

Nisthill Wind Farm

Planning Statement

August 2022

Contents

1.	Introduction	3
1.1	Background	3
1.2	Purpose of Planning Statement	3
1.3	Site Location & Description	3
1.4	The Applicant	3
1.5	The Proposed Development	4
1.6	Structure of Planning Statement	4
2.	The Development Plan	5
2.1	Introduction	5
2.2	Relevant Development Plan Policies & Approach	5
2.3	LDP Policy Assessment	5
2.4	Supplementary Guidance 'Energy'	16
2.5	Landscape Capacity Assessment for Wind Energy in Orkney	17
2.6	Development Management Guidance on Energy	18
2.7	Conclusions	19
3.	National Planning Policy & Guidance	20
3.1	Introduction	20
3.2	National Planning Framework 3	20
3.3	Scottish Planning Policy	21
3.4	The Draft Fourth National Planning Framework 'Scotland 2045'	23
3.5	Conclusions on National Planning Policy & Guidance	27
4.	Renewable Energy Policy & Legislative Framework	28
4.1	Introduction	28
4.2	International Commitments	28
4.3	UK Climate Change & Energy Legislation & Policy	30
4.4	Climate Change & Renewable Energy Policy: Scotland	34
4.5	Key Zero Carbon Targets: Summary	44
4.6	Giving substantial weight to Renewable Energy Policy and Targets	45
5.	The Benefits of the Development	47
5.1	The Benefits: Summary	47
6.	Conclusions	49
6.1	The Development Plan	49
6.2	National Planning Policy	49
6.3	Climate Emergency & the Renewable Energy Policy Framework	49
6.4	Overall Conclusions	50
7.	Appendix 1: Development Plan Policies	52
7.1	Introduction	52
7.2	Policy 1: Criteria for All Development	52
7.3	Policy 7: Energy	52
7.4	Policy 8: Historic Environment & Cultural Heritage	54
7.5	Policy 9 Natural Heritage & Landscape	55
7.6	Policy 10 Green Infrastructure (Paths, Open Spaces & Green Networks)	58
7.7	Policy 13: Flood Risk, SuDs & Wastewater Drainage	58
7.8	Policy 14 Transport, Travel & Road Network Infrastructure	58

1. Introduction

1.1 Background

1.1.1 This Planning Statement has been prepared by David Bell Planning Ltd (DBP) on behalf of Nisthill Wind Farm Ltd (the Applicant) to support a major planning application under the Town and Country Planning (Scotland) Act 1997, as amended (“the 1997 Act”), for consent to construct, operate a Wind Farm known as Nisthill, and associated infrastructure (“the proposed development”).

1.1.2 The Planning Statement considers the potential benefits and adverse effects which may arise and concludes as to the overall acceptability of the proposed development in relation to the planning policy framework and relevant material considerations.

1.2 Purpose of Planning Statement

1.2.1 Section 25 of the 1997 Act requires that “*where, in making any determination under the Planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the Plan unless material considerations indicate otherwise*”.

1.2.2 Accordingly, the purpose of this Planning Statement is to provide an assessment of the proposed development against the relevant Development Plan policies, and to consider any other material considerations, consistent with the requirements of Section 25 of the 1997 Act. The Planning Statement also considers the potential benefits and harm which may arise and concludes as to the overall acceptability of the proposed development in relation to the planning policy framework and relevant material considerations.

1.3 Site Location & Description

1.3.1 The application site (“the site”) is located approximately 5km west of Birsay and immediately west of Loch Swannay, Orkney. The site is located within the local authority area of the Orkney Islands Council (OIC).

1.3.2 The site comprises of an area of approximately 120 hectares (ha). The site is predominately grassland with gently sloping topography up to 106 m Above Ordnance Datum (AOD). The surrounding area is rural with the land predominantly used for agriculture.

1.4 The Applicant

1.4.1 The Applicant is a partnership between farmers Mr Adrian Breck of Ludenhill, Mr Paul Archibald of Nisthouse and Infinergy Ltd.

1.4.2 Mr Breck and Mr Archibald are multigenerational Orcadian farmers and landowners of the site. Already Ludenhill Farm has contributed towards tackling climate change with the instalment of a 500kW wind turbine in 2016. Together the landowners hope to generate significantly more renewable energy with this proposal.

1.4.3 Infinergy Limited is a renewable energy company developing onshore wind farms throughout the United Kingdom. The Applicant has expertise and experience needed to design, develop, build and operate wind energy developments. The Applicant is committed to helping meet the United Kingdom’s renewable energy and emission reduction targets, whilst developing responsibly and locating the right sized wind farm in the right place.

1.5 The Proposed Development

- 1.5.1 The proposed development comprises four wind turbines with a total installed capacity of approximately 26.4 megawatts (MW) and related infrastructure.
- 1.5.2 A full description of the proposed development is provided in Chapter 3 of the EIA Report. In summary, planning permission is sought for the following:
- > Up to four wind turbines with ground to tip height of up to 180m;
 - > Turbine foundations and crane hardstanding areas at each turbine base for use by cranes erecting and maintaining the turbine;
 - > Site access and tracks (5m running width) and underground cabling;
 - > A wind farm substation;
 - > Two temporary site construction compounds;
 - > Expansion of existing borrow pit area.
- 1.5.3 The layout of the proposed development is shown in Figure 1.2 of the EIA Report.
- 1.5.4 To minimise the volume of imported material brought onto the site and any associated environmental impacts, the existing borrow pit located within the site boundary will be expanded and used to source stone for site infrastructure¹.
- 1.5.5 As structures over 150 m high, there is a statutory requirement for aviation lighting on the Proposed Development. Proposed lighting has been agreed with the Civil Aviation Authority (CAA) and Ministry of Defence (MOD).
- 1.5.6 It is anticipated that construction would take 12 months. The operational life of the development would be 40 years, after which the development would be decommissioned. A micro-siting allowance of 50m is being sought in respect of T1, T2, T4 and associated site infrastructure whilst a micro-siting allowance of up to 125 m is being sought in respect of T3.

1.6 Structure of Planning Statement

- 1.6.1 The structure of this Planning Statement is as follows:
- > **Chapter 2** contains the consideration of the proposed development against the relevant policies of the Local Development Plan, with a focus on the lead Development Plan policy; and
 - > **Chapter 3** addresses national planning policy and guidance.
 - > **Chapter 4** sets out the up-to-date position with regard to the renewable energy policy and emission reduction legislative framework.
 - > **Chapter 5** summarises the benefits of the proposed development; and
 - > **Chapter 6** presents overall conclusions.

¹ Chapter 2 of the EIA Report explains that if the development is consented, further intrusive geotechnical investigation would be carried out to identify which of five borrow pit locations would yield the required quality of rock for each aspect of the necessary infrastructure. It is likely that not all five borrow pits would be needed, but this approach gives flexibility in case there is low yield identified at any particular location.

2. The Development Plan

2.1 Introduction

2.1.1 As detailed in Chapter 1, for planning applications determined under the 1997 Act, primacy is afforded to the Development Plan unless material considerations indicate otherwise. The statutory Development Plan comprises the Orkney Local Development Plan (LDP) adopted in April 2017 together with Supplementary Guidance (SG). The SG documents of relevance are:

- > Energy;
- > Natural Environment; and
- > Historic Environment and Cultural Heritage.

2.1.2 The Council has also produced a 'Landscape Capacity Assessment for Wind Energy in Orkney' (2014).

2.2 Relevant Development Plan Policies & Approach

2.2.1 The relevant policies within LDP are as follows:

- > Policy 1: Criteria for All Development;
- > Policy 7: Energy;
- > Policy 8: Historic Environment & Cultural Heritage;
- > Policy 9: Natural Heritage & Landscape;
- > Policy 10: Green Infrastructure;
- > Policy 13: Flood Risk, SuDs & Waste Water Drainage
- > Policy 14: Transport, Travel & Road Network Infrastructure.

2.2.2 The policies are quoted in full in Appendix 1 and are also contained in Chapter 5 of the EIA Report.

2.2.3 The planning policy assessment which follows is focussed on the lead LDP Policy which is Policy 7 'Energy'. Policy 7 lists a range of 'factors' against which proposals for onshore wind energy developments are to be assessed. The policy therefore encompasses the other relevant subject policies. The other subject policies are referenced where relevant.

2.2.4 In order to provide a proportionate assessment, the approach also seeks to focus primarily on those residual adverse effects which have been identified as significant within the EIA Report following the application of proposed mitigation measures.

2.2.5 This focus allows the policy assessment to concentrate on those issues which, based on the outcomes of the EIA, are of most significance to the policy framework. The outcomes of the EIA are key considerations in determining the sensitivity of receptors and therefore important to informing the overall acceptability of the proposed development.

2.3 LDP Policy Assessment

2.3.1 As set out above, Policy 7 is the key or 'lead' LDP policy for the assessment of onshore wind farm developments.

- 2.3.2 The policy states that applications for any wind farms should take account of the Spatial Strategy Framework for wind farm development
- 2.3.3 The northern and central part of the site lies within an area detailed as 'Areas with Potential for Wind Farm Development' (Group 3) with the southern part lying in an area detailed as 'Areas of Significant Protection' (Group 2) as identified in the plan entitled 'Spatial Strategy Framework' (page 29 of the LDP). The Group 2 status relates to the presence of Class 1 peat and related habitat. This is further referenced below with regard to hydrology and carbon rich soils.
- 2.3.4 The policy states that proposals for wind energy developments of all scales, including extensions to existing developments and repowering, will be assessed against the following factors to ensure that there "*will be no significant adverse individual or cumulative impacts*":
- > Communities and Amenity;
 - > Landscape and Visual Impact;
 - > Natural Heritage;
 - > Historic Environment;
 - > Tourism and Recreation;
 - > Peat and Carbon Rich Soils;
 - > Water Environment;
 - > Aviation, Defence and Communications; and
 - > Construction and Decommissioning.
- 2.3.5 Each of these factors are considered below.
- Communities and Amenity**
- 2.3.6 Visual amenity is considered in terms of the second factor below. In terms of other amenity considerations, in particular noise and shadow flicker, the position is as follows.
- 2.3.7 An assessment of potential noise effects has been carried out for the construction, operation and decommissioning stages of the proposed development and this is reported in Chapter 10 of the EIA Report.
- 2.3.8 Construction noise would be limited in duration and confined to working hours as specified by OIC and can therefore be adequately controlled through a planning condition. The application of mitigation measures where applicable will also ensure that any noise from site will be adequately controlled.
- 2.3.9 The operational assessment of noise has been undertaken in accordance with the recommendations of ETSU-R-97, the method of assessing wind turbine noise recommended by Government guidance and following the current best practice methods described in the Institute of Acoustics (IoA) Good Practice Guide (GPG), as endorsed by Scottish Government. A review of existing noise limits applicable to operational and consented developments has been undertaken and a baseline noise survey completed, and Overall Noise Limits (ONLs) defined according to the IoA GPG's recommendations. These have been used to derive Residual Noise Limits (RNLs) which will apply to the proposed development.
- 2.3.10 The assessment demonstrates that noise due to the proposed development would comply with the RNLs, subject to the existing small turbines of properties financially involved with the proposed development being switched off at wind speeds of 9 ms⁻¹ and above. Marginal

(<0.5 dB) exceedances of the proposed RNLs have been identified at two Noise Sensitive Receptors (NSRs), at two wind speeds, however, it is explained in Chapter 10 of the EIA Report that given the orientation of the NSRs to the closest developments and the conservatism of the prediction method, actual operational noise levels will be lower, and it is unlikely that additional mitigation will be required. The Applicant is, however, committed to meeting the RNLs, and will put in place mitigation should this be demonstrated to be required by compliance measurements.

- 2.3.11 A construction noise assessment has also been carried out in accordance with BS 5228-1:2009 'Noise control on construction and open sites Part 1 – Noise', and with due regard to mitigation, indicates that predicted noise levels likely to be experienced at representative critical residential properties would be below relevant criteria.
- 2.3.12 An assessment of potential shadow flicker effects is reported in Chapter 15 of the EIA Report. It concludes that on the basis that potential shadow flicker effects can be mitigated through matters secured through the application of a Wind Farm Shadow Flicker Protocol (which can be secured by way of a planning condition) no significant residual effects are predicted during the operational, construction or decommissioning phases of the proposed development.

Landscape and Visual Impact

- 2.3.13 The Landscape and Visual Impact Assessment (LVIA) for the proposed development is set out in Chapter 6 of the EIA Report. It should be referred to for its detail, but in summary, key findings are as follows with regard to impacts that would arise in relation to landscape character, designations, visual amenity and cumulative considerations.

Landscape Character

- 2.3.14 The assessment of effects on landscape character found that significant effects, during the construction and operational phases would arise as a result of the proposed development within parts of 15 of the Landscape Character Types (LCTs) and Landscape Character Units (LCUs) that occur in the LVIA Study Area. Those parts of the LCTs that would undergo significant effects are as follows with the remaining parts either not significantly affected or not affected:
- > 296 Whaleback Islands LCT: 296A Eynhallow LCU – western and central parts;
 - > 302 Inclined Coastal Pasture LCT: 302A Evie LCU – localised patches north of Burgar Hill;
 - > 302 Inclined Coastal Pasture LCT: 302B Rousay LCU – western and south-western parts;
 - > 305 Enclosed Bays LCT: 305A Birsay LCU – practically all this LCU;
 - > 306 Coastal Hills and Heath LCT: 306A North Coast LCU – practically all this LCU;
 - > 306 Coastal Hills and Heath LCT: 306B Ravi Hill LCU – northern and western parts;
 - > 306 Coastal Hills and Heath LCT: 306C Vestra Fiold LCU – practically all this LCU;
 - > 306 Coastal Hills and Heath LCT: 306E Rousay LCU – southern part;
 - > 307 Cliffs LCT: 307A Marwick Head LCU - practically all this LCU;
 - > 309 Peatland Basin LCT: 309A Hillside LCU - practically all this LCU;
 - > 310 Loch Basin LCT: 310A Swannay LCU – all this LCU;
 - > 310 Loch Basin LCT: 310B West Mainland LCU – northern part of this LCU out to 7km;
 - > 313 Rolling Hill Fringe LCT: 313A Hillside LCU – northern part of this LCU out to 4km;

- > 313 Rolling Hill Fringe LCT: 313B West Mainland LCU – northern part of this LCU out to 7km; and
- > 314 Moorland Hills LCT: 314A West Mainland LCU – northern part of this LCU out to 7km.

2.3.15 These significant effects would extend out to a radius of approximately 7km.

2.3.16 The assessment of effects on coastal character found that significant effects, during the construction and operational phases would arise within parts of four of the Regional Coastal Character Areas (RCCAs) that occur in the LVIA Study Area. Those parts of the RCCAs and the constituent LCCAs that would undergo significant effects are as follows with the remaining parts either not significantly affected or not affected:

- > RCCA 10: Rousay North – LCCA 10a Scabra Head to Saviskaill Head;
- > RCCA 11: Rousay South – LCCA 11a Eynhallow and LCCA 11b Scabra to Tratland;
- > RCCA 26: Marwick Head and Bay of Skaill – LCCA 26c Marwick Head and LCCA 26d Birsay Bay; and
- > RCCA 27: Brough Head to Costa Head – LCCA 27c Costa Head.

2.3.17 These significant effects would also extend out to a radius of approximately 7km.

Landscape Designations

2.3.18 A detailed assessment of the effects on the special qualities of the Hoy and West Mainland National Scenic Area (NSA) is presented in Appendix 6.2 of the EIA Report. The NSA is located beyond 10 km from the site. The assessment found that the proposed development would not give rise to any significant effects on the Special Landscape Qualities (SLQs) attributed to the NSA. While the proposal would have effects on two of the 11 SLQs of the NSA, the effects would not be significant. The other nine SLQs would remain unaffected, and the objectives of the designation and the overall integrity of the NSA as a whole would not be compromised.

Visual Effects

2.3.19 The assessment of the effects of the proposed development established that significant effects would occur during the construction and operational phases at 13 of the 19 viewpoints considered. The viewpoints from which there would be such effects all lie within a 7km radius of the site and are as follows:

- > VP1: A966, Loch of Swannay;
- > VP2: A966, Hundland Road junction;
- > VP3: Vinquin Hill, Costa;
- > VP4: Mid Hill;
- > VP5: Kirbuster, Loch of Hundland;
- > VP6: Brough of Birsay;
- > VP7: A967, Birsay Community Hall;
- > VP8: A967, Twatt;
- > VP9: A967, near Rosemire;
- > VP13: B9057 north-west of Dounby;

- > VP15: Vestra Fiold;
- > VP16: A966 west of Abune the Hill; and
- > VP17: Westside, Rousay.

2.3.20 It is explained in the LVIA that the viewpoints would mostly be affected owing to either their close proximity to the construction works and operation of the proposed development, or their greater sensitivity. While all the representative viewpoints within a 7km radius would be significantly affected, the point is stated in the LVIA that not all visual receptors within this geographical radius would also be significantly affected. This is due to there being large land areas with no or low-level visibility.

Cumulative Effects

2.3.21 The LVIA also addresses cumulative landscape and visual effects. The most relevant wind farms to the cumulative assessment are those that are operational and consented. In this regard the proposed development is located in proximity to both the operational Bargar Hill Wind Farm and the consented Costa Head Wind Farm.

2.3.22 The assessment of cumulative effects on landscape and coastal character has identified that significant cumulative effects would arise as a result of the addition of the proposed development within parts of four of the LCTs / LCUs that occur in the LVIA Study Area. Those parts of the LCTs / LCUs that would undergo significant cumulative effects are as follows:

- > 302 Inclined Coastal Pasture LCT: 302A Evie LCU – localised patches north of Bargar Hill;
- > 306 Coastal Hills and Heath LCT: 306A North Coast LCU – the north-eastern part of this LCU;
- > 310 Loch Basin LCT: 310A Swannay LCU – all this LCU;
- > 310 Loch Basin LCT: 310B West Mainland LCU - northern part of this LCU out to 4km; and
- > 314 Moorland Hills LCT: 314A West Mainland LCU - northern part of this LCU out to 4km.

2.3.23 These significant cumulative effects would extend out to a radius of approximately 4km. The cumulative effect of the proposal on all other LCTs / LCUs would be not significant and there would be no significant cumulative effects on the RCCAs / LCCAs or on the SLQs of the Hoy and West Mainland NSA.

2.3.24 The assessment of cumulative effects on visual amenity has identified that significant cumulative effects would arise as a result of the addition of the proposed development in respect of the following two representative viewpoints which lie within 2km radius of the site:

- > VP1: A966, Loch of Swannay; and
- > VP3: Vinquin Hill, Costa.

Residential Visual Amenity

2.3.25 A Residential Visual Amenity Assessment (RVAA) has been undertaken and is reported in Appendix 6.4 of the EIA Report. The RVAA is intended to assist the decision maker in forming a judgement as to the effect of the wind farm on the visual component of residential amenity experienced by identified residential receptors (people in and around their homes). For the purpose of this assessment, the potential change in views and visual amenity has been considered from all properties within 2 km of the proposed turbines.

- 2.3.26 Although the RVAA identifies where significant visual effects would occur, it also seeks to determine whether such effects would constitute potentially 'overbearing' or 'overwhelming' effects that might be considered to render a property an unattractive place in which to live.
- 2.3.27 The RVAA considered the impact of the proposed development on the visual amenity of 56 properties within this 2km distance. The effect of the proposed development on all 56 properties would be significant.
- 2.3.28 The RVAA states that the magnitude of change on 32 properties would be medium-high, while on the remaining 24 properties it would be high. The high magnitude of change led to 24 properties being carried forward for a more detailed Residential Visual Amenity Threshold Assessment.
- 2.3.29 The conclusion of this further assessment is that whilst a high magnitude of change and major significant effect is predicted for the properties, the nature of the visual impact at 23 of these properties is not sufficiently adverse to be characterised as an overwhelming or overbearing effect in terms of visual amenity. The Residential Visual Amenity Threshold Assessment has, however, identified one especially close-range property where the effects have the potential to be overwhelming or overbearing, namely Property 2: Dale at a minimum of 599 m from the closest turbine.

Visible Aviation Lighting

- 2.3.30 The LVIA also addresses the matter of visible aviation lighting. This is set out in Appendix 6.3 of the EIA Report. The visual effect of the turbine aviation lighting has been considered from three representative viewpoints. The assessment considered the 'worst-case' scenario in terms of assuming that the intensity of lighting experienced at the representative viewpoints would be 2,000 candela (cd), with an assessment also of the reduced intensity at 200cd that would be deployed in clear visibility at a range greater than 5 km.

Natural Heritage

Terrestrial Ecology

- 2.3.31 Ecology is assessed in Chapter 7 of the EIA Report and ornithology in Chapter 8.
- 2.3.32 Through a standardised evaluation method, Important Ecological Features (IEFs) were identified and brought forward for assessment. IEFs taken forward to assessment include:
- > Loch of Isbister Special Area of Conservation (SAC);
 - > West Mainland Moorlands Site of Special Scientific Interest (SSSI);
 - > Loch of Swannay Local Nature Conservation Site (LNCS);
 - > wet heath/acid grassland mosaic; and
 - > blanket bog.
- 2.3.33 The EIA assessment sets out that with the application of standard mitigation measures predicted effects are considered to be barely perceptible, and therefore not significant, with the exception of some loss of Loch of Swannay LNCS wet heath habitat and Loch of Swannay LNCS lowland fen habitats as well as wider area habitat types wet heath/acid grassland mosaic and blanket bog.
- 2.3.34 Given these effects, biodiversity enhancement is proposed to be set out in a Habitat Management Plan (HMP) and a Grazing Management Plan (GMP). A pre-construction survey and Species Protection Plan dependant on the survey results is also proposed to further minimise any adverse effects on otter.

- 2.3.35 With the biodiversity enhancement and further mitigation detailed, residual impacts for the operational phase of the proposal are considered to be negligible and therefore not significant for all Important Ecological Features (IEFs) except the LNCS burns and canalised burns feature where a low significant effect remains.
- 2.3.36 Likely cumulative effects of nearby developments (Costa Head, Burgar Hill, Hammars Hill and Holodykes wind farms), consented or at application stage, were also considered and no significant cumulative effects are anticipated.

Ornithology

- 2.3.37 Ornithology is examined in Chapter 8 of the EIA Report. In summary, it reports on the baseline ornithological conditions recorded within and around the site and presents an assessment of likely significant effects on populations of identified target species.
- 2.3.38 Through a standardised evaluation method, Important Ornithological Features (IOF) were identified and subject to detailed assessment if it was concluded that they would be vulnerable to effects from the proposed development. IOFs taken forward for further consideration included an international designation, Orkney Mainland Moors Special Protection Area (SPA), which is designed for breeding and wintering hen harrier, breeding short-eared owl and breeding red-throated diver; two locally designated sites, Loch of Swannay LNCS and Loch of Hundland LNCS; as well as three species, curlew, lapwing and great skua.
- 2.3.39 With mitigation in place, predicted effects were considered to be barely perceptible or low and therefore not significant for all IOFs. There is no requirement for further specific mitigation however proposed enhancement measures for ground nesting birds is proposed and would have a long-term significant beneficial effect on the breeding population.
- 2.3.40 Likely cumulative effects with nearby operational developments, as well as those currently consented or at application stage of planning, were also considered. No significant cumulative effects are anticipated as a result of the proposed development.
- 2.3.41 In conclusion, it is considered that the proposed development is acceptable in relation to ecological and ornithological interests.

Historic Environment

- 2.3.42 Cultural heritage is addressed in Chapter 9 of the EIA Report. The chapter identifies the archaeological and cultural heritage value of the site and assesses the potential for direct and indirect effects on heritage assets resulting from the construction, operation and decommissioning of the proposed development. This chapter also identifies measures that should be taken to mitigate predicted adverse effects.
- 2.3.43 This assessment has identified seven cultural heritage assets located within the site boundary. These assets include the Nisthill Burial mound (Asset 61, SM1318) and the Hundland Hill Enclosure (Asset 65, SM13451) both of which are Scheduled and consequently are of national importance as well as five non-designated assets of negligible importance (Assets 163 to 167).
- 2.3.44 The proposed development has been designed so as to avoid all known heritage assets of greater than negligible importance, although direct impacts of negligible/ neutral to minor levels of effect have been predicted for two of the non-designated assets (Assets 164 and 167) both of which are considered to be post-medieval or of modern date. These levels of effect are not considered significant although mitigation works are proposed.
- 2.3.45 The planning policy and guidance approach requires that account is taken of potential effects upon heritage features/assets by proposed developments and that where possible such effects are avoided. Where avoidance is not possible, effects on any significant remains should be minimised or offset.

- 2.3.46 Given the potential for presently unknown archaeological remains, in particular of prehistoric and post-medieval date, to survive within the site, a programme of archaeological works designed to avoid inadvertent damage to known remains and to investigate and mitigate against the possibility of uncovering hitherto unknown remains will be undertaken and can be secured by way of a planning condition.
- 2.3.47 Potential operational effects on the settings of all designated heritage assets within 10km of the proposed development, as well as the potential effects upon the Heart of Neolithic Orkney World Heritage Site (HONO WHS) which extends beyond this buffer have been considered in detail as part of the EIA assessment.
- 2.3.48 Moderate significant effects have been predicted upon the settings of five Scheduled Monuments:
- > the Hundland Hill Enclosure (Asset 65, SM13451) and the Nisthouse burial mound (Asset 61 SM1318) both of which lie within the site boundary; and
 - > three Scheduled Monuments that are located within 1km, namely:
 - Park Holm Artificial Island and Causeway (Asset 72, SM1362);
 - Stoney Holm Crannog (Asset 83 SM1394); and
 - the two Mittens mounds (Asset 67, SM1350).
- 2.3.49 Although moderate effects are considered to be 'significant' in the EIA, the assessment has concluded that the predicted effects upon these assets would not affect the integrity of their settings and that consequently the predicted effects do not conflict with paragraph 145 of Scottish Planning Policy (SPP).
- 2.3.50 It is stated in Chapter 9 of the EIA Report that given its international importance, the assessment has given detailed consideration to the setting of the HONO WHS and its four individual component monuments Stones of Stenness Stone Circle And Henge (Asset 148, SM90285), Ring of Brodgar Stone Circle, Henge And Nearby Remains (Asset 146, SM90042), Maes Howe Chambered Cairn (Asset 147, SM90209) (these assets, which are located in the central part of West Mainland) and the Skara Brae Neolithic settlement (Asset 149, SM No. SM90276).
- 2.3.51 It is explained that the predicted levels of effect are considered to be minor and not significant, and it is therefore considered that the proposed development would not affect the attributes that are set out in the WHS's Statement of Outstanding Universal Value (SOUV).
- 2.3.52 The proposed development is therefore considered to be in accordance with Policy 7 and Policy 8(B) of the LDP.

Tourism and Recreation

- 2.3.53 Chapter 14 of the EIA Report considers the potential socio-economic effects of the proposed development. This includes:
- > consideration of direct employment and economic benefits during the construction and operation of the proposed development and associated indirect/induced employment and economic benefits, such as effects on local commerce.
 - > The effects arising in relation to public access (including rights of way, core paths and other routes) and indirect effects on recreational activities (such as effects on the visual amenity of users of recreational routes) during construction and operation.
 - > Direct and indirect effects on tourism during construction and operation including cumulative effects in relation to public access and recreation and tourism during construction and operation in conjunction with other wind farms.

- 2.3.54 The consideration of the proposed development in relation to tourism and recreation has taken into account predicted visual effects from the LVIA in relation to viewpoints of relevance to recreation and/or tourism, either as tourist attractions, and in relation to recreational walking or driving routes.
- 2.3.55 The appraisal acknowledges that the effect which changes in views could have on public access, recreational activity and tourism will depend on the personal opinion of the viewer and is subjective; some people may be predisposed to dislike wind turbines while others could view them as complementary to the landscape. As a consequence, the alteration in views from surrounding areas may influence some individuals in their choice of location to visit or recreational activities to undertake. However, it is not considered that the changes in views from the viewpoints and routes assessed will result in a significant adverse effect on informal recreation or tourism.
- 2.3.56 It is inevitable that visitors to the immediate area would undoubtedly note the presence of the wind turbines, but there is no evidence to indicate the proposed development would adversely affect visitor numbers or visitor spend within the local area or wider region to a significant, let alone to an unacceptable degree.
- 2.3.57 The proposed development, when considered against the backdrop of available research, is not expected to have a negative impact on tourism and the economic value of this sector in the area's economy. This conclusion is when judged individually or cumulatively, with other projects proposed for the area. The available research documents are all consistent in their conclusion that the development of wind farms will not result in a significant reduction in tourist numbers, tourist experience or tourism revenue.
- 2.3.58 Furthermore, from the review of various section 36 and Appeal decisions throughout the UK that have considered the relationship of wind farms, tourism and the local economy, there are consistent messages arising from determinations and these include:
- > There is no compelling evidence to support concerns about the tourist industry being undermined to a material degree by wind farm development.

Even in situations where wind farms are proposed in locations where tourism is a key sector in the local economy, Inspectors and Reporters have not been convinced that effects would be sufficient to deter potential visitors such that there would be a significant effect on the tourist or wider economy of an area.
 - > Submissions relating to a potential adverse impact on tourism are more often than not unproven and limited weight is attached to such submissions. Generally, very little or no evidence based analysis is supplied to support claims that there would be an adverse effect on tourism.
- 2.3.59 Furthermore, an assessment of the likely effects of the proposed development on specific local tourism assets, accommodation providers, and routes found that there are expected to be no significant adverse effects on tourism and recreation in the study area. No significant cumulative effects are expected.
- 2.3.60 The Applicant's position is that the proposed development is considered to be acceptable in terms of tourism and recreation matters.

Peat and Carbon Rich Soils & The Water Environment

- 2.3.61 Hydrogeology and peat is addressed in Chapter 12 of the EIA Report. The SNH Carbon and Peatlands Map 2016 does not identify any Class 1 or Class 2 peat (both classifications considered to be nationally important) within the site boundary, with the exception of the furthest south-east corner. Most of the site is classified as Class 4 (unlikely associated with peatland habitats, unlikely to include carbon-rich soils) and the western site area is identified as being underlain by mineral soils.

- 2.3.62 The assessment explains that a peat survey (100m grid) was undertaken to gather site specific information of the presence and condition of peat soils and/or peat. Peat was found to be limited across the site with the majority of probes identifying peaty soils less than 0.5m thick. There were localised areas of thin peat (<1m) with only three probes recording peat depth in excess of 1m. Each proposed turbine is located within areas comprising soil/peat depth <0.5m.
- 2.3.63 Furthermore, a peat landslide hazard and risk assessment has been undertaken (Appendix 12.1 of the EIA Report) and an outline peat management plan has been prepared (Appendix 12.2 of the EIA Report).
- 2.3.64 The assessment concludes that given the absence of any onsite or nearby geological or geomorphological features of national or regional interest, and the generally thin peat/peaty soil deposits, the sensitivity of the site's geology as a receptor is assessed as low. There would be no significant impacts arising in relation to hydrogeology, peat and related habitats.

Aviation, Defence and Communications

- 2.3.65 Aviation matters are addressed in Chapter 13 of the EIA Report and the assessment considers the potential effects of the proposed development on existing and planned military and civil aviation activities, including those resulting from impacts to radar.
- 2.3.66 The assessment concludes that there is not likely to be any aviation impacts arising, subject to a Flight Impact Assessment demonstrating no impacts to the Instrument Flight Procedures at Kirkwall Airport.
- 2.3.67 The site lies approximately 25 km north-west of Kirkwall Airport, 26 km north-east of the Eday airfield and further from the other Orkney Island Council operated airfields at Sanday, Westray and Papa Westray. It is set out in the EIA Report that none of these aerodromes should be affected, with no objection responses received from HIAL in terms of operations and the Loganair chief pilot.
- 2.3.68 As the proposed turbines exceed 150m in height, there is a statutory requirement for aviation obstruction lighting. Whilst the proposed development is unable to specify an aircraft detection based lighting system (ADLS), the time-scale to implementation may allow for the use of ADLS and its use will be reviewed at the time of implementation.
- 2.3.69 Telecommunication matters are addressed in Chapter 15 of the EIA Report. One telecommunication links is located within the site boundary operated by EE. The assessment identifies that if the proposed mitigation of a 125 m micro-siting buffer at Turbine 3 only is implemented, no effects on telecommunications from the construction, operation or decommissioning of the proposed development would result. With this mitigation the proposed development will not impact any telecommunication links.

Construction and Decommissioning

Transport and Access

- 2.3.70 Relevant environmental effects from construction have been considered by way of the various topics addressed above. One further matter is traffic. Transport and access are addressed in Chapter 11 of the EIA Report.
- 2.3.71 The site will be accessed from Nisthouse Road via a priority access junction constructed at the location of an existing agricultural access.
- 2.3.72 In order to construct the proposed development, bulk materials such as concrete and rock will be imported to the site from local sources, whilst specialist loads such the turbine components will arrive on Orkney by ship and will be transported to site using specialist vehicles from Hatston Pier.

- 2.3.73 It is explained in Chapter 11 of the EIA Report that the construction activities will lead to some increased traffic volumes across the EIA study area during the construction phase only. In the operational period, traffic flows will fall to only two vehicles' movements every fortnight.
- 2.3.74 No significant capacity issues are expected on any of the roads within the study area due to the additional construction traffic movements. Nevertheless, a series of mitigation measures and management plans have been proposed to help mitigate and offset the impacts of both the construction and operational phase traffic flows.
- 2.3.75 An assessment of likely effects determined that, following mitigation measures, minor, non-significant effects could be expected relating to the increase in total flows and HGV flows within the study area at the following locations: Hundland Road, Nisthouse Road, Dounby, the A986, Finstown and along the A965. These effects are not considered unacceptable.

Construction Environmental Management Plan

- 2.3.76 In addition, as part of the construction contract, the contractor responsible for undertaking the construction and/or decommissioning works will be required to adhere to a Construction Environmental Management Plan (CEMP). The CEMP will be developed in accordance with 'Good Practice During Wind Farm Construction' (Scottish Government 2019) and can be secured by way of a standard planning condition.
- 2.3.77 The CEMP will describe how the Applicant will ensure suitable management of, but not limited to, the following environmental issues during construction of the proposed development:
- > noise and vibration;
 - > dust and air pollution;
 - > surface and ground water;
 - > ecology (including protection of habitats and species);
 - > agriculture (including protection of livestock and land);
 - > cultural heritage;
 - > waste (construction and domestic);
 - > pollution incidence response (for both land and water); and
 - > site operations (including maintenance of the construction compounds, working hours and safety of the public).

Decommissioning

- 2.3.78 At the end of the proposed development's operational lifespan of 40 years, it will be decommissioned, unless further consents are sought. It is expected that decommissioning will take approximately 12 months. The environmental effects of decommissioning are referenced in Chapter 3 of the EIA Report. They are considered to be similar to those during construction, excluding the loss of habitat which will have already occurred under construction.
- 2.3.79 Prior to decommissioning, a Decommissioning Environmental Management Plan (DEMP) will be produced to reflect the current legislation and policy of the time and will be agreed with the relevant statutory authorities.

2.4 Supplementary Guidance 'Energy'

- 2.4.1 The SG 'Energy' was adopted on 9 March 2017 and as confirmed on page 1 of the SG Energy, has "*statutory weight in the determination of planning applications and forms part of the plan.*"
- 2.4.2 Paragraph 1.03 of the SG confirms its purpose is seeking "*to ensure that appropriate development can take place, whilst at the same time seeking to ensure the character and special qualities of Orkney is not adversely affected.*"
- 2.4.3 Paragraph 1.04, sets out that the guidance accompanies Policy 7 of the LDP which "*seeks to support appropriate renewable energy development... whilst offering a transparent and robust framework for the assessment of relevant development proposals.*" Policy 7 of the LDP has been addressed above.
- 2.4.4 Sections 1.09 and 1.10 of the SG detail expectations with respect to community benefit but detail that "*negotiations for community benefit payments will take place independently from the planning process.*"
- 2.4.5 Section 1.11 "Positive Impacts" states that the Council, "*will strive to balance both positive and negative factors associated with a proposal prior to making a determination. Where there are significant adverse impacts on known constraints, the onus will be on the developer to demonstrate that the positive impacts, including net economic impact, the scale of contribution to renewable energy generation targets and the effects on greenhouse gas emissions, outweigh these.*"
- 2.4.6 Section 2 sets out further detail on the requirement to balance the impacts of development in the context of Policy 7 of the LDP.
- 2.4.7 Wind Energy is specifically covered in section 4 of the SG and there is reference to the Spatial Framework (as required by SPP) for wind farm developments and "*encouragement for all applicants to consider the spatial framework at an early stage to identify potential constraints that may impact upon their development proposal.*"
- 2.4.8 The Spatial Strategy Framework is further considered in section 4 of the SG. Paragraph 4.12 states that "*developers of 'wind farms' are generally directed to 'Areas with Potential for Wind Farms' where there are the lowest levels of potential constraints to wind energy developments.*"
- 2.4.9 Paragraph 4.13 defines how the Areas of Potential for Wind Farm development have been identified, confirming that "*these areas have been defined by eliminating sensitive areas that require significant protection or are sensitive to wind farm development*" and that "*It is not guaranteed that development within these areas will be technically feasible or appropriate and each application will be judged on its merits against the Development Criteria (from paragraph 4.18).*"
- 2.4.10 Spatial Policy SP1, below para 4.13 of the SG confirms that "Areas with potential for wind farms" in the Spatial Framework represent the areas of least constraint.
- 2.4.11 Spatial Policy SP1 states: "*Areas with potential capacity to accommodate wind farms have been identified as 'Areas With Potential for Wind Farms' and are shown in Figure 1. These places represent the areas of least constraint to wind energy development. Wind energy development is likely to be supported in principle within the areas subject to proposals complying with the Development Criteria and any other material planning consideration*"
- 2.4.12 Spatial Policy 2 addresses "Areas of Significant Protection" in which justification, along with mitigation, will have to be provided in support of a planning application to demonstrate acceptability. The text below paragraph 4.16 identifies those areas that have been identified as requiring significant protection as defined by SPP, these are referred to above under Policy 7.

- 2.4.13 It is noted however that within the Areas of Significant Protection wind farm development may be appropriate in some circumstances, and it must be demonstrated by an applicant that any significant effects on the qualities of these areas can be overcome to the satisfaction of the planning authority. In this case the site is Group 3 in terms of the Spatial Framework.

2.5 Landscape Capacity Assessment for Wind Energy in Orkney

- 2.5.1 The 'Landscape Capacity Assessment for Wind Energy in Orkney' (LCA) was published in April 2014 and was adopted as non-statutory planning policy advice in 2015. The LCA provides detailed guidance on the capacity of the landscape to accommodate wind turbine development. The study specifically assesses landscape and visual sensitivity, landscape value and landscape capacity together with the impact of cumulative wind energy development in order to determine where significant protection from further development may be required.
- 2.5.2 The LCA describes the capacity of 'West Mainland', where the Proposed Development will be located, as follows; *"Its relatively large size and developed nature are attributes of a landscape with some suitability for larger scale wind developments. However, these attributes are offset to an extent by the presence of the World Heritage Site, a sizable population, and the presence of a nationally designated National Scenic Area."*
- 2.5.3 The application site lies partly within LCT 310 Loch Basin and partly within LCT 306 Coastal Hills and Heath. While the LCA identifies capacity for turbines from 30 to 50m in small numbers and offset from the basin floor of the larger Loch Basins of Stenness and Harray, in respect of the smaller Loch Basins to the north around Loch of Swannay, the LCAWEO identifies capacity only for occasional small turbines up to 30m.
- 2.5.4 In respect of the Coastal Hills and Heath LCT, the LCA identifies capacity as follows *"Coastal Hills and Heath in the west and north are upland areas of low elevation up to approximately 150m AOD. The degree of settlement and farming practices varies from undeveloped with unenclosed farmland to the south west, to more settled and enclosed to the north. This landscape is the setting to the rugged coast, therefore potential for wind development is low, with capacity for occasional turbines up to 30m."*
- 2.5.5 The LCA, therefore, recognises the capacity of the site, albeit only for small turbines. The LCA however, dates from 2014 and since then the height of turbines proposed in wind farm applications have notably increased and as explained in the LVIA (which addresses the LCA) the understanding of how landscape can accommodate taller turbines has evolved.
- 2.5.6 It is also important to note that in relation to 'landscape capacity' NatureScot 'Draft Landscape Sensitivity Guidance' (2020) indicates a clear move away from the matter of capacity to one of dealing with landscape sensitivities and states:
"Capacity is determined by the need for a target amount of development while sensitivity is not. Most studies should therefore be correctly referred to as sensitivity studies, unless such targets have been set at an appropriate scale" (paragraph 8)
Publication of this document provides planning authorities and other agencies with guidance to prepare or update their existing landscape assessments in line with current guidance and practices. Existing assessments provide useful evidence and understanding to inform spatial planning. However, updating may be required, particularly for wind farm studies, as development patterns and technology change, and/or to remove elements of capacity assessment where these exist." (paragraph 10)
- 2.5.7 Furthermore, in the Appeal Decision Notice² for the consented Costa Head Wind Farm, dated 18th April 2019, the Reporter stated (paragraph 25):

² PPA-330-2022.

“...whilst strategic studies provide useful guidance, especially for developers’ areas of search, all schemes require to be assessed by detailed landscape and visual impact assessments as the Environmental Statement Addendum has done.”

2.5.8 The Reporter also states, *“...I have some reservation about the council’s two landscape assessment studies...”* listing the concerns (at paragraph 24 of the Decision Notice) cited by the Appellant in that Appeal and agreeing with the reservations expressed.

2.5.9 In the LCA, the following caveats regarding the weight that should be applied to the study are presented as follows (emphasis added):

“It is emphasised that this is a strategic level landscape and visual study, providing a context for consideration of capacity for, and the cumulative effects of, existing and potential future wind turbine developments in Orkney. No site specific conclusions should be drawn from it in relation to current, proposed or future wind turbines and windfarms. As a strategic landscape and visual study this does not address specific localised impacts such as effects on individual residential receptors or other sensitive receptors. All wind energy proposals should be considered on their own unique locational and design characteristics as well as their strategic context. All proposals should be subject to landscape, visual and cumulative impact assessment including (if required) a full environmental assessment.”

2.5.10 As a result, the LCA should only be afforded limited weight, with more weight placed on the site specific detailed LVIA. Moreover, the Council’s more recent ‘Development Management Guidance on Energy’ (see below) provides a more recent statement on the Council’s approach to wind farm siting outwith national level designations, recognising the policy imperative of the need to address climate change as a result of the Climate Emergency.

2.6 Development Management Guidance on Energy

2.6.1 On 2nd July 2019 the Council approved ‘Development Management Guidance on Energy’ as a material consideration, which was prepared to provide additional clarity to the material factors outlined within the SG Energy document and to assist in the assessment of planning applications. The Guidance was adopted in response to the Council’s declaration of a climate change emergency on 14th May 2019.

2.6.2 Section 2 of the document states that, *“Where there will be adverse effects on local-level constraints, such as landscape impacts outwith the National Scenic Area or impacts on sites that are not subject to a national or international level designation, significant weight will be given to any cogent argument that demonstrates that the proposal will have a meaningful positive impact on the factors outlined within Section 1.”*

2.6.3 These factors include net economic impact, the scale of contribution towards renewable energy targets and the effects on greenhouse gas emissions.

2.6.4 With regards to landscape effects, Section 3 states, *“Therefore, outwith the Hoy and West Mainland National Scenic Area, notwithstanding other constraints, it may be possible for a developer to make a strong argument regarding how the positive effects of the proposal outweigh the identified negative impacts on the landscape.”*

2.6.5 The guidance also updates the SG Energy document’s position on tip heights and states that turbines of over 125m should be considered and accepts that for the most part, wind energy developments in the future will be of a larger scale with turbines in excess of 125m.

2.6.6 Section 5 notes that recent appeal decisions have placed significant material weight on the contribution of renewable energy projects towards the needs case for the Orkney interconnector. Page 3 of the Guidance states, *“In future, significant material weight will be placed upon any meaningful contributions toward realising this National Development. For the avoidance of doubt, any single energy generation project greater than 10 MW...will be considered to make a meaningful contribution toward the interconnector needs case.”*

2.7 Conclusions

- 2.7.1 It is considered that the principle of development is supported and that the effects arising from the proposed development would not be unacceptable within the terms of Policy 7 or unacceptable in terms of the provisions of other LDP policies. The more 'exacting' development management process required by SPP has therefore been applied by way of consideration of the LDP policies.
- 2.7.2 No effects would arise that are considered unacceptable, individually or cumulatively with other developments, having specific regard to the criteria contained within the key renewable energy policy of the LDP.
- 2.7.3 In addition, given the age of the Development Plan (ie over 5 years old), the presumption in favour of development that contributes to sustainable development is a significant material consideration (as per paragraph 33 of SPP). As a result, in addition to the presumption, the tilted balance applies. No effects have been identified that would "*significantly and demonstrably*" outweigh the benefits that the proposed development would give rise to.
- 2.7.4 Moreover, through considering the other relevant policy guidance contained in the SG and the more recent Development Management Guidance, it is concluded that the proposed development is consistent with that guidance and furthermore accords with the Development Plan when it is read as whole.

3. National Planning Policy & Guidance

3.1 Introduction

3.1.1 Relevant national planning policy guidance and advice is addressed in this Chapter. Reference is made to the National Planning Framework 3 (NPF3) and Scottish Planning Policy (SPP) and to the emerging new draft national planning policy by way of draft NPF4. National planning policy is a very important consideration: amongst other matters it sets the framework of development management factors and the approach to Spatial Frameworks for onshore wind energy.

3.2 National Planning Framework 3

3.2.1 NPF3 was published on 23 June 2014. It is a long-term strategy for Scotland and, pending the fourth NPF, remains the spatial expression of the Government's Economic Strategy and plans for development and investment in infrastructure.

3.2.2 Together, NPF3 and SPP (2014), applied at the strategic and local levels, are intended to help the planning system deliver the Scottish Government's vision and outcomes for Scotland and to contribute to the Government's central purpose of sustainable economic growth.

3.2.3 High level support for renewables is provided through the "vision" which is referred to as *inter alia*:

- > A successful, sustainable place – "we have a growing low carbon economy which provides opportunities...";
- > A low carbon place - "we have seized the opportunities arising from our ambition to be a world leader in low carbon generation, both onshore and offshore...";
- > A natural resilient place - "natural and cultural assets are respected; they are improving in condition and represent a sustainable economic, environmental and social resource for the nation...".

3.2.4 Further support is provided in Chapter 3 "A Low Carbon Place" which sets out the role that Planning will play in delivering the commitments set out in 'Low Carbon Scotland: The Scottish Government's Proposals and Policies'.

3.2.5 Paragraph 3.7 states onshore wind is "...recognised as an opportunity to improve the long-term resilience of rural communities".

3.2.6 Paragraph 3.8 states that the Government's aim is to meet at least 30% of overall energy demand from renewables by 2020 – this includes generating the equivalent of at least 100% of gross electricity consumption from renewables.

3.2.7 Paragraph 3.9 states:

"Our Electricity Policy Statement sets out how our energy targets will be met. We are making good progress in diversifying Scotland's energy generation capacity, and lowering the carbon emissions associated with it, but more action is needed. Maintaining security of supplies and addressing fuel poverty remain key objectives. We want to continue to capitalise on our wind resource..."

3.2.8 Paragraph 3.23 states that "onshore wind will continue to make a significant contribution to diversification of energy supplies".

- 3.2.9 Onshore wind development is recognised as a key technology in the energy mix which will contribute to Scotland becoming ‘a low carbon place’ which in turn will be a key part of the ‘vision’ for Scotland (as set out at paragraph 1.2 of NPF3). Furthermore, the Scottish Government has made it unequivocally clear that it wants to continue to “*capitalise on our wind resource*”. The proposed development would contribute to the renewable electricity and energy targets as set out in NPF3 and to longer term Government policy objectives and targets.
- 3.2.10 The proposed development is consistent with the provisions of the NPF3, as it is considered that it makes use of the natural wind resources to produce low carbon energy and diversify the energy mix. Moreover, it is assessed to accord with the principle of sustainable development as it is designed and sited to minimise the effects on the environment, whilst bringing benefits to the local community and contributing to economic development.
- 3.2.11 However, as explained, the need case for renewable energy generation and emissions reduction targets as set out in NPF3, drafted in 2014, is considerably outdated. Drafting in the documents, appropriate at the time, does not reflect the new reality. Both NPF3 and SPP are under review and have to a large extent been overtaken by the new statutory provisions and related policy on renewable energy targets and greenhouse gas emission reductions.

3.3 Scottish Planning Policy

- 3.3.1 SPP was published in June 2014 and is Scottish Government policy on how nationally important land use planning matters should be addressed.
- 3.3.2 SPP contains a number of principal policies, one of which (Paragraph 27) contains a presumption in favour of development that “*contributes to sustainable development*”.
- 3.3.3 Paragraph 28 states that:
“the planning system should support economically, environmentally and socially sustainable places by enabling development that balances the costs and benefits of a proposal over the longer term. The aim is to achieve the right development in the right place; it is not to allow development at any cost”.
- 3.3.4 Paragraph 29 of SPP (2014) sets out that policies and decisions should be guided by a number of principles. The proposed development has been assessed against the relevant principles and a summary appraisal is presented below in Table 3.1.
- 3.3.5 The conclusion reached is that the proposed development would be one that contributes to sustainable development, and therefore there is a presumption in favour of development.

Table 3.1: SPP Paragraph 29 Principles

Policy Principle	Proposed Development
1 - Giving due weight to net economic benefit	There would be net positive socio-economic effects, as summarised in Chapter 5 below. The proposed development would deliver a wide range of benefits as set out in Chapter 5 including job creation and wider stimulus through supply chain effects.
2 - Respond to economic issues, challenges and opportunities, outlined in local economic strategies	The proposed development is consistent with the policy to encourage renewable energy development in the Development Plan.
3 - Supporting good design and the six qualities of successful places	Limited relevance as the six qualities are framed with conventional built form in mind. In the context of commercial-scale wind development, the proposed development represents good design as a satisfactory layout has been achieved, with regard to landscape character and local context while meeting functionality requirements - without unacceptable effects arising.

Policy Principle	Proposed Development
4 - Supporting delivery of infrastructure, for example transport, education, energy, digital and water	The proposed development would deliver necessary energy generation infrastructure and would also contribute to the volume of contracted renewable capacity necessary for the grid interconnector.
5 - Supporting climate change mitigation and adaptation including taking account of flood risk	This is of particular relevance. The proposed development would help to support climate change mitigation by replacing fossil fuel energy generation with renewable energy, thereby reducing emissions of climate changing gases. Flood risk has been considered and no issues arise.
6 - Improving health and well-being by offering opportunities for social interaction and physical activity, including sport and recreation	A benefit of the proposed development will be the provision of access to tracks for recreational purposes, expanding local provision in the area. The recent draft OWPS highlights the recreational provision provided by Whitelee Wind Farm and states they “ <i>would be encouraged to see more developments in Scotland with similar provisions</i> ” (draft OWPS, para 5.7.6).
7 - Having regard to the principles for sustainable land use set out in the Land Use Strategy	The Land Use Strategy (2016-21) is a key commitment in the Climate Change (Scotland) Act 2009. While the 2016-21 Strategy has now been replaced by the 2021-26 Strategy, the principles set out in the 2016-21 Strategy remain relevant to SPP and this application. The Strategy cross refers to Development Plans and their policies such as landscape protection, biodiversity, and renewable energy development which, through planning decision making will help deliver the Strategy and the principles for sustainable land use. The Proposed Development would contribute positively to climate change action and access to recreational opportunities will be encouraged.
8 - Protecting, enhancing and promoting access to cultural heritage, including the historic environment	The proposal would not hinder access to cultural heritage and the design and proposed mitigation has ensured that cultural heritage is protected.
9 - Protecting, enhancing and promoting access to natural heritage, including green infrastructure, landscape and the wider environment	The proposed development would not hinder access to the surrounding area and whilst there would be some localised significant landscape effects (which are inevitable with commercial scale wind energy developments), the landscape has the capacity for the scale of the proposal.
010 - Avoiding over-development, protecting the amenity of new and existing development and considering the implications of development for water, air and soil quality	These matters have been addressed through the EIA process. There would be no conflict with this policy principle.

3.3.6 The proposed development would be consistent with the relevant principles set out at paragraph 29 of SPP. It would also assist in delivering SPP Outcomes, in particular Outcomes 1 and 2 (namely a successful sustainable and low carbon place) – indicating that overall, the proposal is sustainable development.

The Presumption and the Tilted Balance

3.3.7 As noted, whether a proposed development is sustainable development is assessed according to the principles set out in paragraph 29 of the SPP. The principles in paragraph 29 of SPP cover broadly similar matters to the considerations identified in paragraph 169 of SPP. Where a conclusion is reached that a proposal is or would contribute to sustainable development, the ‘presumption’ is a material consideration in favour of that proposal.

3.3.8 Based on the appraisal summarised above, the conclusion is that the proposed development would contribute to sustainable development.

3.3.9 Furthermore, the proposed development benefits from the ‘tilted balance’ set out in paragraph 33 of SPP (2014), which states:

“Where relevant policies in a development plan are out-of-date or the plan does not contain policies relevant to the proposal, then the presumption in favour of development that contributes to sustainable development will be a significant material consideration. Decision-makers should also take into account any adverse impacts which would significantly and demonstrably outweigh the benefits when assessed against the wider policies in this SPP. The same principle should be applied where a development plan is more than five years old”.
(emphasis added)

3.3.10 Applying this to the proposed development:-

- > The LDP is over five years old. It automatically follows that the presumption is a “significant material consideration” (emphasis added). This applies whether the relevant policies are considered “out of date” or not.
- > The ‘tilted balance’ means adverse impacts have to significantly and demonstrably outweigh the benefits. It is not a standard planning balance that has to be struck.

3.3.11 The environmental effects arising on local receptors arising in this case are not considered to be out of the ordinary for commercial-scale wind development and in the Applicant’s view are not considered to “significantly and demonstrably” outweigh the benefits of the proposal.

The Spatial Framework & Development Management Considerations

3.3.12 SPP sets out at paragraph 163 that the Spatial Framework approach for onshore wind should be followed to deliver consistency nationally. This is set out in Table 1: Spatial Frameworks of SPP.

3.3.13 The majority of the site is in a Group 3 area – namely an area with potential for wind farm development and in which wind energy development is likely to be acceptable subject to consideration against development management criteria. This is on the basis that the majority of the site is not within areas of significant protection.

3.3.14 A Group 3 location is an “*area with potential for wind farm development*” where “*wind farms are likely to be acceptable, subject to detailed consideration against identified policy criteria*” (SPP, page 39).

3.3.15 Furthermore, the proposed development is considered to be acceptable when considered against the development management considerations in relation to renewable energy developments as set out at paragraph 169 of SPP. The detailed policy appraisal with reference to development management considerations is set out in Chapter 2 of this Statement in terms of the relevant LDP policies, which reflect the provisions of SPP paragraph 169.

3.4 The Draft Fourth National Planning Framework ‘Scotland 2045’

3.4.1 The draft NPF4 was published in November 2021. Once approved, it will become part of the statutory Development Plan. Now that the document has been published it is a material consideration. It is recognised that the NPF4 remains in draft form and that the detailed policy wording may change prior to adoption. However, the draft NPF4 is a clear expression of Scottish Government policy support for net-zero and the consenting decisions necessary to achieve that statutory objective.

- 3.4.2 In the Ministerial Foreword, the Minister for Public Finance, Planning and community Wealth states: *“This, our fourth National Planning Framework sets out how our approach to planning and development will help to achieve a net zero, sustainable Scotland by 2045.”*
- 3.4.3 As explained with reference to the renewable energy policy framework (Chapter 4) the 2020s are a critical decade for emissions reduction progress and this is referenced in the Ministerial Foreword where the Minister states: *“we have set a target of net zero emissions by 2045, and must make significant progress towards this by 2030. This will require new development and infrastructure across Scotland.”*

National Developments & Statement of Need for Renewable Generation

- 3.4.4 The draft NPF4 (part 2, page 44) continues the planning policy approach of identifying ‘national developments’ which refers to the allocation of national development status to certain classes of development. The draft NPF4 states that *“national developments are significant developments of national importance that will help to deliver our spatial strategy”*.
- 3.4.5 It is proposed that there are 18 national developments to support the delivery of the Spatial Strategy and it has set out that *“this designation means that the principle of the development does not need to be agreed and later consenting processes, providing more certainty for communities, business and investors”*.
- 3.4.6 There are three categories of national development proposed, namely ‘liveable places, productive places and distinctive places’. Within the ‘productive places’ category is proposed national development 12 entitled ‘strategic renewable electricity generation and transmission infrastructure’.
- 3.4.7 A statement for this national development is provided as follows (page 59):
“This national development supports renewable electricity generation, repowering, and expansion of the electricity grid.

A large increase in electricity generation from renewable sources will be essential for Scotland to meet its net zero emissions targets. Certain types of renewable electricity generation will also be required, alongside developments and increases in storage technology and capacity, to provide the vital services, including flexible response, that a zero-carbon network will require. Generation is for consumption domestically as well as for export to the UK and beyond, with new capacity helping to decarbonise heat, transport and industrial energy demand. This has the potential to support jobs and business investment, with wider economic benefits.”
- 3.4.8 A statement of ‘need’ is also provided as follows:
“Additional electricity generation from renewables and electricity transmission capacity of scale is fundamental to achieving a net zero economy and supports improved network resilience in rural and Island Areas”.
- 3.4.9 In terms of designation and classes of development, it is set out that a development within one or more of the classes of development set out in the NPF4 and that is of a scale or type that would otherwise have been classified as ‘major’ by the Town and Country Planning (Hierarchy of Development) (Scotland) Regulations 2009 is designated as a ‘national development’ - these include:
“Electricity generation, including electricity storage, from renewables of or exceeding 50 megawatts capacity”.
- 3.4.10 The proposed development would not have national development status if this policy provision is retained in the final version of NPF4, however the statement of need is informative in terms of the role of renewable energy generation in attaining net zero.

Draft National Planning Policy

- 3.4.11 Part 3 of the draft NPF contains proposed new 'National Planning Policy' and with regard to sustainable places, it sets out that:
- “to achieve a net zero, nature positive Scotland, we must rebalance our planning systems so that climate change and nature recovery are the primary guiding principles for all our plans and all our decisions. That includes emissions reduction and the adaptations we need to make in order to be resilient to the risks created by a warmer climate.”*
- 3.4.12 There is therefore express recognition of firstly, the need for a rebalance – it is not to be what might be termed 'business as usual' in decision making if we are to meet net zero objectives, and secondly, climate change is to be one of the two primary guiding principles.
- 3.4.13 The draft policy of particular relevance to the proposed development is Policy 2 entitled 'Climate Emergency'. This states at Part A that *“when considering all development proposals significant weight should be given to the global climate emergency”*. This is an express statement that the Climate Emergency is a material consideration of significant weight.
- 3.4.14 Part C of the policy sets out that:
- “development proposals for national, major or EIA development should be accompanied by a whole life assessment of greenhouse gas emissions from the development. In decision making the scale of the contribution of development proposals to emissions in relation to emissions reduction targets should be taken into account.”*
- 3.4.15 The emissions reduction that the proposed development would give rise to is referenced in Chapter 5 of this Statement below and is a key benefit which should be afforded significant weight.
- 3.4.16 Under the theme of 'productive places' (page 90) is draft Policy 19 in relation to 'Green Energy'. The preamble to the policy states:
- “We want our places to support continued expansion of low carbon and net zero energy technologies as a key contributor to net zero emissions by 2045.*
- Scotland's energy sector has a significant role to play in reducing carbon emissions and contributing to a green, fair and resilient economic recovery. A wide range of renewable technologies are capable of delivering these benefits, although it is likely that the onshore wind sector will play the greatest role in the coming years. The planning system should support all forms of renewable energy development and energy storage, together with new and replacement transmission and distribution infrastructure.”* (emphasis added)
- 3.4.17 It is recognised that the detailed wording of the proposed policies may well change as a result of the public consultation and indeed through the Parliamentary process for NPF4. However, in terms of Policy 19 'green energy' (page 90) the key elements of the policy as currently proposed, include the following:
- > *“Local Development Plans should seek to ensure that an area's full potential for electricity and heat from renewable sources is achieved. Opportunities for new development, extensions and repowering of existing renewable energy development should be supported.*
 - > *Development proposals for all forms of renewable energy and low carbon fuels, together with enabling work such as transmission and distribution and energy storage, such as battery storage should be supported in principle.*
 - > *Development proposals for wind farms in National Parks and National Scenic Areas should not be supported.*
 - > *Outwith National Parks and National Scenic Areas and recognising the sensitivity of any other national or international designations, development proposals for new wind farms*

should be supported unless the impacts identified (including cumulative effect) are unacceptable. To inform this, site specific assessments including where applicable environmental impact assessments (EIA) and landscape and visual impact assessments (LVIA) are required.

- > *Areas identified for wind farms should be suitable for use in perpetuity. Consent may be time limited, but wind farms should nevertheless be sited and designed to ensure impacts are minimised and to protect an acceptable level of immunity for adjacent communities.”*

- 3.4.18 The proposed section K of the policy sets out that specific considerations for green energy proposals will vary relative to the scale of the proposal and the area characteristics. Reference is then made to 17 considerations which largely replicate those set out in the current SPP at paragraph 169. The various matters referred to have been addressed in relation to the lead Development Plan policy in the previous Chapter.
- 3.4.19 A key change therefore is that there is a different spatial framework approach compared to the current SPP. The clear spatial planning policy direction is that wind farms will not be acceptable in National Parks or National Scenic Areas, but outwith these areas and recognising the sensitivity of any other national or international designations development proposals for new wind farms “*should be supported unless the impacts are unacceptable*”.
- 3.4.20 In the planning balance that will need to be struck there will need to be recognition of the Climate Emergency and, on this particular matter, draft Policy 2 is clear that significant weight should be given to the global climate emergency.
- 3.4.21 When proposed development coincides with a spatial location that is free from national level designation constraints (i.e. the current SPP Group 3) then the question needs to be asked whether the local impacts that would arise from the proposal would outweigh the force of that positive national level policy recognition? It is likely that the determination of the proposed development will take place with reference to the finalised NPF4. Therefore, this is a question that will need to be addressed when the planning balance is considered at that time.

Contribution to National Outcomes

- 3.4.22 Although the NPF4 is currently in draft form, it needs to be recognised that the amended Town and Country Planning (Scotland) Act 1997 directs that the NPF must contribute to a series of six outcomes and one of these includes “*meeting targets for emissions of greenhouse gases*” (draft NPF4 page 1). Annex A to the draft NPF4 refers to six ‘outcome statements’ which are described as “*how the Scottish ministers consider that the development will contribute to each of the outcomes identified in section 3A(3)(c) of the Town and Country Planning (Scotland) Act 1997*”.
- 3.4.23 Outcome (e) is “*meeting any targets relating to the reduction of emissions of greenhouse gases, within the meaning of the Climate Change (Scotland) Act 2009, contained in or set by virtue of that Act*”.
- 3.4.24 The outcome statement sets out that the Scottish Ministers consider:

“that development of land supported by the policies and proposals in the NPF will contribute to this outcome by placing the global climate emergency at the heart of our strategy which addresses both emissions reduction and adaptation. Policy 2 ‘climate emergency’ states that when considering all development proposals significant weight should be given to the global climate emergency.

More generally, on emissions reduction our policies addresselectricity generation from renewable sources and support for appropriately emissions abated low carbon fuels”.
- 3.4.25 Therefore, whilst only limited weight can be placed on the detailed wording of the specific policies in the draft NPF4 at this stage, it is clear that the generation of renewable energy (in particular from onshore wind) “*in the coming years*” is recognised as being of national

importance and is a key part of the way in which the emissions reduction statutory 'outcome' and the attainment of the legally binding net zero will be fulfilled.

3.4.26 These statutory outcomes are not being consulted on and are set in law.

3.4.27 The proposed development would make a valuable contribution to outcome (e) and the delivery of net zero. It has been set out that it is important to take into account the Climate Change (Emissions Reduction Targets) (Scotland) Act 2019 which amended the Climate Change (Scotland) Act 2009 and introduced the net zero targets.

3.4.28 Furthermore, it has been explained that the targets for each year clearly illustrate the speed and scale of change that is required over the next decade to achieve the 2030 target. That statutory footing and context for the proposed development can be afforded significant weight.

3.5 Conclusions on National Planning Policy & Guidance

3.5.1 Both NPF3 and SPP set out a strong position of support in relation to renewable energy and renewable energy targets. These documents recognise the significant energy resource to be provided by onshore wind. This is clearly not at any cost and development continues to be guided to appropriate locations and environmental effects need to be judged to be acceptable when weighed against the benefits of such schemes before consents are forthcoming. Such an appraisal is presented in this Planning Statement.

3.5.2 The proposed development benefits from the presumption in favour of sustainable development and can be regarded as being in a 'Group 3' location as per the SPP Spatial Framework in which wind farms are likely to be acceptable. In light of the policy appraisal which is set out in Chapter 2 above, it can be considered to be the right development in the right place (paragraph 28 of SPP).

3.5.3 The proposed development is not only in accordance with the guiding principles set out in paragraph 29 of SPP, but also is consistent with the planning Outcomes and with the new statutory purpose of planning.

3.5.4 Finally, with regard to national planning policy, it has to be acknowledged that the need case with regard to renewable generation and emissions reduction targets as set out in NPF3 and SPP is both out of date and out of step with current targets set out in emissions reduction law. These documents are under review and have to a large extent been overtaken by new legal and policy renewable energy targets and statutory provisions on greenhouse emissions reductions.

3.5.5 In the overall context of climate change, the current SPP reflects the targets and thinking of almost a decade ago. Those matters have been updated by further legislation and policy approaches.

3.5.6 Furthermore, in terms of planning policy provisions set out in SPP, there is now a clear shift from what was then (in 2014) termed the move to a 'low carbon economy' – there is now an ambitious policy imperative underpinned by new statute to move to a 'net zero economy and society'. The proposed development can help achieve that clear national planning policy objective.

4. Renewable Energy Policy & Legislative Framework

4.1 Introduction

- 4.1.1 This Chapter refers to the renewable energy policy and emissions reduction legislative framework with reference to relevant international, UK and Scottish provisions. The framework of international agreements and obligations, legally binding targets and climate change global advisory reports is the foundation upon which national energy policy and greenhouse gas emissions (GHG) reduction law is based. This underpins what can be termed the need case for renewable energy from which the proposed development can draw a high level of support.
- 4.1.2 Relevant Government policy is a material consideration. It is not necessary for new Government policy, where relevant, to find explicit expression in national planning policy for it to be or become a material consideration. The weight given to any policy, subject to taking a reasonable and rational approach, is a planning judgement and a matter for the decision maker.
- 4.1.3 The proposed development must therefore be considered against a background of material UK and Scottish Government energy and climate policy and legislative provisions, as well as national planning policy and advice. These taken together provide very strong support for onshore wind in principle, as explained below. Moreover, much of this energy and climate policy and most of the key legislative provisions postdate the current national planning policy.
- 4.1.4 It is evident that there is clear and consistent policy support at all levels, from international to local, for the deployment of renewable energy generally (including onshore wind) to combat the global heating crisis, diversify the mix of energy sources, achieve greater security of supply, and to attain legally binding emissions reduction targets.
- 4.1.5 The proposed development would make a valuable contribution to help Scotland meet its renewable energy and electricity production targets, while supporting emissions reduction to combat global heating in the current Climate Emergency.
- 4.1.6 Government renewable energy policy and associated renewable energy and electricity targets and the need for a 'green recovery' from the Covid-19 pandemic are important considerations. It is important to be clear on the current position as it is a fast-moving topic of public policy.

4.2 International Commitments

The Paris Agreement (2016)

- 4.2.1 In December 2015, 195 countries adopted the first ever universal, legally binding global climate deal at the Paris Climate Conference (COP21). The Paris Agreement within the United Nations Framework Convention on Climate Change sets out a global action plan towards climate neutrality with the aims of stopping the increase in global average temperature to well below 2°C above pre-industrial levels, and to pursue efforts to limit global warming to 1.5°C.
- 4.2.2 It is clear that moving to a low carbon economy is a globally shared goal and will require absolute emission reduction targets. The UK Government's commitment under the Paris Agreement links through to the Committee on Climate Changes' (CCC) advice to both the UK and Scottish Governments on 'net zero' targets which have now, at both the UK and Scottish levels, been translated into new legislative provisions and targets for both 2045 (Scotland) and 2050 (UK). This is referred to below.

The Intergovernmental Panel on Climate Change (IPCC) Sixth Assessment Report (2021 & 2022), related Press Release and Statements

- 4.2.3 The first part of the Inter-Governmental Panel On Climate Change (IPCC) 6th Assessment Report (2021) was published on 9th August 2021 (the AR6 Report). The AR6 Report is the first major review of the science of climate change since 2013. The first part of the AR6 Report, in short, provides new estimates of the chances of crossing the global warming level at 1.5°C in the next decade and reaches the sobering conclusion that, without immediate, rapid and large-scale reductions in GHG, limiting warming close to 1.5°C or even 2°C will be beyond reach. For this and many other reasons the UN Secretary General³ described the AR6 Report as a “Code Red for humanity”.
- 4.2.4 The second part of the AR6 report was recently published on 28th February 2022. It is, as described in the press release accompanying the second part of the AR6 report a “*dire warning about the consequences of inaction*”. The press release refers to a narrowing window for action and states (emphasis added):
- “The scientific evidence is unequivocal: climate change is a threat to human wellbeing and the health of the planet. Any further delay in concerted global action will miss a brief and rapidly closing window to secure a liveable future.”*
- 4.2.5 The third part of the IPCC’s AR6 Report ‘Mitigation of Climate Change’⁴ was published on 04 April 2022. In summary, the urgent message from this latest report is that it confirms the harmful and permanent consequences of the failure to limit the rise of global temperatures and that reducing emissions is a crucial near-term necessity. The report underlines the need to radically and rapidly scale up global climate action to reduce GHG emissions.
- 4.2.6 The Press Release for the third report summarises a number of the key points from the publication including:
- > *“limiting global warming will require major transitions in the energy sector. This will involve a substantial reduction in fossil fuel use, widespread electrification, improved energy efficiency and use of alternative fuels.” The report sets out that the “next two years are critical”. (page 1)*
 - > *In the scenarios assessed, limiting warming to around 1.5°C “requires global greenhouse gas emissions to peak before 2025 at the latest, and be reduced by 43% by 2030.... even if we do this, it is almost inevitable that we will temporarily exceed this temperature threshold but could return to below it by the end of the century”. (page 2)*
- 4.2.7 The Report makes it clear that immediate short-term acceleration of low carbon energy is needed if limiting warming below danger levels is to stay feasible. The Report emphasises the particular cost reductions that have affected wind and solar development and that these technologies will play a key role in the energy transition.
- 4.2.8 This third report from the IPCC has focused on how human actions can mitigate climate change. In short, the principal message is that humanity is currently not on track to limit warming, but that it is still possible to make the progress necessary by 2030 by using existing technologies for example, by moving rapidly to non-fossil fuel sources of energy.
- 4.2.9 The timescale imperative set out in the IPCC report matches that of the Scottish Government - both are essentially saying through their policy documents that it is clear that the next decade can and must be transformative.

³ Statement by UN secretary general Antonio Guterres, 09 August, 2021.

⁴ IPCC, 2022: Climate Change 2022: Mitigation of Climate Change. Contribution of Working Group 3 to the Sixth Assessment Report of the Intergovernmental Panel on Climate Change.

4.3 UK Climate Change & Energy Legislation & Policy

The Climate Emergency

4.3.1 A critical part of the response to the challenge of climate change was the Climate Emergency which was declared in Scotland in April 2019. The declaration of climate emergency needs to be viewed in the context in which it was declared (advice from the CCC) and in response to commitments under the Paris Agreement and what followed from it as a result of the declaration (new emissions reduction law).

The Climate Change Act 2008 & Carbon Budgets

4.3.2 The Climate Change Act 2008 (the 2008 Act) provides a system of carbon budgeting. Under the 2008 Act, the UK committed to a net reduction in GHG emissions by 2050 of 80% against the 1990 baseline. In June 2019, secondary legislation was passed that extended that target to at least 100% against the 1990 baseline by 2050, with Scotland committing to net zero by 2045.

4.3.3 The 2008 Act also established the CCC which advises the UK Government on emissions targets, and reports to Parliament on progress made in reducing GHG emissions.

4.3.4 The CCC has produced six four yearly carbon budgets, covering 2008 – 2037. These carbon budgets represent a progressive limitation on the total quantity of GHG emissions to be emitted over the five-year period as summarised in **Table 4.1** below.

4.3.5 These legally binding ‘carbon budgets’ act as stepping-stones toward the 2050 target. The CCC advises on the appropriate level of each carbon budget and once accepted by Government, the respective budgets are legislated by Parliament. All six carbon budgets have been put into law and run up to 2037. The UK is currently in the third carbon budget period 2018-2022.

Table 4.1: Carbon Budgets and Progress⁵

Budget	Carbon budget level	Reduction below 1990 levels	Met?
1 st carbon budget (2008 – 2012)	3,018 MtCO _{2e}	25%	Yes
2 nd carbon budget (2013 – 2017)	2,782 MtCO _{2e}	31%	Yes
3 rd carbon budget (2018 – 2022)	2,544 MtCO _{2e}	37% by 2020	On Track
4 th carbon budget (2023 – 2027)	1,950 MtCO _{2e}	51% by 2025	Off Track
5 th carbon budget (2028 – 2032)	1,725 MtCO _{2e}	57% by 2030	Off Track
6 th carbon budget (2033 – 2037)	965 MtCO _{2e}	78% by 2035	Off Track
Net Zero Target	100%	By 2050	

4.3.6 The Sixth Carbon Budget (CB6) requires a reduction in UK greenhouse gas emissions of 78% by 2035 relative to 1990 levels. This is seen as a world leading commitment, placing the UK “*decisively on the path to net zero by 2050 at the latest with a trajectory that is consistent with the Paris Agreement*”.

⁵ Source: CCC (2022).

4.3.7 Page 23 of CB6 refers to the devolved nations and sets out that “UK climate targets cannot be met without strong policy action across Scotland, Wales and Northern Ireland” and recognises that although the main policy levers are held by the UK Government, Scotland can take action through complementary measures at the devolved level including supporting policies such as “planning and consenting”.

4.3.8 Key points from CB6 include:

- > UK climate targets cannot be met without strong policy action in Scotland.
- > The CCC is clear in setting out that new demand for electricity will mean that electricity demand will rise 50% to 2035 and “doubling or even trebling by 2050”.
- > CB6 needs to be met and that will need more and faster deployment of renewable energy developments than has happened in the past.
- > The related ‘Methodology Report’ from the CCC advice, states that in all scenarios for the carbon budget and looking ahead to 2050, the CCC sees new onshore wind generation being deployed by 2050. They set out that their “modelling reflects this by almost doubling onshore wind capacity to 20-30 GW in all scenarios by 2050.”

4.3.9 Following the Sixth Carbon Budget, the UK Government announced on 20 April 2021 that it would set the world’s most ambitious climate change target into law (by the Carbon Budget Order 2021⁶) to reduce emissions by 78% by 2035 compared to 1990 levels.

The UK Energy White Paper (December 2020)

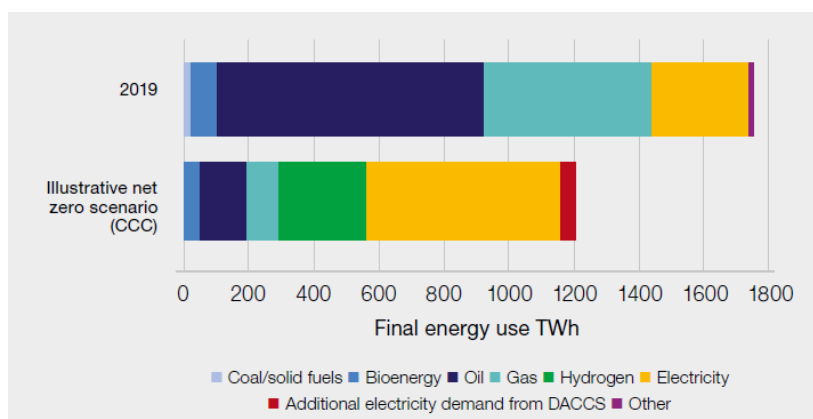
4.3.10 The Energy White Paper ‘Powering our Net Zero Future’ was published on 14 December 2020 represents a sea change in UK policy and highlights the importance of renewable electricity.

4.3.11 It sets out that “electricity is a key enabler for the transition away from fossil fuels and decarbonising the economy cost-effectively by 2050”. A key objective is to “accelerate the deployment of clean electricity generation through the 2020s” (page 38).

4.3.12 Electricity demand is forecast to double out to 2050, which will “require a four-fold increase in clean electricity generation with the decarbonisation of electricity increasingly underpinning the delivery of our net zero target” (page 42).

4.3.13 This anticipated growth of renewable electricity is illustrated in the graph below – **Figure 4.1**.

Figure 4.1: Illustrative UK Final Energy Use in 2050⁷



⁶ The Order sets the carbon budget for the 2033-2037 budgetary period at 965 million tonnes of carbon dioxide equivalent. The net UK carbon account is defined in section 27 of the Climate Change Act 2008.

⁷ Source: Energy White Paper page 9 (2020).

- 4.3.14 Other key points in the White Paper include:
- > The White Paper builds on the Prime Minister's 'Ten Point Plan' to set the energy-related measures and a long-term strategic vision for the energy system, consistent with net zero emissions by 2050.
 - > It sets out (page 2) that it *"puts net zero and our effort to fight climate change at its core."*
 - > It aims to support a 'green recovery' from COVID-19 and confirms that electricity demand could double by 2050.

4.3.15 Whilst offshore renewables are expected to grow significantly, the White Paper also sets out that *"onshore wind and solar will be key building blocks of the future generation mix, along with offshore wind. We will need sustained growth in the capacity of these sectors in the next decade to ensure that we are on a pathway that allows us to meet net zero emissions in all demand scenarios"* (page 45).

The UK Net Zero Strategy (October 2021)

- 4.3.16 The UK Government published the Net Zero strategy⁸ in October 2021. This sets out policies and proposals for keeping in the UK on track in relation to carbon budgets and the UK's nationally determined contribution (NDC)⁹ and establishes the long-term pathway to net zero by 2050.
- 4.3.17 The Net Zero Strategy sets out the Government's plans for reducing emissions from each sector of the UK economy, related to carbon budget and to the eventual target of net zero by 2050. The Strategy has been submitted to the United Nations Framework Convention on Climate (UNFCCC) as the UK's second long-term low greenhouse gas emission development strategy under the Paris Agreement.
- 4.3.18 Page 19 addresses the power sector and sets out that the power system will be fully decarbonised by 2035.
- 4.3.19 Key policies are set out including that by 2035 there will be some 40GW of offshore wind with *"more onshore, solar and other renewables"*. The strategy also builds on the UK Government's 'Ten Point Plan' *"with our vision to create new jobs in net zero Industries as we meet our climate target."* (page 40).
- 4.3.20 In terms of power, a key commitment is to *"accelerate deployment of low-cost renewable generation, such as wind and solar through the contracts for a difference scheme by undertaking a review of the frequency of the CfD auctions"* (page 94) (emphasis added).
- 4.3.21 It is notable that in terms of power, the Strategy references the Energy White Paper (2020) which set out the goal of a fully decarbonised and low-cost power system by 2050. It adds that CB6 represents *"a very significant increase in the pace of power sector decarbonisation, coupled with increased demand due to accelerated action another sector dependent on low-carbon electricity"*. (page 98). It adds:

"although the Energy White Paper envisaged achieving an overwhelmingly decarbonised power system during the 2030s, we have since increased our ambition further. By 2035 all our electricity will need to come from low carbon sources, subject security of supply bringing

⁸ It should be noted that on 18 July 2022 the High Court rules that the UK Government's Net Zero Strategy was inadequate and unlawful as it does not set out how the UK's legally binding carbon budgets will be met. The legal challenge was brought by various parties including the Good Law Project and Friends of the Earth.

⁹ Every country that signed up to the Paris Agreement (2015) set out a target known as a nationally determined contribution for reducing greenhouse gas emissions by around 2030. For the UK the target was a 68% reduction on 1990 levels by 2030.

forward the Government's commitment to a fully decarbonise power system by 15 years, whilst meeting at 40-60% increase in demand".

- 4.3.22 The Strategy also sets out that the Government will be supporting sustained deployment of low-carbon generation (page 103), in this regards it states that there will need to continue to drive rapid deployment of renewables.

The British Energy Security Strategy (April 2022)

- 4.3.23 The British Energy Security Strategy ("BESS") was published by the UK Government on 7 April 2022. The BESS focuses on energy supply and states that in the future nuclear will have an expanded role and that renewables have an important role: the foreword states *inter alia*:

"this government will reverse decades of myopia, and make the big call to lead again in a technology the UK was the first to pioneer, by investing massively in nuclear power.

Accelerating the transition away from oil and gas then depends critically on how quickly we can roll out new renewables.

The growing proportion of our electricity coming from renewables reduces our exposure to volatile fossil fuel markets. Indeed, without the renewables we are putting on the grid today, and the green levies that support them, energy bills would be higher than they are now. But now we need to be bolder in removing the red tape that holds back new clean energy developments and exploit the potential of all renewable technologies."

- 4.3.24 In terms of nuclear power, which is the centrepiece of the strategy, the BESS states that the plan would be to increase "deployment of civil nuclear to up to 24GW by 2050 – 3 times more than now and representing up to 25% of our projected electricity demand". This is caveated as being "subject to value for money and relevant approvals" (page 21).

- 4.3.25 In terms of offshore wind, the BESS states (page 16): "Our ambition is to deliver up to 50GW by 2030, including up to 5GW of innovative floating wind".

- 4.3.26 With regard to solar, the BESS notes (page 19) there is currently 14GW of solar capacity in the UK and the Government states that it expects "a five-fold increase in deployment to 2035" which would be a figure of circa 70GW.

- 4.3.27 In terms of onshore wind (pages 18) it states:

"Onshore wind is one of the cheapest forms of renewable power. The UK already has over 14GW of onshore wind, with a strong pipeline of future projects in Scotland. We will improve national network infrastructure and, in England, support a number of new projects with strong local backing.

The government is serious about delivering cheaper, cleaner, more secure power, so we need to consider all options. That is why we included onshore wind in the latest Contracts for Difference auction round and will include it in future rounds.

In Scotland, which has its own planning system, we will work with the Scottish Government to ensure communities and landscape issues are considered for future projects.

In Wales, we will support the work underway by the Welsh Government, Ofgem, and networks to improve grid connections.

In the more densely populated England, the government recognises the range of views on onshore wind. Our plans will prioritise putting local communities in control. We will not introduce wholesale changes to current planning regulations for onshore wind but will consult this year on developing local partnerships for a limited number of supportive communities who wish to host new onshore wind infrastructure in return for benefits, including lower

energy bills. The consultation will consider how clear support can be demonstrated by local communities, local authorities and MPs.

We will also look at arrangements to support the repowering of existing onshore wind sites when they require updating or replacement. With advances in technology this process can enhance capacity and provide new opportunities for communities to benefit."

- 4.3.28 In terms of what the BESS means for Scotland – the nuclear growth is expected in England and Wales only given the Scottish Government has made it clear over many years that no new nuclear plants will be developed in Scotland. Offshore wind is already a key part of Scotland's Energy Strategy and onshore wind will continue to come forward and be supported. The restrictive planning rules for onshore wind remain in place in England – the BESS references "Scotland which has its own planning system". The UK Government is seeking to support a range of renewable energy sources and recognises policy differences between the UK nations. BESS both recognises and supports Scotland's positive approach to onshore wind, an approach to onshore wind which is emphasised in Scottish Government policy documents.

4.4 Climate Change & Renewable Energy Policy: Scotland

The Climate Emergency

- 4.4.1 Scottish First Minister Nicola Sturgeon declared a "Climate Emergency" in her speech to the SNP Conference in April 2019. Furthermore, Climate Change Secretary Roseanna Cunningham made a statement on 14 May to the Scottish Parliament on the 'Global Climate Emergency' and stated:
- "There is a global climate emergency. The evidence is irrefutable. The science is clear and people have been clear: they expect action. The Intergovernmental Panel on Climate Change issued a stark warning last year the world must act now by 2030 it will be too late to limit warming to 1.5 degrees.*
- We acted immediately with amendments to our Climate Change Bill to set a 2045 target for net zero emissions - as we said we'd do. If agreed by Parliament, these will be the most stringent legislative targets anywhere in the world and Scotland's contribution to climate change will end, definitively, within a generation. The CCC was clear that this will be enormously challenging...."*
- 4.4.2 The Minister also highlighted the important role of the planning system stating:
- "And subject to the passage of the Planning Bill at Stage 3, the next National Planning Framework and review of Scottish Planning Policy will include considerable focus on how the planning system can support our climate change goals.*
- The Scottish Government has therefore begun to act on the stark warnings issued by the IPCC who have stated that by 2030 it would be too late to limit global heating to 1.5 degrees – but there is much more to be done".*
- 4.4.3 The key issue in relation to these statements is that they acknowledge the very pressing need to achieve radical change and that by 2030 it will be too late to limit warming to 1.5 degrees. The Scottish Government therefore acted on the Climate Emergency in 2019 by bringing in legislation.
- 4.4.4 Furthermore, the declaration of the emergency is not simply a political declaration, it is now the key priority of Government at all levels. Indeed, defining the issue as an emergency is a reflection of both the seriousness of climate change, its potential effects and the need for urgent action to cut carbon dioxide and other GHG emissions.
- 4.4.5 The scale of the challenge presented by the new targets for net zero within the timescale adopted by the Scottish Government on the advice of the CCC is considerable, especially

given the requirements for decarbonisation of heat and transport – this will require very substantial increases in renewable electricity generation by 2030.

The Climate Change (Emissions Reduction Targets) (Scotland) Act 2019

- 4.4.6 Against this severe backdrop, the Scottish Government has set legal obligations to decarbonise and reduce emissions. Most notably, the Scottish Government has a statutory target to achieve “net zero” by 2045, with interim targets of 75% by 2030 and 90% by 2040, further supported by annual targets. It is clear that to have any hope of achieving the net zero target, much needs to happen by 2030.
- 4.4.7 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 new Climate Change (Emissions Reduction Targets) (Scotland) Act 2019 amends the 2009 Act and sets even more ambitious targets.
- 4.4.8 The 75% target required to be met by 2030 is especially challenging¹⁰. Indeed, when the matter was proceeding through Parliament, it was the Scottish Parliament that increased the requirement from a 70 to 75% reduction by 2030. This acts upon the declaration of the Climate Emergency and recognises the urgent response that is required.
- 4.4.9 The Scottish Government publishes an annual report that sets out whether each annual emissions reduction target has been met. **Table 4.2** below sets out the annual targets for every year to net-zero. The report for the 2019 target year was published in June 2021. The report states that the ‘GHG Account’ reduced by only 51.5% between the baseline period and 2019. As noted, the 2019 Act specifies a 55% reduction over the same period – therefore the targets for 2018 and 2019 were not met.
- 4.4.10 The Scottish GHG Statistics for 2020 were released in June 2022. These show that the GHG account reduced by some 58.7% between the baseline period and 2020. However according to the report¹¹, the drop in emissions between 2019 and 2020 was mainly down to lower emissions from domestic transport, international flights and shipping and energy supply. All other sectors demonstrated modest reductions over this period, except the housing sector.
- 4.4.11 Coronavirus restrictions were responsible for the large drop in emissions from transport, while residential emissions increased by 0.1 MtCO₂e as more people worked from home during the pandemic. The Scottish Cabinet Secretary for Net Zero, Energy and Transport Michael Matheson made a Statement¹² to the Scottish Parliament on 07 June 2022 on the release of the latest statistics. In the Statement he commented as follows:
- 4.4.12 The Scottish Net Zero Secretary Michael Mathewson stated in June 2022 on the release of the latest statistics:
- “Nonetheless, the most significant changes are in the transport sector and are associated with the temporary measures taken in response to the Covid-19 pandemic. We must be prepared for these figures to substantially rebound in 2021. There can be no satisfaction taken in emissions reductions resulting from the health, economic and social harms of the pandemic.”* (emphasis added)
- 4.4.13 This demonstrates the scale of change required over the next decade to achieve the 2030 target. This also means the trajectory, in terms of the scale and pace of action to reduce carbon dioxide emissions, is steeper than before and the 2020s is a critical decade.

¹⁰ As set out in this Statement (paragraph 6.10), none of the five scenarios modelled by the CCC – even its most optimistic and stretching – suggests Scotland is close to achieving the 75% emissions reduction by 2030.

¹¹ Scottish Government. Official Statistics, Scottish Greenhouse Gas Statistics 2020, (June 2022).

¹² Ministerial Statement to Scottish Parliament by Cabinet Secretary for Net Zero, Energy and Transport on 07 June 2022, ‘Greenhouse gas emission statistics 2020’.

Table 4.2: Scotland’s Annual Emission Reduction Targets to Net Zero

Year	% Reduction Target	Actual Emissions Reduction %	Year	% Reduction Target
2018	54	50	2032	78
2019	55	51.5	2033	79.5
2020	56	58.7	2034	81
2021	57.9	-	2035	82.5
2022	59.8	-	2036	84
2023	61.7	-	2037	85.5
2024	63.6	-	2038	87
2025	65.5	-	2039	88.5
2026	67.4	-	2040	90 (Interim)
2027	69.3	-	2041	92
2028	71.2	-	2042	94
2029	73.1	-	2043	96
2030	75	Interim Target	2044	98
2031	76.5	-	2045	100% Net Zero

Note: Current available data shown in yellow

- 4.4.14 The targets set out in the above Table clearly illustrate the speed and scale of change that is required, essentially prior to 2030. This also demonstrates that up to 2020 the annual percentage reduction that was required was 1% but this then increases each year from 2020 to 2030. It increases to 1.9% for each year between 2020 and 2030. This is the level of change that is required to achieve the 2030 target and represents a near doubling of the response.
- 4.4.15 This means the trajectory, in terms of the scale and pace of action to reduce carbon dioxide emissions, is steeper than before and the 2020s is a critical decade.
- 4.4.16 It is no exaggeration to say that there is a ‘mountain to climb’ to meet Scotland’s 75% target for 2030. The CCC modelled five scenarios in CB6 and in none – even its most optimistic – is Scotland close to achieving a 75% emissions reduction by 2030: “Scotland’s 75% target for 2030 will be extremely challenging to meet, even if Scotland gets on track for net zero by 2045, Our balance net zero pathway for the UK would not meet Scotland’s 2030 target – reaching a 64% reduction by 2030 – while our most stretching tail winds scenario reaches a 69% reduction” (CB6, page 229).
- 4.4.17 In considering emissions reduction it should be noted that the Planning (Scotland) Act 2019 amended the 1997 Act to include a ‘purpose of planning’. The purpose of planning is now set out in Section 3ZA of the 1997 Act and is described as follows:
- “(1) *The purpose of planning is to manage the development and use of land in the long term public interest.*
- (2) *Without limiting the generality of subsection (1), anything which—*

- (a) *contributes to sustainable development, or*
(b) *achieves the national outcomes (within the meaning of Part 1 of the Community Empowerment (Scotland) Act 2015),*

is to be considered as being in the long term public interest.” (emphasis added)

- 4.4.18 This emphasises that the Scottish Government and planning authorities should be taking a view on development and use of land over the long term and in particular with the public interest in mind. Section 3ZA(2) specifically references that anything which contributes to sustainable development shall be considered as being in the long term public interest.
- 4.4.19 Under Section 3A of the 1997 Act, the National Planning Framework 4 (NPF4) must contain a statement of what the Scottish Ministers consider development will contribute to “*meeting any targets relating to the reduction of emissions of greenhouse gases...*” Therefore, the objective has been set for the policies in NPF4 to provide for development that contributes to the push towards net zero.
- 4.4.20 It is clear from the amendments to the 1997 Act by the Planning (Scotland) Act 2019 that the long-term public interest in attaining net-zero will be key and will underpin the preparation of NPF4. Sustainability and meeting net zero/greenhouse gas targets will be pivotal in serving that long term public interest and this has been provided with statutory recognition.
- 4.4.21 Planning policy needs to ‘catch up’ with the law on net zero and is almost certain to do so through NPF4 – a key planning policy instrument for the delivery of net zero.

The Scottish Energy Strategy (2017)

- 4.4.22 The Scottish Energy Strategy (SES) was published in December 2017. The SES preceded the important events and publications referred to above but nevertheless sets out that onshore wind is recognised as a key contributor to the delivery of renewable energy targets – specifically 50% energy from renewable sources to be attained by 2030. The SES did not and could not take account of what may be required in terms of additional renewable generation capacity to attain the new legally binding ‘net zero’ targets so it is out of date in that respect.
- 4.4.23 The SES refers to “*Renewable and Low Carbon Solutions*” as a strategic priority (page 41) and states “*we will continue to champion and explore the potential of Scotland’s huge renewable energy resource, its ability to meet our local and national heat, transport and electricity needs – helping to achieve our ambitious emissions reduction targets*”.
- 4.4.24 The SES sets out what is termed the “opportunity” for onshore wind and there is explicit recognition that onshore wind is amongst the lowest cost forms of power generation. It is also recognised as “*a vital component of the huge industrial opportunity that renewables creates for Scotland*”.
- 4.4.25 Reference is made to the employment levels and economic activity derived from onshore wind and the SES sets out that the Government is “*determined to build on these strengths*”.
- 4.4.26 The SES sets out the Government’s clear position on onshore wind namely:

“*our energy and climate change goals mean that onshore wind must continue to play a vital role in Scotland’s future – helping to decarbonise our electricity, heat and transport systems, boosting our economy, and meeting local and national demand.*”

“*this can be done in a way which is compatible with Scotland’s magnificent landscapes, including our areas of wild land. This means that the relevant planning and consenting processes will remain vitally important. A major review of the Scottish planning system is well underway and will continue as now to fully reflect the important role of renewable energy and energy infrastructure, in the right places*”.

4.4.27 The SES goes on to cross refer to further detail in relation to onshore wind as contained within the Onshore Wind Policy Statement (OWPS, 2017) which was published alongside the SES. The SES therefore, in addition to setting new stretching renewable energy and electricity targets, gives unequivocal strong policy support for the further development of onshore wind.

The Onshore Wind Policy Statement (2017)

4.4.28 The Onshore Wind Policy Statement (OWPS) was published in December 2017. A key message is the recognition that onshore wind is to play a “vital role” in meeting Scotland’s energy needs and a “material” role in growing the economy. It is specifically stated that the technology remains “crucial” in terms of Scotland’s goals for an overall decarbonised energy system and to attain ambitious renewable targets for the milestone dates of 2020, 2030 and 2045.

4.4.29 This language on the role of onshore wind is demonstrably stronger than that in the National Planning Framework 3 (NPF3) and Scottish Planning Policy (SPP) published in 2014. In addition, the context within which the NPF3 / SPP policy statements were made is demonstrably different due to the fundamentally different targets now in place.

4.4.30 The section of this document at page 43 provides very strong support for the further deployment of onshore wind. It is noted that one of the actions in relation to onshore wind was that the Scottish Government will push for policy support for a route to market. This is exactly what has happened in relation to the opening up of the CfD¹³ auction to onshore wind by the UK Government in 2021.

4.4.31 An important context to this particular document was the removal of price support by the UK Government in 2015. This policy statement seeks to support the further deployment of onshore wind despite the challenges that have been put in place. In particular, the Scottish Government recognised that onshore wind will continue to play “*a vital role in Scotland’s future*” (page 3). Furthermore, the Government recognised the importance of technology developments in responding to those challenges. The consequence of these factors is likely to involve the deployment of the larger, more efficient turbines. This is all set out in paragraphs 22, 23 and 24. This is then formally supported in paragraph 25 in relation to the deployment of more efficient turbines.

4.4.32 The OWPS also makes specific reference to the move “*towards larger and more powerful (i.e. higher capacity) turbines and that these by necessity – will mean taller towers and blade tip heights*”. Notice is therefore given of market reality and evolving technological change. Larger turbines can bring benefits in terms of energy yield and consequential larger contribution to targets.

4.4.33 Whilst the SES and the OWPS are evidence of a continuum of ever stronger policy support for onshore wind development as part of the Scottish Government’s renewables strategy, the latest documents and legally binding targets for net zero introduced in 2019 (and which came into force in March 2020) go further still.

The Update to the Climate Change Plan (2018-2032) (December 2020)

4.4.34 The Scottish Government published the update to the Climate Change Plan (CCP) ‘Securing a Green Recovery on a Path to Net Zero’ on 16 December 2020. The plan covers the period 2018-2032 and responds to the new net zero targets aimed at ending Scotland’s contribution to climate change by 2045. The period it covers refers to the timescale in which the Government has committed to reduce greenhouse gas emissions by 75% by 2030 (compared with 1990 levels).

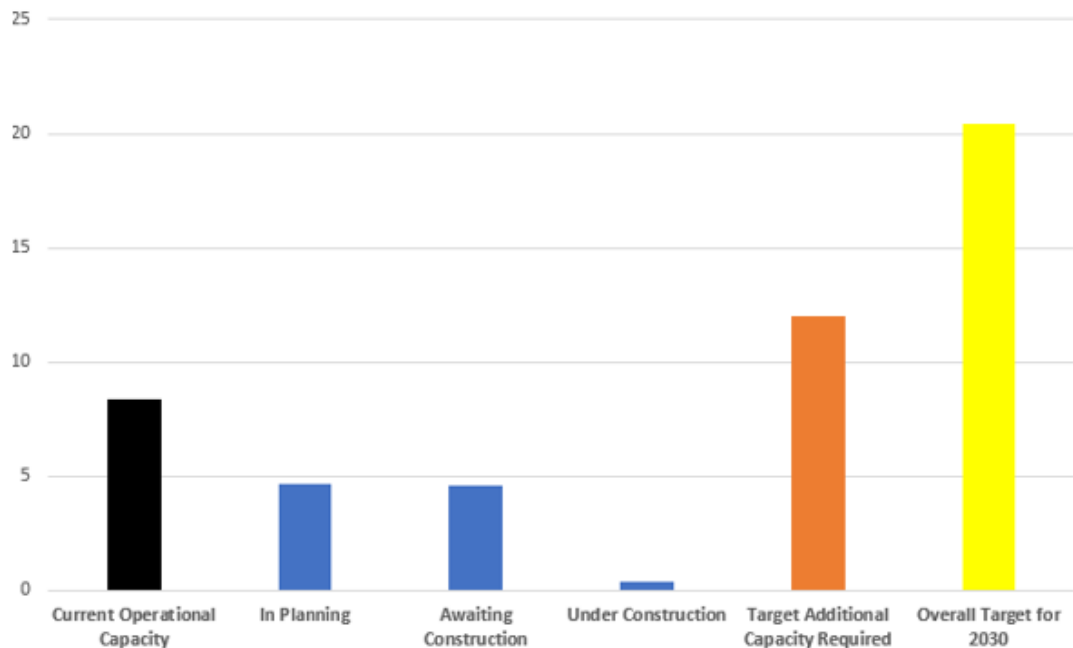
¹³ Contracts for Difference.

- 4.4.35 Page 18 refers to the “*pathway to 2032*” and sets out what the policies mean in practice. It states:
- “our electricity system will have deepened its transformation for the better, with over 100% of Scotland’s electricity demand being met by renewable sources. More and more households, vehicles, businesses and industrial processes will be powered by renewable electricity, combined with green hydrogen production. There will also be a substantial increase in renewable generation, particularly through new offshore and on shore wind capacity” (page 18). (emphasis added)*
- 4.4.36 Chapter 1 addresses electricity. Paragraph 3.1.4 recognises that as Scotland transitions to net zero, a growing and increasingly decarbonised electricity sector “*is critical to enabling other parts of our economy to decarbonise – notably transport, buildings and industry*”.
- 4.4.37 Annex A of the CCP contains policies and proposals. For the electricity sector, ‘outcome 1’ is that “*the electricity system will be powered by a high penetration of renewables, aided by a range of flexible and responsive technologies*”.
- 4.4.38 In addition, the target is maintained of “*a new renewable all energy consumption target of 50% by 2030, covering electricity, heat and transport*”.
- 4.4.39 Key points from the Climate Change Plan Update include:
- > Government views it as essential that a recovery from the pandemic responds to the climate emergency and puts Scotland on a pathway to deliver statutory climate change targets and a transition to net zero (page 1).
 - > A growing and increasingly decarbonised electricity sector is seen as critical to enabling other parts of the economy to decarbonise, particularly transport, buildings and industry (page 32).
 - > Planning is recognised as remaining as a “*critical enabler of rapid renewables deployment in Scotland*” (page 78).
 - > The need to invest in renewable generation and related infrastructure to reduce greenhouse gas emissions is critical to creating good, green jobs as part of the green recovery and longer-term energy transition (page 78).
 - > Renewable generation is expected to increase substantially between now and 2032 with an expectation of development of between 11 and 16 Giga Watts (GW) of new capacity during this period, “helping to decarbonise our transport and heating energy demand” (page 40).
 - > Electricity demand is expected to have grown considerably over this period (page 82).
- The ‘Onshore Wind Policy Statement Refresh’ Consultative Draft (October 2021)**
- 4.4.40 The draft OWPS was published in October 2021. Notwithstanding that this is a draft document, it contains various statements of the Scottish Government’s current position and views on onshore wind. The draft OWPS covers five main areas:
- > The current position with regard to onshore wind in Scotland;
 - > The future position of ‘net zero’;
 - > Barriers to deployment, covering technical and reserved matters;
 - > Barriers to deployment in terms of environmental factors; and
 - > Economic opportunities in relation to the supply chain.

- 4.4.41 In the **Ministerial Foreword**, by Michael Matheson, Cabinet Secretary for Net Zero, Energy and Transport it is stated that *“onshore wind remains vital to Scotland's future energy mix and we will need much more as we continue our progress to meet Scotland's legally binding net zero target”*.
- 4.4.42 In terms of the **current position** (Section 1), reference is made at the outset to the Climate Change (Emissions Reduction Targets) (Scotland) Act 2019 and it is stated that *“meeting these commitments and targets will require decisive and meaningful action over the next 12 months, across all sectors”* (paragraph 1.1).
- 4.4.43 In terms of current deployment, paragraph 1.2.2 sets out that:
“we must now go further and faster than before. We expect the next decade see a substantial increase in demand for electricity to support net zero delivery across all sectors, including heat, transport and industrial processes. Some estimates from the CCC suggest that we could expect a doubling in electricity demand. This will undoubtedly require a substantial increase in installed capacity across all renewable technologies.”
- 4.4.44 Paragraph 1.2.3 sets out the Scottish Government *“aims to maintain the support of policy and regulatory framework which will enable us to increase that deployment still further”*.
- 4.4.45 In terms of **future position and net zero** (Section 2), paragraph 2.1.1 sets out that:
“the transition to net zero means that our demand for green electricity will increase substantially over the course of the next decade. This means that a consistently higher rate of onshore wind, and other renewables capacity, will be required year-on-year.”
- 4.4.46 This section of the OWPS draft sets out the statistics in relation to onshore wind in the UK and Scotland at different stages of the planning /consenting process.
- > In planning – 4.69GW
 - > Awaiting construction – 4.64GW
 - > Under construction – 0.43GW.
- 4.4.47 Reference is made to the RenewableUK ‘Onshore Wind Industry Prospectus’ which sets out the need for Scotland to develop an additional 12GW of onshore wind capacity which the OWPS states will mean *“a total of 20.4GW installed capacity by 2030”* (paragraph 2.1.4).
- 4.4.48 If an assumption is made that only some 6GW¹⁴ of additional onshore wind capacity comes from the above three categories, then a further 6GW of additional capacity would be needed to attain an overall installed capacity of 20.4GW by 2030. This is illustrated in **Figure 4.2** below. Even if all in planning and consented sites were constructed (which is unrealistic) there would still be a shortfall.

¹⁴ The draft OWPS notes (paragraph 2.1.3) that there is currently 8.4GW of installed onshore wind capacity in Scotland. Assuming 2.5 GW is consented from the ‘in planning category’ and 3 GW from the ‘awaiting construction’ category, added to 0.5GW ‘under construction’ = 6 GW. 6 GW + 8.4 GW = 14.4 GW which means an additional 6 GW would be required to meet the 20.4 GW target.

Figure 4.2: Scottish Onshore Wind Capacity & Ambition (GW) 2030



- 4.4.49 Reference is also made to CCC Sixth Carbon Budget, which sets out exploratory scenarios for emissions reduction to 2050. The draft OWPS states that “these estimate that, in every scenario, the UK will require a total of 25-30 GW of installed onshore wind capacity by 2050 to meet Governmental targets – which would mean doubling the current UK installed capacity”.
- 4.4.50 The draft OWPS states that against this context the Scottish Government seeks views on “an ambition for an additional 8-12 GW of onshore wind to be installed in Scotland by 2032 to help us meet our binding net zero commitment. This follows initial discussions with our stakeholders and will be subject to further analysis as part of a wider work to refresh Scotland’s energy strategy”.
- 4.4.51 At paragraph 2.1.7, the draft acknowledges that the capacity ultimately developed will depend on a range of factors including decarbonisation pathways and demand growth across other sectors such as heat, transport and industrial demand, but it adds (paragraph 2.1.8) “however, we believe it vital to send a strong signal and set a clear expectation on what we believe on-shore wind capacity can contribute”. (emphasis added)
- 4.4.52 At paragraph 2.2.3. there is reference to **turbine blade tip heights**, and it is set out that “the Scottish Government acknowledges that tip heights for onshore wind farms are increasing and welcomes the resulting efficiencies in generation that this enables”.
- 4.4.53 It adds that “not all environments will be able to accommodate such turbines and that the tallest tip heights may not be appropriate in every landscape or for every development.”
- 4.4.54 In terms of **barriers to deployment** covering environmental factors, this is set out in Section 4 and covers the topics of noise, land use, peatlands and carbon rich soils, forestry, biodiversity and landscape and visual considerations.
- 4.4.55 In terms of **landscape and visual considerations** this is covered at section 4.4. and paragraph 4.4.2 states:

“Scotland's most cherished landscapes are a key part of our natural and cultural heritage and must be afforded the necessary protections. However, we also recognise that climate change, and our net zero ambitions, require decisive action, will change how Scotland looks and that we will need to deploy significant volumes of onshore wind generation over the next decade to help us meet our challenging legal obligations. This is likely to comprise modern and efficient turbines which will maximize the generation possible at each site and a mix of current technologies and taller turbines.” (emphasis added)

- 4.4.56 Section 5 relates to **economic opportunities** and covers the topics of supply chain, CfD, benefits to Scotland skills, tourism and cultural economics and other related matters.
- 4.4.57 In terms of supply chain, at paragraph 5.1.3 the Government references the recent UK Onshore Wind Prospectus, which has estimated that approximately 17,000 jobs and the equivalent of £27.8 billion in Gross Value Added (GVA) could be achieved in Scotland if there is deployment of an additional 12 GW of onshore wind by 2030.
- 4.4.58 Furthermore, in terms of economic benefits reference is made to the Just Transition Commission's 'a national mission for a fairer, greener Scotland' (paragraph 5.3.1) and it is stated that *“the rapid expansion of Scotland's onshore wind capacity, and associated manufacturing opportunities, will play a key role in this new future”*.
- 4.4.59 The Scottish Government is clearly setting out that there is an important opportunity to capitalise on in relation to the economic benefits from onshore wind.
- 4.4.60 In terms of **tourism and cultural economics** the draft OWPS sets out at paragraph 5.7.4 that public support for onshore wind has grown significantly across the UK reaching a new record of 79% in 2019 with opposition decreasing to only 5% in 2020.
- 4.4.61 The Scottish Government sets out that it recognises that some of Scotland's citizens remain concerned about the impact of large scale wind development on local and national tourism but it adds at paragraph 5.7.6 that it is encouraging to see on-shore wind development (for example, Whitelee Wind Farm) providing additional outdoor recreational activities alongside wind farms and they consider that *“the effect that on-shore wind farms can have on local and national tourism is a significant opportunity to cultivate our 'people and place' mentality and would be encouraged to see more development in Scotland with similar provisions”*.
- 4.4.62 Whilst the document is clearly issued for consultation, it sets out on the above topics, the Scottish Government's current position and a clear direction of travel of strong support for onshore wind.
- 4.4.63 Furthermore for the first time a specific target relating to onshore wind is proposed and this is set out in bold text in the Ministerial Foreword where the overall aim of the consultation is set out to encourage input and evidence to *“help support work that we are doing to establish an ambition for the additional onshore wind capacity needed to help Scotland achieve net zero, as set out in the Cooperation Agreement between the Scottish Government and the Scottish Green Party”*.
- 4.4.64 The proposed development would make a valuable contribution to the objective for substantially more onshore wind capacity in Scotland by 2030. Whilst the exact target figure is to be consulted on, it would seem the minimum being considered is at least a doubling of existing installed capacity.
- 4.4.65 It is clear the Scottish Government is now moving from viewing onshore wind as part of a general renewable energy drive to one which is focussed on substantially growing onshore wind – especially in the 2020s – to attain the 2030 target. This is a clear hardening of support for onshore wind.
- 4.4.66 The approach is also entirely consistent with the UK Energy White Paper which stated that a key UK objective is to *“accelerate the deployment of clean electricity generation through the 2020s”* (page 38).

The Scottish Government & Scottish Green Party: Shared Policy Programme (2021)

4.4.67 The Scottish Government and the Scottish Green Party agreed a formal Cooperation Agreement for the next five years of Government on 20 August 2021. A shared policy programme entitled 'The Bute House Agreement' was published on 20 August 2021 which sets out areas of mutual policy interest including energy and planning. The content has been reflected in the formal 'Programme for Government' published in September 2021. Key points of relevance from the Shared Programme including the following.

4.4.68 In terms of **energy**, on page 12 of the document it is set out the parties:

"believe that the climate emergency means we need to use the limited powers we have to accelerate the decarbonisation of our energy system. While electricity has already been largely decarbonised, 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".

4.4.69 In order to do this the parties state that they will "set an ambition to deliver, subject to consultation, between 8 and 12GW of additional installed onshore wind by 2030... - this will be supported by the changes in the planning system needed to permit the growth of this essential zero carbon sector". (underlining added)

4.4.70 At the present time Scotland has approximately 8.4GW of installed onshore wind capacity. Therefore, the Government is looking to at the minimum, to double this capacity, by adding a minimum additional further 8GW in just less than ten years.

The Programme for Government (2021)

4.4.71 The content of the Bute House Agreement (referenced above) has been reflected in the formal 'Programme for Government' 'a fairer, greener Scotland' published in September 2021. Key points of relevance from the Shared Programme include the following (page 64):

- > The Government will ensure that NPF4 "*actively enables renewable energy, supporting repowering of existing wind farms*".
- > Subject to consultation, "*we are committed to securing between 8 and 12 GW of installed onshore wind by 2030*". The draft OWPS confirms that this relates to additional onshore wind capacity.

The CCC Report to Parliament 'Progress in reducing emissions in Scotland' (2021)

4.4.72 The CCC published a report to the Scottish Parliament entitled 'Progress in reducing emissions in Scotland' in December 2021. It sets out (page 10) that:

"achievement of Scotland's legislated climate targets would be a strong contribution to global efforts, consistent with the Paris Agreement and a path to 1.50C. COP 26 in Glasgow marked a step forward in international commitment to address climate change. As globally, so in Scotland, the focus must now be to deliver against the commitments that have been made".

4.4.73 The key messages in the report (pages 10 and 11) include, in summary:

- > Delivery of rapid emissions reductions cannot wait – it is set out that it has taken 30 years to halve Scottish territorial emissions and "they must halve again in a decade to meet the legislated 2030 target." (emphasis added)
- > The annual targets during the 2020s will be very difficult to meet – "*even with the strongest climate policies*". Emissions in 2019 were above the annual target. This represents a warning in respect of future annual targets, as there will be unavoidable inertia in scaling up to reduce emissions in those sectors that have made only slow progress to date.

- > Meeting the 2030 target – the CCC set out that “*climate policy in Scotland must focus on the transition to net zero and the need for rapid focus by 2030*”.

4.4.74 The Executive Summary also sets out that while Scottish emissions fell 2% in 2019, the latest year for which data are available, Scotland missed its annual target by a significant margin. The CCC add (page 10) that “***the 2020s is the critical decade in changing course for net zero***”. (emphasis added)

4.5 Key Zero Carbon Targets: Summary

4.5.1 There are a number of key zero carbon targets and dates as set out in **Table 4.3** below.

Table 4.3: Key Zero Carbon Targets

Year	Target	Summary	Current Position
2050	Net Zero in the UK	Means no net carbon emissions in UK. Given there will be some residual emissions remaining (e.g. from agriculture) therefore an equal amount of carbon removal will be required by means such as carbon capture, storage or usage.	In 2020 total greenhouse gas emissions were 48.8% lower than they were in 1990 ¹⁵ .
2045	Net Zero in Scotland	Scotland has already largely decarbonised electricity production, therefore the primary challenge is to replace fossil fuels used in industry, heating of buildings and transport, which will mostly require substitution of fossil fuels with zero carbon electricity, meaning a big expansion of generation, transmission, distribution and supply of renewable energy.	The Scottish greenhouse gas account ‘GHG Account’ reduced by 58.7% between the baseline period and 2020 ¹⁶ .
2035	Zero Carbon Electricity in the UK	The UK Government target is for all electricity in 2035 to be generated zero carbon, i.e. with no unabated fossil generation.	In 2020 fossil fuels generated 40% of UK electricity ¹⁷ , hence a large increase in renewables is required for this target.
2030	50% renewable energy in Scotland	Renewable energy generation to account for 50% of energy demand across electricity, heat and transport. This will mean a significant expansion of renewable energy sources and associated needs for energy storage, flexibility and stability services.	Total Scottish energy consumption from renewables was 23.8% in 2019 ¹⁸ .
2030	75% Interim Emissions Reduction Target in Scotland	Key interim target as set out in the Climate Change (Emissions Reduction Targets) (Scotland) Act 2019. 75% reduction in emissions lower than the baseline of 1990 levels.	The Scottish greenhouse gas account ‘GHG Account’ reduced by only 58.7% between the baseline period and 2020 ¹⁹ .

¹⁵ Department for Business, Energy & Industrial Strategy, 2020 UK Greenhouse Gas Emissions, National Statistics (25 March 2021).

¹⁶ Scottish Government, Official Statistics, Scottish GHG Emissions 2020, (June 2022).

¹⁷ Department for Business, Energy & Industrial Strategy, UK Energy in Brief, National Statistics (2021).

¹⁸ Scottish Government, Energy Statistics for Scotland, Q2 2021 Figures (September 2021).

¹⁹ Scottish Government, Official Statistics, Scottish GHG 2020, (June 2022).

Year	Target	Summary	Current Position
2025	Zero Carbon Electricity System Operation in Great Britain	<p>National Grid Electricity System Operator (NGESO) has set a target to be able to operate the GB grid system with no fossil generation for a period (e.g. 1 hour or more) in 2025. Once this has been achieved the number of hours and durations of such operations can be increased.</p> <p>At present National Grid needs to draw on conventional power plants (typically gas) to deliver system reliability. By 2025 it will have transformed its operation of the electricity system, so that when there is enough zero carbon generation available, it can deliver electricity to Great Britain without using any fossil fuels.</p> <p>This is seen as a 'key enabler' for a zero-carbon electricity system in 2035, in line with the Sixth Carbon Budget.</p>	<p>In 2019 zero carbon sources outstripped fossil fuelled electricity generation for the first time ever and 1.30pm on 17 August of that year saw the highest share of zero carbon power ever seen at 85.1%²⁰</p>

4.6 Giving substantial weight to Renewable Energy Policy and Targets

- 4.6.1 The Applicant's position is that the proposed development is strongly supported by the current policy framework. Increased weight should be given to the benefits of the proposed development on the basis of the new material considerations that have arisen since SPP and NPF3 were published in 2014.
- 4.6.2 The need case for renewable energy generation and emissions reduction targets as set out in NPF3 and SPP, drafted in 2014, is considerably outdated. Drafting in these documents, while appropriate at the time, does not reflect the new reality. The documents are under review and have to a large extent been overtaken by the new statutory provisions and related policy on renewable energy targets and GHG emissions reductions.
- 4.6.3 The trajectory, in terms of the scale and pace of action to reduce emissions, is steeper than before and it is essential that rapid progress is made through the 2020s. The rate of emission reductions must increase otherwise the legally binding target of an interim 75% reduction of GHG emissions by 2030 will not be met.
- 4.6.4 Furthermore, reference has been made to the new 'purpose of planning' which means the forthcoming NPF4 must address the "*meeting any targets relating to the reduction of emissions of greenhouse gases...*". Sustainability and meeting net zero/GHG emission reduction targets will be pivotal in serving the long-term public interest and this has been provided with statutory recognition. NPF4 will therefore be a key planning policy instrument for the delivery of net zero.
- 4.6.5 It is clear from the UK Energy White Paper and the forecasts by the CCC that electricity demand is expected to grow substantially (scenarios vary but potentially by a factor of three or four) as carbon intensive sources of energy are displaced by electrification of other industry sectors, particularly heat and transport.
- 4.6.6 Decisions through the planning system must be responsive to this changed position. Decision makers can do this by affording substantial weight to the energy policy objectives articulated above, in the planning balance.

²⁰ National Grid, The Road to Zero Carbon (2021).

- 4.6.7 Any suggestion that the Climate Emergency does not give rise to an urgent need for action simply because, as yet, planning advice and guidance has not been amended, would be misguided. It is wholly legitimate and expected for the planning system to take account of updated and emerging issues as material considerations (and indeed the law) in arriving at a decision on a proposal.
- 4.6.8 The Applicant's position is that the planning balance clearly needs to take into account SPP and NPF3 since they remain important material considerations unless and until replaced. However, as noted, other legislative interventions and statements of Government policy such as described above are also material considerations of relevance that should be afforded weight, and indeed increasingly greater weight.
- 4.6.9 The Applicant is not saying the current national planning policy framework is to be disregarded, but it does not currently reflect the weight that needs to be afforded to the benefits and the speed of response of renewable deployment that is needed, as set out by the provisions of the 2019 Act. SPP and NPF3 are of their time and did not predict the scale of the transformation needed to be a carbon free society. However, it is clear now (by way of the 2019 Act) that Scotland was not moving fast enough to achieve the necessary emissions reduction.
- 4.6.10 In the most recent renewable energy policy documents referred to, there is a consistent and what might be termed a 'green thread' which ties a number of related policy matters together: namely the urgent challenge of net zero and the need to substantially increase renewable capacity.
- 4.6.11 It must follow that the need case is to be afforded great weight in the planning balance. It is not an over-riding consideration; however, it must be acted on. The way that decision makers can do that is by properly recognising the seriousness and importance of energy policy related considerations in the planning balance. It is the cumulative effect of a large number of individual projects which will move Scotland towards where it needs to be.
- 4.6.12 This position was acknowledged by the Reporter in the recent Strathy Wood Wind Farm section 36 Scottish Ministers' decision (December 2021). At paragraph 11.93 of the Inquiry Report²¹, the Reporter stated the following, which was adopted by Ministers in their Decision of 08 December 2021:
- "At the same we recognise that these current planning policy documents pre-date the recent changes to the energy and climate change position, in particular the declaration of a climate emergency. Consequently we consider it is appropriate to attribute greater importance to the benefits of renewable energy in the overall planning balance." (emphasis added)*

²¹ DPEA Case Reference WIN-270-12.

5. The Benefits of the Development

5.1 The Benefits: Summary

5.1.1 This Chapter summarises the benefits that would arise from the proposed development.

Renewable Generation and Emissions Savings

5.1.2 Renewable energy and emissions savings benefits would include the following:

- > With an overall installed capacity in the region of 26.4MW, the proposed development would make a valuable contribution to the attainment of the UK and Scottish Government policies of encouraging renewable energy developments; and in turn contribute to the achievement of UK and Scottish Government targets. As explained, there is now a distinct shift in policy emphasis from the displacement of higher carbon electricity generation to extending the use of electricity as the critical energy response to the Climate Emergency.
- > The UK legally binding target of net zero GHG emissions by 2050 and the Scottish Government target of a 75% reduction of such emissions by 2030 and net zero by the earlier date of 2045 are major challenges. The Government has made it clear that onshore wind plays a vital role in the attainment of future targets in relation to helping to combat the crisis of global heating.
- > The earlier that steps towards decarbonisation are introduced, the greater their contribution to limiting climate change. The proposed development's delivery of an estimated renewable generation capacity of 26.4MW in the near term will have a disproportionately higher benefit than the same capacity delivered later. 26.4MW delivered by 2030 would provide 15 years of carbon reduction by the key 2045 deadline, whereas 26.4MW delivered by 2040 would provide only 5 years of carbon reduction by 2045.
- > Estimated carbon savings are addressed in Chapter 15 of the EIA Report. The amount of electricity to be produced by the development is estimated to be approximately 89.7 Giga Watt hours (GWh) annually, equating to powering the equivalent of approximately 23,500 average UK homes annually.
- > This equates to displacing approximately 1.53 million tonnes of fossil fuel mix generation equivalent CO₂ emissions, based on DUKES emission factors²², over the operational life of the Wind Farm which is a beneficial environmental effect.

Economic, Employment & Community Socio-Economic Benefits

5.1.3 During the development and construction phase, the proposed development could generate up to:

- > £2.2 million GVA and 28 years of employment in Orkney; and
- > £7.2 million GVA and 106 years of employment in Scotland.
- > During each year of the operational phase, the proposed development could generate up to:
- > £0.2 million GVA and 2 jobs in Orkney; and

²² 8 DUKES (2018) Digest of United Kingdom Energy Statistics 2020.

> £0.6 million GVA and 7 jobs in Scotland.

- 5.1.4 In line with Scottish Government recommendations, the Applicant has committed to offering £5,000 per MW per year in community benefits for the local area. This is equal to around £132,000 annually, or £5.28 million during the 40-year operational lifetime of the proposed development. The Applicant is in discussions with the local community about how this funding can best be used to support the local community. This may involve targeted measures to address fuel poverty, such as grants to improve energy efficiency.
- 5.1.5 The proposed development would be liable for non-domestic rates, the payment of which would contribute directly to public sector finances. The proposed development would contribute an estimated £0.2 million annually through the payment of non-domestic rates. Over the project's 40-year operational lifetime it would contribute £8 million which can support Local Government services.

Building the Case for the Interconnector

- 5.1.6 In September 2019 Ofgem (Ofgem, 2019) published its final decision on the Needs Case for a new grid connection for Orkney in which it agreed with SSENs proposals to build a 220 MW connection, provided that 135 MW of new generation can demonstrate that it is 'likely to be developed' by December 2021. This was subsequently extended by 12 months (Ofgem, 2021).
- 5.1.7 'Likely to be developed' is defined by Ofgem as being projects which have been granted planning permission, have signed a relevant grid connection agreement and are financially viable, for example having qualified for Contracts for Difference.
- 5.1.8 At present 36 MW of new wind generation is consented in Orkney and could contribute to this. The proposed development will contribute to the 135 MW threshold, which may not be reached without it being consented.
- 5.1.9 The proposed development would therefore have an important strategic role for Orkney towards the achievement of the threshold set by Ofgem, in order for the construction of a new interconnector to be approved. This would in turn lead to additional socio-economic benefits and will support investment and innovation in the renewable sector in Orkney.

6. Conclusions

6.1 The Development Plan

- 6.1.1 The adopted LDP (2017) is now over five years old and considered to be out of date in accordance with the provisions of SPP. Therefore, there is a presumption in favour of development that contributes to sustainable development, as set out in SPP and this is a significant material consideration. The tilted balance applies.
- 6.1.2 The conclusion is that the proposed development would be consistent with all relevant policies of the Development Plan, and with the Development Plan when read as a whole.

6.2 National Planning Policy

- 6.2.1 NPF3 and SPP set out a strong position of support in relation to renewable energy and renewable energy targets and recognise the significant energy resource that can be provided by onshore wind. This is clearly not at any cost and environmental effects need to be judged to be acceptable in the overall planning balance when set against the benefits.
- 6.2.2 SPP requires consideration of a wind farm's contribution to renewable targets and climate emission reductions. Furthermore, each of the relevant sustainable development principles introduced through Paragraph 29 of SPP have been considered and the proposed development would be consistent with these and should benefit from the presumption in favour of development that contributes to sustainable development.
- 6.2.3 The development is in an appropriate location, and it is considered that it is consistent with the relevant provisions of national planning policy and advice. The policy provisions at a national level have been satisfactorily addressed.
- 6.2.4 Furthermore, in terms of planning policy provisions set out in SPP, there is now a clear shift from what was then (in 2014) termed the move to a 'low carbon economy' – there is now an ambitious policy imperative to move to a 'net zero economy and society'. The proposed development can help achieve that clear policy objective.
- 6.2.5 The draft NPF4 is clear that the Government is seeking a "rebalance" of the planning system "so that climate change is a guiding principle for all plans and decisions". Moreover, onshore wind is the specific renewable technology referenced as having the key role in the plan for net-zero emissions through the 2020s.
- 6.2.6 Whilst only limited weight can be placed on the detailed wording of the specific policies in the draft NPF4 at this stage, it is clear that the generation of renewable energy (in particular from onshore wind "in the coming years" is recognised as being of national importance. It is a key part of the way in which the emissions reduction statutory 'outcome' and the attainment of the legally binding net zero will be fulfilled.

6.3 Climate Emergency & the Renewable Energy Policy Framework

- 6.3.1 In summary, in order to combat climate change through decarbonisation of the energy system, Scotland and the UK, require new renewable sources of energy, which will ensure that a secure supply of electricity is available to meet the increased future demand. The provision of new renewable energy capacity will help the Scottish Government meet legally binding national and international commitments on climate change.
- 6.3.2 The urgent need for onshore wind has been set out: a large increase in the deployment of this renewable energy technology is supported through a number of policy documents and by Scottish Government commitments – most recently expressed in the Onshore Wind Policy Statement Refresh Consultative Draft and, in the draft NPF4.

- 6.3.3 Onshore wind was already viewed and described as “vital” to the attainment of targets in 2017. This imperative has only increased since a ‘climate emergency’ was declared by the Scottish First Minister in April 2019.
- 6.3.4 Furthermore, the drive to attain net zero emissions is now legally binding at the UK and Scottish Government levels by way of amendments to the Climate Change Act 2008 and in Scotland with the provisions of the Climate Change (Scotland) Act 2009 and the Climate Change (Emissions Reduction Targets) (Scotland) Act 2019.
- 6.3.5 Overall, the renewable energy policy framework is a central and crucial consideration, and one that should attract great weight in the balance of factors in the determination of the application. It also needs to be acknowledged that the need case with regard to renewable generation as set out in NPF3 and SPP was predicated on emissions reduction targets that are now superseded by more challenging targets (and a change in the law), to be achieved sooner. Achieving net zero is a legal requirement, and the Scottish Government has recognised, most recently in the draft OWPS refresh, that a massive quantity of new onshore wind is required to meet the legal requirement by 2030.
- 6.3.6 The benefits of the proposed development have been set out in the context of the current Climate Emergency and after a period of economic recession – they would help address the issue of global heating and very challenging ‘net zero’ targets and contribute to improving security of supply and a green recovery.
- 6.3.7 It is considered that the benefits offered by the proposed development and the need case based in law and policy, demonstrably outweigh the negative impacts of the scheme.
- 6.3.8 Commercial scale wind turbines are by necessity large structures. It is not therefore surprising that some significant landscape and visual effects have been identified. The design of the wind farm has had landscape and visual effects as a key design influence from the outset, and the resultant effects are not considered unacceptable.

6.4 Overall Conclusions

- 6.4.1 It has been demonstrated that the proposed development accords with local and national planning policy. Moreover, there is a substantial need for this type of development in order that pressing future targets in relation to the global heating crisis and renewable energy generation and GHG emission reductions can be met in time.
- 6.4.2 Furthermore, the proposed development would therefore have an important strategic role for Orkney towards the achievement of the renewable’s capacity threshold set by Ofgem, in order for the construction of a new grid interconnector to be approved. This would in turn lead to additional socio-economic benefits and would support investment and innovation in the renewable sector in Orkney.
- 6.4.3 There is a climate emergency. That is a factor of importance and considerable weight in determining this application. It does not require a statement to that effect in a planning document to make it so. Planning decisions must be made within and respond to the changing economic and wider policy context within which development comes forward. The planning balance can therefore no longer be approached as it has been in the past.
- 6.4.4 The firm direction of travel signalled by the NPF4 Position Statement has now continued into the draft NPF4 and the draft OWPS. That point is of itself important since the consistency of approach shown within them adds markedly to the weight to be given in the planning policy drive to attain net zero. Material change is most unlikely. However, the fact of the acceleration of support for up to 12GW of additional onshore wind capacity is clearly evidenced in the two documents means that they cannot be categorised and dismissed as just a continuing of what might be termed a ‘business-as-usual’ approach.

- 6.4.5 The NPF4 Position Statement heralded a rebalancing of the planning system, so as to recognise the climate and nature crises. Draft NPF4 seeks to deliver this rebalanced approach, which means that all decision makers will have to recalibrate their decision-making considerations.
- 6.4.6 Therefore, the tilt point along the scale of possible decisions represented by the concept of the planning balance has been shifted by law and the clearest direction of policy. This is put into sharp focus by the targets to be met as a matter of law by 2030 and 2045. The 2030 target is a considerable challenge.
- 6.4.7 It is important to note that the Applicant is not relying on future policy to make its case. The Applicant is clear in saying that the proposed development should obtain consent as matters stand, irrespective of any additional policy support which will come through NPF4. However, when the further support inevitably does arrive, the planning balance swings yet further in favour of consent being granted.
- 6.4.8 NPF4 will be vital in supporting delivery of net zero by 2045 with dramatic progress required by 2030 if net zero by 2045 is to stand any chance of being achieved. Onshore wind is the key technology which the Government wishes to see more of, delivered faster and especially by 2030. Taking all matters together, the Applicant submits that the need case is to be accorded very substantial weight in the planning balance.
- 6.4.9 The policy imperative must, in the Applicant's view, be acted on. This does not mean that the decision maker should expect to find an express watering down of environmental protection. Weight is entirely a matter for the decision maker. However, the way that decision makers can recognise the strengthening policy imperative and the increased weight that should be given to the benefits of the proposed development, is by giving relatively more weight to the seriousness and importance of energy policy related considerations in the planning balance.
- 6.4.10 The overall conclusion is that when all the relevant considerations have been properly considered, the balance strongly favours the granting of consent. On this basis, it is recommended that planning permission should be granted, for the proposed development, subject to appropriate conditions.

7. Appendix 1: Development Plan Policies

7.1 Introduction

7.1.1 This Appendix provides the text of the key LDP policies which are referenced in Chapter 2.

7.2 Policy 1: Criteria for All Development

Development will be supported where:

- > *It is sited and designed taking into consideration the location and the wider townscape, landscape and coastal character;*
- > *The proposed density of the development is appropriate to the location;*
- > *It is not prejudicial to the effective development of, or existing use of, the wider area;*
- > *The amenity of the surrounding area is preserved and there are no unacceptable adverse impacts on the amenity of adjacent and nearby properties/users;*
- > *It would not create an unacceptable burden on existing infrastructure and services that cannot be resolved;*
- > *It does not result in an unacceptable level of risk to public health and safety;*
- > *It is resource efficient and utilises sustainable construction technologies, techniques and materials and, where practicable, low and zero carbon generating technologies are installed;*
- > *It facilitates the prevention, reuse, recycling, energy recovery and disposal of waste, including where relevant, the use of Site Waste Management Plans;*
- > *It protects and where possible enhances and promotes access to natural heritage, including green infrastructure, landscape and the wider environment; and*
- > *It protects and where possible enhances Orkney's cultural heritage resources.*

7.3 Policy 7: Energy

C All Renewables and Low Carbon Energy Developments

i. The development of renewable and low carbon energy schemes, including the onshore infrastructure and/or buildings required for offshore marine renewable energy developments, and related transmission infrastructure, will be supported where it has been demonstrated that the proposal will not result in significant adverse effects on known constraints, either individually or cumulatively. Sufficient supporting information must be submitted with any planning application to enable a full assessment to be made of the likely effects of the development.

ii. Conflict with adjoining uses must be avoided and developments may not compromise the viability of any existing land use allocation or approved land use proposal in the surrounding area.

iii. The net-economic impacts of a proposal, including local and community socioeconomic benefits such as employment, associated businesses and supply chain opportunities, will be

taken into consideration and any demonstrable benefits will be balanced against any identified adverse impacts on known constraints.

D Onshore Wind Energy Development

i. Proposals for wind energy developments of all scales, including extensions to existing developments and repowering, will be assessed against the following factors to ensure that there will be no significant adverse individual or cumulative impacts:

- a. Communities and Amenity*
- b. Landscape and Visual Impact*
- c. Natural Heritage*
- d. Historic Environment*
- e. Tourism and Recreation*
- f. Peat and Carbon Rich Soils*
- g. Water Environment*
- h. Aviation, Defence and Communications*
- i. Construction and Decommissioning*

Applications for any wind farms should take account of the Spatial Strategy Framework for windfarm development:

a. Areas with potential capacity to accommodate wind farms have been identified as 'Areas with Potential for Wind Farm Development'; representing the areas of least constraint to wind energy development. Wind energy development is likely to be supported in principle within these areas, subject to proposals complying with the Development Criteria from Supplementary Guidance: Energy and any other material planning consideration.

b. Within the 'Areas of Significant Protection' wind farm development may be supported when a proposal complies with the Development Criteria from Supplementary Guidance: Energy and where it can be demonstrated by the applicant that any significant effects on the qualities of these areas can be overcome by siting, design or other mitigation.

c. Wind farm developments will not be supported within the National Scenic Area.

i. Throughout the lifetime of the Plan, OIC will investigate potential 'Strategic Wind Energy Development Areas' within which the principle of wind farm developments will be supported. Any such areas will be subject to appropriate assessment and full public consultation before being adopted within Supplementary Guidance: Energy.

ii. Consent for wind energy developments may be granted for a maximum period (usually 25 years) from final commissioning/the date that the device commences energy generation. Planning conditions and, where required, a financial bond, letter of credit and/or Legal Agreement will be attached in relation to the removal of the development and to the restoration of the site at the point when the planning permission expires or when the project ceases to operate for a specified period of time.

iii. Applications for the erection of monitoring equipment, anemometer masts etc., in relation to proposed wind farm projects in advance of a full application being submitted will be supported subject to other development plan policies and any other material considerations. Any planning permission for monitoring/survey equipment will normally be limited to a maximum period of 2 years unless the need for a longer monitoring period can be demonstrated. Consideration should be given to using digital monitoring equipment, especially to mitigate impacts in sensitive locations.

7.4 Policy 8: Historic Environment & Cultural Heritage

A: All Development

Development which preserves or enhances the archaeological, architectural, artistic, commemorative or historic significance of cultural heritage assets, including their settings, will be supported. Development which would have an adverse impact on this significance will only be permitted where it can be demonstrated that:

- > measures will be taken to mitigate any loss of this significance; and*
- > any lost significance which cannot be mitigated is outweighed by the social, economic, environmental or safety benefits of the development.*

B Specific Policy Considerations

Heart of Neolithic Orkney World Heritage Site

Development within the Inner Sensitive Zones will only be permitted where it is demonstrated that the development would not have a significant negative impact on the Outstanding Universal Value of the World Heritage Site or its setting.

Development will not be permitted where it breaks the skyline at the sensitive ridgelines of the World Heritage Site when viewed from any of its component parts, or where it will be sited in any location where there is the potential to impact upon the World Heritage Site, unless it is demonstrated that the development will not have a significant negative impact on either the Outstanding Universal Value or the setting of the World Heritage Site.

Listed Buildings

Change to a listed building must be managed to protect its special interest while enabling it to remain in/return to active use. Applications for development must have regard to the importance of preserving and enhancing the building, its setting and any features of special architectural or historic interest.

Scheduled Monuments

Where there is potential for a proposed development to have an adverse effect on the integrity of the setting of a scheduled monument, planning permission will only be granted where:

- > there are exceptional circumstances;*
- > there is no practical alternative site; and*
- > there are imperative reasons of over-riding public need.*

Inventory Gardens and Designed Landscapes

Development which preserves or enhances the character and features of inventory gardens and designed landscapes and their setting, will be supported.

Development that would have a significant negative impact upon the character of their areas will not be permitted. The conservation, maintenance and restoration, including the restoration of layout and features, will be supported where this is appropriate and based on historical research.

Investigation & Recording

Where there is the potential for historic environment assets to exist in particularly sensitive areas, such as the Inner Sensitive Zone of the World Heritage Site or the historic core of Kirkwall, applicants may be required to undertake 'Cultural Heritage Impact Assessments' to

ensure that there will be no unacceptable effects on any known or potential historic environment assets.

Where development, which has the potential to impact on areas known or suspected to contain archaeological deposits is permitted, planning conditions will be attached to ensure the effective assessment, analysis, archiving and publication of any archaeological remains to an agreed timeframe.

Where a historic environment asset, or a significant element thereof, will be lost as a result of a development, it may be necessary to record the site to an agreed level prior to the commencement of development/ demolition.

7.5 Policy 9 Natural Heritage & Landscape

A. Natural Heritage Designations

Internationally Designated Sites

Development likely to have a significant effect on a site designated or proposed as a Special Protection Area (SPA) or Special Area of Conservation (SAC), collectively known as Natura 2000 sites, individually or cumulatively and not directly connected with, or necessary to the conservation management of that site must be subject to an Appropriate Assessment in order to assess the implications for the site's conservation objectives.

Development will only be permitted where the Assessment ascertains that:

- a) it would not adversely affect the objectives of the designation or the integrity of the site; or*
- b) there is no alternative solution; and*
- c) there are imperative reasons of over-riding public interest, including those of a social or economic nature.*

A derogation is available where there are no alternative solutions; there are imperative reasons of overriding public interests, including those of a social or economic nature; and compensatory measures are provided to ensure that the overall coherence of the Natura network is protected.

The international importance of Ramsar sites should also be appropriately protected.
Nationally Designated Sites

Development that negatively affects a Site of Special Scientific Interest (SSSI) will only be permitted where:

the objectives of the designation and the overall integrity of the area will not be compromised;
or

b) any significant adverse effects on the qualities for which the area has been designated are clearly outweighed by social, environmental or economic benefits of national importance. Development capable of affecting a Nature Conservation Marine Protected Area (NC MPA) will only be permitted where it can be demonstrated that:

- a) there is no significant risk of hindering the achievement of the conservation objectives of the NC MPA; or*
- b) there is no alternative that would have a substantially lower risk of hindering the achievement of the conservation objectives of the NC MPA; and*
- c) the public benefit outweighs the risk of damage to the environment.*

Locally Important Sites

Development likely to negatively affect a Local Nature Conservation Site (LNCS), Local Nature Reserve (LNR) or unnotified Geological Conservation Review (GCR) site will only be permitted where there is no feasible alternative location; and

- a) mitigative measures will be satisfactorily implemented to ensure that it will not affect the integrity of the area or the qualities for which it has been designated; or*
- b) any such effects are clearly outweighed by social, environmental or economic benefits.*

Details of Local Nature Conservation Sites are contained in Supplementary Guidance: Natural Environment.

B. Protected Species

- i. Development likely to have an adverse effect on any protected species will not be permitted unless it can be justified in accordance with the relevant protected species legislation.*
- ii. Where there is evidence to indicate that a protected species may be present on, or adjacent to, a development site and could be affected by the proposal, the Planning Authority may require an ecological survey and/or mitigation plan to be submitted with the planning application.*

C. Wider Biodiversity and Geodiversity

- i. All development proposals must seek to avoid damage to, or loss of, biodiversity and geodiversity, and should enable the maintenance of healthy ecosystems, as well as natural features and processes which provide important services to communities e.g. coastal protection, flood risk mitigation or carbon storage.*
- ii. All development proposals should have due regard for priority habitats and species identified in the UK Biodiversity Action Plan, the Scottish Biodiversity List, the list of Priority Marine Features and the Orkney Local Biodiversity Action Plan. Where possible, new development should incorporate benefits for biodiversity, and avoid further fragmentation or isolation of habitats.*
- iii. Where there is evidence to indicate that a priority habitat or species may be present on, or adjacent to, a development site and could be affected by the proposal, the Planning Authority may require an ecological survey and/or mitigation plan to be submitted with the planning application.*

D. The Water Environment

- i. In accordance with the River Basin Management Plan for Scotland River Basin District 2015/2027, development proposals should seek to protect and, where possible, improve the water environment (river streams, lochs, groundwater, estuaries, coastal waters (to 3 nautical miles) and wetlands including Groundwater Terrestrial Ecosystems). Where this is not possible, it must be clearly demonstrated that the development:*
 - a) will avoid causing deterioration in the water quality or overall status of water bodies and, for any water body currently not achieving good status, will not prevent it from being able to achieve good status in the future.*
 - b) includes the management and/or enhancement of existing habitats and, if appropriate, the creation of new habitats.*
 - c) will not significantly affect water quality, flows and sediment transport, either during construction or after completion. Where a development proposal is located adjacent to the water environment, and a bank-side (waterside) location is not essential to the proposal, an appropriate buffer zone between the development and the water body should be included, within which development should be avoided.*
- ii. There is a presumption against unnecessary culverting and engineering activities in the water environment*

E. Peat and Soils

i. Development on areas of peat or carbon-rich soils will only be permitted where:

- a) it has been clearly demonstrated that there is no viable alternative;*
- b) an acceptance assessment of the likely effects of the development on carbon dioxide emissions has been undertaken and submitted; and*
- c) the economic and social benefits of the development clearly outweigh any potential detrimental effects on the environment, including likely carbon dioxide emissions.*

ii. Where development on peat or carbon-rich soil is permitted, the Council may ask for a peatland management plan to be submitted which is supported by an appropriate peat survey and clearly demonstrates how the unnecessary disturbance, degradation and erosion of peat and soils will be avoided and, where this is not possible, minimised and mitigated.

iii. New areas of commercial peat extraction will only be permitted where it can be demonstrated that:

it is an area of degraded peatland which has been damaged by human activity and has low conservation value and, as a result, restoration is not possible.

iv. The applicant must submit a method statement, and where necessary a soil management plan, in support of any application.

F. Trees and Woodland

i. Development that would result in the loss of, or damage to, one or more trees protected by

a Tree Preservation Order; or lead to the loss of, or damage to, individual trees or woodlands of significant ecological, landscape, shelter or recreational value will not be permitted unless:

- a) it would achieve significant and clearly defined benefits that outweigh any potential loss;*
- b) an evaluation, to the appropriate British Standard (or a suitable standard to be agreed with the Planning Authority) of the ecological, landscape, shelter and recreational value of the tree(s) has been undertaken and it is concluded that the loss would be acceptable; and*
- c) an additional or equivalent number of new trees are planted on, or near the site to an agreed standard and specification (species and maturity).*

ii. Works to trees must not result in any unnecessary fragmentation of a green network.

G. Landscape

i. All development proposals must be sited and designed to minimise negative impacts on the landscape, townscape and seascape characteristics and landscape sensitivities that are identified in the Orkney Landscape Character Assessment, and should be sympathetic to locally important natural and/or historic features within the landscape.

ii. Consideration should be given to the siting, scale and design of the proposal, as well as the potential for cumulative effects with other developments.

iii. Development that affects the National Scenic Area (NSA) will only be permitted where it is demonstrated that:

- a) the proposal will not have a significant effect on the overall integrity of the area or the qualities for which it has been designated; or*
- b) any such adverse effects are clearly outweighed by social, environmental or economic benefits of national importance.*

iv. Development proposals affecting the area of wild land on Hoy will be only be permitted where it has been demonstrated that any significant effects on the character and qualities of this area can be substantially overcome by siting, design or other mitigation.

7.6 Policy 10 Green Infrastructure (Paths, Open Spaces & Green Networks)

A. Core Paths & Access

i. Development should have no unacceptable adverse impact on statutory access rights, core paths, other public footpaths or rights of way.

ii. Where a proposal will affect access rights, a core path, a right of way or other public paths it will be necessary to:

a) Maintain or enhance the amenity value of the current route; or

b) Provide an alternative path or access that is both safe and convenient for the public to use.

7.7 Policy 13: Flood Risk, SuDs & Wastewater Drainage

Flood Risk

A Flood Risk Assessment must be undertaken in accordance with SEPA technical guidance where development proposals are in areas identified as being of medium to high risk of flooding and, in certain circumstances described in the SPP Flood Risk Framework, may also be required in the low to medium risk category.

Sustainable Drainage Systems (SuDS)

Development proposals must incorporate Sustainable Drainage Systems (SuDS) in accordance with current national guidance.

7.8 Policy 14 Transport, Travel & Road Network Infrastructure

Road Network Infrastructure Development will only be permitted where due regard has been paid to Designing Streets and the proposal demonstrates that:

- > It is well connected to the existing network of roads, paths and cycleways and will not create a barrier to future development;*
- > It can be safely and conveniently accessed by service, delivery and other goods vehicles, as appropriate to the development;*
- > Any new access, or upgrades to an existing access, linking to the adopted road network has been designed to an adoptable standard as defined by the National Roads Development Guide (new accesses should be resource efficient, safe for all road users, and convenient for sustainable travel modes);*
- > It is designed to cause minimal impact on the character of the site and the surrounding area; and*
- > There are satisfactory arrangements to ensure that there is provision for the long term maintenance.*

David Bell Planning Ltd
26 Alva Street
Edinburgh
EH2 4PY

dbplanning.co.uk

© David Bell Planning Ltd Copyright 2022
