinstated during Enabling Works and shall not be reused during main works
Two temporary construction compounds;	No change
A single permanent LIDAR station;	No change
A concrete batching plant	No change
Six new access track water crossings	No change

Two routes of cross country cabling approximately 700m and 1200m in length.	Two routes of cross country cabling approximately 730m and 1010m in length. (total 1740m).

3. Climate Change, Energy Legislation & Policy Considerations

3.1. Introduction

3.1.1. This section provides a commentary on legislation, policy and other relevant statements and reports which together comprise the legislation and policy in place to address climate change, reduce greenhouse gas (GHG) emissions and maximise renewable energy production. Only the most salient pieces of energy legislation and policy considered to be of most relevance to the Proposed Varied Development are discussed.

3.2. Legislation Framework

3.2.1. To demonstrate the scale of local, national and global support for tackling climate change and for renewable energy, the key legislation and policies are summarised below. The relevance of this legislation and policies to the Proposed Varied Development (with a capacity of between 93-108MW) will also be discussed. The following paragraphs clearly demonstrate the global support for tackling climate change, for renewable energy and a transition away from fossil fuels.

International legislation and Reports

3.2.2. **Paris Agreement 2015** is a global treaty adopted at COP21 to combat climate change with it aims to limit global temperature rise to well below 2°C, ideally 1.5°C. The Agreement Requires all 195 UN member countries to submit and update Nationally Determined Contributions (NDCs) every five years. The UK ratified the agreement on 17 November 2016, influencing its domestic energy and climate policy.

3.2.3. The **United Nations (UN) Emissions Gap Report 2024** assesses the gap between current GHG emission trends and targets needed to meet Paris goals warns that current policies may lead to 2.6–3.1°C warming by century's end. The report calls for: 42% global emissions reduction by 2030; 57% reduction by 2035; Stronger Nationally Determined Contributions (NDCs) and rapid action via renewables, energy efficiency, and reforestation

3.2.4. While the **Outcomes of the Conference of Parties 28 ('COP28')** in Dubai in December 2023 did not call for a full phasing out of the use of fossil fuels,

there was a call for countries to transition away from fossil fuels with some noting that this marks the "*beginning of the end*" of the fossil fuel era.

3.2.5. The Proposed Varied Development is supported by the UK's NDC and the Paris Agreement in that it would directly reduce reliance on fossil fuels and hence help to lower GHG emissions. The UK's ratification of the Paris Agreement has shaped domestic energy policy (e.g., net zero by 2050) – a target to which the Proposed Varied Development will go towards to a greater extent than the Consented Development given that it will increase the capacity of the wind farm by up to 24MW. A project of up to 108MW demonstrates tangible progress toward these targets.

UK Legislation

3.2.6. **The Climate Change Act 2008**[1] became law on 26 November 2008 and introduced a legally-binding target for the UK to reduce greenhouse gas (GHG) emissions by at least 80% by 2050, relative to 1990 levels It also established The Committee on Climate Change. This was updated by the **Climate Change Act 2008 (2050 Target Amendment) Order 2019**[2] which committed the UK to net zero emissions by 2050.

3.2.7. **The Climate Change (Scotland) Act 2009**[3] set a target of 80% emissions reduction by 2050, with a 42% interim target by 2020 and introduced Public Bodies Climate Change Duties, requiring sustainable and climate-conscious decision-making.

3.2.8. **The Climate Change (Emissions Reduction Targets) (Scotland) Act 2019**[4] raised ambition to net zero by 2045, ahead of the UK-wide target and introduced annual reporting and emphasized a Just Transition.

3.2.9. **The Climate Change (Emissions Reduction Targets) (Scotland) Act (2024**) abandons the interim emissions reduction targets due to acknowledgement of 75% reduction by 2030 as "*being out of reach*". It replaced interim targets with five-year carbon budgets to guide progress toward 2045 net zero.

3.2.10. **The Energy Act 2023** became law on 26 October 2023[5] and aims to reduce reliance on fossil fuels and boost domestic clean energy production. It

[1] Climate Change Act 2008

[2] The Climate Change Act 2008 (2050 Target Amendment) Order 2019

[3] Climate Change (Scotland) Act 2009

[4] Climate Change (Emissions Reduction Targets) (Scotland) Act 2019

[5] Energy Act 2023

supports investment in green technologies and energy independence and has been described as the most significant energy legislation in a generation.

3.2.11. Upon the Act's introduction, then Energy Security Secretary Claire Coutinho stated, *"The Energy Act is the most significant piece of energy legislation in a generation. It will drive investment in clean energy technologies and support thousands of skilled jobs nationwide. It establishes the groundwork for greater UK energy independence, making us more secure against threats like Putin, and helps us to power Britain with British energy."*

3.2.12. As has already been stated, the Proposed Varied Development provides measurable emissions reductions for UK and Scottish climate targets and aligns with duties on public bodies to act sustainably. In terms of the Climate Change (Emissions Reduction Targets) (Scotland) Act 2024, the output from the Proposed Varied Development can be factored into Scotland's carbon budgets, showing progress toward net zero by 2045 (a legally binding net zero target for Scotland), and when comparing the Proposed Varied Development to the Consented Development it is important to emphasise that this will be an addition of up to 24MW towards the net zero target.

3.2.13. The Energy Act 2023 explicitly supports investment in renewables to generate clean electricity domestically, and to reduce reliance on fossil fuels, which it is evident that the Proposed Varied Development will do. Claire Continho's statement in paragraph 3.2.11 above, highlights the act's role in driving clean energy investment and job creation. The Proposed Varied Development embodies this vision creating employment during construction, operation, and maintenance of the wind farm. For more information relating to employment generation as a result of the Proposed Varied Development, refer to the stand-alone Socio-Economic Report submitted along-side the S36C Application.

UK Energy Policy

3.2.14. **The Climate Change Committee – 2024 Progress Report to Parliament** (published July 2024)[6] Overall the report showed mixed progress in different sectors and certain gaps in government policies. The report also stated that the UK was at risk of missing up and coming carbon budgets unless urgent action was taken to accelerate emissions reductions. There is strong support for the deployment of clean energy technologies. To meet the targets, the report states that annual offshore wind installations must increase at least

[6] Progress in reducing emissions 2024 Report to Parliament - Climate Change Committee

threefold, onshore wind installations need to double, and solar installations must grow fivefold.

3.2.15. In terms of planning, a key priority is to remove barriers for heat pumps, electric vehicle charge points, and onshore wind. In Scotland, the National Planning Framework 4 (NPF4) has established a positive policy framework to achieve this, as discussed in Section 3.

3.2.16. In July 2024, the new UK Government published a **'Policy Statement on Onshore Wind**,[7]' which committed to doubling onshore wind energy by 2030. This includes immediately lifting the de facto ban on onshore wind in England, in place since 2015.

3.2.17. **Clean Power 2030 Action Plan; A new era of clean electricity**[8] primary aim is for the UK to achieve clean power by 2030 to increase energy security and improve affordability, while reducing greenhouse gas emissions. The plan lays out key measures to meet its goal of decarbonising the electricity grid by 2030, including sweeping changes to planning, grid connections, and renewable energy policies.

3.2.18. In the Ministerial foreword, the Secretary of State Ed Milliband highlights that since Russia's invasion of Ukraine, Britain has faced a severe cost of living crisis due to its dependence on volatile fossil fuel markets. He goes on to state that this has affected every family and business, leaving the country vulnerable to future energy shocks. The solution proposed is to rapidly transition to clean, homegrown energy to reduce this vulnerability.

3.2.19. It is clear from summaries of UK energy policies referenced above that there is strong support for the deployment of renewable energy. This Proposed Varied Development represents a significant opportunity to respond directly to this action plan by committing to up to 108MW of clean homegrown energy which is up to 24MW more than what was proposed for the Consented Development.

Scottish Energy Policy

3.2.20. **Onshore Wind Policy Statement 2022 (OWPS)** Onshore wind is deemed **"mission critical"** for achieving Scotland's climate targets. Onshore Wind development was recognised for its role in energy security, biodiversity, and land use transformation (e.g. peatland restoration). Planning guidance (linked to NPF4) **supports taller, more efficient turbines** and prioritises climate and

[7] Policy statement on onshore wind - GOV.UK

[8] Clean Power 2030 Action Plan: A new era of clean electricity – main report - GOV.UK

community benefits and lastly emphasises a just transition, ensuring local communities benefit socially and economically from wind developments.

3.2.21. Section 3.6 of the OWPS discusses landscape and visual considerations, linking them with NPF4 (covered in Section 4 of this Planning Statement). Paragraph 3.6.1 states that taller and more efficient turbines will be required to meet climate change targets, which will alter the landscape. This clear statement from the Scottish Government acknowledges that achieving net-zero will result in noticeable landscape changes, which society must accept. Policy 11(e)(ii) of NPF4 also recognizes this point. While not all renewable energy projects will receive approval, the OWPS aspires to ensure that "the right development happens in the right place." Paragraph 3.6.2 emphasizes that greater weight will now be given to a development's contribution to the climate emergency and community benefits in the planning balance. To meet legally binding climate change targets, decision-makers must recognize the enhanced need for more onshore wind to achieve the 2030 20GW ambition.

3.2.22. **Draft Energy & Just Transition Plan (2023)**[9] vision is for a net zero energy system by 2045 that is secure, affordable, and equitable and focuses on economic opportunity and fairness during the energy transition.

3.2.23. The **2023 Progress in Reducing Emissions Report to the Scottish Parliament**[10]**,** published in March 2024, highlighted several key points. Scotland missed its 2021 emissions target (51.1% reduction) — the 8th miss in 12 years and the UK's Climate Change Committee (CCC) declared the 2030 target "beyond credible" due to insufficient policies. In response, the Scottish Government abandoned the 75% by 2030 target in April 2024 but reaffirmed commitment to net zero by 2045.

3.2.24. The **Programme for Government was published in September 2024**[11] and represents the latest statement of the Scottish Government's priorities across various issues. Although it is not specifically an energy policy document, it includes significant statements on how the Scottish Government plans to address the climate emergency, nature crisis, and renewable energy, among other topics. The statement prioritises tackling the climate and nature crises, citing recent breaches of the 1.5°C warming threshold and reiterates Scotland's renewable energy potential as a key environmental and economic asset. Lastly, it commits to publishing the final Energy Strategy and Just

[9] Draft Energy Strategy and Just Transition Plan - gov.scot

[10] Progress in reducing emissions in Scotland - 2023 Report to Parliament - Climate Change Committee

[11] Programme for Government 2024-25: Serving Scotland

Transition Plan, doubling renewable ambitions and creating a clean energy pipeline.

3.2.25. The Proposed Varied Development which has a capacity of up to 108 MW is strongly supported by the Scottish policy framework as described above. It is directly aligned with national climate and energy targets, embodies the OWPS 2022 mission-critical role of onshore wind, contributes to energy security, biodiversity, and just transition goals and it helps address emissions shortfalls. The additional capacity of up to 24MW of power generated for the Proposed Varied Development when compared to the Consented Development provides an even stronger case for the Proposed Varied Development when assessing against the Scottish energy policies.

Progress towards Net Zero Targets in Scotland

3.2.26. The legally binding commitment to achieve net zero by 2045, as reaffirmed through the Climate Change (Emissions Reduction Targets) (Scotland) Act 2024, provides a clear national policy framework that strongly supports the delivery of large-scale renewable energy projects such as the Proposed Varied Development. While the interim 2030 target has been abandoned and annual emissions targets replaced with broader carbon budgeting, the overarching requirement to decarbonise Scotland's energy system remains unchanged. In this context, National Planning Framework 4 (NPF4) explicitly prioritises developments that contribute meaningfully to net zero goals. The Proposed Varied Development will deliver substantial carbon savings, enhance energy security, and contribute directly to Scotland's renewable energy pipeline, thereby aligning with both the legislative framework and national planning priorities. This policy environment confirms that the project represents the type of development necessary to ensure Scotland remains on track to meet its long-term climate obligations.

4. The Development Plan

4.1. Introduction

4.1.1. As an application under the Electricity Act (1989), this legislation provides the relevant considerations to determine the application, with the Development Plan not having primacy but still, potentially, containing material considerations of relevance. An appraisal of the Development Plan is provided within this section.

4.1.2. The statutory Development Plan as it relates to this S36C application comprises the following documents:

- National Planning Framework 4 (NPF4) – adopted 13th February 2023;
- The Highland-wide Local Development Plan (HwLDP) (adopted April 2012).
- Onshore Wind Energy Supplementary Guidance November 2016 including Addendum Supplementary Guidance: 'Part 2b', December 2017
- Emerging Highland Local Development Plan (Evidence Report)
- Inner Moray Firth Local Development Plan 2 (IMFLDP2) (adopted June 2024)

4.2. National Planning Policy Framework 4 (NPF4) (2023)

4.2.1. Adopted in February 2023, NPF4 sets out the long-term vision for development and investment across Scotland and has replaced Scottish Planning Policy (SPP) and National Planning Framework 3 (NPF3).

4.2.2. NPF4 represents Scotland's long-term plan to 2045 that guides spatial development, sets out national planning policies, designates national developments and highlights regional spatial priorities. NPF4 has refocussed national planning policy upon the response to the growing climate and nature crises. The delivery of new renewable energy infrastructure is central to that response.

Impact of NPF4

4.2.3. While not all renewable energy applications will be granted permission and there is still a need for decision makers to apply the *'planning balance'*, it is widely agreed that the introduction of NPF4 is having a material effect upon the weight that decision makers give to the global climate emergency and

nature crisis. While not all renewable projects are approved, the framework has tilted the balance toward supporting green energy.

4.2.4. Two wind farm proposals initially recommended for refusal were later approved after NPF4 was introduced. In the case of **Clashindarroch II** Windfarm, the Reporter revised their stance, citing greater importance now placed on renewable energy contributions and emissions targets (the Scottish Government's Planning and Environmental Appeals Division (DPEA) Reference WIN-110-2, 3 March 2023)[12]. In the case of **Shepherd's Rig** Windfarm (post NPF4 Supplementary Report to Ministers (DPEA Reference WIN-170-2005, 2 March 2023)[13], the updated policy context led to a reassessment, where the benefits to renewable energy targets outweighed previous concerns about recreational impacts.

4.2.5. As is stated in Section 1.2 and Section 2.1 of this statement, the Proposed Variation Development will make a significantly improved contribution to emissions targets than the Consented Development. It is the Applicant's view that this additional contribution outweighs the minimal impacts assessed to be not significant in the EIAR of the Proposed Variation Development when compared to the Consented Development. Furthermore, and as previously noted, the Applicant is unable to proceed with the construction of the Consented Development due to its lack of economic viability. Consequently, if consent is not granted for the Proposed Varied Development, the opportunity to establish a wind farm at this location could be lost, and as a consequence, no contribution will be made toward renewable energy targets from this otherwise promising development site.

4.2.6. The Proposed Varied Development would provide renewable generation and would make a more meaningful contribution than the Consented Development to targets within this key timescale and that is a very important consideration.

NPF4 - Policies

4.2.7. NPF4 sets out a list of national planning policies to assess applications, alongside national developments and spatial priorities for different regions within Scotland. NPF4 is an outcome focused document, with each of the 33 planning policies accompanied by statements on 'Policy Intent' and 'Policy Outcomes'.

[12] Scottish Government - Energy Consents Unit - Application Details

[13] Scottish Government - Energy Consents Unit - Application Details

4.2.8. NPF4 states that the policy sections of NPF4 are to be used in the determination of planning applications and the policies should be "*read as a whole".* NPF4, Part 3 states:

4.2.9. *"The policy sections are for use in the determination of planning applications. The policies should be read as a whole. Planning decisions must be made in accordance with the development plan, unless material considerations indicate otherwise. It is for the decision maker to determine what weight to attach to policies on a case-by-case basis. Where a policy states that development will be supported, it is in principle, and it is for the decision maker to take into account all other relevant policies."*

4.2.10. The aforementioned Chief Planner letter dated 27 June 2024 (paragraph 4.1.3), confirms that 'the sections on *'policy intent' within NPF4 are provided to help decision makers deliver on policy aspirations*. The Chief Planner discussed the implementation of NPF4 and reinforced the position of the Scottish Ministers that *'policies in NPF4 should be read and applied as a whole and that conflicts between policies are normal and to be expected'*

4.2.11. For the purposes of this Proposed Varied Development, the relevant policies are as follows:

- Policy 1: Tackling the Climate and Nature Crisis
- Policy 3: Biodiversity
- Policy 4: Natural Places
- Policy 5: Soils
- Policy 7: Historic Assets and Places
- Policy 11: Energy.
- Policy 22: Flood Risk and Water Management
- Policy 25: Community Wealth Building
- Policy 33: Minerals.

4.2.12. NPF4 requires that significant weight should be placed on the climate crisis and on the contribution of developments to renewable energy and reduction of greenhouse-gas-emission targets, respectively. These policies provide additional support for the Proposed Varied Development and are used to assess the proposals conformity with this part of the development plan.

4.2.13. Policy 11 of NPF4 is the policy most relevant in the consideration of wind energy development and hence the Proposed Varied Development and will therefore be assessed first.

Policy 11 – Renewable Energy

4.2.14. The intent of Policy 11 is "To encourage, promote and facilitate all forms of renewable energy development onshore and offshore. This includes energy generation, storage, new and replacement transmission and distribution infrastructure and emerging low-carbon and zero emissions technologies including hydrogen and carbon capture utilisation and storage (CCUS)." The policy outcome is stated as the "Expansion of renewable, low-carbon and zero emissions technology".

4.2.15. Policy 11(a) states that "Development proposals for all forms of renewable, low-carbon and zero emissions technologies will be supported…." It is clarified in Policy 11 (a)(i) that this includes wind farm development proposals albeit outside National Parks and National Scenic areas (Policy 11(b)).

4.2.16. There is no doubt that the wording of Policy 11 (a)(i) supports new wind development. However, consideration should be given to the fact that NPF4 Part 3 states "where a policy states that development will be supported, it is in principle, and it is for the decision maker to take account of all other relevant policies". The principle of the development of a wind farm in this location has already been established by the Consented Development, however the Proposed Varied Development still requires to be assessed against other policies within NPF4, and a balanced decision made. Each application should be treated on its own merits having regard to assessment criteria within Policy 11 (e) which will be explored in more detail in the commentary provided in the table below.

4.2.17. Policy 11 (c) states that 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. As stated in paragraph 2.2. of Section 2 of this statement, in the Scottish Minister's decision letter for the Consented Development, it is stated that the Scottish Ministers are satisfied that the proposed Development has the potential for positive net economic benefits for the local communities of the Highlands and for Scotland. The Maximising Socio-economic Benefits Statement which accompanies the Section 36C application, provides more detail with regard to the Applicants proposed contributions to the local community for the Proposed Varied Development. In summary, the Statement confirms that the Applicant has committed to maintain a community benefit fund of £5,000 per megawatt, in alignment with THC's Social Value Charter. The statement also confirms that the project will support local supply chains, promote skills development, and ensure fair work practices, including the payment of Living Wages. As part of this Statement, an Economic Impact Assessment has been conducted using the Scottish Renewables and BiGGAR Economics framework in line with Policy 11 (c).

4.2.18. It is clear from the Socio-Economic Benefit Report that overall, the Proposed Varied Development is expected to generate substantial economic benefits for both the Highlands and Scotland, as outlined in the impact assessment conducted by BiGGAR Economics.

4.2.19. In terms of addressing Policy 11 (e), it will be demonstrated in the following table (**Table 4.1)** how mitigation measures proposed have addressed any additional impacts of the Proposed Varied Development when compared to the Consented Development. The design principles established for the Consented Development remain as embedded mitigation to the Proposed Varied Development as they have already been established as acceptable mitigation for the perceived impacts of the Consented Development. See the relevant chapters of the **2021 EIAR** and the **2022 AIR** of the Consented Development for further information on additional mitigation measures to address impacts.

Table 4.1 Assessment of Policy 11 (e)

Policy 11(e) In addition, project design and mitigation will demonstrate how the following impacts are addressed:	Commentary
i. impacts on communities and individual dwellings, including, residential amenity, visual impact, noise and shadow flicker.	***Impacts to Communities & Individual Dwellings*** <u>Residential Amenity</u> As is stated within the EIAR (**Volume 1, Chapter 8 – Landscape and Visual**) there are no properties which would experience a view of the development within 2km of the turbines. The following residential receptors were scoped into the EIAR for assessment of effects from the Proposed Varied Development in comparison to the Consented Development. • R7 (Properties south of Dores) • R9 (Easter and Wester Aberchalder and Migovie) • R12 (Garthbeg, Corriegarth Lodge and nearby properties) • R13 (A range of properties in the vicinity of the B862 minor public road in the area near Whitebridge) • R14 (Knockie Estate Cottages and properties in vicinity including Knockie Lodge Hotel) A full and robust comparative assessment was undertaken and is demonstrated within Chapter 8 and the associated Figures and Technical Appendices. Although some new significant effects were identified for residential receptor R13, the assessment demonstrates that for most

Policy 11(e) In addition, project design and mitigation will demonstrate how the following impacts are addressed:	Commentary
	receptors the increase in turbine size would not change the previously assessed effects such that they would be considered significant. In terms of mitigation, no additional mitigation is proposed other than mitigation embedded within the design of turbine location and site location. Visual Impact For most viewpoints and routes included in the visual assessment for the Proposed Varied Development, it was concluded that similar visual effects would be experienced to those previously identified for the Consented Development, several are expected to see an increase in visual effects primarily due to the greater height and prominence of the larger turbines, which will make them more noticeable from certain viewpoints and routes. Although some new significant effects were identified, for most receptors the increase in turbine size would not change the previously assessed effects such that they would be considered significant. As with any additional impact on residential receptors, in terms of mitigation, no additional mitigation is proposed other than mitigation embedded within the design of turbine location and site location. A full assessment of the visual impact of the Proposed Varied Development in comparison to the Consented Development is provided in **EIAR, Volume 1, Chapter 8: Landscape and Visual.**

Policy 11(e) In addition, project design and mitigation will demonstrate how the following impacts are addressed:	Commentary
	Aviation Lighting In terms of the impact of aviation lighting on residential amenity, the **EIAR, Volume 4, Technical Appendix 8.9: Landscape and Visual Assessment of Lighting** describes the impacts of the proposed aviation lighting scheme on residential receptor groups. Proposed visible lighting would be installed on five wind turbines for the Proposed Varied Development, which is a change from the Consented Development which had no requirement for any visible lighting. Perceived significant effects were identified for two out of five residential groups within the study area during low light conditions and the hours of darkness. Additional mitigation measures are suggested in the Bhlaraidh Extension Wind Farm Aviation Lighting Assessment Report which are currently still in discussion with the Civil Aviation Authority. Mitigation measures suggested including reduced lighting intensity at different vertical angles and the dimming of the visible aviation lights based on meteorological visibility (refer to **Volume 4, Technical Appendix 8.9** of the EIAR for more detailed information). Noise **Chapter 11: Noise and Shadow Flicker** of the EIAR considers noise arising from the construction, operation and decommissioning phases. The findings of this assessment were that noise and vibration from both construction and decommissioning are not expected to increase for the Proposed Varied Development in comparison with the Consented Development. The operational noise effects of the Proposed Varied

Policy 11(e) In addition, project design and mitigation will demonstrate how the following impacts are addressed:	Commentary
	Development have been predicted and assessed in accordance with ETSU-R-97 and the IOA GPG, and in comparison to the Consented Development's noise limit. It was found that operational noise levels would be within the consented noise limit, and it was therefore concluded that such effects would remain as **not significant** and therefore no additional mitigation measures have been proposed. Shadow Flicker **Chapter 11: Noise and Shadow Flicker** also addresses the impact of the shadow flicker on residential amenity. As is explained in this chapter of the EIAR, Scottish Government Guidance states that shadow flicker should not be a problem where there are at least 10 rotor diameters separation between turbines and dwellings. It has been demonstrated that there are no dwellings located within 11 rotor diameters of a turbine, and therefore shadow flicker effects are considered to remain **not significant** and therefore no additional mitigation measures have been proposed. It has been demonstrated that, where necessary, project design and mitigation measures have been put in place to address impacts on communities and individual dwellings, including, residential amenity, visual impact, noise and shadow flicker from the Proposed Varied Development in comparison to the Consented Development. For a full assessment refer to **EIAR, Volume 1, Chapters 8, 11, and 15** (and all relevant Appendices) of the EIAR. It is considered that Policy 11 (e)(i**)** has been fully addressed.

Policy 11(e) In addition, project design and mitigation will demonstrate how the following impacts are addressed:	Commentary
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;	This section of Policy 11 indicates that proposals are typically acceptable if significant landscape and visual impacts are confined to a local area and/or appropriate design mitigation measures have been implemented. However, it is clear from this policy that if landscape and visual impacts go beyond localised and appropriate design mitigation has been put in place the impacts would also generally be acceptable. In terms of the mitigation of landscape and visual impacts, embedded mitigation in terms of the design of the wind farm, for example the location of the turbines has already been demonstrated through the design Consented Development. Although the Proposed Varied Development turbines would be 50 m taller than those of the Consented Development, the majority of the identified receptors in the study area would experience very similar effects from the two schemes. Increased visual effects would be experienced by five VPs, two residential receptors and two routes (refer to **Chapter 8: Landscape and Visual Tables 8.8, 8.9, 8.10** and **8.11** which summarise a comparison of the effects). The landscape assessment has found that while there would be increases in effect within two Landscape Character Types (LCTs), significant effects would be localised and limited to LCT 222, within which the Proposed Varied Development would be located. While there would be an increase in the level of effect within the Loch Ness and Duntelchaig SLA, significant effects would be localised. Within other designated and protected landscapes it is considered that effects are unlikely to increase to significant levels.

Policy 11(e) In addition, project design and mitigation will demonstrate how the following impacts are addressed:	Commentary
	Although not directly comparable, the Proposed Varied Development is anticipated to give rise to some increased and/or new significant effects. Cumulative landscape impacts are predicted for one LCT as well as for the Loch Ness and Duntelchaig SLA, with new significant effects concentrated around Meall Fuar-mhonaidh. For other LCTs and the wider SLA, effects are expected to remain not significant. Cumulative visual impacts are forecast at two viewpoints, one residential grouping, and two routes, while for other visual receptors cumulative effects are predicted to remain not significant. Although the addition of the Proposed Varied Development to the cumulative baseline will increase turbine visibility in certain areas, this would generally align with the pattern established by the Consented Development. While individually these are considered to constitute a material change in the effects on the receptors, when assessed within the broader framework of the scheme they represent only a modest adjustment to the overall impact. In terms of the impact of Aviation Lighting on Landscape and Visual, **Volume 4, Technical Appendix 8.9: Landscape and Visual Assessment of Aviation Lighting** of the EIAR provides a detailed assessment of the impact of aviation lighting. The majority of the representative VPs, residential groupings, and routes were selected for inclusion within the aviation lighting assessment have been identified as

Policy 11(e) In addition, project design and mitigation will demonstrate how the following impacts are addressed:	Commentary
	likely to experience similar effects to those identified for the main LVIA (**Volume 1, Chapter 8: Landscape and Visual**). While the aviation lights would in theory be visible from large parts of the study area, the majority of landscape and visual receptors are located over 5 km away, meaning that they would only ever perceive the aviation lighting at lower levels of intensity. The aviation lights would generally represent a small but perceptible change within the wider landscape and views. Given the rural nature of the study area, there are relatively few places outside of the settlements and routes, where receptors would regularly be present to experience the effects of the aviation lights. This assessment concludes that the effects of visible aviation lighting, would be significant from one LCT, the Loch Ness and Duntelchaig SLA, four VPs, two residential groups and the Great Glen Way. This is largely due to the absence of artificial light within the study area and receptors which would therefore generally be more sensitive to this type of change. While this represents a significant adverse effect, its limited duration (during low light conditions and the hours of darkness) means it is clearly outweighed by social, environmental, or economic benefits of at least local importance. Furthermore, residual effects may be reduced through additional mitigation measures, which could be agreed upon through ongoing engagement with aviation stakeholders, thereby potentially lessening the overall impact of aviation lighting. These mitigation measures include reduced lighting intensity at different vertical angles and

Policy 11(e) In addition, project design and mitigation will demonstrate how the following impacts are addressed:	Commentary
	the dimming of lights based on meteorological visibility (refer to **Section 2** of **EIAR, Volume 4, Technical Appendix 8.9)** Overall, the EIAR LVIA concluded that the Proposed Varied Development would result in some increased significant effects on landscape character and visual amenity, affecting relatively localised parts of the wider landscape and visual amenity. Although there would be some increases in anticipated effects identified in the Proposed Varied Development LVIA, including some new significant effects, the findings are broadly consistent with the Consented Development LVIA. As is explained in the conclusion of **Volume 1, Chapter 8** in the EIAR, mitigation for landscape and visual effect for the Consented Development was undertaken through an iterative design process from which the preferred layout evolved. The Proposed Varied Development turbines have remained in predominantly similar positions as the Consented Development turbines as this is still considered to be the optimal layout based on the iterative design process. In terms of the limited occasions whereby there is an increase in the perceived visual impact of the Proposed Varied Development when compared to the Consented Development, additional mitigation measures are not feasible. However, it is considered that these increases in landscape and visual impact are not deemed significant enough to outweigh the overall benefits of the Proposed Varied Development as has already been described. It is considered that Policy 11 (e)(ii) has been fully addressed.

Policy 11(e) In addition, project design and mitigation will demonstrate how the following impacts are addressed:	Commentary
iii. public access, including impact on long distance walking and cycling routes and scenic routes;	As stated above, the design principles adopted during the design iterations for the Consented Development were to ensure that the final design of the development was the most suitable for the Site. These design principles included avoiding or minimise setting effects on heritage assets; avoid siting of turbines on areas of the Site identified to be visually sensitive from key views, including the elevated ridge of Carn Tarsuinn and the south eastern corner of the Site; avoiding skyline effects, backgrounding, and inconsistent turbine spacing, such as relatively large gaps, outliers or excessive overlapping turbines to minimise visual confusion and ensure a balance / compact array from key views. Existing tracks and infrastructure are utilised, where practical, in order to reduce the footprint of the Proposed Varied Development; The Site is located in a remote area, which is not well-known for walking or rambling, with no official paths, cycle paths or recreation routes running through the site. An Outdoor Access Plan was produced to satisfy Condition 26 of the Consented Development. Due to the relatively minor changes associated with the Proposed Varied Development in comparison to the Consented Development, it is not anticipated that the Proposed Varied Development would result in an increase of onsite activity during construction, and therefore it would not have any additional impact on public access, walking routes, cycle routes and scenic routes during the construction phase. There could potentially be some disruption to public access and temporary access restrictions caused by construction traffic activity and around active

Policy 11(e) In addition, project design and mitigation will demonstrate how the following impacts are addressed:	Commentary
	work zones as would be the case for the Consented Development, however clear signage and other mitigation measures will be implemented to minimise any disruption during this short period. During the operational phase of the Proposed Varied Development, all access tracks will remain open to the public. **Volume 1, Chapter 8: Landscape and Visual** of the EIAR, addresses visual amenity considerations in relation to impacts on walking, cycling and scenic recreation routes of the Proposed Varied Development when compared to the Consented Development. The impacts and mitigation measures proposed have already been addressed as part of the assessment of Policy 11 (e)(ii). It is considered therefore, that impacts on public access, including impact on long distance walking and cycling routes and scenic routes from the Proposed Varied Development in comparison to the Consented Development is negligible. It has been demonstrated that, where necessary, project design and mitigation measures have been put in place to address impacts. For a full assessment of the landscape and visual impacts refer to **EIAR, Volume 1, Chapter 8: Landscape and Visual.** In terms of disruption during the construction phase, the mitigation measures described in the existing **CEMP** (**EIAR, Volume 4, Technical Appendix 3.6e)** still apply and therefore Policy 11 (e)(iii) has been fully addressed.
iv. impacts on aviation and defence interests including seismological recording;	**EIAR, Volume 1, Chapter 15: Aviation and Radar** of the EIAR addresses all matters relating to the impacts of the Proposed Varied Development in comparison to the Consented Development on aviation and radar. The

Policy 11(e) In addition, project design and mitigation will demonstrate how the following impacts are addressed:	Commentary
	increased turbine tips heights of the Proposed Varied Development to 230m compared with 180m for the Consented Development meant that an additional aviation lighting assessment was required. The assessment, carried out by Wind Farm Low Flying Aviation Consultants (WFLFAC) (see **Volume 4, Technical Appendix 15.1: Bhlaraidh Extension Wind Farm Aviation Lighting Assessment Report (Wind Farm Low Flying Aviation Consultants (WFLFAC))** proposed both visible and infra-red aviation lights to be installed on the Proposed Varied Development's wind turbines. The lighting scheme, which has subsequently been approved by the CAA, includes installation of five visible lights on turbines T02, T05, T06, T09 and T17 which is a change from the Consented Development which had no requirement for any visible lighting. The infra-red lighting requirement for the Proposed Varied Development also increased compared with the Consented Development with MoD specification lighting required on all turbines i.e. T01, T02, T03, T04, T05, T06, T07, T08, T09, T10, T11, T12, T15, T16 and T17. The Applicant will submit an Aviation Safety & Lighting Scheme to THC prior to the commencement of construction. With the approved lighting scheme implemented, the impacts to aviation and radar receptors during the construction, operation and decommissioning phase of the Proposed Varied Development has been assessed as **Negligible** and therefore, not significant, with the implementation of standard mitigation as outlined in **EIAR, Volume 1, Chapter 15: Aviation & Radar** prepared in support of the Proposed Varied Development.

Policy 11(e) In addition, project design and mitigation will demonstrate how the following impacts are addressed:	Commentary
	It has been demonstrated that, where necessary, that project design and mitigation measures have been put in place to address impacts on aviation and defence interest as a result of the Proposed Varied Development in comparison to the Consented Development. It is considered that Policy 11 (e)(iv) has been fully addressed.
v. impacts on telecommunications and broadcasting installations, particularly ensuring that transmission links are not compromised;	As is addressed in Volume 1, **Chapter 2: Design Iteration and Proposed Varied Development** of the EIAR it was established through the EIAR Scoping exercise that there was a potential for encroachment into a telecommunication link exclusion zone should the locations of some turbines be relocated within a 50m micro-siting allowance. In order to avoid this, restrictions have been placed on the micro-siting allowance for three wind turbines generator to below 50m. This mitigation measure therefore has addressed any impacts on the telecommunications installation on site. It has been demonstrated that, where necessary, project design and mitigation measures have been put in place to address impacts on telecommunications interests as a result of the Proposed Varied Development in comparison to the Consented Development and therefore Policy 11 (e)(v) has been fully addressed.
vi. impacts on road traffic and on adjacent trunk roads, including during construction;	**Volume 1, Chapter 12: Traffic and Transport** of the EIAR outlines that, following the scoping exercise and further consultation, a further Traffic

Policy 11(e) In addition, project design and mitigation will demonstrate how the following impacts are addressed:	Commentary
	and Transport assessment were deemed unnecessary to include in the assessment for the Proposed Varied Development and is scoped out of the EIAR. However, a screening assessment was requested to be undertaken to review the potential traffic impact of the Proposed Varied Development when compared to that of the Consented Development, in line with the requirements of the scoping responses. A Traffic Management Plan (CTMP) (**EIAR Volume 4, Appendix 12.1**) has been submitted alongside the application to account for changes in turbine specifications and the delivery schedule. However, no alterations are proposed to the delivery routes or the overall access strategy. It is confirmed in the assessment in **EIAR**, **Volume 1, Chapter 12** that the effects associated with the Proposed Varied Development are the same as those for the Consented Development. All effects are **Negligible** and temporary in nature. It has been demonstrated that no additional mitigation measures are required to offset or mitigate the impact of the Proposed Varied Development therefore Policy 11 (e)(vi**)** has been fully addressed.
vii. impacts on historic environment;	Impacts on the historic environment are assessed in **EIAR**, **Volume 1, Chapter 7: Archaeology and Cultural Heritage** of the Proposed Varied Development EIAR. It is clear from the conclusions of the assessment that the Operational and Cumulative Effects of the Proposed Varied Development remain unchanged from the Consented Development. This includes the effects from night-time aviation lighting which is not expected to impact heritage assets. As is stated in **Volume 1, Chapter 7**, there were

Policy 11(e) In addition, project design and mitigation will demonstrate how the following impacts are addressed:	Commentary
	no direct physical impacts during construction that required mitigation for the Consented Development and no planning conditions were imposed. It is concluded in **Volume 1, Chapter 7**, that while **Minor** adverse effects on the cultural significance of nearby heritage assets may persist, they are not greater than those previously assessed. Therefore, no further mitigation or enhancement measures are necessary beyond those already embedded in the design. Overall, no significant residual cultural heritage effects have been identified throughout the EIAR. It has been demonstrated that, where necessary, project design and mitigation measures have been put in place to address the impacts on the historic environment as a result of the Proposed Varied Development in comparison to the Consented Development and therefore Policy 11 (e)(vii) has been fully addressed.
viii. effects on hydrology, the water environment and flood risk;	***Hydrology and the Water Environment*** **Volume 1, Chapter 9: Hydrology and Hydrogeology** of the EIAR assesses the perceived impacts on hydrology and hydrogeology as a result of the Proposed Varied Development. It is considered that the proposed changes to the layout of the development will not change the Consented Development impact assessment conclusions and the residual effects on hydrological and hydrogeological receptors as a result of the Proposed Varied Development are also considered to be

Policy 11(e) In addition, project design and mitigation will demonstrate how the following impacts are addressed:	Commentary
	Negligible to **Minor** adverse effects and therefore not significant in EIA terms. The embedded mitigation and the commitment to use industry good practice during construction and operation made for the Consented Development in relation to hydrology or hydrogeology remain wholly applicable for the Proposed Varied Development. For further detail on the revised assessment of Effects for the Proposed Varied Development, refer to **Chapter 9: Hydrology and Hydrogeology** of the EIAR. ***Flood Risk*** **Chapter 9: Hydrology and Hydrogeology** confirms that the Site's risk to flooding for the Consented Development was designated to be low to negligible risk and this is not expected to change for the Proposed Varied Development. The Flood Risk Assessment associated with the Consented Development (as stated in Chapter 9, refer to **2021 EIAR, Volume 4, Technical Appendix 9.2: Flood Risk Assessment**) considered risks to the River Moriston SAC, local surface water environment (including all watercourses considered to have a high sensitivity), groundwater (with respect to superficial deposits and bedrock geology) and Private Water Supplies (with respect to locations sourced from surface waters). The Site's risk to flooding was deemed to be low to negligible risk and this is not expected to change for the Proposed Varied Development. It has been demonstrated that, where necessary, project design and mitigation measures have been put in place to address effects on

Policy 11(e) In addition, project design and mitigation will demonstrate how the following impacts are addressed:	Commentary
	hydrology, the water environment and flood risk as a result of the Proposed Varied Development in comparison to the Consented Development and therefore Policy 11 (e)(viii) has been fully addressed.
ix. biodiversity including impacts on birds;	***Ecology*** Impacts on Ecology as a result of the Proposed Varied Development are assessed in Volume 1, Chapter 5: Ecology of the EIAR. The conclusions of this chapter are that overall, through the implementation of embedded mitigation and targeted mitigation, compensation, and enhancement measures the Proposed Varied Development is not expected to result in any new or materially different significant adverse ecological effects compared to the Consented Development. The proposals align with best practice guidance and statutory policy, ensuring that biodiversity conservation and restoration are integral to the development's lifecycle. ***Peatland*** Both the Consented Development and Proposed Varied Development considered impacts to geological receptors, including peat. The significance of effects for both the Consented Development and Proposed Varied Development were assessed as **Negligible** to **Minor** and therefore, not significant. A full assessment of the effects during the construction, operation and decommissioning phases of the Proposed

Policy 11(e) In addition, project design and mitigation will demonstrate how the following impacts are addressed:	Commentary
	Varied Development in **EIAR, Chapter 10: Geology and Soils.** This chapter concludes that the standard and additional mitigation outlined in **2021 EIAR, Chapter 10: Geology and Soils,** and the **Construction and Environmental Management Plan (EIAR, Volume 4, Technical Appendix 3.6 (e): CEMP)** remains applicable. No revised or updated mitigation measures are required for the Proposed Varied Development. ***Ornithology*** **Volume 1, Chapter 6: Ornithology** of the EIAR assesses the effects of collision risk associated with the Proposed Varied Development on relevant Important Ornithological Features (IOFs) in comparison to the Consented Development. This was considered to be the only impact that could potentially differ from those predicted for the Consented Development. All other effects on previously identified IOFs were determined to remain as previously predicted for the Consented Development and no additional IOFs were identified for the Proposed Varied Development. As is confirmed in **Chapter 6** of the EIAR, no significant collision risks for IOFs are predicted from the Proposed Varied Development, and no new mitigation measures are required beyond those already outlined in the 2021 EIAR and 2024 Breeding Bird Protection Plan (refer to **Appendix 3.6(i)** of the EIAR). However, in response to consultee comments, it is proposed that existing ornithology monitoring programmes be reviewed to assess the need for updated operational monitoring of black grouse, golden eagle, and wader

Policy 11(e) In addition, project design and mitigation will demonstrate how the following impacts are addressed:	Commentary
	species (golden plover and greenshank). The updated HMP would also incorporate SSE's Avian Incident Search Protocol with reporting procedures to NatureScot, and measures such as marking deer fences to reduce collision risks for black grouse. No significant effects on IOFs were predicted for either the Consented Development or the Proposed Varied Development. The mitigation and enhancement measures proposed for black grouse, breeding diver species and breeding golden eagle as part of the Habitat Management Plan (HMP) (refer to **Volume 4, Technical Appendix 3.6a: Habitat Management Plan** of the EIAR) for the Consented Development remain appropriate and effective for the Proposed Varied Development. ***Conclusion*** Further detailed assessment undertaken in 2024 to refine the outline HMP to satisfy planning Condition 18 of the Consented Development concluded that the proposed peatland restoration as presented in the final HMP (**Volume 4, Technical Appendix 3.6a)** represented the full extent of what is achievable at the Site. The measures identified in the final HMP, and supporting Biodiversity Net Gain Report **(Volume 4, Technical Appendix 3.6c)** and Deer Management Plan (DMP) (**Volume 4, Technical Appendix 3.6d**), were concluded to deliver significant biodiversity enhancements for both the Consented Development and Proposed Varied Development, in line with NPF4.

Policy 11(e) In addition, project design and mitigation will demonstrate how the following impacts are addressed:	Commentary
	It has been demonstrated, in the relevant Chapters of the EIAR and the associated Technical Appendices and Figures, that, where necessary, project design and mitigation measures have been put in place to address effects on biodiversity (including birds) to address the Proposed Varied Development in comparison to the Consented Development, and therefore Policy 11 (e)(ix) has been fully addressed.
x. impacts on trees, woods and forests;	The impacts of the development on Forestry were scoped out of the EIAR. The Gatecheck 1 Report which is contained within **Volume 4, Technical Appendix 3.4: Gatecheck 1 Report** of the EIAR provides detail with regard to consultee responses. Further consultation with THC and confirmation that the Forestry Chapter could be scoped out is contained with **Volume 4, Technical Appendix 3.5: Post Gatecheck 1 Report Consultation Responses.** It has been demonstrated that no mitigation measures are required to be put in place to address the impacts on trees, woods and forests as a result of the Proposed Varied Development in comparison to the Consented Development and therefore Policy 11 (e)(x) has been fully addressed.
xi. proposals for the decommissioning of developments, including ancillary infrastructure, and site restoration;	The approach to decommissioning has not changed from the approach presented for the Consented Development. An updated Decommissioning and Restoration Plan would be submitted by the Applicant as part of the Condition Discharge Programme.

Policy 11(e) In addition, project design and mitigation will demonstrate how the following impacts are addressed:	Commentary
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	As above under (xi).
xiii. cumulative impacts.	Each chapter of the EIAR assesses the cumulative impacts of the Proposed Varied Development as appropriate.

4.2.20. The above assessment of Policy 11 Part (e) affirms in its evaluation of the identified impacts of the Proposed Varied Development in comparison to the Consented Development, that the impacts are broadly similar with only slight differences as referenced when relevant. Even given these slight differences, substantial weight must be placed on the proposal's contribution to renewable energy generation and the reduction of greenhouse gas emissions. The policy explicitly acknowledges that landscape and visual effects are anticipated; however, where such impacts are contained and/or suitably mitigated, they are generally regarded as acceptable. The scale of the Proposed Varied Development is directly linked to its contribution, and Policy 11 requires that any impacts be evaluated in light of these benefits. As has already been stated in Section 1.2 above, the benefits of the proposal clearly outweigh the impacts. Again, it should be emphasised that if the Proposed Variation Development does not receive consent, none of the benefits associated with either the Proposed Variation Development or the Consented Development will be realised due to the lack of economic viability of the Consented Development meaning it will not proceed to construction in its current form.

4.2.21. **Table 4.2** below provides a Policy Assessment of the relevant NPF4 policies referenced above in paragraph 4.2.11.

Table 4.2 NPF4 Policy Assessment

NPF4	Summary	Commentary
Policy 1 (Tackling the climate and nature crises)	Development proposals should be considered against the global climate and nature crises, considering just transition, conserving assets and rural revitalisation.	Policy 1 states that, when considering all development proposals, "*significant weight will be given to the global climate and nature crises".* The main policy outcome is to create zero carbon, nature positive places. The language used is very clear in the Policy and reflects the seriousness that the Government places on Climate Change and the Nature Crisis. The policy reflects a significant shift in Scottish National Planning Policy and erases any doubt with regard to weight that should be applied to these matters in the planning balance. As previously stated throughout this statement, the Proposed Varied Development offers a substantially greater contribution to national energy targets compared to the Consented Development. Furthermore, withholding consent for the Proposed Varied Development would result in the loss of a valuable opportunity to support the Government's net zero objectives. Without approval, the site would remain undeveloped for wind farm purposes, as the Consented Development is not economically viable and would therefore not proceed to construction. **Chapter 14: Climate Change** of the EIAR confirms the findings of the updated Scottish Government Carbon Calculator to reflect the final design of the Proposed Varied Development (refer to **Volume 4, Technical Appendix 14.1**: **Carbon Calculator** of the EIAR**).** With a shorter payback period, the Proposed Varied Development will begin displacing emissions associated with electricity generated by burning fossil fuels earlier in its lifespan. After 2.1 years, the electricity generated is estimated to be carbon neutral and will displace grid electricity generated from fossil fuel sources. The site would effectively achieve a net gain status and begin contributing to national efforts to reduce greenhouse gas emissions, supporting Scotland's target of reaching net zero carbon emissions by 2045. The Proposed Varied Development was therefore evaluated to have an overall beneficial effect on climate change. It is considered therefore that the Proposed Varied Development is compliant with NPF4 Policy 1.

Policy 3 (Biodiversity)	Enhance biodiversity by strengthening nature networks & implementing nature-based solutions. Policy 3(b): development that requires an Environmental Impact Assessment will only be supported where it can be demonstrated that the proposal will conserve, restore and enhance biodiversity.	See commentary associated with Policy 11 (e)(ix) in table 4.1 above. From the conclusions of the assessment contained within Chapters 5, 6 and 10 of the EIAR and all associated assessments and Appendices, it is clear that the Proposed Varied Development is compliant with Policy 3. The Consented Development HMP & DMP (**EIAR, Volume 4, Technical Appendices 3.6a & 3.6d respectively**) include the following measures for biodiversity enhancement: • Restoration of 31.88ha of peatland, which represents the full extent of peatland restoration achievable within the Site. • Planting 23.64ha of a low-density Caledonian woodland in land outside the Site. This will increase woodland cover in the wider area and provide a foraging resource for black grouse (*Lyrurus tetrix*) while maintaining open ground for foraging golden eagle (*Aquila chrysaetos*). • Planting 23.25ha of montane scrub in land outside of the Site. This will increase habitat heterogeneity in the wider area and improve habitat for golden eagle prey species, such as grouse and hares. • Installing artificial nesting habitat for black-throated divers (*Gavia arctica*). This will increase nesting opportunities for this species. • Reduction in red deer grazing pressure on habitats across the Site. This is expected to increase natural generation and tree growth within the Site. A Biodiversity Net Gain (BNG) assessment was undertaken for the above measures (refer to **EIAR, Volume 4, Technical Appendix 3.6c**). This report details the methodology and results of the BNG assessment for the Development. This BNG assessment concludes that the Development and its associated HMP meet with the requirements of NPF4 Policy 3. **Provides significant biodiversity benefits:** As evidenced through a 4% gain documented in the toolkit, and wider habitat enhancements (which cannot be quantified) which will occur through the

		Deer Management Plan (which will reduce grazing pressure, allowing both habitat condition to improve and natural woodland regeneration), along with improved habitats for black grouse and prey species for golden eagle, nesting provision for black throated divers and contribution to the Regional Eagle Conservation Management Plan. **Include nature networks, linking to and strengthen habitat connectivity**: The proposed Caledonian woodland and montane scrub planting, will provide closer links to woodland located to the east. **Includes management arrangements for long term retention and monitoring:** Management and monitoring is set out within the HMP and will allow the success of the habitat restoration and enhancement to be tracked against the predicted BNG values. The overall impacts of the Proposed Varied Development were very similar to the Consented Development, albeit with some minor differences to habitat loss and modifications. Due to these overall similarities, the measures proposed for the Consented Development were found to be appropriate for the Proposed Varied Development in delivering significant biodiversity enhancement for species and habitats in line with NPF4 It is considered therefore that the Proposed Varied Development is compliant with NPF4 Policy 3.
Policy 4 (Natural Places)	To protect, restore and enhance natural assets making best use of nature-based solutions.	The most relevant parts of this Policy to the assessment of impacts of the Proposed Varied Development are parts 4 (b) (c) (d) & (g). These policies seek to protect natural places as will be described below. ***Special Area of Conservation or Special Protection Areas (Policy 4 (b)*** The River Moriston Special Area of Conservation (SAC) is the only identified European protected site within the vicinity of the Proposed Varied Development. It was identified within the 2021 EIAR supporting the Consented Development that there are no significant effects on River Moriston SAC, as a result of the Consented Development. As is confirmed

in **Chapter 5: Ecology of the EIAR,** the differences between the Consented Development and the Proposed Varied Development are not anticipated to give rise to different effects on the River Moriston SAC. This was agreed with NatureScot during the scoping exercise for the EIAR and therefore this SAC was scoped out of the EIAR. No further assessment of the River Moriston SAC was deemed to be required in keeping with Policy 4(b).

National Scenic Areas & SSSI (Policy 4 (c))

Glen Affric NSA (only assessed for effects from aviation lighting)

For the Proposed Varied Development, a comparative assessment of the effects on the Special Landscape Qualities for the Glen Affric NSA was carried out for the effects of aviation lighting only. The impacts during daylight hours were scoped out of the EIAR. Full details of this analysis can be seen in **Chapter 8: Landscape and Visual** of the EIAR and associated relevant Appendices, specifically **EIAR Volume 4, Technical Appendix 8.9: Landscape and Visual Assessment of Aviation Lighting**

Aviation Lighting was not required for the Consented Development due to the height of the turbines. The conclusions of the assessment of Aviation Lighting for the Proposed Varied Development was that while the aviation lighting could result in a slight, localised alteration to the sense of remoteness and a localised **Minor** (not significant) effect there would be a **Negligible** (not significant) effect overall.

Levishie Wood Site of Special Scientific Interest (SSSI)

The differences between the Consented Development and Proposed Varied Development were not anticipated to give rise to different effects on the Levishie Wood Site of Special Scientific Interest (SSSI). As stated in the EIAR **Chapter 5: Ecology**, the 2021 EIAR for the Consented Development identified significant adverse effects on the Levishie Wood Site of Special Scientific Interest (SSSI), but residual effects were not significant. Indeed, the assessment of effects of the Consented Development after the implementation of embedded mitigation measures (as demonstrated in the HMP and DMP which are

part of the **EIAR, Volume 4, Technical Appendices 3.6a and 3.6d**, respectively) were assessed to be beneficial. As with the Consented Development, therefore, any potential adverse effects on the qualities for which the Levishie Forest SSSI has been designated would not be significant and indeed would be beneficial as explained within the associated HMP and DMP.

It is considered therefore that the Proposed Varied Development is compliant with NPF4 Policy 4 (c).

Local landscape Designations

Policy 4 (d) deals with local landscape designations and contains a different policy approach to that which was contained within the former SPP. Policy 4, states:

"*Development proposals that affect a site designated as …a local landscape area in the LDP will only be supported where: Development will not have significant adverse effects on the integrity of the area or the qualities for which it has been identified; or Any significant adverse effects on the integrity of the area are clearly outweighed by social, environmental or economic benefits of at least local importance".*

Loch Ness and Duntelchaig Special Landscape Area (SLA)

Landscape effects for the Proposed Varied Development would generally be similar to those of the Consented Development. As stated within **Chapter 8: Landscape and Visual Assessment** of the EIAR, the overall landscape effect on Loch Ness and Duntelchaig SLA from the Proposed Varied Development, when compared to the Consented Development, is anticipated to rise from a localised **Minor** (not significant) impact to a broader **Minor** (not significant) impact, with a localised escalation to **Moderate** (significant) around Meall Fuar-mhonaidh. For a full assessment see **Volume 4, Technical Appendix 8.4: Assessment of Designated and Protected Landscapes** of the EIAR.

The taller turbines and increased prominence of the Proposed Varied Development experienced from occasional areas to the east of Loch Ness would appear similar to the Consented Development

although may slightly increase the impression of a more developed upland context to the west (refer to **Chapter 8** for more detailed assessment).

It is noted, however, that this assessment above, excludes the impact of aviation lighting on this SLA which is discussed in the following paragraph.

Volume 4, Technical Appendix 8.9: Landscape and Visual Assessment of Aviation Lighting, of the EIAR concludes that the aviation lighting on the Proposed Varied Development would generate a localised Moderate (significant) effect around the western ridge and summit of Meall Fuar-mhonaidh, while the overall impact on the SLA would remain **Minor** (not significant). Importantly, Meall Fuar-mhonaidh would continue to form a key component of the SLA, and its relationship to the wider setting of the Great Glen would remain unaffected.

The main reasoning for the significant effect along the western ridge and summit of Meall Fuar-mhonaidh is largely due to the absence of artificial light within the study area and receptors which would therefore generally be more sensitive to this type of change. It was therefore concluded that the inclusion of the aviation lighting would result in significant effects during low light conditions and the hours of darkness. However, the Applicant proposes to engage with aviation stakeholders to agree a lighting solution which may result in a reduced visual effect as confirmed in **Volume 4**, **Technical Appendix 8.9** of the EIAR.

In assessing **NPF4 Policy 4(d),** it is concluded that the impact of aviation lighting from the Proposed Varied Development on the SLA would be confined to periods of low light and hours of darkness. While this represents a significant adverse effect, its limited duration means it is clearly outweighed by social, environmental or economic benefits ranging from national to local importance. Furthermore, residual effects may be reduced through additional mitigation measures, which could be agreed prior to construction works as part of the final Aviation Lighting Scheme, therefore potentially lessening the overall impact of visible aviation lighting on the SLA.

<u>Landscape Character Types</u>

The assessment found that a localised significant effect would occur only within LCT 222 (Rocky Moorland Plateau – Inverness) where impacts are localised around the site. This is an increase from

that of the Consented Development where by the impact was found to be not signifcant. In contrast, LCT 224 (Farmed and Wooded Foothills) and LCT 225 (Broad Steep-sided Glen) would experience effects that are not significant, although the taller turbines of the Proposed Varied Development would appear more prominent in some views. Overall, while the development increases visibility and prominence compared to the Consented Development, only one Landscape Character Type (LCT 222) is predicted to experience a significant landscape effect.

The effects of aviation lighting are as follows:

- LCT 222: Rocky Moorland Plateau – Inverness **Locally Moderate** (significant), elsewhere **Minor-Moderate** (not significant)
- LCT 224: Farmed and Wooded Foothills **Locally Minor-Moderate**, elsewhere **Minor** (not significant)
- LCT 225: Broad Steep-Sided Glen **Locally Minor**, elsewhere **Negligible** (not significant)

This is reflective of a localised Medium magnitude of change reducing to Low overall. It was assessed that this would result in **Minor-Moderate** (not significant) overall effects, with areas of localised **Moderate** (significant) effect relating to the potential for the aviation lights to influence the sense of remoteness within this LCT and the contrast between the plateau and the adjoining more settled straths and glens

It is considered therefore that the Proposed Varied Development is compliant with NPF4 Policy 4 (d).

***Wild Land Areas (WLA*) (only night time visual impact due to proposed Aviation Lighting)**

Policy 4 (g) states that Development in NatureScot Wild Land Areas is only supported for renewable energy or small-scale rural/community needs, with a required Wild Land Impact Assessment, and when no buffer zones or external effects are considered significant.

Two WLAs were identified as requiring assessment for the Consented Development. These two WLAs were scoped out of the Proposed Varied Development EIAR for daytime assessment but were scoped in for night-time visual impact of visible aviation lighting (see **Volume 4, Technical Appendix 8.9** of the EIAR). A short summary of the conclusions of these assessments is provided below. For a full assessment see EIAR, **Chapter 8: Landscape and Visual Assessment.**

WLA19: Braeroy – Glenshirra – Creag Meagaidh

Effects for WLA 19 were identified as **Minor** (not significant) within a very localised area for the Consented Development and generally **Negligible**, with no perceptible effects predicted for any of the Wild Land Qualities (WLQs). The Zone of Theoretical Visibility (ZTV) indicates very little additional visibility within this area for the Proposed Varied Development, although the turbines would be perceived as larger in comparison with adjacent turbines. The areas affected are already influenced by existing wind turbines at closer proximity and therefore any changes to the attributes and perceptual responses of wild land which contribute to the WLQs are likely to be limited and unlikely to increase to a significant level.

WLA 19 was not identified as having potential to experience effects as a result of visible aviation lighting (see **EIAR, Volume 4, Figure A8.9.4: Visible Aviation Lighting Designated and Protected Landscapes with Theoretical Intensity ZTV**).

WLA 24: Central Highlands

The 2021 LVIA for the Consented Development identified localised **Minor** (not significant) effects to this WLA within areas north of Glen Cannich, with no perceptible effect predicted for any of the WLQs. For the Proposed Varied Development, the ZTV indicates some small areas of increased intervisibility to the west of the Proposed Varied Development, in areas where the effect was considered to be **Negligible** for the Consented Development due to the perceptibly closer presence of the Operational Development. A limited increase in intervisibility is indicated in the areas to the north of Glen Cannich, from where the

		Proposed Varied Development turbines would appear slightly larger than the Consented Development Turbines, but would continue to be seen in the context of other operational developments which already affect the sense of wildness. It is considered unlikely that effects would increase to a level that would be significant. WLA 24 was identified as having the potential to experience effects as a result of the visible aviation lighting **EIAR, Volume 4, Figure A8.9.4: Visible Aviation Lighting Designated and Protected Landscapes with Theoretical Intensity ZTV**) A full assessment of the impact of visible aviation lighting is contained within the **EIAR, Volume 4, Technical Appendix 8.9: Landscape and Visual Assessment of Aviation Lighting.** To summarise, while the aviation lights would be experienced in some of the *"open and exposed panoramic views over an awe-inspiring and extensive range of mountains*" described as part of WLQ1*,* they would be unlikely to reduce the *"prevailing absence of human artefacts and contemporary land use across the WLA interior"* experienced in these views, as they would be experienced outside of the WLA in views where other lights are already present. The sense of remoteness within the mountain interior which also contributes to WLQ2 would not be affected, largely due to the limited theoretical visibility within these parts of the WLA and distance at which the aviation lights would be experienced. No significant effects are anticipated for any of the WLQs. It was assessed that the effect on the WLA would be **Minor** (not significant). From the conclusions of the assessments contained within Chapter 5 and Chapter 8 of the EIAR and the related Appendices, it is clear that the Proposed Varied Development is compliant with Policy 4.
Policy 5 (Soils)	Policy 5 states that where development on peatland, carbon rich soils or priority peatland habitat is proposed, a detailed site-specific assessment is required to identify	See commentary on Peatland associated with Policy 11 (e)(ix) in table 4.1 above. As stated, from the conclusions of the assessment contained within **Chapters 10: Geology and Soils** of the EIAR and all associated assessments and Appendices, it is clear that the Proposed Varied Development is compliant with **Policy 5.**

	baseline likely effects and net effects. The policy's core aim is to safeguard carbon-rich soils, promote the restoration of peatlands, and minimise soil disturbance resulting from development activities. Notably, renewable energy projects are identified in Part (c) as a form of development that may be acceptable in principle on peatland sites, due to their potential to deliver significant carbon emission reductions and contribute positively to peatland restoration efforts.	
Policy 7 (Historic Assets and Places)	The purpose of Policy 7 is to safeguard and enhance historic assets, places, and their settings while enabling sensitive and positive development. In terms of scheduled monuments, the policy states development will	See commentary associated with Policy 11 (e)(vii) in table 4.1 above. From the conclusions of the assessment contained within **Chapter 7: Archaeology and Cultural Heritage** of the EIAR and all associated assessments and Appendices, it is clear that the Proposed Varied Development is compliant with Policy 7.

	only be supported if direct impacts are avoided, that the integrity of the setting should be protected and exceptional justification is provided, and impacts are minimised.	
Policy 22 (Flood risk and water management)	This policy seeks to "strengthen resilience to flood risk by promoting avoidance as a first principle and reducing the vulnerability of existing and future development to flooding" Policy 22(c) notes that development proposals must not increase the risk of surface water flooding and manage all rain and surface water through sustainable drainage systems.	The conclusion of the assessment is that the Proposed Varied Development will not result in any change to the significance of effects and there are no additional effects on hydrological or hydrogeological receptors when compared to the Consented Development. See commentary associated with Policy 11 (e)(viii) in table 4.1 above.
Policy 25: Community Wealth Building	The purpose of this policy is to promote a fairer, more inclusive economy by ensuring that development proposals contribute to local	The Maximising Socio-economic Benefits Statement which accompanies the Section 36C application, provides full details of the Applicants proposed contributions to the local community. In order to avoid repetition, see the aforementioned Statement. This clearly demonstrates how the Proposed Varied Development will contribute to local prosperity.

	prosperity and reduce inequality.	It is formally recognised in Policy 25, that the Scottish Government has adopted the internationally recognised Community Wealth Building (CWB) model, which focuses on keeping wealth circulating locally. Built on five principles including plural ownership, local financial power, fair employment, progressive procurement, and socially productive use of land and property, theCWB aims to strengthen communities by embedding economic benefits within local areas. In practice, this means encouraging projects that enhance resilience, reduce inequalities, boost local spending, and prioritise local supply chains and services. It also involves creating jobs within communities, supporting community-led initiatives, and enabling community ownership of assets. The Proposed Varied Development contributes to these wider CWB aims by strengthening local supply chains, fostering skills and workforce development, and empowering communities in line with NPF4's Policy 25.
Policy 33: Minerals	The purpose of this policy is to support the sustainable management of resources and minimise the impacts of the extraction of minerals on communities and the environment.	Policy 33 (e) states that *"Development proposals for borrow pits will only be supported where: i. the proposal is tied to a specific project and is time-limited; ii. the proposal complies with the above mineral extraction criteria taking into account the temporary nature of the development; and iii. appropriate restoration proposals are enforceable"* Following construction, the utilised borrow pits would be reinstated with a suitable restoration profile as was the case with the Consented Development. A Construction and Environment Management Plan (CEMP) (refer to **Appendix 3.6 (e)** of the EIAR) provides detail on the Borrow Pit Method of Works. In addition, a Borrow Pit Scheme of Works will be submitted to THC prior to the commencement of construction works.

4.3. Highland-wide Local Development Plan (2012)

4.3.1. In addition to NPF4, the adopted Development Plan includes the Highland Wide Local Development Plan (2012).

4.3.2. The Highland-wide Local Development Plan (HwLDP) was adopted by THC in April 2012 and sets out the overarching vision, spatial strategy and general planning policies to guide development across the local planning authority for a 20-year period. The relevant planning policies are outlined below.

4.3.3. **Table 4.3** below summarises the relevant policies, which address the same topics already discussed in relation to National Planning Framework, signposts to the assessment above is therefore provided for each HwLDP policy.

Table 4.3 Highland Wide Local Plan Policy Assessment

Policy	Policy Summary	Where Assessed
Policy 28 – Sustainable Development	This policy confirms the Council will support developments which promote and enhance the social, economic and environmental wellbeing of the people within the Highlands. Proposed developments will be assessed on a range of criteria which protect and ensure sustainable use of existing and future infrastructure, built and natural resources and residential amenity. The policy advises that where it is considered to be significant due to its nature, size or location, it will only be supported if no reasonable alternatives exist and where there are over-riding strategic benefit or satisfactory mitigating measures are incorporated. Policy 28 requires that all development proposals must demonstrate compatibility with the Sustainable Design Guide: Supplementary Guidance, requires that all developments should: • conserve and enhance the character of the Highland area; • use resources efficiently; • minimise the environmental impact of development; and • enhance the viability of Highland Communities	Conformity with this policy has been confirmed in **Table 4.2** above by the criteria of **NPF4 Policy 1 (Tackling the climate and nature crises), Policy 3 (Biodiversity) ,Policy 4 (Natural Places), Policy 7 (Historic Assets and Places**) and in **Table 4.1** by the criteria of **Policy 11 (e) (i),(ii), (iii), (vi), (vii), (viii), (ix)**
Policy 29 – Design Quality and Place-making;	Development is required to make a positive contribution to the architectural and visual quality of the place where it is located, demonstrating sensitivity and respect towards the local distinctiveness of the landscape architecture, design and layout.	Conformity with this policy has been assessed in **Table 4.2** above by the criteria of **NPF4 Policy 7 (Historic Assets and Places)** and in **Table 4.1** by the criteria of **Policy 11 (e) (i),(ii), (iii), (vii)**

Policy 36 – Development of Wider Countryside	Development proposals in the wider countryside (outside towns and hinterland areas) are supported if they: • Are well-sited and designed to fit the landscape and local character • Do not negatively impact natural, built, or cultural heritage • Can be safely accessed and serviced without harming infrastructure • Offer appropriate small-scale housing, tourism, or economic uses • Align with supplementary guidance, such as Housing in the Countryside There's a strong emphasis on protecting the rural environment while allowing sustainable, well-integrated development.	Conformity with this policy has been assessed in **Table 4.2** above by the criteria of **NPF4 Policy 3 (Biodiversity), Policy 4 (Natural Places) & Policy 7 (Historic Assets and Places)** and in **Table 4.1** by the criteria of **Policy 11 (e) (i),(ii), (iii), (vii), (viii), (ix), (x)**
Policy 54 - Mineral Waste	The Council promotes the reduction and reuse of mineral, construction, and demolition waste. Applicants must submit a Waste Management Plan detailing how waste will be minimised, treated, recovered, and disposed of responsibly.	A Waste Management Plan was submitted as part of the Construction and Environmental Management Plan (CEMP) for the Consented Scheme. A revised Waste Management Plan will be submitted to THC prior to the commencement of construction works. It is therefore considered that confirmity with **Policy 54** has been established with the submission of a Waste Management Plan as part of the CEMP.

Policy 55 – Peat & Soils	Proposals must demonstrate that unnecessary disturbance, degradation or erosion of peat and soils has been avoided. Development causing unacceptable impacts will not be supported unless it can be clearly shown that the resulting social, environmental, or economic benefits outweigh the adverse effects. Where development on peat is unavoidable, a Peat Management Plan is required to evidence how impacts have been minimised and appropriately mitigated.	Conformity with this policy has been assessed in **Table 4.2** above by the criteria of **NPF4 Policy 5 (Soils)**
Policy 57 – Natural, Built and Cultural Heritage	Requires proposals to be assessed taking account of the level of importance and type of heritage features, the form and scale of development and the impact on the feature and its setting. The policy sets a series of criteria based on level of features importance (local, regional or international). Technical Appendix 2 of the HwLDP defines the features. For features of local / regional importance – developments will be permitted if it can be demonstrated that they will not have an unacceptable effect. For features of national importance, where any significant adverse effects arise, they must be clearly outweighed by social or economic benefits of national importance. In international designations development with adverse effects on integrity will only be allowed where no alternative solution exists and there are imperative reasons of overriding public interest (IROPI).	Conformity with this policy has been assessed in **Table 4.2** above by the criteria of **NPF4 Policies 4 (Natural Places)** and **7(Historic Assets and Places)**
Policy 58 – Protected Species	Requirement for developers to carry out appropriate surveys to determine whether protected species are present on a site before submitting a planning application. If protected species are found, the proposal must include suitable mitigation to avoid or minimize harm. This could involve changes to design, timing of works, or habitat enhancements.	Conformity with this policy has been assessed in **Table 4.2** above by the criteria of **NPF4 Policies 3 (Biodviersity)** and **4 (Natural Places**)

	Development that would likely have an adverse effect—either individually or cumulatively on **European Protected Species** will only be permitted if there is 1) no satisfactory alternative 2) there are **imperative reasons of overriding public interest (IROPI)**, such as public health or safety, 3) It can be demonstrated that the development will not be detrimental to the population of the species concerned or its conservation status.	
Policy 60 - Other Important Habitats and Article 10 Features	This policies set out the need to avoid significant adverse effects on the integrity or special qualities of international or nationally designated natural and built environment sites.	Conformity with this policy has been assessed in **Table 4.2** above by the criteria of **NPF4 Policies 3 (Biodviersity)** and **Policy 4 (Natural Places)**
Policy 61 – Landscape	New development should be sensitively designed to respect and respond to the distinctive landscape features and special qualities of its surrounding area, with consideration given to cumulative impacts. Proposals that actively seek to enhance the local landscape character are encouraged. In assessing applications, the Council will refer to Landscape Character Assessments to ensure that development aligns with the area's visual and environmental context.	Conformity with this policy has been assessed in **Table 4.2** above by the criteria of **NPF4 Policy 4 (Natural Places)**
Policy 63 – Water Environment	Supports proposals that do not compromise the objectives of the Water Framework Directive (2000/60/EC), aimed at the protection of the water environment.	Conformity with this policy has been assessed in **Table 4.1** above by the criteria of **NPF4 Policy 11 (e) (viii) Renewable Energy**
Policy 64 – Flood Risk	Development should not occur in areas where there is a significant risk of flooding, especially in areas identified as Potentially Vulnerable Areas (PVAs). Future flood risk scenarios must be considered, especially with rising sea levels and increased rainfall intensity. Flood risk	Conformity with this policy has been assessed in **Table 4.1** above by the criteria of **NPF4 Policy 11 (e) (viii) Renewable Energy**

	assessment should be provided for proposals in or near flood prone areas and development should not increase flood risk elsewhere.	
Policy 66b – Surface Water Drainage	All proposals must be drained by SustainableDrainage Systems (SuDS) designed in accordance with CIRIA C697.	Conformity with this policy has been assessed in **Table 4.1** above by the criteria of **NPF4 Policy 11 (e) (viii) Renewable Energy**
Policy 67 - Renewable Energy Developments	Policy 67 firstly refers to the need for renewable energy development proposals to be "*well related to the source of the primary renewable resources that are needed for their operation*". A second requirement of Policy 67 is that the Council will consider a Proposed Varied Development's contribution "*towards meeting renewable energy generation targets*". The policy also states that the Council will consider "*any positive or negative effects [the Proposed Varied Development] is likely to have on the local and national economy*". THC will have regard to proposals able to "*demonstrate significant benefits including by making effective use of existing and proposed infrastructure or facilities*". Finally, Policy 67 requires a proposed development to be assessed against 11 factors with regard to predicted significant effects, and a judgement has to be reached as to whether or not such effects would be "*significantly detrimental overall*"..	The Proposed Varied Development meets this requirement as the "*primary renewable resource*" for its operation is wind. As stated in Section 2 of this Planning Statement, the Proposed Varied Development has an indicative installed capacity of up to 108 MW of wind generation and would therefore make a valuable (and nationally important) contribution to unmet international, UK and Scottish Government climate change and renewable electricity and energy generation targets. The standalone Maximising Socio-Economic report confirms that the Proposed Varied Development would contribute to the attainment of economic development objectives at local and national levels. The Proposed Varied Development will realise a range of benefits.See **Table 4.2, NPF4 Policy 25** for more information on the Applicant's proposals to maximise socio-economic benefit. Wth reference to the 11 factors which the proposed varied development should be assessed against as to whether or not significant effects would be significantly detrimenal overall, these factors broadly align with the criteria of **NPF4 Policy 11 (e)** and other relevant NPF4 policies and have been assessed in

		Table 4.1 and further examined in other NPF4 policies in **Table 4.2** above. It is therefore concluded that the landscape, visual, and broader environmental impacts of the Proposed Varied Development would not be unacceptable, nor would they result in significant overall harm, in accordance with the provisions of **Policy 67.**
Policy 72 – Pollution	Proposals likely to cause significant pollution whether noise, air, water, or light will only be supported if accompanied by a thorough assessment detailing the nature, extent, transmission, and impact on the receiving environment, with appropriate mitigation measures implemented where required.	A Pollution Protection Plan was submitted as part of the Construction and Environmental Management Plan (CEMP) for the Consented Scheme. A revised Pollution Protection Plan will be submitted to THC prior to the commencement of construction works. It is therefore considered that confirmity with **Policy 72** has been established with the submission of a Pollution Protection Plan as part of the CEMP.
Policy 77 – Public Access	Provides protection to Core Paths and access points to water or rights of way and presumption of retention and enhancement of amenity value. Alternative access must be equally safe and attractive if required.	Conformity with this policy has been assessed in **Table 4.1** above by the criteria of **NPF4 Policy 11 (e) (iii) Renewable Energy**

4.4. Emerging Highland Local Development Plan (HLDP)

4.4.1. THC is currently preparing a new local development plan for the Highland Region. The Highland Local Development Plan Evidence Report Chapters are currently out for consultation. Once this consultation period is complete, the next stage of the process is for THC to submit the Evidence Report to the Scottish Government for Gatecheck review in 2026.

4.4.2. The HLDP Evidence Report 4 -Climate Change and Energy draft, is, as of November 2025, under review with a forecast date for completion being December 2025. At the time of writing this document holds no weight for decision making and therefore there are no aspects to discuss.

4.5. Onshore Wind Energy Supplementary Guidance (2016) including Addendum Supplementary Guidance: 'Part 2b', December 2017

4.5.1. The Onshore Wind Energy Supplementary Guidance ('OWESG') was adopted in November 2016 and contains an Addendum SG ('Part 2b') which was adopted in December 2017. As adopted Supplementary Guidance, they form part of the development plan. As was confirmed in the Decision Letter for the Consented Development, it was the Planning Authority's view that the Consented Development was supported by its Local Development Plan and Supplementary Guidance. As has already been demonstrated within this statement, the effects of the Proposed Varied Development in comparison to the Consented Development are minimal. Having reviewed the criteria set out in the supplementary guidance it is clear that the Proposed Varied Development is compliant with this guidance.

4.6. Inner Moray Firth Proposed Local Development Plan 2 (IMFLDP2) (Adopted June 2024)

4.6.1. The IMFLDP2 provides a vision, strategy and policies and subsequently provides settlement statements and allocations. The plan encourages the development of renewable energy infrastructure, including wind, solar, hydro, and marine energy, in appropriate locations. It aligns with the National Planning Framework 4 (NPF4), which prioritizes low-carbon energy developments.

4.6.2. Policies 23 and 24 of IMFLDP2 relate to renewable energy development specifically. Policy 23 states: *""The Council will support proposals for renewable energy development, including wind, hydro, solar and emerging technologies, where they are consistent with national policy and contribute to meeting net zero targets. Proposals must demonstrate that they will not result in unacceptable significant adverse impacts, either individually or*

cumulatively, on landscape and visual amenity; communities and residential amenity; natural, built and cultural heritage; and other receptors. Applications should also set out measures for mitigation, decommissioning and site restoration." It has clearly been demonstrated in Section 4.2 of this statement that any additional effects experienced as a result of the Proposed Varied Development, when compared to the Consented Development would not result in unacceptable significant adverse impacts either individually or cumulatively and is therefore consistent with National Policy and with Policy 23.

4.6.3. Policy 24 of the IMFLDP2 states that THC will support onshore wind energy projects in areas of greatest potential for wind energy, subject to consideration of *"impacts on aviation and defence interests, noise, shadow flicker, safety, and cumulative effects. Developers must provide details of decommissioning and restoration".* Sections 4.2 and 4.3 of this statement, explains that in each of the chapters of the EIAR consideration to the impacts on each of these areas has been given to any additional effects of the Proposed Varied Development when compared to the Consented Development.

5. Conclusion

5.1.1. As has been referenced throughout this statement the scope of the determination of this Section 36C Application applies only to the assessed impacts of the Proposed Varied Development in comparison to the assessed impacts of the Consented Development. The EIAR has assessed all likely impacts of the Proposed Varied Development in comparison to the Consented Development

5.1.2. It has been demonstrated throughout this statement that the proposed variations do not introduce any significant adverse environmental impacts beyond those identified in the Consented Development. Any environmental effects previously identified in the EIAR for the Consented Development were considered to be outweighed by the socio-economic benefits at both local and broader scales and its contribution towards net zero targets and this remains the same for the Proposed Varied Development.

5.1.3. Indeed, by enhancing the positive outcomes of the Consented Development without increasing the environmental burden, the Proposed Varied Development reflects a best practice approach that would inevitably result in:

- a wealth of socio-economic benefits to the local community
- even greater valuable contribution to the achievement of the UK and Scottish Government 'whole system' targets to decarbonise energy consumption by increasing the annual zero-carbon energy yield of the wind farm;
- an increase in energy production to supply more homes with clean, renewable energy and an equivalent increase in CO2 reduction, making a valuable contribution to the Scottish Climate Change Plan targets; and
- reduce the UK's dependence on volatile fossil fuel markets, by improving domestic energy production and making the UK more self-sufficient when it comes to the energy it uses.

APPENDIX 1:

BHLARAIDH WIND FARM EXTENSION DECISION LETTER – 30.08.22