



# Achany Extension Wind Farm

## Section 36C Variation

### Planning Statement

October 2025

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# 1. Introduction

## 1.1. Introduction

- 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 Achany Extension Wind Farm (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. 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 149.9m to 200m
  - Increase in the size of hardstand areas to accommodate larger turbines
  - Optimisation of onsite access tracks, including a reduction in total length.
  - Addition of 8 turning heads
- 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". Reference will be made to relevant Chapters within the EIAR for more detailed information.
- 1.1.5. Chapters 1 & 2 of the 2025 EIAR provide a full, detailed description of the Proposed Varied Development and a site description. **Figure 1.1** shows the site location, **Figure 1.2** shows the site layout of the Consented Development, **Figure 1.3** shows the site layout for the Proposed Varied Development, and **Figure 1.4** 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.
- 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 onshore wind industry, including supply chain cost escalation, the significantly higher Transmission Network Use of System

(TNUoS) costs in the North of Scotland, and the (at the time) threat of zonal pricing. All of these factors together significantly increased the risk profile for the project.

- 1.2.3. Following a thorough and robust internal review of the design of the Consented Development, the Applicant determined to increase the energy yield of the project by increasing the height of the wind turbine generators (WTG), allowing the turbines to reach higher output winds. Without the taller turbines, the Consented Development would be an unviable project and would not proceed to construction. The opportunity to establish a wind farm at this location with all the associated benefits that a Wind Farm Development can bring would be irrevocably lost.
- 1.2.4. For the purposes of this assessment, the benefits of the Proposed Varied Development will be looked at in direct comparison to the Consented Development. These additional benefits because of the Proposed Varied Development are:
- the Proposed Varied Development would make an 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;
  - the increase in energy production would supply even more homes with clean, renewable energy and an equivalent increase in CO2 reduction, making a valuable contribution to the Scottish Climate Change Plan targets;
  - it will also further 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;
  - A community investment fund will be established for the Proposed Varied Development valued at £5,000 per Mega Watt (MW) installed wind energy capacity per year and index linked to CPI, with £2,500 per MW allocated to the local fund(s) and £2,500 per MW to the regional Highland Sustainable Development Fund. The funding will be available once main construction starts and will remain in place for the operational life of the project. This application therefore not only complies with Scottish Government planning and energy policy but would also lead to increased benefits both in respect of climate change, as well as local economic benefits. Although the value of this investment fund will remain the same as for the Consented Development (due to there being no change to the number of MW of installed capacity) it is still a considerable benefit of the Proposed Varied Development as the Consented Development is an unviable project and would not proceed to construction as explained in paragraph 1.2.3.
  - The project would bring a wealth of socio-economic benefits to the local community, including the creation of jobs and opportunities for local businesses and suppliers during the construction phase and for the lifetime of the project. As with the Community Investment Fund the positive socio-economic benefits will not significantly improve when compared to the Consented Development, but can still be considered a benefit for the same

reasons as stated above. Refer to the stand-alone Maximising Socio and Economic Benefits Statement for more detailed information.

- 1.2.5. It will be demonstrated in Sections 3 & 4 of this statement that these benefits significantly outweigh the similar /minimal increase of impacts which have been demonstrated to arise within the EIAR as a result of Proposed Varied Development in comparison to Consented Development which have already been deemed to be acceptable through the principle of the original consent granted.
- 1.2.6. It is important to emphasise that, if consent is not granted for the Proposed Varied Development, the Consented Development will not proceed to construction due to its lack of financial viability. As a result, the key benefits of the Consented Development would not be realised, let alone the additional advantages offered by 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 generating plant with a capacity in excess of 50 MW. Since the consenting of generating plant under Section 36 of the Electricity Act 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 Growth and Infrastructure Act 2013 inserted a new section 36C into the Electricity Act 1989 which introduces a procedure for applications to vary section 36 consents and for planning permission to be deemed granted in connection with such applications.
- 1.3.3. The Electricity Generating Stations (Applications for Variation of Consent) (Scotland) Regulations 2013 provide the regulatory framework for variation applications under S36C. These Regulations were the subject of amendment in 2017 to take account of the provisions contained in the new Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017 (“the 2017 EIA Regulations”) that apply to S36C applications. The EIA Report has been prepared in accordance with the requirements of the 2017 EIA Regulations.
- 1.3.4. 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.

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 Plan which together 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 Achany Extension Proposed Varied Development

### 2.1. Introduction

- 2.1.1. The following paragraphs will identify the site location and provide the planning history of the Section 36C application. It will also explain the Proposed Varied Development and describe the differences between this and the Consented Development.

### 2.2. Planning History

- 2.2.1. A Section 36 application for the Achany Extension Windfarm project (the Consented Development) was submitted in July 2021 (the “2021 Application”), (ECU Reference no. EC00001930). Initially, the proposal was to install 20 WTGs, however two turbine locations were removed from consideration as the determination process progressed. Consent for 18 WTGs with a maximum ground to blade tip height of 149.9 metres was granted by the Scottish Ministers on 22 May 2023 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<sup>1</sup> sets out their main considerations in determining the application and the relevant material considerations taken into account. The following paragraphs are taken from the decision letter.
- With an anticipated installed capacity of 76 MW, the amount of electricity produced by the proposed Development over its 50 year lifetime has been estimated to be over 10.5 million Megawatt hours (“MWh”) of electricity....is entirely consistent with the Scottish Government’s policy on the promotion of renewable energy and its target date for net zero emissions of all greenhouse gases by 2045...The proposed Development is estimated to result in annual savings of 53,490 tonnes of CO<sub>2</sub>e versus grid-mix electricity generation. These savings are even greater (and payback time faster) when compared to fossil fuel-mix electricity and coal-fired electricity thereby illustrating that it has the potential to contribute significantly towards the reduction of greenhouse gas emissions from energy production. ....
  - The Company sets out in the EIA report that the proposed Development will result in a significant investment in The Highland Council area and in Scotland, and that it is expected to generate economic impacts during the development and construction phase. It is estimated that, from planning

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<sup>1</sup> [Decision letter - Achany Extension Wind Farm .pdf](#)



through construction, the proposed Development will be worth approximately £11.7 million to the Scottish economy, £4.1million of that expected to be spent within the Highlands ....The Company also anticipates that the construction phase of the proposed Development is expected to generate 47.84 job years. This will generate an uplift in employment for the local area and region as a whole and would generate indirect economic benefits through spending both locally and nationally....The assessment within the EIA report Chapter 14 sets out that there are no significant effects on socio-economics as a result of the proposed Development. Whilst the overall net economic benefits are estimations of the effects 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.

- The Scottish Ministers consider that the effects, including cumulative effects, of the proposed Development will result in some environmental impacts but these are considered acceptable in the context of the benefits that the proposed Development will bring in terms of net economic benefit, contributing to renewable energy and climate change targets.
- The Scottish Ministers are satisfied that the proposed Development has been designed to minimise impacts on priority peatlands and that further opportunities for carbon offsetting will come in the form of the provision of a scheme for peatland restoration which forms part of the habitat management plan. Overall, the Scottish Ministers consider that the proposed Development will provide carbon savings, and that these savings will be of an order that weighs in favour of the proposed Development and will contribute to the Scottish Government's strategic priorities.
- Following an appropriate assessment the Scottish Ministers conclude...that the mitigation measures proposed in the EIA report (chapter 9 – Ornithology, paragraphs 9.9.3 – 9.9.11) to provide a Bird Protection & Mitigation Plan, in consultation with NatureScot, in addition to carrying out preconstruction bird surveys, demonstrate that the proposed Development will not, either alone or in combination with other developments, adversely affect the integrity of the site.
- Following an appropriate assessment the Scottish Ministers conclude, taking account of advice from NatureScot, that subject to mitigation measures proposed in the EIA report (chapter 8 – Ecology, paragraphs 8.7.1 – 8.12.4), the conservation objectives for both the Caithness and Sutherland Peatlands SAC otter and blanket bog and the River Oykel SAC Atlantic salmon and freshwater pearl mussel qualifying interests can be maintained, and demonstrate that the proposed Development will not, either alone or in combination with other developments adversely affect the integrity of either sites.



## 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 Site is located on the Glencassley Estate, near Lairg. The British National Grid (BNG) reference for the centre point of the Turbine Development Area is 247061, 907201 on land adjoining the operational Achany Wind Farm.
- 2.3.3. 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:
  - 18 WTGs each with internal transformers, a maximum tip height of 200m and nominal rotor diameter of 136-138m.
  - 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 13.4km are new access tracks and approximately 6.6km are existing tracks within the operational Achany Wind Farm site, where upgrades may be required to facilitate delivery of the WTG components);
  - Potential extension to the existing operations building at Achany Wind Farm to accommodate additional staff;
  - 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.

### Proposed Varied Development / Consented Development Comparison

- 2.3.5. The table below summarises the differences between the Consented Development and the Proposed Varied Development.

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

<b>S36 Consent Annex 1 Description of Development</b>	<b>S36C Description of Development Amendments Proposed for the Proposed Varied Development Application</b>
18 turbines each with a maximum blade tip height of up to 149.9m	18 turbines each with a maximum blade tip height of up to 200m. Turbine locations remain unchanged from the Consented Development layout.
Blade length of 68m	Nominal blade length has increased to 69m.
Rotor Diameter of 136m	Rotor Diameter may decrease or increase depending on the tip height and blade length variance.
Crane hardstandings for each turbine	The size of the hardstands has increased to reflect the requirements of a larger WTG.
An onsite substation	The transformer configuration is expected to change slightly, requiring an updated indicative design drawing.
Access Tracks	Optimisation of onsite access tracks, including a reduction in total length.
No turning heads	Addition of eight turning heads to accommodate turbine supplier delivery requirements.
Infra-red lighting solution	A new Aviation Lighting Solution needs to be agreed with consultees that reflects the requirements for increased tip height triggering the need for visible aviation lighting.

## 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 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

#### UK Legislation

- 3.2.1. The **Climate Change Act 2008**<sup>2</sup> 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**<sup>3</sup> which committed the UK to net zero emissions by 2050.
- 3.2.2. **The Climate Change (Scotland) Act 2009**<sup>4</sup> 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.
- 3.2.3. **The Climate Change (Emissions Reduction Targets) (Scotland) Act 2019**<sup>5</sup> raised ambition to net zero by 2045, ahead of the UK-wide target and introduced annual reporting and emphasized a Just Transition.
- 3.2.4. **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.
- 3.2.5. **The Energy Act 2023** became law on 26 October 2023<sup>6</sup> and aims to reduce reliance on fossil fuels and boost domestic clean energy production. It supports investment in green

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<sup>2</sup> [Climate Change Act 2008](#)

<sup>3</sup> [The Climate Change Act 2008 \(2050 Target Amendment\) Order 2019](#)

<sup>4</sup> [Climate Change \(Scotland\) Act 2009](#)

<sup>5</sup> [Climate Change \(Emissions Reduction Targets\) \(Scotland\) Act 2019](#)

<sup>6</sup> [Energy Act 2023](#)

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

- 3.2.6. 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."*

### International legislation and Reports

- 3.2.7. **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 5 years. The UK ratified the agreement on 17 November 2016, influencing its domestic energy and climate policy.
- 3.2.8. 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 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
- 3.2.9. 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.

### UK Energy Policy

- 3.2.10. **The Climate Change Committee– 2024 Progress Report to Parliament** (published July 2024)<sup>7</sup> 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 threefold, onshore wind installations need to double, and solar installations must grow fivefold.

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<sup>7</sup> [Progress in reducing emissions 2024 Report to Parliament - Climate Change Committee](#)

- 3.2.11. 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.
- 3.2.12. In July 2024, the new UK Government published a '**Policy Statement on Onshore Wind**,<sup>8</sup>' 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.
- 3.2.13. **Clean Power 2030 Action Plan; A new era of clean electricity**<sup>9</sup> 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.
- 3.2.14. 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.

### Scottish Energy Policy

- 3.2.15. **Onshore Wind Policy Statement 2022** 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 community benefits and lastly emphasises a **just transition**, ensuring local communities benefit socially and economically from wind developments.
- 3.2.16. Section 3.6 of the Statement 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

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<sup>8</sup> [Policy statement on onshore wind - GOV.UK](https://www.gov.uk/government/policies/energy-and-climate-change/policies-on-energy-and-climate-change/policy-statement-on-onshore-wind)

<sup>9</sup> [Clean Power 2030 Action Plan: A new era of clean electricity – main report - GOV.UK](https://www.gov.uk/government/policies/clean-power-2030-action-plan)

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.

- 3.2.17. **Draft Energy & Just Transition Plan (2023)**<sup>10</sup> vision is a net zero energy system by 2045 that is secure, affordable, and equitable and focuses on economic opportunity and fairness during the energy transition.
- 3.2.18. The **2023 Progress in Reducing Emissions Report to the Scottish Parliament**<sup>11</sup>, published in March 2024, highlighted several key points. Scotland missed its 2021 emissions target (51.1% reduction) — the 8th miss in 12 years and 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.
- 3.2.19. The **Programme for Government was published in September 2024**<sup>12</sup> 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 Transition Plan, doubling renewable ambitions and creating a clean energy pipeline.

### **Progress towards Net Zero Targets in Scotland**

- 3.2.20. Net zero by 2045 remains a legally binding target. Interim 2030 target (75% reduction) was **formally abandoned** in April 2024. **Annual emissions targets removed**; replaced by broader carbon budgeting. The Climate Change (Emissions Reduction Targets) (Scotland) Bill passed in November 2024 to reflect these changes. National Planning Framework 4 (NPF4) supports developments that contribute to net zero goals.

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<sup>10</sup> [Draft Energy Strategy and Just Transition Plan - gov.scot](https://www.gov.scot/publications/draft-energy-strategy-and-just-transition-plan/pages/1-to-100.aspx)

<sup>11</sup> [Progress in reducing emissions in Scotland - 2023 Report to Parliament - Climate Change Committee](https://www.climatechange.scot.nhs.uk/progress-in-reducing-emissions-in-scotland-2023-report-to-parliament-climate-change-committee)

<sup>12</sup> [Programme for Government 2024-25: Serving Scotland](https://www.gov.scot/publications/programme-for-government-2024-25/pages/1-to-100.aspx)

## 4. The Development Plan

### 4.1. Introduction

- 4.1.1. As an application under the Electricity Act, the duty under Section 25 of the Planning Act, to determine the application in accordance with the provisions of the development plan unless material considerations indicate otherwise, does not apply. The development plan is however a relevant material consideration and therefore should be considered in the planning balance.
- 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)
  - Caithness & Sutherland Local Development Plan (CASplan) (Adopted 2018)
- 4.1.3. As is confirmed by the Chief Planner in their letter dated February 2023<sup>13</sup>, where there are conflicts in policy between NPF4 and the Council's LDP, NPF4 takes precedence as it was adopted more recently than the LDP. With respect to the policies relevant to the Proposed Varied Development, it is evident that there are no conflicts in policy.
- 4.1.4. NPF4 forms the national element of the statutory Development Plan. At the local regional level, the development plans noted in paragraph 3.1.2 include key planning policies and site-specific proposals respectively that collectively provide the land use planning framework to guide future development in this part of the Highlands.

### 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

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<sup>13</sup> [Transitional arrangements for National Planning Framework 4: Chief Planner letter - February 2023 - gov.scot](https://www.gov.scot/publications/transitional-arrangements-for-national-planning-framework-4/pages/2/)



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 (DPEA Reference WIN-110-2, 3 March 2023)<sup>14</sup>. In the case of **Shepherd's Rig** Windfarm (post NPF4 Supplementary Report to Ministers (DPEA Reference WIN-170-2005, 2 March 2023)<sup>15</sup>, 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 stated in Section 1.2 of this statement, the Proposed Varied Development will make a significantly better 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 comparing 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 will be irrevocably 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 meaningful contribution 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

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<sup>14</sup> [Scottish Government - Energy Consents Unit - Application Details](#)

<sup>15</sup> [Scottish Government - Energy Consents Unit - Application Details](#)

is an outcome focused document, with each of the 33 planning policies accompanied by statements on 'Policy Intent' and 'Policy Outcomes'.

- 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:
- “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.
- 4.2.9. 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’*
- 4.2.10. For the purposes of this Proposed Varied Development, it is considered that 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 25: Community Wealth Building
- 4.2.11. NPF4 requires that significant weight should be placed on the climate crisis and on the contribution of developments to renewable energy and greenhouse-gas-emissions 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.
- 4.2.12. 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**

- 4.2.13. 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 “.

- 4.2.14. 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)).
- 4.2.15. There is no doubt that the wording of Policy 11 (a)(i) supports new wind development. However, consideration should be had 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 windfarm 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.
- 4.2.16. 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 the Highland Council’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).
- 4.2.17. Other key elements of the statement include:
  - a proposed collaborative approach to community benefit. SSE Renewables will jointly administer the Achany Extension fund with RWE’s Rosehall Wind Farm, using a multi-community panel to manage and distribute resources across three community council areas efficiently.
  - the project aims to tackle rural depopulation by creating high-quality employment opportunities and strengthening local supply chains. It also seeks to retain young people in the Highlands through partnerships with education and economic development organizations such as the University of the Highlands and Islands (UHI), the Kyle of Sutherland apprenticeship scheme, and Highlands and Islands Enterprise (HIE).

- 4.2.18. It is clear to see 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 Policy 11 (e), it is stated that “*project design and mitigation will demonstrate how*” impacts are addressed. These are addressed in turn below in **Table 4.1**. In addition, mitigation for the effects for both the Consented and Proposed Varied Development were undertaken through an iterative design process from which the Proposed Varied Development layout evolved. The evolution of the project design is explained in **Chapter 2: Design Iteration and Proposed Development of the Proposed Varied Development**.

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.	<p data-bbox="763 515 1444 552"><b><u>Impact on Communities and Residential Amenity</u></b></p> <p data-bbox="763 600 954 636"><b>Visual Impact</b></p> <p data-bbox="763 687 1991 1204"><b>Chapter 5</b> of the EIAR for the Proposed Varied Development assesses the impacts on nearby residential receptors. The conclusion of the assessment is that, of the 7 residential receptor locations within 10km of the site, 4 would experience an increased effect from the Proposed Varied Development when compared to the Consented Development. These include the village of Rosehall and the receptors on the eastern side of Loch Shin with direct views across towards the Site. There would be a noticeable increase in the size of the turbines from these receptors compared to the Consented Development and an increase in the horizontal spread, particularly from the cluster overlooking Loch Shin. However, it is considered, on balance, that although the increased height of the turbines from the Proposed Varied Development may be noticeable from some residential receptors, this would not be to the extent that the residential amenity of these receptors would be affected. In addition, in terms of the overall visual impact on, the Landscape and Visual Assessment in Chapter 5 of the EIAR has clearly demonstrated that the Proposed Varied Development would not be considered to have a significant impact on residential amenity.</p>

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## Noise

Chapter 13 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. It was found that operational noise levels would be within the consented noise limit, and it was therefore concluded that such effects **would be not significant**. No mitigation measures are therefore required in relation to Operational noise and vibration effects of the Proposed Varied Development. The Proposed Varied Development would not result in any additional significant cumulative effect and cumulative operational noise effects are not significant. In terms of residential amenity, therefore, there will be no additional impact of the Proposed Varied Development in comparison to the Consented Development.

## Shadow Flicker

In terms of shadow flicker, this is addressed in Chapter 17 of the 2021 EIAR, Section 17.4 confirms that according to the Scottish Government's Online Planning Guidance for Onshore Wind Turbines, shadow flicker is generally not considered a concern when there is a minimum separation of 10 rotor diameters between wind turbines and nearby dwellings. In the case of the Proposed Varied Development, there are no dwellings within 10 rotor diameters, and therefore, the potential for shadow flicker is deemed negligible.

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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

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.

applied, they will generally be considered to be acceptable;

- Refer to EIA **Chapter 5** for LVIA assessment. The conclusions of this chapter are that although there would be some slight increases in anticipated effects, the assessment shows that the effects would be broadly consistent with the findings in the assessment for the Consented Development. A summary of the key differences are summarised below:-
- Localised Major effects for LCT 135: Rounded Hills - Caithness & Sutherland would increase from within 2km for the Consented Development to up to 3km for the Proposed Varied Development .
- For LCT 142: Strath - Caithness & Sutherland localised significant effects within the upper part of Glen Cassley would increase from Moderate to Moderate-Major.
- For WLA34 – Reay Cassley the localised Moderate Major effects on Wild Land Quality 4 would increase from 2km to 3km. The Moderate effects on this WLQ would increase from 8-10km to 10-12km. However, the overall effect for the WLA was determined to be **not significant**.

There would be a limited number of increased significant effects on landscape character and visual amenity affecting localised parts up to 12.5km from the site Increased significant effects for visual receptors are as follows:

- For viewpoints there would be an increased significant effect from Moderate up to Moderate-Major for 5 VPs and from Minor-Moderate up to Moderate for 2 VPs
- For be an increased significant effect from Moderate up to Moderate-Major for 3 residential receptors, and from Minor-Moderate up to Moderate for 1 residential receptor.
- There would be an increase in the stretch of R17 – Scottish Hill Track 332 experiencing localised Moderate effects from approximately 3 to 4 km.



- There would be other increases but they would not result in a significant effect rating.

It is therefore considered that impacts are confined to localised.

As is explained in EIA Chapter 5 in section 5.7.23 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 the same positions as the Consented Development turbines as this is still considered to be the optimal layout based on the iterative design process.

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

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. As with the Consented Development, there could potentially be some disruption to public access caused by construction traffic activity. However, during the operational phase of the Proposed Varied Development, all access tracks will remain open to the public throughout with dedicated provisions to support recreational activities such as walking, cycling, and horse riding.

Chapter 5 of the EIAR, Landscape and Visual addresses visual amenity considerations in relation to impacts on walking, cycling and scenic recreation routes. The impact of the proposed varied development was assessed for five specific routes which were scoped into the EIAR. (See **Table 5.4** of Chapter 5 of the EIAR). There were minor and moderate effects identified for these specific routes.

As with the Consented Development significant effects were identified for a range of residential, recreational and route-based visual receptors in areas to the north-east of Loch Shin, around Rosehall and Glen Cassley and recreational users within a localised part of the upland area to the west of Glen Cassley, and would result in some increased influence of wind turbines on the landscape character within parts of Glen Cassley, the upland plateau areas to either side of it,

	<p>and a localised part of WLA 34, Reay – Cassley. Out with these areas, landscape and visual effects would not be significant. Whilst there would therefore be some visibility of the Proposed Varied Development from some walking and recreational routes, these are not considered to be unacceptable.</p>
<p>iv. impacts on aviation and defence interests including seismological recording;</p>	<p>Chapter 14 of the EIAR addresses all matters relating to aviation and radar.</p> <p>The assessment was undertaken in relation to the potential impact of physical obstruction to aircraft flying under VFR (<u>Visual Flight Rules</u>)</p> <p>The assessment concludes that a <b>Minor</b> and <b>Not Significant</b> effect is predicted on surrounding civil aircraft, helicopter operations, and military low flying aircraft flying under VFR due to the implementation of aviation lighting and the turbines being marked on the relevant aeronautical charts. This remains the same as the Consented Development.</p>
<p>v. impacts on telecommunications and broadcasting installations, particularly ensuring that transmission links are not compromised;</p>	<p>Chapter 15 (Infrastructure and Telecommunications) of the EIAR addresses telecommunications. The Proposed Varied Development is not anticipated to have any effects on telecommunications infrastructure.</p>
<p>vi. impacts on road traffic and on adjacent trunk roads, including during construction;</p>	<p>Chapter 11 of the EIAR outlines that, following the Scoping exercise and further consultation, Traffic and Transport were deemed unnecessary to include in the assessment for the Proposed Varied Development and is scoped out of the EIAR.</p> <p>Additionally, Chapter 11 confirms that an updated Construction Traffic Management Plan (CTMP) will be submitted with the application to account for changes in turbine specifications</p>

and the delivery schedule. However, no alterations are proposed to the delivery routes or the overall access strategy.

vii. impacts on historic environment;

Impacts on the historic environment are assessed in Chapter 10 of the Proposed Varied Development EIAR.

In the assessment of the Proposed Varied Development's impact on heritage assets within 10km Outer Study Area, there was one effect of moderate significance (significant in EIA terms) identified; all others are of minor or lesser significance (not significant in EIA terms). This moderate impact was on the setting of the scheduled monument, Dail Langwell Broch (SM1852).

As confirmed in Chapter 10 of the EIAR, whilst the Proposed Varied Development introduces a moderate change to its setting resulting in an adverse effect of moderate significance, the Broch's relationship with the River Cassley and surrounding valley remains appreciable and would not be diminished as a result of the Proposed Varied Development. This is the same as the Consented Development, which identified a **moderate** effect, which is **significant** in EIA terms.

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

The relevant Chapter in the EIAR that assesses the impacts on hydrology and hydrogeology is Chapter 8. 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. 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

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assessment of Effects for the Proposed Varied Development, refer to Chapter 8 of the EIAR.

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ix. biodiversity including impacts on birds;

### **Ecology**

Impacts on Ecology as a result of the Proposed Varied Development are assessed in Chapter 6 of the EIAR. The conclusions of this chapter are that the Proposed Varied Development is not expected to result in any new or materially different significant adverse ecological effects in comparison to the Consented Development.

### **Peatland**

Chapter 9 of the EIAR considers the impact of the proposal on soils. In Chapter 9, a full assessment has been undertaken of the potential effects on geology and peat during the construction, operation and decommissioning phases of the Proposed Varied Development. As part of this assessment a revised Carbon Balance Assessment has been undertaken.

The assessment confirms that most of the peatland onsite has been confirmed as modified peat, with localised areas of near natural, actively eroding and drained peatland. The Proposed Varied Development avoids areas classified as near natural peatland, taking other onsite constraints into consideration. All excavated peat would be re-used and relocated in accordance with the Consented Development EIA Report Outline. It is also confirmed in Chapter 9 that *“The net emissions of carbon dioxide from the Proposed Varied Development are expected to be 129,919 tonnes of CO<sub>2</sub>e, with a payback time of 3.3 years.”*

In conclusion, the assessment in Chapter 9 confirms that the impacts on Peatland remain unchanged for the Proposed Varied Development in comparison to the Consented Development. The impacts to geological receptors during the construction, operation and decommissioning phase of the Proposed Varied Development have been assessed as

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negligible and therefore, not significant, with the implementation of mitigation, through guidance and best practice measures as outlined for the Consented Development.

### Ornithology

Chapter 7 of the EIA assesses the likely significant effects of the Proposed Varied Development with respect to ornithology. Due to the increased turbine height, a revised Collision Risk Assessment was undertaken.

No significant effects on Important Ornithological Features (IOF) were predicted for either the Consented Development or the Proposed Varied Development. Mitigation and enhancement measures for breeding wader species delivered via the existing HMP and secured through planning conditions for the Consented Development remain appropriate and effective for the Proposed Varied Development.

x. impacts on trees, woods and forests;

Refer to Chapter 15 of the EIAR where it is confirmed that the impacts of the development on Forestry were scoped out of the EIAR.

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.

xii. the quality of site restoration plans including the measures in place to safeguard or guarantee availability of

As above under (xi).

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finances to effectively implement those plans; and

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xiii. cumulative impacts.

Each chapter of the EIAR assesses the cumulative impacts of the Proposed Varied Development as appropriate

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- 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 4.2.10.



**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 revitalization.	<p>Policy 1 states that, when considering all development proposals, “<i>significant weight will be given to the global climate and nature crises</i>”.</p> <p>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 of which 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.</p> <p>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.</p>
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	<p><b>See commentary associated with Policy 11 (e)(ix) in table 4.1 above.</b></p> <p>From the conclusions of the assessment contained within Chapter 6 of the EIAR and all associated assessments and Appendices, it is clear that the Proposed Varied Development is compliant with Policy 3.</p>

will conserve, restore and enhance biodiversity.

#### Policy 4 (Natural Places)

The principle of Policy 4 is to protect, restore and enhance natural assets making best use of nature-based solutions.

The most relevant parts of this Policy are Policies 4 (c) & (g).

Policy 4 (c) states that where “*Development proposals that will affect the National Park or National Scenic Area...will only be supported where:*

- the objectives of designation and the overall integrity of the areas will not be compromised; or
- any significant adverse effects on the qualities for which the area has been designated are clearly outweighed by social, environmental or economic benefits of national importance.”

#### National Scenic Area

A full assessment of the effects on the Special Landscape Qualities for the Assynt Coigach NSA was carried out for the Proposed Varied Development and is contained within Appendix 5.6 of the EIAR. A detailed report of the findings of this assessment of the impact on Assynt Coigach NSA is contained within Section 5.8 of Chapter 5. In summary, no significant effects were predicted for SLQs. Any significant visual effects on the NSA periphery were considered to be isolated and were not considered to contribute to a significant effect on the landscape qualities within the NSA due to the localised nature of the effects.

#### Local landscape Designations

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

*“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”.

No change is predicted to the level of effect on the Ben Klibreck and Loch Choire SLA and the overall effect on the SLA would remain not significant during construction and operation. For full details on the assessment on the impact of SLAs refer to **Chapter 5** of the EIAR.

### **Wild Land Areas**

Policy 4 (g) addresses development proposals in areas identified as wild land and states that they will only be supported where the proposal: “... *will support meeting renewable energy targets;*” It goes on to state that all such proposals must be accompanied by a wild land impact assessment which sets out how design, siting, or other mitigation measures have been and will be used to minimise significant impacts on the qualities of the wild land, as well as any management and monitoring arrangements where appropriate.

A reassessment of the effects on Wild Land Area 34 (WLA34) – Reay-Cassley was undertaken as part of the Landscape and Visual Assessment. The same level of effect Moderate-Major (significant) was predicted within 3km and locally to 5-6km of the Proposed Varied Development. This is the same level that was identified for the Consented Development.

Taller turbines from the Proposed Varied Development are expected to cause a localised moderate (significant) effect in parts of the Eastern and Western Lobster Claw and the south-eastern Central Core, reducing the perceived extent of the peatland landscape when viewed from the south and south-east. A moderate

(significant) effect was also identified for the consented development for the same reasons, but this was limited to areas within 8-10 km which identified similar effects. The turbines from the Proposed Varied Development would appear closer to the areas identified which would lead to these impacts being experienced over a wider area.

For both the Proposed Varied Development and Consented Development the overall effects on the WLA as whole were deemed to be limited and not significant. As previously stated throughout this statement, the Proposed Varied Development offers a substantially greater contribution to national energy targets compared to the Consented Development.

Again Chapter 5 of the EIAR (paras 5.7.11- 5.7.13) – Landscape & Visual Chapter provides a full comprehensive assessment of the impacts of the Proposed Varied Development on WLA34.

**From the conclusions of the assessment contained within Chapter 5 of the EIAR and all associated assessments and 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 or carbon rich soils or priority peatland habitat is proposed, a detailed site-specific assessment is required to identify baseline, likely effects and net effects. The policy's core aim is to safeguard carbon-rich soils, promote the restoration of peatlands, and	<b>See commentary on Peatland and Ecology associated with Policy 11 (e)(ix) in table 4.1 above.</b> As stated, from the conclusions of the assessment contained within Chapters 6,7 & 9 of the EIAR and all associated assessments and Appendices, it is clear that the Proposed Varied Development is compliant with Policy 5.
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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)	<p>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 only be supported if direct impacts are avoided, that the integrity of the setting should be protected and exceptional</p>	<p>Chapter 10 of the EIAR considers the potential operational effects of the Proposed Varied Development on the settings of cultural heritage (designated) assets within a 10km Outer Study Area from the site’s boundary.</p> <p>Chapter 10, Paragraph 10.12.3 of the EIAR, concludes that the assessment resulted in the identification of an effect of <b>moderate</b> significance (significant in EIA terms) on the setting of the scheduled monument Dail Langwell, broch 1675m NW of Croich (SM1852). This is the same level of effect that was predicted for the Consented Development.</p> <p>The assessment determined that while the Proposed Varied Development would result in a noticeable alteration to the monument’s setting, the ability to experience, appreciate, and understand the cultural significance of the Dail Langwell broch would</p>
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justification is provided, and impacts are minimised.

remain intact. As such, the essential elements of its setting that contribute to its cultural value would be preserved, ensuring that the integrity of the broch's setting is not significantly diminished.

All other effects on the settings of the heritage assets within the Outer Study Area were assessed as being of no more than minor significance (not significant in EIA terms).

There were therefore no predicted increases in effects as a result of the Proposed Varied Development compared to the Consented Development, and no additional significant effects are predicted.

**From the conclusions of the assessment contained within Chapter 10 of the EIAR and all associated assessments and Appendices, it is clear that the Proposed Varied Development is compliant with Policy 7.**

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 prosperity and reduce inequality.

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 and also paragraphs 4.2.16 for a summary of the Statement. This clearly demonstrates how the Proposed Varied Development will contribute to local prosperity.

### 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 (LDP) was adopted by the Highland Council 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 NPF, 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	<p>This policy confirms the Council will support developments which promote and enhance the social, economic and environmental wellbeing of the people of Highland, advising 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.</p> <p>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.</p> <p>Policy 28 requires that all development proposals must demonstrate compatibility with the Sustainable Design Guide: Supplementary Guidance, which requires that all developments should:</p> <ul style="list-style-type: none"> <li>• conserve and enhance the character of the Highland area;</li> <li>• use resources efficiently;</li> <li>• minimise the environmental impact of development; and</li> <li>• enhance the viability of Highland Communities</li> </ul>	<p>Conformity with this policy has been confirmed in <b>Table 4.2</b> 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) &amp; Policy 14 (Design, Quality and Place) and in <b>Table 4.1</b> by the criteria of Policy 11 (e) (i),(ii), (iii), (vi), (vii), (viii), (ix)</p>
Policy 29 – Design Quality and Place-making;	<p>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.</p>	<p>Conformity with this policy has been assessed in <b>Table 4.2</b> above by the criteria of NPF4 Policy 7 (Historic Assets and Places) &amp; Policy 14 (Design, Quality and Place) and in <b>Table 4.1</b> by the criteria of Policy 11 (e) (i),(ii), (iii), (vii)</p>

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) & Policy 14 (Design, Quality and Place) 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 Site Waste Management Plan was submitted as part of the draft Construction and Environmental Management Plan (CEMP) for the Consented Scheme (**Technical Appendix 3.1** of the **2021 EIAR**). It is considered that the information provided in this CEMP is sufficient for the Proposed Varied Development. A finalised CEMP would be required as part of the Condition programme for the S36C consent.

It is therefore considered that conformity with Policy 54 has been established.

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 <b>Table 4.2</b> above by the criteria of NPF4 Policy 5 (Soils)
Policy 57 – Natural, Built and Cultural Heritage	<p>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.</p> <p>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).</p>	Conformity with this policy has been assessed in <b>Table 4.2</b> above by the criteria of NPF4 Policies 4 (Natural Places) and 7(Historic Assets and Places)

Policy 58 – Protected Species	<p>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.</p> <p>Development that would likely have an adverse effect—either individually or cumulatively—on <b>European Protected Species</b> will only be permitted if there is 1) no satisfactory alternative 2) there are <b>imperative reasons of overriding public interest (IROPI)</b>, 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.</p>	Conformity with this policy has been assessed in <b>Table 4.2</b> above by the criteria of NPF4 Policies 3 (Biodiversity) & 4 (Natural Places)
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 <b>Table 4.2</b> above by the criteria of NPF4 Policies 3 (Biodiversity) & 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 <b>Table 4.2</b> 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 <b>Table 4.1</b> 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 assessment should be provided for proposals in or near flood prone areas and development should not increase flood risk elsewhere.	Conformity with this policy has been assessed in <b>Table 4.1</b> above by the criteria of NPF4 Policy 11 (e) (viii) Renewable Energy
Policy 66b – Surface Water Drainage	All proposals must be drained by Sustainable Urban Drainage Systems (SUDs) designed in accordance with CIRIA C697.	Conformity with this policy has been assessed in <b>Table 4.1</b> above by the criteria of NPF4 Policy 11 (e) (viii) Renewable Energy
Policy 67 - Renewable Energy Developments	<p>Policy 67 firstly refers to the need for renewable energy development proposals to be <i>“well related to the source of the primary renewable resources that are needed for their operation”</i>.</p> <p>A second requirement of Policy 67 is that the Council will consider a Proposed Varied Development’s contribution <i>“towards meeting renewable energy generation targets”</i>.</p> <p>The policy also states that the Council will consider <i>“any positive or negative effects [the Proposed Varied Development] is likely to have on the local and national economy”</i>.</p>	<p>The Proposed Varied Development meets this requirement as the <i>“primary renewable resource”</i> for its operation is wind.</p> <p>As stated in paragraph 3.2.27, the Proposed Varied Development has an indicative installed capacity of up to 81 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.</p> <p>The standalone Maximising Socio-Economic report confirms that the Proposed Varied Development</p>

The Highland Council (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*”..

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.

With reference to the 11 factors which the proposed varied development should be assessed against as to whether or not significant effects would be significantly detrimental overall, these factors align with the criteria of Policy 11 (e) (with the exception of tourism) and have therefore been assessed in **Table 4.1** 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 Prevention Plan was submitted as part of the draft Construction and Environmental Management Plan for the Consented Scheme. It is considered that the information provided in this previously submitted CEMP meets the needs for the Proposed Varied Development. A finalised CEMP would be required as part of the Planning Conditions for the S36C consent.

It is therefore considered that conformity with Policy 72 has been established.

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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 <b>Table 4.1</b> above by the criteria of NPF4 Policy 11 (e) (iii) Renewable Energy
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## **4.4. Emerging Highland Local Development Plan**

- 4.4.1. The Highland Council 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.

## **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. Caithness and Sutherland Local Development Plan 2018**

- 4.6.1. The CaSPlan provides a vision, strategy and policies and subsequently provides settlement statements and allocations. The general strategy of the CASplan includes the intention to grow communities, employment, connectivity and transport, and Environment and Heritage. This includes an economic strategy which recognises the benefits of renewable energy in achieving national climate change targets, but also in delivering economic benefit for the area. It also notes the role of the area as a renowned location for renewable energy, stating its desire for the strategy outcome is: *“A strong, diverse and sustainable economy characterised as being an internationally renowned centre for renewable energy”*.
- 4.6.2. There are no specific policies within the plan which could be considered to be of further significance in the assessment of whether there are additional impacts of the Proposed Varied Development when comparing it with the Consented Development.



## **4.7. Emerging Highland Local Development Plan – Highland Council Evidence Report**

- 4.7.1. The Highland Council 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.

## 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 acknowledged in 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.
- 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 would supply more homes with clean, renewable energy and an equivalent increase in CO<sub>2</sub> 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.