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Teindland Wind Farm

Planning Statement

May 2025

PlanA

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Introduction

Background

Plan A Consultancy Ltd have been appointed by Envams Ltd on behalf of Teindland Wind Farm Ltd ('the Applicant') to provide planning support to the proposed Teindland Wind Farm ('the Development'), situated approximately 3 kilometres (km) north of Rothes. The Development comprises up to 12 wind turbines with maximum tip heights between 200 meters (m) and 230 m, and associated infrastructure.

The application is for consent under Section 36 of The Electricity Act 1989 and deemed planning consent from Moray Council under Section 57(2) of the Town and Country Planning (Scotland) Act 1997 (as amended) ('the TCPA'). Accordingly, the application will be decided by Scottish Ministers via the Energy Consents Unit (ECU).

This Planning Statement outlines the key characteristics and details of the Development and summarises the relevant planning policy context before providing an appraisal of the Development against all relevant material considerations. In doing so, the Planning Statement demonstrates the need for the Development and the balance of material considerations which are required to form a reasonable judgement on the merits of the Development.

An Environmental Impact Assessment (EIA) Report has been prepared under the Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017 ('the EIA Regulations') and has been submitted as part of this application. This Planning Statement draws from that EIA Report to provide evidence in support of the application and to demonstrate the level of compliance with policies as applicable.

The Applicant

Teindland Wind Farm Ltd is a Special Purpose Vehicle (SPV) established to deliver the Development. Teindland Wind Farm Ltd is a joint venture partnership between European Energy UK Limited and Locogen.

European Energy is an internationally recognised and award-winning expert in facilitating the development, construction, and operation of renewable energy systems. It is a subsidiary of European Energy AS, based in Copenhagen, Denmark. The EE group has an international presence across Europe and in Brazil, USA and Australia.

Locogen is a Scottish based renewable energy consultant and developer with a long history of successfully developing and constructing renewable energy projects throughout the UK.

Screening and Scoping

To determine the requirement for an Environmental Impact Assessment, development proposals are assessed against the EIA Regulations to ascertain whether a development would constitute EIA development. The Development is of a type described within Schedule 2 of the EIA Regulations as an installation for the harnessing of wind power for energy productions. It is not located within a 'sensitive area' as defined by the EIA Regulations; however, the project would exceed both of the applicable thresholds as it involves more than two wind turbines with hub heights of more than 15 m.

The requirement for an EIA was therefore determined based on whether the project would be likely to give rise to significant effects on the environment by virtue of its size, nature or location. The scale, nature and location of the Development were considered such that, in order to allow the environmental impacts of the project to be appropriately considered throughout the application process, an EIA Report would be required.

An EIA was required for the Development given it exceeds the thresholds within Schedule 2 of the EIA Regulations. Therefore, pursuant to the provisions of Regulation 17 of the EIA Regulations 2017, in July 2022 the Applicant submitted an EIA Scoping Report to accompany a request for an EIA Scoping Opinion from the Scottish Ministers. This Scoping Report is included within the EIA Report as Technical Appendix A2.1. The Scottish Ministers issued their Scoping Opinion in October 2022 which set out the topics to be addressed in the EIA. This Scoping Opinion is included within the EIA Report as Technical Appendix A2.2. Scoping is a voluntary process, and the responses received as part of this process are advice associated with the methodologies put forward by the Applicant for the determination and potential for likely significant environmental effects. The EIA Scoping process therefore provides an accompanying background to the planning context for the policy analysis associated with the Development.

Pre-Application Consultation

The Applicant submitted a pre-application enquiry to Moray Council on 9th July 2024 (24/00931/PEMAJ). Moray Council respond with comments on the Development on 3rd January 2025. The comments highlight that the Development will be assessed against the policies contained in National Planning Policy Framework 4 and the Moray Local Development Plan 2020 and that any application should be accompanied by a statement which addresses these. This Planning Statement constitutes that requested assessment. Every effort has been made to address the observations made by the Moray Council in their response.

Structure of this Document

The remainder of this Planning Statement is structured as follows:

- *The Development:* provides a summary of the main components associated with the Development, an overview of the Site and its surroundings, as well as a summary of the design evolution;
- *Renewable Energy Policy Framework*: provides a summary of the wider renewable energy policy context relevant to the Development;
- *Planning Policy Framework:* outlines and summarises the relevant statutory Development Plan and other material considerations relevant to the Development;
- *Planning Assessment:* provides a planning appraisal of the Development against the relevant provisions of the Development Plan and other material considerations including principle and acceptability of the Development; and
- *Conclusions:* presents the overall summary and conclusions.

The Development

Introduction

The Development is described in full within Chapter 4: Development Description within Volume 1 of the accompanying EIA Report and is summarised here. Chapter 4 of the EIA Report in turn forms the basis of Chapters 5 to 15 of the EIA Report which contain the technical assessments upon which this Planning Statement relies. The description of development is also supported by Technical Appendix A4.1, Forestry, and Technical Appendix A4.2 which provides an Outline Construction Environmental Management Plan (OCEMP).

This section of the Planning Statement describes the site and its surroundings and then provides an overview of the Development by each component.

Site Description and Surroundings

The Development is located in an area of commercial forestry referred to as Teindland Wood, approximately 3 km north of Rothes. The site is within a single parcel of forestry owned by Forestry and Land Scotland (FLS).

The landform comprises of a series of rolling hills running south to north comprising Teindhall Hill (253 m AOD), Findlay's Seat (264 m AOD) and Gallows Slack (179 m AOD). The landscape in the area is characterised by commercial coniferous forest. The site is bounded to the west by Cushley Burn, to the north by Red Burn, to the east by the B9103 and B9105 roads and to the south by coniferous forestry. A number of small tributaries pass through the site draining primarily east into the River Spey.

There are a number of small roads and tracks servicing farms and forest operations accessing the site from all cardinal directions.

Residential properties are found scattered around the site including (but not limited to) Sauchenbush, Barluack Farm, Teindland Wells, Altonside, Woodside, Dykeside, Braes, Upper Inchberry, Maryhill, Barnyards, Bell View, Station House, Kirkhill and Crofts Farm.

Description of the Development

The Development comprises:

- Up to 12 wind turbines and external transformers (if required), eight with a maximum tip height of up to 230 m, and four with a maximum tip height of 200 m;
- Associated foundations and crane hardstandings at each wind turbine location;
- Access tracks linking the turbine locations comprising of a combination of new and upgraded existing tracks (14.1 km of track in total, 6.3 km of which is upgraded and 7.8 km of which is new);
- A potential Battery Energy Storage System (BESS) compound, which may contain up to approximately 19 battery containers with a total export capacity of around 85 megawatts (MW), subject to future development decisions;
- One meteorological mast;
- Network of underground cabling;
- New substation compound; and
- One construction and storage compound.

Chapter 4 of the EIA Report provides Table 4.1 which outlines the key parameters of the Development, which has been replicated below. The Development and its infrastructure layout can be viewed in full within Figure 4.1 of the EIA Report.

Table 1: Key Parameters of the Development

Element	Details
Turbines	Up to 12 turbines, eight with a maximum tip height of up to 230 m, and four with a maximum tip height of 200 m. Each turbine will require a small transformer located at its base, either inside the tower or adjacent to the tower. Trees will be cut in a 'key-hole' shape centred on the turbine base. This area will be kept clear of trees during the operation phase of the wind farm in order to reduce any potential impact of the wind turbines on bats.
Foundations and Crane Hardstandings	Each foundation would be designed according to the geotechnical site investigations undertaken post-consentto establish the nature of the subsoil condition at each turbine location. Typically, foundations are expected to have an approximate diameter of 21 m. The main working area at each hardstanding area composed of crushed stone will be approximately 115 m by 70 m, the footprint of the main

Element	Details
	hardstanding will be up to approximately 3,600 m^2, as shown on Figure 4.5. In addition to the main hardstanding area, there will be smaller hardstanding areas for the crane assist and blade finger areas. Additional flattened areas will be used for crane assembly and turbine blade storage; however, these will be temporary and not constitute hardstanding.
Access Tracks	The Site access will be afforded via an existing entrance point off the B9103, at approximately NGR 330203, 856423 (Figures 4.1 and 4.11). Taking access via the north of the Site, the length of onsite access tracks will total approximately 14.1 km of track in total, 6.3 km of which is upgraded and 7.8 km of which is new. New tracks will be constructed of a graded stone as appropriate for the ground conditions. Access tracks require four new watercourse crossings and the upgrade of three existing watercourse crossings. The type and design of each watercourse crossing will be dependent on the stream morphology, peak flows, local topography and ecological requirements, and will be chosen so as to avoid or minimise potential environmental effects.
BESS Compound	The BESS compound will be constructed at approximately NGR 329141, 854248. This will be made up of approximately 19 BESS units and will measure approximately 100 m by 100 m. It will have capacity to store up to 171 MegaWatt-hours (MWh) of energy and an instantaneous power output of approximately 85 MW. The battery units will be supported by Power Control System (PCS) units, comprising inverters and transformers, required to connect the batteries to the electrical grid.
Meteorological Mast	One meteorological mast of height up to 149.9 m, will be installed. It will be secured with guy wires. An area within 25 m of the guy wires will be kept clear of trees for the operation phase of the wind farm, to avoid risk of damage to the wires and mast.
Electrical Cabling	Onsite cabling will be laid underground alongside or within the access tracks where possible, linking the turbine transformers to the wind farm control building, substation and the BESS. Cables will be laid at a depth of approximately 1 m below ground level. Cables will be marked above ground with white poles, c. 2 m tall.
Substation Compound	A substation compound with a control building will be located in the southeast of the Site at approximately NGR 330775, 853072, measuring approximately 100 m by 100 m with external transformer and connection equipment. The compound will also include space for any Distribution Network Operator equipment to facilitate the grid connection.
Construction and Storage Compound	A construction compound will be required during the construction of the Development, forming an area of hardstanding providing space for temporary construction cabins, parking and lay down areas; this will measure approximately 100 m by 50 m and be located within the north of the Site, at approximately NGR 329077, 855910. Part of this area will be used during the operation phase for storing stone from deconstructed tracks, for when it is needed for maintenance and/or decommissioning.

The Development comprises 12 three-bladed horizontal axis wind turbines, eight with a maximum tip height of 230 m, and four with a maximum tip height of 200 m.

Indicative turbine dimensions are shown on Figure 4.2 within Volume 2 of the EIA Report. This is replicated as Table 2 below and details the locations of each turbine.

Table 2: Wind Turbine Co-ordinates and Elevations

Turbine No.	Easting	Northing	Turbine Tip Height (m)	Base Elevation (m) AOD
T1	328975	855377	200	179
T2	328543	854715	200	208
T3	329214	853691	200	238
T4	329575	853252	230	229
T5	328598	853271	230	245
T6	328302	853741	230	259
T7	327650	853877	230	260 (note 1)
T8	327475	854327	230	251
T9	327962	853140	200	241
T10	328775	852677	230	233
T11	328139	852711	230	240
T12	328350	852177	230	223

Table 4.2 notes:

1. At this turbine location, there is discrepancy between Ordnance Survey datasets (OS 1:25,000 mapping, and the OS Terrain 5 datasets) as to the elevation of the ground. OS Terrain 5 indicates 251 m, where OS 1:25,000 mapping indicates it is between the 255 and 260 m contour. As a worst-case, for the purposes of this table, the elevation has been assumed to be at the upper value of 260 m.

Other key features of the Development include the proposed habitat management measures which are detailed in Technical Appendix A6.5 and the long term forestry proposals set out in Technical Appendix A4.1.

Renewable Energy Policy Framework

Introduction

This section aims to introduce the key renewable energy framework that comprises key evidence upon which to determine the Development. This section sets out the primary contents of relevant documents, which give the framework for the de-carbonising the economy through the deployment of renewable energy technologies, whilst further sections analyse the level of compliance in detail.

International and European Context

The Paris Agreement

In December 2015, 196 countries adopted the first ever legally binding global climate deal, which entered into force in November 2016, The Paris Agreement is part of the United National Framework Convention on Climate Change and provides a global plan towards climate neutrality and aims to prevent the increase in rising global temperatures to well below 2 degrees Celsius above pre-industrial levels.

In turn, the Paris Agreement paved the way for the UK Government's commitments towards legislative provisions.

United National Intergovernmental Panel on Climate Change

The IPCC's 6th Assessment Report was published in March 2023 and set out that it is likely that warming will exceed 1.5 degrees Celsius during the 21st century and make it harder to limit to 2 degrees Celsius. It states on page 12 that "*every increment of global warming will intensify multiple and concurrent hazards, whilst deep, rapid and sustained reductions in greenhouse gas emissions would lead to a discernible slowdown in global warming within around two decades*". It further suggests that there is a "*rapidly closing window of opportunity to secure a sustainable and liveable future for all*".

COP26 – Glasgow

In October and November 2021, the COP26 climate summit took place in Glasgow. On the final day of the conference the world leaders agreed to the Glasgow Climate Pact, a global agreement with the aim of accelerating action on climate change to 2030 and limiting the rise of global temperature to 1.5 degrees, in line with the Paris Agreement The Glasgow Climate Pact requires countries to revisit and strengthen their 2030 targets to align them with the Paris Agreement's temperature goals. Notably the Pact states that: *"The Glasgow Climate Pact only keeps 1.5C in sight if countries take concerted and immediate action to deliver on their commitments. This means phasing down coal power, halting and reversing deforestation, speeding up the switch to electric vehicles and reducing methane emissions"*.

COP27 – Sharm el-Sheikh

The aim of COP27 was to reiterate the commitment to tackling the challenges of climate change, particularly in relation to the current energy crisis. During the summit the Sharm el-Sheikh Implementation Plan was agreed. Article 3 of this refers to the solution which renewable energy presents to climate change. The urgent need to rapidly produce sustainable reductions in greenhouse gas emissions and importance of "*enhancing a clean energy mix*" are stressed in Article 3.8 and 3.10 respectively.

COP28 – Dubai

The COP28 meeting took place in November and December 2023. During this conference in November and December 2023, an agreement was reached on the inaugural 'global stocktake,' urging participating parties to undertake measures to triple renewable energy capacity and double energy efficiency improvements by 2030. Simultaneously, there was an emphasis on reducing unabated coal power and

eliminating inefficient fossil fuel subsidies. Developed countries were tasked with taking the lead in these efforts, reflecting their advanced economic statuses. Parties were encouraged to align with the Paris Agreement's goal of limiting global warming to 1.5°C above pre-industrial levels.

The UN Emissions Gap Report

The UN Emissions Gap Report, published in October 2024, provides an independent science-based assessment of the gap between pledged greenhouse gas reductions and the reductions required to align with the Paris Agreement. The Report states within its first page that there must be "*unprecedented cuts to greenhouse gas emissions by 2030*" to have any chance of meeting 1.5 degrees Celsius rise. Ominously, it states that if only current pledges are implemented and no further ambition is shown, "*the best we could expect to achieve is catastrophic global warming of up to 2.6 degrees Celsius over the course of the century*".

UK Energy Policy

The UK Government is legally committed to the delivery of a reduction in emissions to 'net zero' by 2050. This section identifies recent shifts in UK-wide Renewable Energy Policy to accommodate this.

In May 2019, the Committee for Climate Change (CCC) published a landmark report entitled 'Net Zero – UK's Contribution to Stopping Global Warming'. It sets out that "*the CCC has reviewed the latest scientific evidence on climate change, including last year's IPCC special report on global warming of 1.5 degrees Celsius and considered the appropriate role of the UK in the global challenge to limit future temperature increases*." It also states that "*Net Zero is a more fundamental aim than previous targets. By reducing emissions produced in the UK to zero, we also end our contribution to rising global temperatures*."

The report makes UK-wide recommendations including a new, more stringent emissions target of net zero greenhouse gas by 2050, therefore ending the UK's contribution to global warming within 30 years. This replaces the previous target of an 80% reduction by 2050 from a 1990 baseline and accords with the obligations under the Paris Agreement. The report highlights that at a UK level "*current policy is insufficient for even the existing targets*."

The CCC Annual Report to Parliament (2020) offered an update on the progress towards Net Zero following adoption of the Net Zero Target. The report states that in terms of building a resilient post-Covid economy, "*success requires that net zero emissions and improved climate resilience are integral*," whilst investments towards achieving net zero will "*help create jobs and stimulate economic recovery, whilst changing the course of UK emissions and improving our resilience to climate* change."

The National Audit Office offered an update report 'Achieving Net Zero' in December 2020 regarding progress on achieving Net Zero following the change to legislation in June 2019. Key points from the report include that reducing emissions to achieve net zero will require wide raging changes to the UK economy including further investment

in renewable energy, changes "*unprecedented in their overall scale*." Page 22 of the report sets out that a national increase in renewable energy capacity is needed by a scale of around 400%.

The CCC set out the sixth UK-wide carbon budget in December 2020 with recommendations covering a period between 2033 to 2037. This sets out the path the UK must follow to achieve Net Zero by 2050. A key point includes the CCC's clear statement that new demand for electricity will mean that demand will rise 50% by 2035 and perhaps doubling or trebling by 2050. This in turn states that "*UK climate targets cannot be met without strong policy action in Scotland*", and that means that the UK (and by implication, Scotland) will require "*more and faster deployment of renewable energy developments than has happened in the past*".

The UK Government then set out the UK Energy White Paper in December 2020. This re-iterated that "*electricity is a key enabler for the transition away from fossil fuels and decarbonising the economy by 2050*" with a key policy objective to "*accelerate the deployment of clean electricity generation through the 2020s*". The White Paper states that the onshore wind sector will be a key "building block" of the future mix, with sustained growth needed in the capacity of these sectors.

The UK Government then published the UK Net Zero Strategy in October 2021 which sets out the long-term pathway to net zero by 2050, setting out the UK Government's plans to reduce emissions from each sector of the economy. It states that the Government will support sustained deployment of low carbon generation and that there is a need to continue to drive rapid deployment of renewables.

In January 2022, the third UK Government Climate Change Risk Assessment was published and outlines the risks faced by the UK Government and its devolved governments. It identifies 61 UK-wide climate risks and opportunities across multiple sectors. Of these 61 risks, 34 were assessed as 'more action needed', meaning stronger, new or different government action is needed to provide a solution to the risk. These include risks across aridity, wetness, carbon storage, water scarcity, agricultural productivity, coastal erosion and flooding.

The CCC produced a report to Parliament in July 2024 regarding the progress in reducing emissions. The report stated that the quickest, cheapest and fastest way to reduce vulnerability to global fossil fuel markets is to boost British renewable energy. The report assessed that to be on track for the UK Government's interim 2030 target of 68% of 1990 levels, that only a third of the emissions reductions required are currently covered by credible plans and therefore action is needed across all sectors The priority actions on page 9 of the report states that the UK should be in a phase of rapid investment and delivery, however all indicators for low carbon technology rollout of off track, with rates needing to significantly ramp up, with onshore wind doubling and low carbon technology needing to quickly become the default option.

The UK Government's Clean Power 2030 document was published in 2025 and outlines the UK government's strategy to achieve clean energy by 2030 to generating enough clean power to meet to UK's total annual electricity demand whilst increasing

energy security. It highlights the series of complex reforms currently taking place to the grid network in 2025 to meet this demand, including planning processes to accelerate consenting for transmission and distribution infrastructure. In the UK as per Q2 2024, Clean Power 2030 states that there is a UK wide installed capacity of 14.2 GW of onshore wind throughout the UK, with a further 4.4 GW either committed or under construction. This leaves a gap of between 8.4 GW and 10.4 GW to achieve the Clean Power capacity range of between 27 and 29 GW of onshore energy by 2030. It is sensible to assume that not all current applications will go ahead within this.

Scottish Renewable Energy Policy

This section identifies recent shifts in Scottish Renewable Energy Policy and summarises key documents.

Scottish Renewable Policy to 2022

When it was enacted, the Climate Change (Scotland) Act 2009 set world leading greenhouse gas emissions reduction targets, including a target to reduce emissions by 80% by 2050. However, the Climate Change (Emissions Reduction Targets) (Scotland) Act 2019 amends the 2009 Act sets even more ambitious targets – which reflect the recommendations of the CCC for a net zero greenhouse gas emissions target by 2045 at the latest, with challenging interim stages – a 75% reduction target by 2030 and 90% by 2040.

The Scottish Energy Strategy 2017 sets out the Scottish Government's overarching position on many forms of energy, including onshore wind. Specifically, it states that "*onshore wind must continue to play a vital role in Scotland's future*" …" *which can be done in a way which is compatible with Scotland's magnificent landscapes*". These reiterate the findings of the Onshore Wind Policy Statement and aim to drive Scotland towards Net Zero by 20245, with a clear focus on the delivery of 12GW of new installed capacity by 2030. The Draft Energy Strategy and Just Transition Plan (2023) then updates and supersede the 2017 document once fully adopted. The Draft states that we need to transform the way Scotland generates, transports, and uses energy, in order to realise climate change ambitions. The requirement for an additional 12GW of onshore wind is a key policy facet of this document. The document also provides discussion of the role of battery storage and the contribution towards Net Zero BESS systems can play.

In May 2020 the Scottish Government approached the CCC requesting advice on a green recovery for Scotland in light of the Covid 19 pandemic. Within its response, the CCC sets out that "*reducing greenhouse gas emissions and adapting to climate change should be integral to any recovery package."* The CCC also note that many of the large infrastructure programmes are "*critical to preparing for climate change and achieving net zero emissions*." Reference is specifically made to onshore wind as part of the large infrastructure required, and the CCC add that "*acceleration of these projects should take priority."*

In December 2020, the Scottish Government published an update to the Climate Change Plan, covering the period 2018 to 2032, and responding to the new requirement in Scotland to meet net zero by 2045. Page 9 sets out the strategic goal

of achieving "*decarbonisation across the whole energy system, including electricity, transport, industry and buildings*" and "*integrating climate change action into all of the decisions we make across Government*". The planning and consenting systems are recognised as remaining a "*critical enabler of rapid renewables deployment in Scotland"*. The Climate Change Plan Update expects that renewable energy generation is expected to increase substantially between now and 2032 with an expectation of the development of between 11 and 16GW of new capacity to meet a rapidly increasing electricity demand.

The Scottish Energy Strategy Position Statement (March 2021) reinforces the consistent theme of the Scottish Government's support for a green, fair, and resilient economy. Onshore renewables are addressed within section 8 of the Statement where it is reported that "*the continued growth of Scotland's renewable energy industry is fundamental to enable us to achieve our ambition of creating sustainable jobs as we transition to net zero*". It adds that the Scottish Government "is committed to supporting the increase of onshore wind in the right places to help meet the target of net zero."

Bute House Agreement

In August 2021, the Scottish Government and the Scottish Green Party signed the Bute House Agreement which represented a formal co-operation agreement until 2026. It states that "*the climate emergency means we need to use the limited powers we have to accelerate the decarbonisation of our energy system…our plans will see a significant increase in electricity demand for heating and transport. To accommodate this, we will support the continued and accelerated deployment of renewable energy*." Following the CCC Report to the Scottish Parliament in March 2024, on 25th April 2024, the Bute House Agreement ended, and the Scottish Government acknowledged that the target of cutting emissions by 75% by 2030 was out of reach. The annual and interim targets were scrapped and replaced by a system measuring emissions every five years.

Onshore Wind Policy Statement and Sector Deal

The Onshore Wind Policy Statement (OWPS) published in December 2022 makes it clear that seeking greater security of supply and lower cost electricity are now key policy facets alongside the need to deal with the climate emergency. It requires a minimum installed capacity of 20 GW of onshore wind by 2030, with an additional 12 GW installed between 2023 and 2030. The OWPS states that deployment of onshore wind is "*mission critical for meeting our climate targets*" as an *"affordable and reliable source of electricity generation*.". It explains that Scotland's peak demand for electricity will at least double within the next twenty years which will require a substantial increase in installed capacity across all renewable technologies.

The OWPS also highlights the other contributions that the onshore wind sector should have to achieving net zero, including playing an important part in peatland protection, peatland restoration efforts, protection and enhancement of biodiversity, and the creation of new woodland. The OWPS also paved the way for a Sector Deal. The Onshore Wind Sector Deal, published in September 2023, provides a schedule of

commitments between Scottish Government and the onshore wind sector to promote the rapid development and deployment of onshore wind. It includes, for example, the specific requirement to decrease consenting times as well as encouraging proportionate EIA and encouraging solutions to issues in the grid and aviation sectors.

The Onshore Wind Sector Deal sets out on page 14 that an analysis will be provided of the expected pipeline of new onshore wind projects, extensions to existing projects, life extensions and repowering projects expected in the period between 2023 and 2030. The information is to be updated at least bi-annually and to fulfil this, BVG Associates produced 'Scotland Onshore Wind Pipeline Analysis 2023-2030' in November 2023. If these are not met, then there will be negative consequences for the onshore wind pipeline. The BVG figures added and superseded the numbers presented within the OWPS of 2022.

The BVG Report sets out that in 2023, there is 9.32 GW of operational onshore wind in Scotland, with 13.09 GW in the pipeline. The pipeline is subcategorised into 6.14 GW awaiting construction, and 0.96 GW under construction, with 6.8 GW in the planning system awaiting consent.

It must be acknowledged that not all schemes in planning will get consent, and there is duplication of schemes awaiting construction where for example a tip height increase applies.

To reach 20 GW of energy in Scotland by 2030, the BVG estimate suggested that expected onshore capacity in 2030 would be around 18.8 GW, meaning there is still some work to do, and the 20GW is not considered a cap in any event, and rather acts as a minimum. However as stated above within the UK section, the Clean Power 2030 Action Plan also recognises a clear gap in provision and that Scotland will have to make up much of the shortfall to 27-29 GW by 2030 – requiring at least an additional 8.4 GW from those schemes without consent.

Planning Policy Framework

Introduction

An application under Section 36 of the Electricity Act 1989 for consent for the construction of an electricity generating station whose capacity exceeds 50 MW is significantly different from an application for planning permission for a generating station whose capacity is 50 MW or less: Section 25 of the TCPA does not apply to the determination of applications under Section 36 as confirmed in the case of William Grant & Sons Distillers Ltd v Scottish Ministers (2012).

In accordance with paragraph 3(2) of Schedule 9 to the 1989 Act, the Scottish Ministers are obliged to have regard to the desirability of the matters mentioned in paragraph 3(1)(a). The Applicant has provided sufficient information to enable the Scottish Ministers to address these duties. In considering the overall statutory and

regulatory framework within which the Development should be assessed, the statutory Development Plan is a material consideration which should be given important weighting with all other relevant material considerations. It is important to note, however, that Section 25 of the TCPA is not engaged as there is no 'primacy' of the Development Plan in determining an application made under Section 36 of the Electricity Act 1989.

The remainder of this section sets out the primary policy considerations of the Development Plan, whilst an appraisal of the level of accordance with it is made in the context of other material considerations within the Planning Assessment section.

The Development Plan comprises:

- National Planning Framework 4 (2023); and
- The Moray Local Development Plan (MLDP) (2020).

National Planning Framework 4

Formally adopted in February 2023, NPF4 forms part of the Development Plan alongside the MLDP.

An important new feature legislated within Section 13 of the Planning (Scotland) Act 2019 is that Section 24 of the TCPA is now amended to state that in the event of any incompatibility between a provision of NPF4 and the provision of an LDP, then whichever of them is later will prevail. Although this application is not made under the TCPA, this is still relevant as an overarching consideration in framing the policy situation. In this instance, NPF4 is the more up to date part of the Development Plan.

NPF4 is clear and unequivocal about the need to act. It states that the global climate emergency has resulted in the need for reductions in greenhouse gas emissions and changes required to adapt to future impacts of climate change. NPF4 further states that while significant steps have been taken towards the decarbonisation of energy and land use, choices remain on how Scotland can sustainably utilise national assets. NPF4 provides clear policy and legislative support for renewables and specifically onshore wind energy as a principle, in order to reach our Net Zero obligations by 2045 as set out in law. This is despite the April 2024 statement by the Scottish Government that a reduction in emissions of 75% by 2030 is no longer achievable.

The inclusion of 'Strategic Renewable Electricity Generation and Transmission Infrastructure' as a 'national development' is highlighted within Annex B of NPF4. Its Statement of Need states that "*a large and rapid increase in electricity generation from renewable sources will be essential for Scotland to meet its Net Zero emissions targets*." It is proposed that wind farms in excess of 50 MW generating capacity will comprise national development.

The Development exceeds this threshold and therefore would be classed as a national development. Page 97 of NPF4 sets out that national developments are described as "*significant developments of national importance that will help to deliver the spatial strategy*". It adds that "*their designation means that the principle for development does not need to be agreed in later consenting processes*."

There is and remains a clear support at a national level for the further development of renewable and low carbon technologies however greater emphasis has been placed on the pace at which these technologies are rolled out. It is then appropriate to examine the policy content of NPF4.

Policy 1: Tackling the climate and nature crises acts as an overarching policy which in turn filters into each individual policy detailed within NPF4, stating that when considering all development proposals, significant weight should be given to the global climate and nature crises.

Policy 1 aims to address the global climate emergency and nature crisis by encouraging, promoting and facilitating development that is able to do this. Therefore, NPF4 introduces a key, prominent policy which states that the global climate emergency is a priority, and significant weight must be attached to this.

Policy 2: Climate change and mitigation provides encouragement and the means to facilitate development that minimises emissions and adapts to the current and future impacts of climate change. Policy 2 states:

a) Development proposals will be sited and designed to minimise lifecycle greenhouse gas emissions as far as possible.

b) Development proposals will be sited and designed to adapt to current and future risks from climate change.

Policy 3: Biodiversity states "*development proposals should contribute to the enhancement of biodiversity, including where relevant restoring degraded habitats and building and strengthening nature networks*", integrating "*nature-based solutions where possible*".

Importantly, the policy states under part b) that "*development proposals for national development…will only be supported where it can be demonstrated that the proposal will conserve, restore and enhance biodiversity, including nature networks, so that they are in a demonstrably better state than without intervention*". This includes a requirement to provide *"significant biodiversity enhancements in addition to any proposed mitigation"* which "*require to be secured within a reasonable timescale and with reasonable certainty*". Potential adverse effects need to be designed out.

Policy 4: Natural Places of NPF4 reinforces the need for the protection, restoration and enhancement of natural assets. Part a) of this policy states that development proposals which would have an unacceptable impact upon the natural environment by virtue of type, location or scale will not be supported.

Criteria are provided for proposals that impact upon European or national designations, such as Special Areas Conservation (SACs), Special Protection Areas (SPAs), National Parks, National Scenic Areas (NSAs), Sites of Special Scientific Interest (SSSIs) or Ramsar sites. Part d) discusses impacts upon local designations and states where a site is designated as a "*local nature conservation site or landscape area in the LDP, it will only be supported where development will not have significant adverse effects on the integrity of the area and qualities for which it has been identified.*" Part ii) of d) states the second criteria for support, which is where *"any significant adverse effects on the integrity of the area are clearly outweighed by social, environmental or economic benefits or at least local importance*."

Part e) states that the precautionary principle is to be applied.

Part f) states that development proposals that are likely to have an adverse effect upon species protected by legislation will only be supported where it meets the statutory test.

Policy 5: Soils provides guidance on the protection of carbon-rich soils, the restoration of peatlands and the minimisation of disturbance to soils from development.

Development proposals on peatland, carbon-rich soils and priority peatland habitat will only be supported for:

- *Essential infrastructure and there are a specific locational need and no other suitable site.*
- *The generation of energy from renewable sources that optimises the contribution of the area to greenhouse gas emission reductions targets.*
- *Small-scale development directly linked to a rural business, farm, or croft.*
- *Supporting a fragile community in a rural or island area; or*
- *Restoration of peatland habitats.*

A detailed site-specific assessment is required should the Development be located on peat deposits.

Policy 6: Forestry, Woodland, and Trees states under part c) that proposals involving woodland removal will "*only be supported where they achieve significant and clearly defined additional public benefits in accordance with relevant Scottish Government policy on woodland removal*". Development proposals will not be supported when they will result in any loss of ancient woodlands, ancient and veteran trees…or adverse impacts on native woodlands. As per part c), woodland removal would only be supported when "*significant and clearly defined additional public benefits*" are achieved.

Policy 7: Historic Assets and Places states within part a) that *"development proposals with a potentially significant impact on historic assets or places will be accompanied by an assessment which is based on an understanding of the cultural significance of the historic asset and/or place"*. Part h) requires that development proposals affecting scheduled monuments will only be supported "*where i) direct impacts on the scheduled monument are avoided, ii) significant adverse effects on the integrity of the setting are avoided or iii) exceptional circumstances have been demonstrated to justify the impact on a scheduled monument and its setting and impacts on the monument or its setting have been minimised"*.

Part (o) states that non-designated historic environment assets, places and their setting should be protected and preserved in site wherever feasible. Should there be potential for non-designated buried archaeological remains, developers should provide an evaluation of this at an early stage.

The primary overarching policy for energy developments is **Policy 11: Energy**, which provides direction to "*encourage, promote, and facilitate all forms of renewable energy development onshore and offshore*".

Policy 11 a) sets out that development proposals for all forms of renewable, low-carbon and zero emissions technologies will be supported, including onshore wind.

Policy 11 reiterates support for renewable and low carbon technologies, however there is a clear and direct reference to onshore wind farms, recognising this form of energy generation as a key component to achieving the outcomes of Policy 11 as well as wider overarching climate change policy and legislation which aim to expand renewable, low-carbon and zero emissions technologies at a national level.

While repowering, extensions and expansions are also supported, the creation of new onshore wind development must be supported to ensure there is a continued pipeline of new onshore wind farm schemes, such as the Development, which can be revisited for future repowering, extension, and expansion.

Part (a) of the policy is clear that "*Development proposals for all forms of renewable, low-carbon and zero emissions technologies will be supported"* including part (i) wind farms including "*repowering, extending, expanding and extending the life of existing wind farms*" and part "(iii) *energy storage, such as battery storage*".

Part (c) contains provision for the maximisation of net economic benefit, where is 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*".

Policy 11 (e) provides further information on the topics which should be addressed as part of renewable, low-carbon and zero emissions technologies. It states that:

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

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

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

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

iv) impacts on aviation and defence interests including seismological recording;

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

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

vii) impacts on historic environment;

viii) effects on hydrology, the water environment and flood risk;
ix) biodiversity including impacts on birds;
x) impacts on trees, woods, and forests;
xi) proposals for the decommissioning of developments, including ancillary infrastructure, and site restoration;
xii) the quality of site restoration plans including the measures in place to safeguard or guarantee availability of finances to effectively implement those plans; and
xiii) cumulative impacts.

Policy 11 states that *"in considering these impacts, significant weight will be placed on the contribution of the proposal to renewable energy generation targets and on greenhouse gas emission targets".*

A fundamental part of Policy 11 is that Part e) ii) recognises that where some landscape and visual impacts are to be expected, localised impacts and/ or the application of appropriate design mitigation has been employed, then effects are considered to be acceptable.

Policy 14: Design, Quality and Place aims to ensure proposals are designed to *"improve the quality of an area whether in urban or rural locations and regardless of scale*".

Policy 25: Community Wealth Building states that *"development proposals which contribute to local or regional community wealth building strategies and are consistent with local economic priorities will be supported*". This includes the use of local supply chains and local job creation, and supporting community led proposals.

Moray Local Development Plan

The MLDP, adopted in 2020, provides a strategic vision and development policies for the development of the Moray Council area over the next 10 years and beyond. The MLDP seeks to support the development of a diverse range of renewable energy technologies and support all scales of development associated with the generation of energy and heat.

Previous supplementary information pertaining to wind energy developments included the Moray Wind Energy Landscape Capacity Study (LCS) 2017, and the Moray Onshore Wind Energy (MOWE) Non-Statutory Guidance. As of 15th May 2023, both of these documents have been superseded by the Moray Wind Energy Landscape Sensitivity Study (LSS) and is a material consideration for major planning applications and Section 36 consultation responses.

Policy DP9: Renewable Energy is the primary renewable energy policy. All renewable energy proposals will be considered favourably where they meet the following criteria:

- *They are compliant with policies to safeguard and enhance the built and natural environment*
- *They do not result in the permanent loss or damage of agricultural land*
- *They avoid or address any unacceptable significant adverse impacts including:*
    - *Landscape and visual impacts.*
    - *Impact on water environment.*
    - *Impact on carbon rich soils and peat land hydrology.*
    - *Ecological Impact.*
    - *Noise impacts.*
    - *Traffic impact -mitigation during both construction and operation.*
    - *Air quality impacts.*
    - *Electromagnetic disturbance.*
    - *Impact on woodland and forestry interests.*
    - *Impact on tourism and recreational interests.*

Policy DP9 states that in addition to the above, "*detailed assessment of impact will include consideration of the extent to which the proposal contributes to renewable energy generational targets, its effect on greenhouse gas emissions and net economic impact, including socio-economic benefits such as employment".*

Part b) (i) of the policy relates to a spatial framework for onshore wind within the MLDP area. However, owing to the provisions of NPF4, spatial frameworks are no longer a relevant part of the Development Plan given they were derived within the now defunct Scottish Planning Policy (SPP) document (2014). Nevertheless, and despite the poor resolution of Map 1 on page 64 of the MLDP, the site is within an area previously defined as *'Areas with potential for wind farm development'*. Part (b) (ii) covers the detailed consideration of how decision makers should assess the site-specific considerations. It states that it should be informed by the landscape capacity study (since superseded as previously discussed).

There are parts of Policy DP9(b (ii) still relevant however, including:
in landscape and visual terms,
"*the landscape is capable of accommodating the development without unacceptable significant adverse impact on landscape character or visual amenity*"; *the proposal is appropriate to the scale and character of its setting, respects the main features of the site and the wider environment, and addresses the potential for mitigation in terms of cumulative impact, that unacceptable significant adverse impacts from two or more wind energy developments and the potential for mitigation is addressed.*

Other parts relevant include that *the proposal addresses any detrimental impact on communities and local amenity including the impacts of noise, shadow flicker, visual dominance and the potential for associated mitigation* and that *the proposal addresses any impacts arising from the location within an area subject to potential aviation and defence constraints including flight paths and aircraft radar.*

Other relevant policies are set out below.

Policy DP1 Development Principles sets out overall design principles that should be applied to all forms of development. The policy is wide ranging, but relevant to the Development, includes general requirements under part (i) (a) that the "*scale, density and character of development must be appropriate to the surrounding area*".

Policy EP3 Special Landscape Areas and Landscape Character is concerned with development within Special Landscape Areas (SLAs). The site is partially within the Spey Valley SLA as described within the MLDP and EIA Report Chapter 5: Landscape and Visual. The policy states that development proposals within an SLA will only be permitted where they do not prejudice the special qualities of the designated area and adopt the highest standards of design, minimises adverse impacts on the landscape and visual qualities the area is important for. Additionally to these conditions, it stipulates that in rural areas the development must be for one of three things, including point (iii) for nationally significant infrastructure developments. Although NPF4 designated Section 36 wind farms as national developments after the MLDP was written, the principle contained within Policy EP3 (i)(a)(iii) still carries.

The policy also requires that new developments must be designed to reflect the landscape characteristics identified in the Landscape Character Assessment of the area in which they are proposed. Further information on the baseline Landscape Character Type (LCT) is contained within EIAR Report Chapter 5: Landscape and Visual**.**

Policy EP8: Historic Environment leans on national guidance to set out development guidance for proposals which impact Scheduled Monuments. It states the development proposals which would adversely affect the integrity of the setting of a Scheduled Monument would be refused unless the developer demonstrates that any significant adverse effects are clearly outweighed by exceptional circumstances, including social or economic benefits of national importance. The policy defers to Historic Environment Scotland in such situations. The policy also deals with local designations with a similar policy test, where development proposals will be acceptable should local public benefit outweigh the archaeological value of the site and where possible any adverse effects can be mitigated. The historic environment baseline is discussed within Chapter 8 of the EIA Report.

Policy EP10: Listed Buildings states that a development proposal would be refused where it would have a detrimental effect on the character, integrity or setting of a Listed Building. Listed Buildings which potentially interact with the Development are discussed within Chapter 8 of the EIA Report.

Policy EP11: Battlefields, Gardens and Designed Landscapes aims to protect those designations in respect of development proposals which adversely affect the designations or their setting, unless the overall character and reasons for the designation will not be compromised, or any significant adverse effect can be satisfactorily mitigated and are clearly outweighed by social, environmental, economic or strategic benefits.

Policy EP12: Management and Enhancement of the Water Environment provides detailed guidance on flood risk management and policy, and sustainable urban drainage systems. It provides protection to groundwater dependent terrestrial

ecosystems (GWDTEs) under part c) and recommends that opportunities are found to restore or enhance these if appropriate. The potential for GWDTEs to be affected by the Development is discussed within Chapter 6 of the EIA Report.

Policy EP14: Pollution, Contamination and Hazards requires that development proposals which may cause significant water or soil pollution or exacerbate existing issues must be accompanied by a detailed assessment on the levels, character and transmission of the potential pollutant, along with measures to mitigate impacts. Where significant or unacceptable impacts cannot be mitigated, proposals will be refused. The policy also focuses on noise as pollution and requires that detailed assessment is produced. Where significant or unacceptable impacts cannot be mitigated, proposals will be refused. The potential for the Development to lead to pollution to ground or water is discussed in Chapter 12 of the EIA Report, together with control measures set out in Technical Appendix A4.2 (OCEMP), and potential noise effects are discussed within Chapter 9 of the EIA Report.

Policy EP16: Geodiversity and Soils focuses on peat and carbon rich soils and states that proposals should minimise the release of carbon dioxide linked to peat disturbance. It provides protection to areas of important geological resource such as Sites of Special Scientific Interest (SSSI). For renewable energy developments, development will only be permitted where it has been demonstrated that the unnecessary disturbance of peat has been avoided, and evidence of the movement and storage of any excavated peat must be submitted in line with good practice. A report on peat at the Development site is provided in Technical Appendix A12.1 of the EIA Report.

Policy EP1 sets out detailed stipulations on sites with European, national and local designations, along with policy for the treatment of European Protected species and other protected species. Given that the site is not subject to any European national designations, part (a) does not apply. Teindland Quarry SSSI is situated to the north of the site and therefore part (b) applies. Consideration of baseline surveys and protected species is contained within the EIA Report Chapter 6: Ecology.

Policy EP2: Biodiversity states that *"all development proposals must, where possible, retain, protect and enhance features of biological interest and provide for their appropriate management*". It sets out several requirements for biodiversity, including requirements to integrate measures to enhance biodiversity and include biodiversity features in the design of the development. It cites that "*where development would result in loss of natural habitats of ecological amenity value, compensatory habitat creation will be required where deemed appropriate."* Biodiversity and protected species are discussed in EIA Report Chapter 6: Ecology.

Policy PP3: Infrastructure Services cites that development must be co-ordinated with infrastructure to ensure that places function properly. In particular, part a) iii) covers the information requirements that the Council needs to assess proposals under this policy, including mitigation/modification to the existing transport network including road widening, junction enhancement and passing places. The interaction of the Development and the highway network is discussed in EIA Report Chapter 11: Traffic and Transport.

Policy PP2: Sustainable Economic Growth of the MLDP ties the LDP to the Moray Economic Strategy (2022) and states that "*development proposals which support the Moray Economic Strategy to deliver sustainable economic growth will be supported where the quality of the natural and built environment is safeguarded, there is a clear locational need, and all potential impacts can be satisfactorily mitigated*". Socio-economic factors are discussed in Chapter 14 of the EIA Report.

Policy EP7: Forestry, Woodlands and Trees emphasises that the Council will support the Scottish Government's Control of Woodland Policy and only consult Scottish Forestry where proposals may adversely affect forests and woodland. Removal of Ancient Woodland will not be supported. Forestry, and ancient woodland, are discussed in Technical Appendix A4.1 and Chapter 6 of the EIA Report.

Policy EP15: MOD Safeguarding states that proposals must not adversely impact upon MoD safeguarding operations in respect of RAF Lossiemouth and Kinloss Barracks. Aviation matters relating to the Development are discussed in Chapter 13 of the EIA Report.

Other Material Considerations

The Moray Wind Energy Landscape Sensitivity Study (LSS) was finalised in May 2023 by Carol Anderson Landscape Associates. It does not form part of the Development Plan but accompanies it and provides strategic guidance to decision makers, taking the place of several superseded documents including the 2012 and 2017 Moray Wind Energy Landscape Capacity Studies. It captures changes to the NatureScot approach to landscape sensitivity assessment, which advocates the need to change the term 'landscape capacity study' to 'landscape sensitivity study'. This inherently moves away from the notion of 'capacity'.

It splits the landscape up into 'Assessment Units', which are closely aligned to LCTs, which have fluid boundaries and gradually transition into the adjacent boundary. The document assesses turbines to a maximum of 250 m to tip under the category 'very large turbines as >150 m high'. The study also summarises the progressing situation on aviation lighting.

The site is situated on the north-eastern fringe of the 'Upland Moorland and Forestry' Assessment Unit 10. This Assessment Unit is home to several wind farms, including the Rothes cluster, Meikle Hill, Clash Gour, Pauls Hill and Berry Burn. Stated constraints include the potential cumulative and sequential impact as seen from the north and the A940. It is stated that the *"excessive operational and consented wind farms already located in this Assessment Unit severely limits opportunities for further development to be located*". The Brown Muir hill, to the west of the site, is noted as a key landmark feature from the south. However, it is also stated that the *"simple landform and large scale of the interior plateau areas and sparsely settled nature of much of the landscape*" reduces susceptibility. Overall, there is a high sensitivity to turbines of over 150 m. Guidance states that turbines should be "*set well back into the interior of these uplands, avoiding significant intrusion on the ridge sand hills which form prominent skylines to adjacent smaller scale*".

Planning Assessment

Introduction

Following identification of the relevant planning policies, guidance and other material considerations, this section examines how the Development should be assessed against material considerations, including the Development Plan.

The Principle of the Development

As introduced in prior sections of this Planning Statement, there is a significant and consistent body of international, UK and Scottish energy policy which clearly and unambiguously tells a prolonged message that climate change must be tackled imminently, that electricity demand will continue to increase substantially with societal decarbonisation, and that renewables must play a key role in this transition. The climate emergency declared by the Scottish Government in 2019 has not dampened, and achieving Net Zero is a legal requirement at both UK and Scottish Government Levels.

At a UK policy level there is a consistent thread that more needs to be done. The CCC report to UK Government in 2024 assessed that to be on track for the UK Government's interim 2030 target of 68% of 1990 levels, that only a third of the emissions reductions required are currently covered by credible plans, all indicators for low carbon technology rollout are off track, with rates needing to significantly ramp up. This is echoed in the Clear Power 2030 document also which sets out the need to generate enough clean power to meet to UK's total annual electricity demand whilst increasing energy security. The highlighted gap of between 8.4GW and 10.4GW to achieve the Clean Power capacity range of between 27 and 29GW of onshore energy by 2030 means that a considerable amount of this will have to be generated in Scotland.

The Scottish Government are also clear that the aspirational additional capacity required in Scotland is a minimum. The aforementioned targets in the 2022 OWPS of reaching 20GW installed capacity in 2030 may not be met. In any event, the requirement for clean electricity clearly does not stop at 2030.

In regard to planning policies and the status of renewable energy within Scotland, the Development benefits from national development status as per National Development 3 "*Strategic Renewable Electricity Generation and Transmission Infrastructure*" of NPF4, by virtue of being an electricity generating station of over 50 MW. The Development is hence of national importance for the delivery of the national Spatial Strategy set out within NPF4. This Spatial Strategy, as previously discussed within this document, sets out that we must make significant progress and that a large and rapid increase in electricity generation from renewable sources will be essential for Scotland to meet its zero emissions targets.

The principle of the Development in International, UK and Scottish energy policy terms, and also Scottish planning policy terms, is unequivocal and therefore under a Section 36 application where Section 25 of the TCPA does not prevail, has significant weight in the balance of determining factors.

The Development Plan is however a material consideration, and the Development Plan is clear that Developments require to be assessed in relation to their site specific effects. It is therefore pertinent to assess the acceptability of the Development with regard to the level of compliance with Development Plan policies, using the evidence prepared within the accompanying EIA Report.

The Acceptability of the Development

Landscape and Visual

Landscape and visual impacts are a key focus of any wind energy development and throughout the design evolution and assessment process, potential impacts have been fully considered as discussed within the Design and Access Statement (DAS) which accompanies this application, along with the discussion of design evolution within Chapter 3 of the EIA Report.

The key policies are Policy 4 and Policy 11 of NPF4, along with policies DP1, DP9 and EP1 and EP3 of the MLDP which are set out in the preceding section. An overarching facet of NPF4 Policy 11 which has been cited regularly in post-NPF4 decision making is that *"significant landscape and visual impacts are to be recognised and expected for some forms of renewable energy*", and in turn "*where impacts are localised and/or appropriate design mitigation has been applied, they will generally be considered to be acceptable*". This has been fundamental to the decision making of Scottish Ministers since the publication of NPF4.

There are considerations to address several matters in respect of landscape and visual policy compliance, namely siting, landscape effects, visual effects and residential amenity.

Siting and Design

As stated within Chapter 3 of the EIA Report, the siting of the Development has been subject to lengthy technical and feasibility studies, and the fundamental principle of design is that the Development harnesses the power of the wind but must also take into account the environmental effects of a wind farm and result in a balance between viable wind yield and adverse environmental effects. This is particularly relevant in landscape and visual terms for the most visible components, i.e. the turbines and it is also relevant to varying degrees for ancillary infrastructure required to facilitate the Development.

Table 5.3 of Chapter 5 of the EIA Report sets out embedded mitigation measures used within the design in order to restrict or limit the extent and magnitude of significant effects. The design has sought to do the following:

- Four of the turbines (T1, T2, T3 and T9) have been designed at a maximum height to tip of 200m in order to mitigate visual impact on views from the Spey Valley SLA to the east of the Site, longer distance views from the north, and a number of the closest residential properties.
- Turbines are concentrated within the central part of the Site and set back from its northern and eastern edges to reduce proximity to the Spey Valley SLA, also reducing proximity to areas of more complex landform and providing greater separation from key longer distance views.
- Minimise aviation lighting effects as far as possible by agreeing a reduced lighting scheme with the Civil Aviation Authority (CAA).

The design has also been influenced by its Zone of Theoretical Visibility model (see Figure 5.2 of the EIA Report), which demonstrates that primary areas of visibility extend for around 12 km to the west and north, 8 km to the east and 17 km to the south but within that area, large amounts would be screened by terrain and woodland. As per paragraph 5.7.2.1 of the EIA Report, the Development would often be seen with the existing and/or consented wind farms but would be less frequently visible than existing wind farm development from the south of the study area, although it would give rise to new areas of visibility along the Spey Valley, Strath Isla and the coastal farmlands to the north.

Designated Areas

As demonstrated within Figure 5.2 of the EIA Report, the site is partly within the Spey Valley SLA. This designated area is extensive, and Table 5.7 of the EIA Report sets out the special qualities for which it is designated within the MLDP. There are four special qualities (SQs) associated with the SLA, namely:

- *"A diverse and handsome landscape;*
- *Broad gently weaving river and floodplain farmland;*
- *Wooded valley sides; and*
- *Connection with whisky distilling."*

Within Table 5.7 of the EIA Report, it states that the first of these SQs, 'a diverse and handsome landscape', would be affected within a localised extent for around 2-3 km. Beyond this, the influence of the Development on the SQ is judged to disperse.

The second SQ, 'broad gently weaving river and floodplain farmland' is assessed as comprising medium scale changes within 4 km of the Development, reducing to small scale beyond. The third SQ, 'wooded valley sides' would be affected to around 2-3 km. The fourth, a connection with whisky distilling, is not considered to be affected. Chapter 5 of the EIA Report assesses that the Development would "*notably affect*" three of the four SQs and deems these effects together to be significant. However, when taken as a whole, much of the SLA would not be affected and the Development is not deemed to significantly affect the overall integrity of the SLA.

The wording within Policy EP3 of the MLDP states that development proposals within an SLA will only be permitted where they do not prejudice the special qualities of the designated area and adopt the highest standards of design, minimises adverse impacts on the landscape and visual qualities the area is important for. Additionally to these conditions it stipulates that, in rural areas, the development must be for one of three things, including point (iii) for nationally significant infrastructure developments.

As set out above, the Development is not considered to prejudice the overall integrity of the SLA. The Development has adopted high design standards, and the Applicant has included embedded design as described. Additionally, the Development is also a national development as per NPF4.The main policy test upon the SLA is therefore met and it is found that there is no conflict with Policy EP3 of the MLDP.

Landscape and Visual Effects

It is stated within Chapter 5 of the EIA Report that there would be significant effects upon landscape character within the two host landscape character types: LCT10 Upland Moorland and LCT4 Rolling Farmlands and Forest, and also for the adjacent valley landscape to the south – LCT 6 Broad Farmed Valley. These significant effects on landscape character would arise primarily from changes to character experienced to between 4 and 5 km.

Significant visual effects are considered to occur within 5-6 km of the Development. NPF4 Policy 11(e)(ii) confirms that significant landscape and visual impacts are to be expected for some forms of renewable energy. Where these impacts are localised and / or appropriate design mitigation has been applied, they will generally be considered to be acceptable.

In terms of the visual effects of night time lighting, where one aviation light will be fitted to the hubs of the cardinal turbines (T1, T4, T8, T12), the EIA Report states that significant effects can be experienced around Inchberry and the Spey Valley between the B9103 and Fochabers, at a distance of up to 1 km. Otherwise, night time effects are considered to be not significant.

Experiencing significant effects at a distance of up to 6 km is within the geographical range of significant effects that Scottish Government Reporters have found to be ‘localised’ in the time since NPF4 Policy 11 came into force. The appropriate method of assessing localised effects is generally the distance within which they occur, and therefore the landscape and visual effects can be found acceptable in the planning balance given the Applicant has endeavoured to ensure that significant effects are minimised as far as possible.

Ecology and Ornithology

In terms of terrestrial ecology, the environmental assessment is contained within Chapter 6 of the EIA Report and associated appendices.

In terms of protected species, the EIA Report finds no significant effects, following application of the embedded mitigation, which would generally constitute ecological best practice. The Development is also not deemed to have any significant effects upon peatland or priority habitats.

The River Spey SAC is located around 600 m south and east of the development area, and is designated for its otter, freshwater pearl mussel, Atlantic salmon, and sea lamprey. Accordingly, the determining authority, in this case Scottish Ministers, is required to undertake a Habitats Regulations Appraisal (HRA) under the Habitats Directive. Information is provided within the EIA Report Chapter 6 for this to be undertaken. In the absence of mitigation there is the potential for surface water pollution reaching the SAC via tributaries. However, best practice mitigation measures such as a Pollution Prevention Plan (considered within the outline Construction Environmental Management Plan (CEMP) provided as Technical Appendix A4.2 of the EIA Report), a Biosecurity Method Statement, commitment to water quality monitoring and supervision by an Ecological Clerk of Works (ECOW) are deemed sufficient to mitigate any potential effects and accordingly with this mitigation there is anticipated to be no significant effect upon the integrity of the River Spey SAC and its qualifying features.

In terms of potential effects upon ornithology, Chapter 7 of the EIA Report assesses the potential for significant effects. The assessment identifies greylag goose, pink-footed goose, capercaillie, osprey, goshawk, and the Moray and Nairn Coast SPA / Ramsar site as features of importance. For all receptors other than osprey and the SPA, both collision risk and barrier/displacement effects were considered not significant. There is a requirement to remove an osprey nest in the vicinity of the Site (confidential location), during the non-breeding season. An array of artificial nests is to be erected within the Site in various locations within 2 km of the current nest, all of which would be further from the proposed turbines. This can be secured by a planning condition. A residual assessment has been undertaken with this mitigation in place, where collision risk and disturbance/barrier effects are found to be not significant. The effects upon the SPA were also not found to be significant and supporting information is provided for the Scottish Ministers to undertake an HRA.

The information provided above and in the respective parts of the EIA Report gives rise to no residual significant effects upon protected species (either avian or terrestrial), habitats or designations. Accordingly, the Development is in accordance with Policy 4 and Policy 11 of NPF4, and Policy DP9 and EP2 of the MLDP.

NPF4 Policy 3 is centred around contributing to the enhancement of biodiversity and requires that development proposals for national developments will only be supported where the proposal will conserve, restore and enhance biodiversity so that *"it is in a demonstrably better state than without intervention".* An Outline Habitat Management Plan can be found within Technical Appendix A6.5 of the EIA Report. The OHMP makes the distinction between measures that are required to mitigate effects, and those that are intended as enhancement. Amongst the latter, a 30 m riparian corridor is proposed to be felled and re-planted with native broadleaved species, equating to around 20.6 ha of enhancement. Additionally, approximately 2.3 ha of coniferous

plantation in the vicinity of wetlands will also be replanted with native broadleaves. Around 2.68 ha of rhododendron control has also been proposed. Given the absence of significant peatland on Site, enhancement of peatland areas is not proposed. However, the above enhancement measures are considered more than sufficient to leave the site in a demonstrably better state than before intervention and accordingly can gain support from Policy 3 of NPF4.

These proposals will contribute to the enhancement of biodiversity, including restoring degraded habitats (riparian zones) and building and strengthening nature networks and the connections between them (along the watercourses). These proposals integrate nature-based solutions, by facilitating the improvement of riparian corridors and wetland environments through active management of the trees in these areas.

The proposals will conserve, restore and enhance biodiversity, including nature networks so they are in a demonstrably better state than without intervention, and this includes future management. The proposals are based on an understanding of the existing characteristics of the Site, this being a long-term managed coniferous woodland, which is common across Scotland and does not contain any irreplaceable habitats.

EIAR chapters 6 (Ecology) and 7 (Ornithology) present an assessment of potential effects which have been fully mitigated in line with the mitigation hierarchy prior to identifying enhancements. The enhancements (beyond mitigation) set out in this HMP are significant biodiversity enhancements which include nature networks (i.e., the watercourses and their surrounding habitats), linking to and strengthening habitat connectivity within and beyond the development. The proposals can be secured within a reasonable timescale (the establishment of the native broadleaf trees in the riparian and wetland areas) and with reasonable certainty, in that these measures have been implemented successfully elsewhere, and the process is well established. Management arrangements for their long-term retention and monitoring have been included. Opportunities for local community benefits of the biodiversity and/or nature networks are limited at this Site, however, as the Site is used for public recreation activities, the increase in biodiversity will be apparent to the public and will benefit those that are interested in it.

Hydrology and Peat

Hydrological and peat matters are set out and assessed within the EIA Report in Chapter 12 and Technical Appendix A12.1, respectively. Subject to imposition of mitigation measures set out within the chapter and the outline CEMP (Technical Appendix A4.2), such as pollution prevention and water quality monitoring, there are considered to be no residual significant effects on the hydrological resource. Deep peat deposits are not present on the Site, with the Phase 1 Peat Report in Technical Appendix A12.1 reporting depths of mostly below 0.5 m. Technical Appendix A12.1 provides guidance and assessment of how any peat found on site would be treated.

With all embedded mitigation in place therefore, there would be no conflict with policies in place to protect peat and hydrology, such as NPF4 Policy 5 or 11, or MLDP Policy DP9 or EP16.

Cultural Heritage

Potential impacts upon cultural heritage receptors and archaeology are set out within Chapter 8 of the EIA Report. The assessment finds no significant effects during operation upon cultural heritage receptors (including the setting of Scheduled Monuments and Listed Buildings) due to intervening distance or screening.

During construction, it is found that there are no specific areas where construction works could be expected to encounter unknown or known archaeological remains. Any future requirement for archaeological monitoring would be discussed post-consent and would be set out in a Written Scheme of Investigation, to be conditioned in the event of consent.

Given the absence of direct or indirect effects, Policy 7 of NPF4 does not require to be tested as the Development presents no conflict with it. The Applicant has avoided significant effects via siting and design mitigation and therefore is in accordance with Policy 11 of NPF4, and also has no conflict with Policies EP8, EP10 or EP11 of the MLDP.

Noise

Potential effects related to noise immissions at residential properties are assessed within Chapter 9 of the EIA Report. The assessment scoped out potential operational noise from the proposed BESS facility situated approximately 440 m to the west of the nearest receptor, Rose Cottage.

In terms of construction, Rose Cottage was considered in the construction noise assessment, with no other properties considered due to the distance of construction activities. Effects at this property were assessed to be approximately 11dB lower than the daytime threshold of 65dB, and therefore not significant.

In terms of operational noise effects, limits are proposed for the noise from wind turbines at residential properties, in accordance with accepted guidance on assessing wind turbine noise. It is anticipated that these limits would be built into a planning condition, and the Development would have to comply with these limits. When these limits are complied with, there would be no significant noise effects during the operation phase of the Development. The assessment reported in Chapter 8 considers the candidate turbine in the absence of mitigation and predicts minor exceedances of the proposed limits at two properties at between 6 and 7m/s during the daytime. Mitigation is proposed for this scenario in the form of a small number of turbines operating in a reduced-noise mode at those wind speeds during daytime, which would reduce the noise at those properties to below the limits. Actual mitigation requirements and delivery would depend on the model of turbine selected at pre-construction stage

and would be subject to revised noise modelling to ensure the noise limits would be met.

Accordingly, the Development is not in conflict with Policy EP14 or DP9 of the MLDP, nor Policy 11 of NPF4.

Traffic and Transport

Policy 11(e)(vi) of NPF4 requires that impacts on road traffic and adjacent trunk roads during construction are considered and addressed. Similarly, Policy DP9 of the MLDP requires the Development to avoid or address any significant impact arising upon traffic and transport.

Chapter 11 of the EIA Report sets out the assessment of effects on traffic and transport. It is expected that the turbine components would be transferred by abnormal load vehicles to the Site from either Inverness or Ardersier via the A96(T), Reiket Lane, Linkwood Road and the B9103, as set out in Technical Appendix A11.1.

Peak traffic including predicted worst case daily and monthly HGV trips and abnormal loads have been estimated within the EIA Report Chapter. The high percentage increase in traffic is reflective of the low baseline volumes. All effects associated with the Development are temporary and localised in nature. A Construction Traffic Management Plan (CTMP) will be conditioned as part of any consent, and owing to that, significant effects are not predicted. Therefore, it is adjudged that the Development is in compliance with Policy 11 of NPF4 and DP9 of the MLDP.

Socio-economics

Within NPF4, Policy 11c specifically 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".*

Chapter 14 of the EIA Report sets out effects on socio-economic, tourism and recreational receptors and finds that there are no significant effects in an EIA context, although there would be beneficial impacts in terms of induced effects related to the construction phase and the establishment of a community benefit fund.

The Applicant has done several things to meet these criteria, including the provision of a £5,000 per MW (wind farm MW only) per annum community benefit fund, which may equate to around £432,000 annually. It also estimates that the project would spend around £27m in the Moray area and provide the equivalent of three full time equivalent (FTE) jobs when including the construction period. During operation, it estimated that around £4.3m would be spent annually in the Moray area.

As also reported within the Pre-Application Consultation Report (within section 6), and at the time of submission of the Section 36 application, the Applicant is discussing the potential for shared ownership with Local Energy Scotland and the local community and discussions will remain ongoing. At the time of writing this Planning Statement, a

Memorandum of Understanding has been circulated to Innes Community Council, Speyside Community Council, Inchberry Council, Rothes Council and Community Energy Moray which forms a clear basis of intent. The PAC Report states within section 6.2 that the Applicant is committed to offering up to 20% as shared ownership.

The Development can therefore gain support from Policy 11 of NPF4.

The Applicant will also hold a 'Meet the Buyer' event in Elgin on 12th June 2025 to meet local suppliers, contractors and service providers. Establishing these links early in the overall development timeline will assist in facilitating local economic gain and accordingly directly draws support from NPF 4 Policy 25 where development proposals that are consistent with local economic priorities will be supported, including local supply chains and job creation.

Aviation

As reported within Chapter 13 of the EIA Report, there is a potential effect upon the radar at RAF Lossiemouth which will require mitigation. Policy EP15 of the LDP requires that proposals must not adversely affect this asset and therefore it is appropriate to discuss the mitigation scenario. The development is approximately 19km from the Lossiemouth radar which is operated by the Ministry of Defence and is used for Air Traffic Control.

There is a solution available via the wind farm filter algorithms available within the Thales radar as discussed within Chapter 13 of the EIA Report. Technical Appendix 13.1 suggests a suspensive planning condition which if adopted would enable the MoD sufficient control over the proposed solution. Once the MoD has adopted a solution, an Air Traffic Control Radar Mitigation Scheme would be provided by the Applicant for sign off by the MoD, which would be in place for the lifetime of the proposed development. No turbines would become operational until this Scheme is agreed.

Accordingly, there is sufficient comfort that with the suspensive condition applied, the development would have no adviser impact upon RAF Lossiemouth and as such accords with Policy EP15 of the LDP.

Other Topics

The Other Issues section within Chapter 15 of the EIA Report sets out commentary on topics which are deemed important and/or required by the EIA Regulations, but where significant effects are unlikely. Residential amenity can be affected by shadow flicker, which is covered under Policy 11 of NPF4 and Policy DP9 of MDLP. Prior to mitigation, 11 properties have the potential to experience shadow flicker effects, however the Applicant has provided a draft condition which require a scheme of mitigation to be supplied before first operation. This would include either or both of curtailment for when shadow flicker has the potential to occur, or mitigation at receptors, such as the purchase and use of blinds or curtains. With this mitigation, no significant effects would occur, and the Development would accord with policy in this regard, subject to a suspensive condition.

An Outline Battery Storage Management Plan is provided within the EIA Report as Technical Appendix A15.1. This sets out the controls for the BESS system in the event of failure, to minimise effects. This states the measures inbuilt to the BESS system to prevent thermal runaway, such as temperature monitoring and feedback via the Battery Management System, as well as additional measures such as several ways to access the BESS and means to provide water in the event of a fire incident.

Accordingly, the Development is not in conflict with Policy DP9 of the MLDP, nor Policy 11 of NPF4.

Conclusions

This document aims to demonstrates the clear and unequivocal support for onshore wind energy that remains very strong within International, UK and Scottish legislation and planning policy.

The Scottish Government are very clear about the continued need for onshore wind, with a target of 20GW before 2030, and a UK target of an additional between 8.4GW and 10.4GW to achieve the Clean Power capacity range of between 27 and 29GW of onshore energy by 2030. Both documents are very clear that 2030 is not the cut off and more can be done after this date. The Scottish Government makes it abundantly clear that there is a climate emergency, and the principle of wind energy is not in doubt via the national development status of all generation above 50 MW. There is a wide range of policy as set out within this Planning Statement that sets out the urgency upon which deployment must happen to keep up with national and international emissions targets and constantly increasing demand for electricity.

The Development draws immediate support from its status as a national development. With the use of appropriate design and siting as set out within this document, the Design and Access Statement and the EIA Report, the Development has aimed to mitigate significant effects as far as possible. The design of the wind farm, within commercial forestry which is generally host to wind farms around the country, to avoid impacts upon landmark hills, to use topographical screening, and to set the development ‘inland’ from the forestry edge, are all elements which accord favourably with good design.

Where potential significant effects are possible, the EIA has sought to provide robust mitigation which can be subject to condition. The Applicant has also provided information for an HRA upon the River Spey SAC and the Moray and Nairn Coast SPA / Ramsar site and whilst it is up to the Scottish Ministers to carry out this assessment, it is the Applicant’s view that the Development would not compromise the aims of those designations.

In landscape and visual terms, the site has reduced aviation lighting requirements to the minimum (just 4 turbines), these lights would only operate at full 2000cd mode when visibility was less than 5 km which is likely to be a small percentage of the time,

and light intensity below the horizontal is substantially reduced due to design of the lights. Landscape and visual effects from aviation lighting are therefore minimised. Significant effects upon landscape and visual receptors are predicted only within 6km of the Development which is in line with Ministerial decisions about how localised effects (as per NPF4 Policy 11(e)(ii) are to be assessed. This is well within previously defined localised effects, which can stretch to 10-12 km for some schemes.

The Applicant has also done everything within its power to meet two other key NPF4 aspirations, namely maximising economic benefit through a community benefit package and ongoing discussion regarding community shared ownership and providing significant biodiversity enhancement to leave the site in a demonstrably better position than without development.

As a whole, with the mitigation provided, strong policy support can be drawn from NPF4 and MLDP, together comprising the Development Plan. Whilst for Section 36 applications the Development Plan is not the primary material consideration, it is a clearly important one. At the wider level however, all wider policy and legislative considerations give very strong support to the Development.

Overall, the Development can rely on very strong support from all material considerations as set out within this Planning Statement.

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