

Chapter 4: Planning and Renewable Energy Policy Context

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4.1. Introduction

- 4.1.1. The purpose of this chapter is to identify legislative requirements relevant to the technical assessments in this Environmental Impact Assessment ('EIA') Report. This chapter also identifies the relevant planning policy considerations for the proposed development, including reference to national, regional and local policies as well as other material considerations applicable to the Proposed Varied Development.
- 4.1.2. This chapter is factual in nature and does not assess the Proposed Varied Development in accordance with relevant planning policies. A standalone Planning Statement¹ has been prepared to support the Section 36C ('S.36C') application and provide an assessment of the relevant legislation and policies to demonstrate its compliance with them and to assist in the decision-making process. The Planning Statement does not form part of the EIA Report.
- 4.1.3. Refer to **Technical Appendix 1.1: Capability Statement** for authors' experience and qualifications.

4.2. Legislative Framework

- 4.2.1. The key pieces of legislation of relevance to this EIA Report are as follows:
- The Electricity Act 1989;
 - The Electricity Generating Stations (Applications for Variation of Consent) (Scotland) Regulations 2013;
 - Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017; and
 - The Town and Country Planning (Scotland) Act 1997 as amended (the 1997 Act').

¹ Provided as supporting information to the Section 36C Planning Application

4.3. Planning Policy Framework

- 4.3.1. Unlike planning applications determined under Section 25 of the Planning Act, the Development Plan does not have primacy under a S.36C. However, the Development Plan is still a material consideration and therefore this chapter will reference the most salient development plan policies.
- 4.3.2. The Statutory Development Plan relating to the Proposed Varied Development comprises the following:
- National Planning Framework 4 ('NPF4') 2023;
 - Argyll and Bute Local Development Plan 2 ('LDP2') – adopted 2024; and
 - Argyll and Bute Landscape Wind Energy Capacity Study ('LWECS') 2017 is non statutory supplementary planning guidance.

NPF4

- 4.3.3. NPF4 was adopted on 13th February 2023 and comprises the national element of the statutory Development Plan. NPF4 sets out the long-term vision for development and investment across Scotland and replaces Scottish Planning ('SPP') and National Planning Framework 3 ('NPF3') in their entirety. NPF4 represents a significant change from the status of NPF3 and SPP which did not form part of the Development Plan.
- 4.3.4. The most relevant NPF4 policies as they relate to this S.36C application are contained within **Table 4.1 below**. The following table provides a brief description of each policy and identifies the corresponding chapters of this EIA Report where the relevant impact assessments can be found.

Table 4.1: NPF4 Policies

Policy	Summary	Relevant EIA Chapter and Supporting Document
Policy 1 (Tackling the climate and nature crises)	Policy 1 states that development proposals should be considered against the global climate and nature crises, considering just transition, conserving assets and rural revitalisation.	All Chapters
Policy 3 (Biodiversity)	Policy 3 aims to protect, enhance, and restore biodiversity through the planning system. It requires development proposals to deliver positive effects for biodiversity, not just avoid harm.	Chapter 6 - Ornithology Chapter 7 - Ecology and Nature Conservation

Policy	Summary	Relevant EIA Chapter and Supporting Document
Policy 4 (Natural Places)	The principle of policy 4 is to protect, restore and enhance natural assets making best use of nature-based solutions.	Chapter 5- Landscape and Visual Chapter 7 – Ecology and Nature Conservation Chapter 8 – Geology, Soils and Peat
Policy 5 (Soils)	Policy 5 seeks to protect, manage, and enhance Scotland's soils as a key natural asset. It emphasises sustainable use of soil resources and avoidance of unnecessary disturbance. Its aim is to protect carbon-rich soils and peatlands and minimise disturbance to soils for development.	Chapter 7 – Ecology and Nature Conservation Chapter 8 – Geology, Soils and Peat
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.	Chapter 10 – Cultural Heritage Chapter 5 – Landscape and Visual
Policy 11 (Energy)	This policy seeks to realise full potential for electricity and heat from renewable, low carbon and zero emission sources by identifying a range of opportunities for energy development.	All Chapters
Policy 22 (Flood risk and water management)	This policy aims to strengthen resilience to flood risk by prioritising avoidance as the primary principle and by reducing the vulnerability of both existing and future development to flooding. Policy 22(c) further requires that development proposals do not increase the risk of surface water flooding and that all rainwater and surface water are managed through sustainable drainage systems.	Chapter 9 – Surface Water
Policy 25: Community Wealth Building	This policy aims to encourage, promote and facilitate a new strategic approach to economic development that also provides a practical model for building a wellbeing economy at local, regional and national levels	Vol 1 Non-Technical Summary: Socio-Economic Report

- 4.3.5. Where relevant, the scope of this EIA Report will allow for these considerations to be identified and assessed. A summary of EIA outcomes is provided in **Chapter 16: Summary of Impacts and Schedule of Mitigation**. The assessment of compliance with relevant policy is provided within the accompanying Planning Statement. Measures to maximise socio-economic

benefits associated with the Proposed Development are set out within the accompanying Maximising Socio-Economic Benefits Framework Report.

Argyll and Bute Local Development Plan 2 ('LDP2') – adopted 2024

- 4.3.6. The Argyll and Bute Local Development Plan 2 ('LDP2') was adopted by Argyll & Bute Council in 2024 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.
- 4.3.7. LDP2 Policy 30, The Sustainable Growth of Renewables, serves as the primary policy for assessing onshore wind farm proposals. LDP2 helpfully clarifies that when considering landscape and visual impacts, Policy 30 must be interpreted within the wider context of the development plan. This includes the overarching objectives and principles of NPF4, as well as its relevant topic specific policies, such as Policy 11. This is assessed in the supporting stand-alone Planning Statement. Policy 30 and other relevant planning policies are outlined in **Table 4.2**.

Table 4.2: Relevant Local Plan Policies

Topic Area	Policy	Title
General Renewables Policy	30	The Sustainable Growth of Renewables
Siting and Design	05	Design and Placemaking
	08	Sustainable Siting
	10	Design – All Development
Cultural Heritage	15	Supporting the Protection, Conservation and Enhancement of Our Historic Built Environment
	16	Listed Buildings
	19	Scheduled Monuments
	20	Gardens and Designed Landscapes
	21	Sites of Archaeological Importance
Flooding, Water Quality and Drainage	55	Flooding
	59	Water Quality and the Environment
	61	Sustainable Drainage Systems ('SUDS')
Landscape	70	Development Impact on National Scenic Areas ('NSAs')
	71	Development Impact on Local Landscape Areas ('LLAs')
Ecology and Ornithology	73	Development Impact on Habitats, Species and Biodiversity
	74	Development Impact on Sites of International Importance

Topic Area	Policy	Title
Trees and Woodland	75	Development Impact on Sites of Special Scientific Interest ('SSSIs') and National Nature Reserves
	76	Development Impact on Local Nature Conservation Sites ('LNCS')
	77	Forestry, Woodland and Trees
	78	Woodland Removal

4.4. UK & Scottish Energy Legislation and Policy

4.4.1. The key relevant legislation and policies in relation to climate change and renewable energy are summarised in **Table 4.3**.

Table 4.3: Climate Change and Renewable Energy Policies

Category	Legislation / Policy	Key Points
UK Legislation	Climate Change Act 2008	Legally binding target: 80% emissions reduction by 2050; established Committee on Climate Change.
	Climate Change Act 2008 (2050 Target Amendment) Order 2019	Updated target to net zero by 2050 .
	Climate Change (Scotland) Act 2009	80% reduction by 2050; 42% by 2020; introduced Public Bodies Climate Duties.
	Climate Change (Emissions Reduction Targets) (Scotland) Act 2019	Raised ambition to net zero by 2045 ; annual reporting; Just Transition focus.
	Climate Change (Emissions Reduction Targets) (Scotland) Act 2024	Removed interim targets (e.g., 75% by 2030); introduced five-year carbon budgets .
Scottish Energy Policy	Energy Act 2023	Major reform supporting clean energy investment, energy security, and reduced fossil fuel reliance.
	Onshore Wind Policy Statement (OWPS) 2022	Onshore wind "mission critical"; supports taller turbines; prioritises climate and community benefits; emphasises just transition.
	Draft Energy Strategy & Just Transition Plan (2023)	Vision for a secure, affordable, equitable net zero energy system by 2045.
	2023 Progress in Reducing Emissions Report (2024)	Scotland missed 2021 target; 2030 target deemed "beyond credible"; 75% target abandoned; net zero 2045 reaffirmed.
	Programme for Government 2024	Prioritises climate and nature crises; highlights renewable potential; commits to final Energy Strategy & Just Transition Plan; aims to double renewable ambitions.

4.5. Summary

- 4.5.1. This chapter has set out the relevant planning and legislative and context against which the Proposed Varied Development will be assessed.
- 4.5.2. The separate standalone Planning Statement, which does not form part of this EIA Report, provides an assessment of the proposal against the energy, climate change and planning policies outlined in this chapter to provide an independent assessment of the planning issues relevant to the Proposed Varied Development.