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Planning Statement

Beaw Field Wind Farm - Extension of Implementation of Section 36 Consent and Extension of Operational Life

Peel NRE

15025-006-R1
17 June 2022

PUBLISHED

Peel NRE
PART OF PEEL L&P

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Document Control

Revision	Status	Prepared by	Checked by	Approved by	Date
R0	**Draft**	RL	JMc	JMc	07/06/2022
R1	FINAL ISSUE	RL	JMc	JMc	17/06/2022
R2	Final Updated	RL	JMc	JMc	24/06/2022

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Executive Summary

This Planning Statement has been prepared on behalf of Peel NRE (the 'Applicant') and provides supporting information in respect of the accompanying section 36C variation application for the Proposed Variations to the Consented Beaw Field Wind Farm.

This Planning Statement has been produced for the purpose of providing a detailed assessment of the Proposed Variations to the Beaw Field Wind Farm which is located within Shetland, against applicable Development Plan, national and other relevant policies.

This Statement details the development context and rationale, before setting out the relevant policies and guidance against which the application will be determined. The Consented Development has been the subject of an Environmental Impact Assessment (EIA), as reported within an Environmental Impact Assessment Report (EIAR) which has been updated for and accompanies this section 36C variation application and the other associated documents which have been submitted to the Energy Consents Unit of the Scottish Government. This Planning Statement addresses the planning implications of the updated detailed technical assessments presented in the EIAR and assesses the compliance of the Proposed Variations with the Development Plan and national policies and other material considerations.

This Statement concludes that, overall, the section 36C application for the Proposed Variations complies with the relevant Development Plan, national and other relevant planning policies as a whole and is supported by other relevant material considerations, and as such provides the justification for the granting of section 36C consent and deemed planning permission.

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Appendix A – Footnotes

1 Introduction

1.1 Introduction

The Scottish Ministers granted consent for Beaw Field Wind Farm under Section 36 of the Electricity Act 1989 on 30th November 2017. The decision letter also directs that planning permission under the Town and Country Planning (Scotland) Act 1997 is deemed to be granted.

The Section 36 consent is subject to a series of conditions. Specifically, Condition 2 (1) relates to the commencement of development and states that *"development shall be commenced no later than five years from the date of this consent (i.e., before 30th November 2022), or such other period as the Scottish Ministers may hereafter direct in writing."*

The consent holder – Peel Wind Farms (Yell) Limited – changed its company name on 19th July 2019 to Peel L&P Wind Farms (Yell) Limited and then again on 20th November 2020 to Peel NRE Wind Farms (Yell) Limited. The company number (Ref. 07551084) is unchanged and full details are available via Companies House.

TNEI are acting on behalf of the consent holder (Peel NRE Wind Farms (Yell) Limited), with respect to a request to both extend the implementation date of the permission and to extend the operational life of the wind farm from 25 to 40 years through an application under S36C of the Electricity Act.

The consent holder's primary reasons for seeking an extension to the implementation date are two-fold:

- **Grid Connection** – Shetland is not currently linked to the UK electricity transmission network. Ofgem published its decision to allow construction of a subsea high voltage direct current (HVDC) interconnector between Shetland and Mainland Scotland in July 2020 and construction commenced later that year. Once complete, this cable will permit the exportation of electricity generated through renewable energy projects (including Beaw Field Wind Farm) to the UK transmission network. While construction work is progressing well, the Shetland interconnector is not due to be energised until 2024; and
- **Route to Market** – Peel has submitted an application to the Contracts for Difference (CfD) Round 4 auction process. This is the first opportunity to enter into a CfD auction following approval of the Shetland HVDC interconnector. Given the timescales involved for this key route to market, a longer period is therefore required for commencement of development. The auction result is in July. If Peel were unsuccessful the Government has confirmed annual auctions so there would be another opportunity to enter the auction.

This Planning Statement updates where relevant the March 2016 Statement submitted with the previous application, including an update of current planning policy and updated assessment of the Proposed Variations against the Development Plan and other relevant material considerations.

References to the Proposed Variations in this Statement refers to extending the implementation date of the permission and to extend the operational life of the wind farm from 25 to 40 years. References to the Consented Development refers to previously consented Beaw Field Wind Farm.

1.2 The Applicant

Peel Wind Farms (Yell) Ltd ('PWFY Ltd') is part of Peel NRE. Peel Wind Farms (Yell) Limited – changed its company name on 19th July 2019 to Peel L&P Wind Farms (Yell) Limited and then again on 20th November 2020 to Peel NRE Wind Farms (Yell) Limited. Peel NRE is at the forefront of delivering low carbon energy for the UK and has a balanced portfolio in generation and development including onshore wind, tidal, hydro-electric, solar and biomass. Peel NRE is a part of the Peel Group, which is

one of the UK's leading real estate, property, infrastructure, and investment companies. Peel owns several renewable energy projects that are currently in operation, being constructed or have received planning consent. Peel's consented wind farms include Scout Moor in Rochdale which was constructed and commissioned in 2008 and has an installed capacity of 65 MW, and Frodsham in Cheshire (50.35 MW installed capacity) which was commissioned by the end of 2016.

In addition to the Group's own substantial land interests, Peel has strategic partnership agreements with a number of other major companies to examine their land holdings for onshore wind energy potential.

1.3 Statement Structure

The rest of this Planning Statement is structured as follows:

- Section 2 provides a description of the Consented Development;
- Section 3 provides details of energy policy considerations which have arisen since the original application was submitted;
- Section 4 sets out material considerations of relevance to the Proposed Variations, including both the current planning policy situation and the planning policy situation at the time that the original application was submitted;
- Section 5 sets an appraisal of the Proposed Variations against the Development Plan and other material considerations; and
- Section 6 provides an overall summary and conclusions.

2 The Consented Development and the Proposed Variations

2.1 The Consented Development

The Consented Development comprises the construction, 25 year operation and subsequent decommissioning of up to seventeen turbines with a maximum height to blade tip of 145 m and an expected installed capacity of over 50 MW.

The Consented Development would be accessed via a new junction with the B9081 approximately 3.5 km north east of the Ulsta Ferry Terminal. Construction traffic would use the A968 and B9081 on Yell to access the Site. Depending on the location of potential suppliers of materials, the A968, B9076 and A970 on Mainland may also be used by construction traffic.

The key components of the Consented Development, as included on the Site Layout (ES Figure 3.1), include:

- Up to 17 turbines with a maximum height to blade tip of 145 m; including foundations and transformers (internal or external);
- Approximately 11. 1 km of access tracks of average width 4.5 m and verges plus drainage;
- Five major and one minor mapped watercourse crossings;
- Hardstanding areas for construction and maintenance of turbines;
- Electrical substation and control building;
- Underground cabling connecting turbines to the substation and control building;
- One anemometry mast;
- Four borrow pits to provide aggregates for the construction of the wind farm; and
- A radio communications tower of up to 20 m tall.

The following temporary elements would be required during the construction phase of the Consented Development, and may also be required during the decommissioning phase:

- Temporary site compound for construction and storage;
- Site office; and
- Temporary removal of road signage along the A968 and B9081.

It is anticipated that the construction period for the Consented Development would last 24 months.

2.2 The Proposed Variations

The Proposed Variations comprise extending the implementation date of the permission and extending the operational life of the wind farm from 25 to 40 years.

3 Energy Policy Considerations

This section provides an overview of energy policy considerations which are of relevance to the Proposed Variations, and which have arisen since submission of the previous application.

3.1 International Policy and Targets

International Agreements and Obligations – The COP21 Paris Agreement

The Paris Agreement[i] was adopted on 12th December 2015 by 196 parties to the UN Framework Convention on Climate Change, creating a legally-binding, international agreement towards tackling climate change. The UK is one of the signatories and is legally bound by the Paris Agreement.

The Paris Agreement came into force on 4th November 2016, having been ratified by at least 55% (the point which triggers ratification) of the 196 countries. The meeting in Paris was considered a make-or-break opportunity to secure an international agreement on the approach to tackling climate change, commitment to a longer-term goal or near zero emissions in the second half of the century and supporting the transition to a clean economy and low carbon security.

Governments agreed:

- A long-term goal of keeping the increase in global average temperature to well below 2 degrees Celsius above pre-industrial levels;
- To aim to limit the increase to 1.5 degrees Celsius since this would significantly reduce risks and the impacts of climate change;
- On the need for global emissions to peak as soon as possible, recognising that this will take longer for developing countries;
- To undertake rapid reductions thereafter in accordance with the best scientific guidance available; and
- Countries are legally obliged to make new post-2030 commitments to reduce emissions every five years.

Special Report on Global Warming of 1.5°C (2018)

Contained within the Decision of the 21st Conference of Parties of the United Nations Framework Convention on Climate Change to adopt the Paris Agreement was an invitation for the Intergovernmental Panel on Climate Change (IPCC) '…to provide a Special Report[ii] in 2018 on the impacts of global warming of 1.5° C above pre-industrial levels and related global greenhouse gas emission pathways.'

The IPCC responded to this invitation through the preparation of the 'Special Report on the impacts of global warming of 1.5° C', which was published in October 2018. The report presented a study on the impacts and possible methods of keeping temperature from warming by more than 1.5° C. It pointed out the differences between allowing temperatures to rise towards 2° C above pre-industrial times, or keeping them nearer to 1.5° C.

The report found that a rise by 1.5° C could be reached in as little as 11 years – and almost certainly within 20 years without major cuts in carbon dioxide (CO2) emissions) if global warming continues to increase at the current rate. To limit the temperature, rise to 1.5° C, global net human-caused emissions of carbon dioxide (CO2) would need to fall by about 45% from 2010 levels by 2030 in order to reach 'net-zero' around 2050. However, to achieve these emissions reductions, *"rapid and far-*

reaching" transitions in land, energy, industry, buildings, transport, and cities and *"unprecedented change"* would be required.

The report estimates that renewables would be required to supply 70-85% of electricity by 2050 in 1.5° C pathways. Making this monumental shift in energy production would require substantial new investment in low-carbon technologies and energy efficiency.

AR6 Climate Change 2021: The Physical Science Basis (2021)

This report[iii] addresses the most up-to-date physical understanding of the climate system and climate change, bringing together the latest advances in climate science, and combining multiple lines of evidence from paleoclimate, observations, process understanding, and global and regional climate simulations.

The headline findings from the report are:

<u>The Current State of the Climate:</u>

- It is unequivocal that human influence has warmed the atmosphere, ocean, and land. Widespread and rapid changes in the atmosphere, ocean, cryosphere, and biosphere have occurred;
- The scale of recent changes across the climate system as a whole and the present state of many aspects of the climate system are unprecedented over many centuries to many thousands of years;
- Human-induced climate change is already affecting many weather and climate extremes in every region across the globe. Evidence of observed changes in extremes such as heatwaves, heavy precipitation, droughts, and tropical cyclones, and, in particular, their attribution to human influence, has strengthened since the Fifth Assessment Report (AR5); and
- Improved knowledge of climate processes, paleoclimate evidence and the response of the climate system to increasing radiative forcing gives a best estimate of equilibrium climate sensitivity of 3° C, with a narrower range compared to AR5.

<u>Possible Climate Futures:</u>

- Global surface temperature will continue to increase until at least the mid-century under all emissions scenarios considered. Global warming of 1.5° C and 2° C will be exceeded during the 21st century unless deep reductions in carbon dioxide (CO2) and other greenhouse gas emissions occur in the coming decades;
- Many changes in the climate system become larger in direct relation to increasing global warming. They include increases in the frequency and intensity of hot extremes, marine heatwaves, and heavy precipitation, agricultural and ecological droughts in some regions, and proportion of intense tropical cyclones, as well as reductions in Arctic Sea ice, snow cover and permafrost;
- Continued global warming is projected to further intensify the global water cycle, including its variability, global monsoon precipitation and the severity of wet and dry events;
- Under scenarios with increasing CO2 emissions, the ocean and land carbon sinks are projected to be less effective at slowing the accumulation of CO2 in the atmosphere; and
- Many changes due to past and future greenhouse gas emissions are irreversible for centuries to millennia, especially changes in the ocean, ice sheets and global sea level.

<u>Climate Information for Risk Assessment and Regional Adaptation:</u>

- Natural drivers and internal variability will modulate human-caused changes, especially at regional scales and in the near term, with little effect on centennial global warming. These modulations are important to consider in planning for the full range of possible changes;
- With further global warming, every region is projected to increasingly experience concurrent and multiple changes in climatic impact-drivers. Changes in several climatic impact-drivers would be more widespread at 2° C compared to 1.5° C global warming and even more widespread and/or pronounced for higher warming levels; and
- Low-likelihood outcomes, such as ice sheet collapse, abrupt ocean circulation changes, some compound extreme events and warming substantially larger than the assessed very likely range of future warming cannot be ruled out and are part of risk assessment.

Limiting Future Climate Change:

- From a physical science perspective, limiting human-induced global warming to a specific level requires limiting cumulative CO2 emissions, reaching at least net zero CO2 emissions, along with strong reductions in other greenhouse gas emissions. Strong, rapid and sustained reductions in methane (CH4) emissions would also limit the warming effect resulting from declining aerosol pollution and would improve air quality; and
- Scenarios with low or very low greenhouse gas (GHG) emissions (SSP1-1.9 and SSP1- 2.6) lead within years to discernible effects on greenhouse gas and aerosol concentrations, and air quality, relative to high and very high GHG emissions scenarios (SSP3-7.0 or SSP5-8.5). Under these contrasting scenarios, discernible differences in trends of global surface temperature would begin to emerge from natural variability within around 20 years, and over longer time periods for many other climatic impact-drivers (high confidence).

3.2 UK Policy and Targets

3.2.1 Climate Change Act (2008)

The Climate Change Act[iv] is the basis for the UK's approach to tackling and responding to climate change. This Act committed the UK to reducing greenhouse gas emissions by at least 80% of 1990 levels by 2050. It also requires the Government to set legally-binding 'carbon budgets' to act as steppingstones towards the 2050 target. Carbon budgets cover a five-year period and currently run to 2032. The UK is currently in the third carbon budget period (2018 to 2022). A Committee on Climate Change was set up to ensure emissions targets are set based on expert independent assessment of the evidence and to monitor the UK's progress towards meeting the targets.

The UK has met its first Carbon Budget (23% reduction of UK greenhouse gas emissions between 2008-2012) and 2nd Carbon Budget (29% reduction of UK greenhouse gas emissions between 2013-2017) and is on track to meet the 3rd Carbon Budget (35% reduction of UK greenhouse gas emissions between 2018-2022). However, the UK is currently not on track to meet the 4th Carbon Budget (50% reduction of UK greenhouse gas emissions between 2023-2027), or the 5th Carbon Budget (57% reduction in greenhouse gas emissions 2028-32).

The ability to provide a greater stock of renewable developments which effectively maximises capacity at a sustainable location – such as the Proposed Variations – should be seen as significant in going towards achieving the aims of the 4th and 5th Carbon Budgets.

3.2.2 The Fifth Carbon Budget (2016)

On 30th June 2016, the UK Government confirmed its intention to set the Fifth Carbon Budget[v] to reduce UK greenhouse gas emissions relative to 1990 levels by 57% by 2028-32. This is in line with advice provided to the UK Government by the UK Committee on Climate Change. The Fifth Carbon

Budget was officially set through The Carbon Budget Order 2016 which came into effect on 21st July 2016.

3.2.3 The Sixth Carbon Budget (December 2020)

The UK has enshrined a new target in law (the Carbon Budget Order 2021) to slash emissions by 78% by 2035. The UK's sixth[vi] Carbon Budget will incorporate the UK's share of international aviation and shipping emissions for the first time, to bring the UK more than three-quarters of the way to net zero by 2050. The UK is not on track to meet the fourth (2023 to 2027) or the fifth (2028-2032) and therefore, to meet future carbon budgets and the Net Zero target for 2050, will require governments to introduce more challenging measures.

Through the Climate Change Act, the UK government has committed to reduce emissions by at least 100% of 1990 levels (Net Zero) by 2050 which is a very challenging target which may not be met without significant intervention.

3.2.4 The UK Clean Growth Strategy (2017)

In October 2017, the UK Government published the Clean Growth Strategy[vii] (CGS) 'Leading the Way to a Low Carbon Future'. The key message of the Strategy is that clean growth means growing our national income while cutting greenhouse gas emissions. The CGS sets out a comprehensive set of policies and proposals that aim to accelerate the pace of 'clean growth' i.e., deliver increased economic growth and decreased emissions. It states that *"in order to meet these objectives, the UK will need to nurture low carbon technologies, processes and systems that are as cheap as possible".* The Strategy is considered to be *"at the heart of the UK's Industrial Strategy".*

The Strategy draws on the UK's commitments under the Climate Change Act 2008, which commits the UK to reducing greenhouse gas emissions and the associated 'Carbon Budgets' relative to 1990 levels by at least 80% by 2050. It is considered that in order to meet the fourth and fifth carbon budgets (covering the period 2023 to 2027 and 2028 to 2032) *"we will need to drive a significant acceleration in the pace of decarbonisation and in this strategy, we have set out stretching domestic policies that keep us on track to meet our carbon budgets".*

The Strategy references the 2015 Paris Agreement and states that *"the actions and investments that will be needed to meet the Paris commitments will ensure the shift to clean growth will be at the forefront of policy and economic decisions made by governments and businesses in the coming decades".*

3.2.5 The UK Industrial Strategy (2017)

The Industrial Strategy[viii] entitled 'Building a Britain fit for the future' was published by the UK Government in November 2017. The overall aim of this Strategy is to create an economy that boosts productivity and earning power throughout the UK. The Strategy identifies four 'Grand Challenges' that are set to put the UK at the forefront of the industries of the future and one of these is 'Clean Growth', against which it is stated that the Government will *"maximise the advantages for UK industry from the global shift to clean growth".*

Key policy areas relate to ideas, people, infrastructure, business environment and places. In discussing Clean Growth, the UK Industrial Strategy states *"we will maximise the advantages for UK industry from the global shift to clean growth – through leading the world in the development, manufacture and use of low carbon technologies, systems and services that cost less than high carbon alternatives".*

3.2.6 Climate Change Act 2008 (2050 Target Amendment) Order (2019)

The UK adopted a 2050 net zero emissions reduction target[ix] in June 2019, strengthening its previous 2050 goal of at least an 80% greenhouse gas emission reduction below 1990 levels by 2050. As part of

this net zero 2050 target, the Climate Change Committee recommended that Scotland should achieve net zero by 2045.

Considering this, net zero emissions reduction target future carbon budgets are set to be revised.

3.2.7 Reducing UK Emissions, Progress Report to Parliament (2020)

This report[x] was prepared by the Committee on Climate Change to set out its annual review of UK progress in reducing greenhouse gas emissions as required by the Climate Change Act 2008. It was laid before Parliament on 25 June 2020. The report notes that there were important new announcements on transport, buildings, industry, energy supply, agriculture, and land use, but these steps do not yet measure up to meet the size of the net zero challenge and *"we are not making adequate progress in preparing for climate change".* The report states that this Parliamentary term (to 2024) *"must deliver a full policy package to put the UK on track to the Net Zero target".* The report sets out recommendations across government departments for climate policy priorities covering both net zero and adaptation, such as checking all policy and infrastructure decisions against their consistency with the UK's net zero target and the need to adapt to the impacts of climate change.

3.2.8 Progress in Reducing Emissions and Adapting to Climate Change (2021)

These reports[xi] were prepared by the Committee on Climate Change and provide the latest review of the UK's progress on reducing greenhouse gas emissions and its progress towards adapting to climate change. The report on emissions calls for policies to be developed quicker to ensure the necessary policies are in place sooner to address greenhouse gas emissions. All the reports highlight the continued need to phase-out gas reliant energy generating facilities.

The reports joint recommendations highlight the need for further low-carbon generation facilities (such as wind farm developments) to be provided for on a large scale to ensure the more polluting forms of energy generation can be removed, whilst also ensuring the security of the energy supply.

3.2.9 The Energy White Paper: Powering our Net Zero Future (December 2020)

Following on from the Prime Minister's Ten Point Plan for a Green Industrial Revolution published in November 2020, the Energy White Paper[xii] provides further clarity on the Prime Minister's measures and puts in place a strategy for the wider energy system that: transforms energy, supports a green recovery, and creates a fair deal for consumers. It identifies that clean electricity should become the predominant form of energy, entailing a potential doubling of electricity demand and consequently a fourfold increase in low-carbon electricity generation. This transition should be secured while retaining the essential reliability, resilience, and affordability of energy.

3.3 Scottish Climate Change and Energy Policy

The Scottish Government has devolved authority over matters relating to the implementation of energy policy and there have been several policy documents and legislation produced in recent years dealing with climate change and renewable energy. The documents summarised below are considered to set out the Scottish Government's commitment to reducing carbon emissions via the promotion and development of renewable energy and the contribution this can make to energy generation throughout Scotland.

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

The Scottish Government introduced a new Climate Change (Emissions Reduction Targets) (Scotland) Bill[xiii] to Parliament on 23rd May 2018. The Bill was subsequently passed in September 2019 and became an Act.

The Act raises the ambition of further reducing greenhouse gas emissions by amending the targets set out within the Climate Change (Scotland) Act 2009 and sets a legally binding net zero target of all greenhouse gases emissions by 2045. This target date is five years ahead of the current date set for the rest of the UK and aims to ensure Scotland contributes to the worldwide efforts to deliver on the Paris Agreement.

Setting a net-zero target by 2045 is an ambitious target and places Scotland at the forefront of efforts to combat climate change. Through this Act and other associated Government strategies and policies, the Scottish Government aims to provide certainty and credibility to businesses, industries and investors that are vital partners in Scotland's transition to a low carbon economy.

3.3.2 Climate Change Emergency

In April 2019 the Scottish Government declared[xiv] a climate change emergency, which instigated a commitment to enforcing stronger climate change proposals and targets whilst delivering support to the transition to a low carbon economy. It is anticipated at this stage that this declaration will deliver revised approaches and shape future guidance for a range of policy decisions, affecting transport, oil and gas and renewable energy strategy. The Scottish Government within its climate emergency declaration also highlighted how the planning system has an important role to play in terms of supporting the Scottish Governments climate change goals.

3.3.3 The Planning (Scotland) Act 2019

As part of the planning reform, a Bill for an Act of the Scottish Parliament to make provision about how land is developed and used, was introduced by the Cabinet Secretary in December 2017. The Bill[xv] sets out several new provisions to be adopted under the Town and Country Planning (Scotland) Act 1997. The Bill aspired to strengthen 'inclusive growth, housing, and infrastructure delivery whilst empowering communities' and it is anticipated that Local Authorities will have more scope in the future for local planning to influence regional and national plans.

The Scottish Parliament passed the Scotland (Planning) Bill on 20th June 2019, and this received Royal Assent as the Planning (Scotland) Act 2019 on 25th July 2019. Work has commenced on developing the required secondary legislation to set out the detail of how the new provisions will work in practice.

3.3.4 Scottish Government Climate Change Adaptation Programme 2019: Fifth Annual Progress Report

In May 2019 the Scottish Government published its fifth annual progress report[xvi] on Scotland's Climate Change Adaptation Programme. This report provides the wider context for climate change adaptation throughout Scotland whilst setting out the progress towards implementing the objectives, proposals and policies set out in the statutory Adoption Programme.

The report indicates that alongside existing climate change issues we are experiencing, there is a strong risk of future issues occurring because of climate change. The report does however indicate there are many opportunities to combat the effects of climate change, and the Scottish Government are committed to ensuring measures can be implemented to meet the net zero target in 2045.

This report sits alongside Scotland's second climate change adaptation programme, published in 2019.

3.3.5 Scottish Government Climate Change Adaptation Programme: First Progress Report 2020

This is the first annual progress report[xvii] on the second Scottish Climate Change Adaptation Programme (SCCAP2), which was published in September 2019 and covers actions for the period to

2024. SCCAP2 addresses the priority risks for Scotland set out in the UK Climate Change Risk Assessment 2017 and its underpinning Evidence Report Summary for Scotland.

This report came round at the time of the COVID-19 pandemic, during which the Scottish Government's immediate actions have been focused on supporting Scotland's people and businesses in dealing with the crisis. The Government remains committed to its climate change ambitions, both on adaptation and mitigation, but the pandemic has necessarily impacted the context of this work.

The Scottish Ministers' assessment of progress towards implementing the objectives, proposals and policies set out in SCCAP2 is that there is good early progress towards implementing SCCAP2. However, it is necessarily early days for any such assessment to be made, given the immediate and transformational context of the COVID-19 crisis and the fact that it has, in any case, been less than nine months since SCCAP2 itself was published.

3.3.6 Scottish Government Climate Change Adaptation Programme: Second Progress Report 2021

This was the second annual progress report[xviii] on the SCCAP2 programme and was also impacted by the pandemic. The Scottish Ministers' assessment of progress towards implementing the objectives, proposals and policies set out in SCCAP2 was that whilst the past twelve months have clearly been an exceptional period in many ways with the pandemic, the overall assessment of Scottish Ministers is that good progress continues to be made in implementing SCCAP2.

In particular, the announcements over the preceding year (2020) of enhanced funding commitments for flood risk management and coastal change adaptation were made to support the accelerated delivery of several of the key SCCAP2 outcomes as part of a green recovery from COVID-19.

3.3.7 Climate Ready Scotland: Climate Change Adaptation Programme 2019 – 2024

Published in September 2019 and following on from the first programme published in 2014, the Climate Change Adaptation Programme 2019 – 2024[xix] set out a five-year programme to prepare Scotland for the challenges likely to be faced as our climate continues to change. The programme aimed to ensure *''that Scotland is a place where its built and natural places, supporting systems, economy and societies are climate ready, adaptable, and resilient to climate change.''*

The programme responded to the urgent requirement for action to cut emissions and the stronger net-zero target of 2045 and sets the goal of ending Scotland's contribution to climate change within a generation. Setting out an outcome-based approach derived from the UN sustainable goals and Scotland's National Performance Framework, the programme promoted collaboration between sectors to achieve climate change adaptation.

3.3.8 Low Carbon Scotland: Climate Change Plan – Third Report on Proposals and Policies 2018-2032

Published in September 2018 the Climate Change Plan – Third Report on Proposals and Policies provided an overview of the Scottish Governments climate change plan between 2018 and 2032. The report included up to date statistics on renewable energy generation, stating:

"In 2015, Scotland had reduced its emissions by 41% from the 1990 baseline, and in 2017 Scotland has generated 68.1% of its electricity requirements from renewables. Scotland's success in decarbonising electricity paves the way for transformational change across all sectors of the economy and society, particularly as electricity will be increasingly important as a power source for heat and transport."

The Climate Change Plan anticipated that by 2032 Scotland will have reduced its emissions by 66% (relative to baseline) while growing the economy, increasing the wellbeing of the people of Scotland, and enhancing the natural environment. Additionally, the plan anticipated that by 2032 Scotland's

electricity system will be largely decarbonised and increasingly important as a power source for transport and heat.

3.3.9 Protecting Scotland's Future: The Government's Programme for Scotland 2019-2020

Published in September 2019, Protecting Scotland's Future: The Government's Programme for Scotland 2019-2020[xx] set out these key actions and legislative programme for the next parliamentary year. One of the key focus areas for the programme was outlining the next steps for tackling climate change to meet the challenge posed by the climate emergency, and a range of actions were proposed to achieve this.

One of the notable actions within the programme was a target that by 2024 all new homes constructed must be heated via renewable sources or low carbon heat.

Continued investment in renewable energy projects is targeted and the Government are committed to accelerating the effort to use 100% renewable energy on the Scottish public estate. Furthermore, the programme stated the importance of ensuring we generate sufficient levels of renewable energy to reach the target of net-zero greenhouse gas emissions by 2045.

3.3.10 Protecting Scotland's Future: The Government's Programme for Scotland 2020-2021

Published in September 2020, Protecting Scotland's Future: The Government's Programme for Scotland 2019-2020 set out those key actions and legislative programme for the parliamentary year 2019/20. This programme noted the impact of the COVID-19 global pandemic, asserted that Scotland's economic recovery must be a green recovery. This programme noted that even before the pandemic, the Government knew that there was significant work to do in order to improve the state of nature and meet the statutory commitment to be a net zero society by 2045. The impacts of the pandemic have reinforced the need for that, but also the opportunities it presents.

3.3.11 A Fairer, Greener Scotland: Programme for Government 2021 – 2022

Published in September 2021, A Fairer, Greener Scotland: Programme for Government 2021 – 2022[xxi] by the JTC, an independent commission set up by the Scottish Government provides 24 headline recommendations based on the three following *'key messages'*:

- Pursue an orderly, managed transition to net-zero that creates benefits and opportunities for people across Scotland;
- Equip people with the skills and education they need to benefit from our transition to net-zero; and
- Empower and invigorate our communities and strengthen local economies.

Within these 3 key messages, there are contained recommendations which acknowledge the need to develop strategic roadmaps for a net-zero transition in Scotland which consider key technology options – including both onshore and offshore renewables and new green technologies. There is also a recognition that the public sector requires to be more prescriptive and strategic in its use of funding streams to support green technologies and to build strong and resilient local supply chains. These recommendations, as outlined above, are anticipated to be incorporated within the next iteration of the Climate Change Plan.

3.3.12 Bute House Agreement 2021

The Scottish Government and the Scottish Green Party Parliamentary Group agreed in 2021 to work together over the next five years to build a green economic recovery from COVID, respond to the climate emergency and create a fairer country.

A shared draft policy programme - the Bute House Agreement[xxii] - was agreed. It focuses on areas of mutual interest to improve the way Scotland is governed and create a stable platform to meet the challenges Scotland faces. This agreement details collaboration on the climate emergency, and energy.

3.3.13 Climate Change (Scotland) Act 2009

The Climate Change (Scotland) Act 2009[xxiii] provides a long-term framework to ensure a reduction in greenhouse gas emissions by 80% by 2050, with an interim milestone of 42% by 2020.

Whilst successive bills and legislation have increased the target to net zero emissions, as reported below, the Climate Change (Scotland) Act 2009 provides the wider context for Scotland's ambitious targets for the reduction of carbon emissions. However, advance toward net zero within the Act has now been superseded by the 2045 net zero target set out within the Climate Change (Emissions Reduction Targets) (Scotland) Act[xxiv] 2019; which commits to Scotland becoming a net zero society five years before the rest of the UK and in line with advice from the UK Committee on Climate Change.

3.3.14 Scottish Energy Strategy 2017

The Scottish Energy Strategy[xxv] 2017: The Future of Energy in Scotland outlines the vision for the future energy system in Scotland, up until 2050. Among the key priorities are the development of an integrated approach that considers both the use and supply of energy for heat, power, and transport.

The Energy Strategy aims to strengthen the development of local energy projects, protect consumers and support Scotland's climate change ambitions.

3.3.15 Onshore Wind Policy Statement

In December 2017, the Scottish Government published its Onshore Wind Policy Statement[xxvi] to sit alongside the Scottish Energy Strategy. The ministerial foreword by Paul Wheelhouse MSP highlighted the *"vital"* role that onshore wind will continue to play in Scotland's future, *"helping to substantively decarbonise our electricity supplies, heat and transport systems, thereby boosting our economy and meeting local and national demand."* The ministerial foreword continues to highlight that this important role *"means we must support development in the right places, and increasingly – the extension and replacement of existing sites, where acceptable, with new and larger turbines, based on an appropriate, case by case assessment of their effects and impacts."*

The Onshore Wind Policy Statement clearly states the Scottish Government's policy and support towards onshore wind, whilst ensuring suitable protection is afforded to the environment and residential amenity. There is clear support for protecting and enhancing community benefits.

Within the Policy Statement onshore wind is recognised as a mature technology which is expected to remain at the centre of a clean, reliable, and low carbon energy future. To facilitate the role of onshore wind in meeting Scotland's future energy needs, it is considered that the installed capacity needs to continue to grow in locations where it can be suitably accommodated throughout the country.

3.3.16 Onshore Wind – Policy Statement Refresh 2021: Consultative Draft

The Scottish Government published the draft version on the 28th of October 2021 titled Onshore Wind – Policy Statement Refresh 2021: Consultative Draft[xxvii]. The draft document affirms the Scottish Government support for onshore wind farms and the important renewable energy resource they provide. The draft document seeks to ensure Scotland secures an additional 8-12 Gigawatts (GW) of installed onshore wind capacity by 2030, so as to maximise the many economic benefits wind development brings to the country, as well as how to tackle the barriers to deployment, and how to secure maximum economic benefit from these developments. The draft document clearly states that

in order for net zero to be achieved a consistently higher rate of onshore wind, and other renewables capacity, will be required year on year.

This document is a consultative draft with views invited until the closure of the consultation period on 22nd January 2022. The finalised policy will incorporate changes based on the consultation received, though it is anticipated that it will still seek to drastically increase the amount of onshore wind capacity within Scotland.

3.3.17 The Chief Planner Letter to all Heads of Planning (2015)

The Scottish Government's Chief Planner issued a letter[xxviii] to all Heads of Planning in Scotland on 11 November 2015 titled 'Energy Targets and Scottish Planning Policy'. It outlines the continued support of the Scottish Government in supporting new onshore renewable energy developments and that even once the target of 100% of gross consumption from renewables by 2020 had been reached, a cap would not be placed on supporting such developments. However, it is important to note that this 2020 date has now passed, and this target has not been reached.

3.3.18 Carbon Neutral Yell

The Scottish Government has named the six islands set to take part in a project aiming to turn them carbon neutral by 2040.

Hoy, Islay, Great Cumbrae, Raasay, Barra and Yell have been selected for Holyrood's Carbon Neutral Islands programme, with individual plans set to be developed in collaboration with key partners and the communities involved.

The move aligns with the Scotland's work towards net zero and will contribute to the Government's 2045 net zero commitment.

3.4 Conclusions

From a review of the current energy policy context, it is clear that:

- There is a significant shortfall against the Scottish renewable targets;
- The UK and Scottish Governments have established yet more challenging emission reduction targets, with the Scottish Government increasing the 2045 target to 100% emissions reduction and making provisions for a net zero greenhouse gas emissions target to be set on a credible and costed pathway; and
- The Committee on Climate Change, in advising the Scottish and UK Governments, has identified the need for a significant increase in low carbon electricity and that there is an important role for onshore wind.

The climate change and renewable energy policy framework is a very important material consideration for the determination of this application. It provides considerable support in favour of renewable energy development including onshore wind, a position that has been strengthened by recent policy and legislative changes. The delivery of new onshore wind farms will make a vital contribution to these ambitious new targets set by both the UK and Scottish Governments.

The Proposed Variations would help to tackle climate change not just in terms of renewable energy output but in the savings associated with CO2 output. It would ensure further progress towards meeting the goals set out in the various policy and advisory documents outlined above and would help to reduce the significant shortfall predicted against Scottish renewable electricity generation targets, in a location where commercial scale wind development has been found to be acceptable.

4 Material Considerations

4.1 Introduction

This section provides an update on material considerations which are of relevance to the Proposed Variations.

4.2 Regulatory Context

4.2.1 The Electricity Act 1989

Section 36 of the Electricity Act 1989[xxix] provides that a generating station with a capacity exceeding 50 MW shall not be constructed, extended, or operated except in accordance with a consent granted by the Scottish Ministers.

Paragraph 3(2) of Schedule 9 of the Act requires the Scottish Ministers, in considering any relevant proposals for which their consent is required under Section 36, to have regard to:

- The desirability of the matters mentioned in paragraph 3(1)(a) of the Schedule; and
- The extent to which the person by whom the proposals were formulated has complied with his duty.

The matters mentioned in paragraph 3(1)(a) are: the desirability of preserving natural beauty, conserving flora, fauna and geological or physiographical features of special interest and of protecting sites, buildings, and objects of architectural, historical, or archaeological interest.

The duty under paragraph 3(1)(b) requires the person who formulated the proposals to do what he reasonably can to mitigate any effect that the proposals would have on the natural beauty of the countryside or on any such flora, fauna, features, sites, buildings, or objects. Sub-paragraph 1 can be relevant to an applicant if they hold a License at the date a Section 36 application is made.

Paragraph 3(3) of Schedule 9 stipulates a further requirement to seek to avoid as far as possible, causing injuries to fisheries or to the stock of fish in any waters.

The Act does not say that these are the only matters to be taken into account. Scottish Ministers will consider other matters which would be material to their decision. These will include national energy policy and national and local planning policy as well as the full scope of the environmental information submitted with the application.

4.2.2 Section 36C of the Electricity Act 1989

Section 36C of the Electricity Act 1989 (as amended) has since the 1st of December 2013, enabled persons who are entitled to the benefit of a Section 36 (s.36) consent to apply to the Scottish Ministers for a variation of such s.36 consents. As the holder of the s.36 consent the Applicant is therefore entitled to apply to vary this consent.

4.2.3 The Town and Country Planning (Scotland) Act 1997 (as amended)

The principal planning statute in Scotland is the Town and Country Planning Act (Scotland) 1997 (the Planning Act) as amended by The Planning etc. (Scotland) Act 2006[xxx].

Section 57 of the Planning Act addresses development with Government authorisation. Section 57(2) states that:

"On granting or varying a consent under section 36 or 37 of the Electricity Act 1989, the Scottish Ministers may give a direction for planning permission to be deemed to be granted, subject to such

conditions (if any) as may be specified in the direction, for – (a) so much of the operation or change of use to which the consent relates as constitutes development; (b) any development ancillary to the operational change of use to which the consent relates".

As an application under the Electricity Act, the duty under Section 25 of the Planning Act, to determine the application in accordance with the provisions of the development plan unless material considerations indicate otherwise, does not apply. The development plan is however a relevant and important consideration; although not afforded the level of primacy as it would be under the Planning Act.

4.3 Current Planning Policy Situation

This section details the current planning policy situation which is of relevance to the Proposed Variations.

4.3.1 The Development Plan

The Development Plan[xxxi] is still the Shetland Local Development Plan (LDP) which was adopted in September 2014. However, the Council is preparing a new LDP which once adopted will replace the current LDP. To date a Main Issues Report (MIR) has been produced.

The MIR is the primary consultation document in the preparation of the Council's next Local Development Plan LDP2, and it aims to stimulate discussion around the key changes the Council needs to make to its current LDP (LDP1). The current timescales are that a draft of LDP2 will be published in June 2022, with the Council submitting the plan to Scottish Ministers for examination in December 2022.

Main Issue 2 considers climate change and sustainable development. The MIR highlights that LDP2 must reflect both the Scottish Government targets and those of the Council's yet-to-be published Net Zero Route Map. MIR also notes that the Council intends to update Policy RE1 Renewable Energy to align with current national policy on net zero and climate change targets.

In addition to the Council's MIR for LDP2, the Supplementary Guidance (SG) on Onshore Wind Energy has now been adopted and the council have also produced SG on Outdoor Access.

4.3.2 National Planning Policy

National Planning Framework 3 (NPF3)

NPF3[xxxii] (2014) is a long-term strategy for Scotland. It is the spatial expression of the Scottish Government's Economic Strategy, and of plans for development and investment in infrastructure.

Part of the vision is of Scotland as a low carbon place, where the opportunities arising from the ambition to be a world leader in low carbon energy generation have been seized. NPF3 is informed by, and aims to help achieve, the Scottish Government's climate change and renewable energy targets.

NPF3 acknowledges that the energy sector accounts for a significant share of the country's greenhouse gas emissions, and that addressing this requires capitalising on Scotland's outstanding natural advantages, including its significant wind resource. NPF3 makes it clear that onshore wind will continue to play a significant role in de-carbonising the energy sector and diversifying energy supply.

National Planning Framework 4 (NPF4)

Emerging NPF4[xxxiii] is under preparation and will include all aspects of national planning policy as per the provisions of the Planning (Scotland) Act 2019. The NPF4 'Position Statement[xxxiv]' was published in November 2020 and a consultation draft NPF4 was issued in autumn 2021.

The Position Statement notes that *"a significant shift is required to achieve net-zero emissions by 2045"*. It adds that Scotland cannot afford to compromise on climate change and that the planning system will need to be re-balanced so that climate change is a guiding principle for all plans and decisions. The Position Statement highlights that it is expected that NPF4 will focus on achieving four outcomes, one of which is net zero emissions. It confirms that the Scottish Government "*will actively facilitate decarbonised heating and electricity generation distribution"*. It also highlights that *"policies should reflect the importance of renewable energy" to "help meet our climate change targets"* and *"secure good quality jobs and investment"*.

Draft NPF4 sets out how the Scottish Government's approach to planning and development will help to achieve a net zero, sustainable Scotland by 2045. NPF4 notes that Scotland has *''set a target of net zero emissions by 2045 and must make significant progress towards this by 2030''* and the country *''must embrace and deliver radical change so we can tackle and adapt to climate change''*.

NPF4 notes that *''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.''*

Draft Policy 19 sets out requirements in relation to Green Energy. Requirements relevant to onshore wind include:

''b) Development proposals for all forms of renewable energy and low-carbon fuels, together with enabling works such as transmission and distribution infrastructure, and energy storage such as battery storage, should be supported in principle.

c) Development proposals for wind farms in National Parks and National Scenic Areas should not be supported.

d) 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 effects), are unacceptable. To inform this, site specific assessments including where applicable Environmental Impact Assessments (EIA) and Landscape and Visual Impact Assessments (LVIA) are required.

e) Development proposals to repower, extend and expand existing wind farms and for the extension of life to existing wind farms should be supported unless the impacts identified (including cumulative effects) are unacceptable.

g) Areas identified for wind farms should be suitable for use in perpetuity. Consents 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 amenity for adjacent communities.

k) Specific considerations will vary relative to the scale of the proposal and area characteristics but development proposals for renewable energy developments must take into account:

- *Net economic impact, including local and community socio-economic benefits such as employment, associated business, and supply chain opportunities;*
- *The scale of contribution to renewable energy generation targets;*
- *Effect on greenhouse gas emissions reduction targets;*
- *Cumulative impacts – taking into account the cumulative impact of existing and consented energy development;*

- *Impacts on communities and individual dwellings, including visual impact, residential amenity, noise, and shadow flicker;*
- *Landscape and visual impacts, including effects on wild land;*
- *Effects on the natural heritage, including birds;*
- *Impacts on carbon rich soils;*
- *Public access, including impact on long distance walking and cycling routes and scenic routes;*
- *Impacts on historic environment assets, including scheduled monuments, listed buildings and their settings;*
- *Impacts on tourism and recreation;*
- *Impacts on aviation and defence interests including seismological recording;*
- *Impacts on telecommunications and broadcasting installations, particularly ensuring that transmission links are not compromised;*
- *Impacts on road traffic and on adjacent trunk roads;*
- *Effects on hydrology, the water environment and flood risk;*
- *The need for conditions relating to the decommissioning of developments, including ancillary infrastructure, and site restoration, opportunities for energy storage; and*
- *The need for a robust planning obligation to ensure that operators achieve site restoration.''*

The Proposed Variations are supported by the emerging NPF4 as they would contribute to the Scottish Government's renewable energy targets, and have positive economic benefits, whilst avoiding unacceptable environmental impacts.

Scottish Planning Policy

Scottish Planning Policy[xxxv] (2014) (SPP) is Scottish Government policy on how nationally important land use planning matters should be addressed.

Fundamentally, it expresses *"a presumption in favour of sustainable development"*. 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*".

Paragraph 29 highlights a series of criteria which should guide decision-making in this regard:

- *Net economic benefit;*
- *Economic issues, challenges, and opportunities;*
- *Good design and qualities of successful places;*
- *Delivery of infrastructure;*
- *Climate change mitigation and adaptation;*
- *Principles of sustainable land use as set out in the land use strategy;*
- *Protecting, enhancing, and promoting cultural heritage;*
- *Protecting, enhancing, and promoting natural heritage and landscape;*
- *Reducing waste; and*

- *Over-development, amenity and effects on water, soil, and air.*

Onshore wind is referred to specifically in paragraphs 161 to 166 (development planning considerations) and paragraphs 169 to 174 (development management considerations) of SPP within the *'Low Carbon Place'* outcome. Development planning guidance for onshore wind includes reference to the need for planning authorities to set out in their development plans a Spatial Framework identifying those areas that are likely to be most appropriate for onshore wind farms. Table 1 in SPP provides guidance on how spatial frameworks should be set out. They should identify three types of areas including:

- Group 1: Areas where wind farms will not be acceptable (National Parks and National Scenic Areas);
- Group 2: Areas of significant protection (i.e., national, and international designations, nationally important environmental interests, community separation for considering visual impact); and
- Group 3: Areas with potential for wind farm development (where wind farms are likely to be acceptable subject to consideration of details).

More generally, SPP advises that the siting and design of development should take account of local landscape character. Decisions should take account of potential effects on landscapes and the natural and water environment, including cumulative effects. Applicants should seek to minimise adverse impacts through careful planning and design. Planning permission should be refused where the nature or scale of a development would have an unacceptable impact on the natural environment.

Paragraph 169 of SPP sets out considerations for energy infrastructure developments. Considerations will vary relative to the scale of the proposal and area characteristics but are likely to include:

- *Net economic impact, including local and community socio-economic benefits such as employment, associated business, and supply chain opportunities;*
- *The scale of contribution to renewable energy generation targets;*
- *Effect on greenhouse gas emissions;*
- *Cumulative impacts – planning authorities should be clear about likely cumulative impacts arising from all of the considerations below, recognising that in some areas the cumulative impact of existing and consented energy development may limit the capacity for further development;*
- *Impacts on communities and individual dwellings, including visual impact, residential amenity, noise, and shadow flicker;*
- *Landscape and visual impacts, including effects on wild land;*
- *Effects on the natural heritage, including birds;*
- *Impacts on carbon rich soils, using the carbon calculator;*
- *Public access, including impact on long distance walking and cycling routes and scenic routes identified in the NPF;*
- *Impacts on the historic environment, including scheduled monuments, listed buildings and their settings;*
- *Impacts on tourism and recreation;*
- *Impacts on aviation and defence interests and seismological recording;*

- *Impacts on telecommunications and broadcasting installations, particularly ensuring that transmission links are not compromised;*
- *Impacts on road traffic;*
- *Impacts on adjacent trunk roads;*
- *Effects on hydrology, the water environment and flood risk;*
- *The need for conditions relating to the decommissioning of developments, including ancillary infrastructure, and site restoration;*
- *Opportunities for energy storage; and*
- *The need for a robust planning obligation to ensure that operators achieve site restoration.*

With regards to community benefits, paragraph 173 states:

''Where a proposal is acceptable in land use terms, and consent is being granted, local authorities may wish to engage in negotiations to secure community benefit in line with the Scottish Government Good Practice Principles for Community Benefits from Onshore Renewable Energy Developments.''

The Proposed Variations are supported by SPP as they would have net positive economic benefits, positive effects on greenhouse gas emissions, whilst avoiding unacceptable environmental impacts.

SPP will be updated and will form part of the Development Plan.

Letter from Chief Planner to Heads of Planning in Scotland – 11 November 2015

On 11th November 2015, the Scottish Government's Chief Planner sent a letter[xxxvi] to all Heads of Planning in Scotland following earlier announcements from the UK Government regarding the future of subsidy arrangements for the renewable energy sector.

The letter covered a range of pertinent issues, including: -

- That the overall purpose of the letter was to 're-emphasise that the Scottish Government's Scottish Planning Policy (2014) and Electricity Generation Policy Statement (2013) set out the Scottish Government's current position on on-shore wind farms and that this remains the case';
- Reaffirming the Scottish Government's target to generate at least the equivalent of 100% of gross electricity consumption from renewables by 2020. Crucially, the letter reiterated the point that the target is not a cap and that once achieved, the support for renewable energy developments, including on-shore wind, would continue;
- The letter emphasised the important role the Scottish Government requires the planning system to play in supporting the transformational change to a low carbon economy, consistent with national objectives and targets; and
- That net economic impacts including the community socio-economic benefits such as employment, associated business and supply chain opportunities are relevant material considerations in the determination of planning applications for renewable energy applications, including on-shore wind. It is the Scottish Government's expectation that such considerations are addressed in the determination of applications for renewable energy technologies.

The concluding paragraph of the letter confirms that despite changes to UK policy announced in the middle of 2015, the Scottish Government's policy regarding renewables remains unchanged. There remains unambiguous policy support for the continued development of new renewable energy projects, including onshore wind energy projects, advocated through documents such as NPF3, SPP and other energy policy documents discussed in this Planning Statement.

This letter is considered to be an important material consideration in support of this application and should be accorded significant weight when considering the overall planning balance.

Scottish Natural Heritage, Carbon Rich Soil, Deep Peat and Priority Peatland Habitats Consultation Document and Map (2014)

In early 2015, SNH carried out a consultation exercise on the above document and accompanying Carbon and Peatland Map. It is understood that the document remains with the Scottish Government for review and is therefore still to be regarded as draft, with a correspondingly appropriate level of weight attached to it in the overall assessment of the application. It is, however, considered appropriate to consider the document for the purposes of this Planning Statement.

The draft document states that while the maps may be used to 'assist' development management decisions, it does acknowledge that a detailed site survey will usually be required to inform the design, siting, construction, and restoration stages of a development.

The Carbon and Peatland Map shows that the Site is located within an area of Class 1 soils, which are considered as nationally important and are areas likely to be of high conservation value. Paragraph 1.7 of the consultation document states that the Map classifies the 'likelihood' of presence of features of national importance at any given location but does not infer any significance of effects on the qualities of areas identified as being carbon-rich soil, deep peat and priority. Further work will be required to assess these impacts.

The consultation document considers that those areas with a higher rank (Class 1 being the highest) warrant the most careful consideration because their combined soil and habitat characteristics indicate a strong likelihood of deep peat and priority peatland habitats.

Chapter 12 of the EIAR set out a detailed assessment of impacts associated with the Consented Development on the peat resource within the Site. The impact of the Consented Development on the existing peat environment was discussed in the previously submitted Planning Statement for the Consented Development under the Soil and Geology heading of the Development Plan assessment and the following summary points are worthy of note: -

- In total, it is estimated that approximately 252,496m3 of peat will be disturbed as a result of the Consented Development proceeding;
- The scale of impact at each infrastructure location resulting from the removal of peat is considered to be no greater than moderate significance prior to mitigation (Table 12.6);
- Reinstatement of excavated peat would take place progressively during the construction phase, with additional peat used to restore the area adjacent to the construction compound, worked out borrow pits and more widely for peat plugging and infilling gully erosion in areas adjacent to the construction footprint. As a consequence, the requirement to stockpile peat during handling can be minimised;
- The OPRMP provides a summary of the peat reuse and management, including reinstatement of peat across parts of the Site unaffected by the Consented Development where peat erosion has taken place; and
- Subject to implementation of mitigation measures (Table 12.8), minor positive and minor negative effects have been predicted as a consequence of reducing the extent of bare peat surrounding each of the components that comprise the Consented Development. The site specific and detailed ES accompanying the application has considered potential impacts of the Consented Development on peat resources across the site. The findings of this assessment work demonstrated that impacts of the Consented Development had either been *'substantially overcome'* 21 through design evolution or could be *'substantially overcome'* through the adoption of further mitigation measures, demonstrating no significant effects on peat resources within the Site.

Onshore Wind – Some Questions Answered

This online document[xxxvii] provides guidance regarding the implementation of technical aspects of the SPP related to onshore wind energy planning. In particular, the document:

- Clarifies that landscape capacity studies do not form part of spatial frameworks for wind as defined in the SPP. However, they can be "*supportive studies*" for development planning and development management purposes;
- Explains that deep peat and carbon rich soil mapping currently being prepared by SNH (now NatureScot but SNH at the time) will be able to map these resources for inclusion within wind energy spatial frameworks; and
- Contains guidance regarding how local and strategic development planning authorities should prepare wind energy spatial frameworks and how community separation distances should be applied within these frameworks. In this regard it is noted that the application of a separation distance on a wind energy spatial framework "*is not a ban on wind farm development in the identified area*" and separation distances should be defined on an individual basis taking account of local topography, landscape and built environment features;
- States that the sites of proposed wind farms should be suitable for use in perpetuity, even where an individual wind farm proposal may have an operational life span specified by condition; and
- Clarifies that the term 'wild land' refers specifically to the SNH (now NatureScot but SNH at the time) Map of Wild land areas (2014), whereas the SPP at paragraph 200 describes "*the general characteristics of wild land*".

Online Renewables Planning Advice regarding Onshore Wind Turbines

This document[xxxviii] confirms that the development of onshore wind turbines is expected to continue to grow and that there is an increased focus on development within "*lower-lying more populated areas, where design elements and cumulative impacts need to be managed*". The document provides advice relating to several considerations in the determination of applications for wind energy developments, as summarised below:

- Landscape Assessment - an assessment of the individual and cumulative landscape impacts should be carried out to identify where the wind farm may be seen from;
- Landscape Impact - an assessment of development impacts on the skyline and landscape character should be conducted;
- Impacts on Wildlife and Habitat, Ecosystems and Biodiversity - the potential for a development to both positively and negatively impact on the wildlife, habitats, ecosystems and biodiversity of an area should be assessed and mitigation implemented if appropriate. Risk needs to be quantified which may include carbon release calculations associated with impact on peat, bird collision, displacement, and disturbance;
- Buffer zones - Buffer zones should not be established around areas designated for their natural heritage importance and proposals should be considered on their merits;
- Impact on Communities - consideration should be given to the impact on communities including shadow flicker, noise, electro-magnetic interference, and ice throw;
- Separation Distances - individual developments should take into account specific local circumstances and geography. It is noted that the recommended separation distance of up to 2km between wind farms and the edge of settlements "*is a guide not a rule and decisions on individual developments should take into account specific local*

circumstances and geography". The document further confirms that "*there is no guide distance between established and proposed groups of wind turbines*";

- Aviation Matters - consideration should be given to potential impacts on aviation safeguarding, including adverse effects on radar and communication systems;
- Military Aviation and Other Defence Matters - consideration should be given to the impact on military aviation, particularly within low flying zones, and other activities within defence establishments;
- Historic Environment Impacts - consideration should be given to the potential direct and/or indirect impacts of development proposals on built and natural heritage;
- Road Traffic Impacts – the potential impact on road traffic should be assessed and turbines should be set back from roads and railways in order to ensure safety and minimise driver distraction;
- Cumulative Impacts - an assessment of the cumulative impact should be carried out considering capacity, scale, and pattern of the turbines. Ancillary developments including tracks and power lines are of relevance. The significance of the landscape and the views, proximity and inter-visibility and the sensitivity of visual receptors should also be considered; and
- Good practice techniques should be followed to minimise impacts during wind farm construction and decommissioning.

Draft Peatland and Energy Policy Statement (2016)

In June 2016, the Scottish Government published its draft Peatland and Energy Policy Statement[xxxix], which provides the basis from which the Scottish Government and its agencies will act in development and implementing policies in relation to peatland and energy. This policy is a material consideration for new energy developments and the impact they may have on peatland habitats.

The Policy Statement notes that; *"analysis by the James Hutton Institute suggests Scotland's peatlands store approximately 2,000 Mt carbon (or over 7,000 million tons CO_2 equivalent). For Scotland to meet its greenhouse gas emissions reduction targets, this vast carbon store must be maintained and where possible enhanced."*

Given that this statement is still in draft form, it is considered that limited weight can be attached to this.

Scottish Historic Environment Policy (SHEP)

This document[xl] sets out Scottish Ministers' policies for the historic environment and provides policy direction for Historic Scotland. At paragraph 1.14 the document identifies a number of key principles which underpin SHEP, including that "*there should be a presumption in favour of preservation of individual historic assets and also the pattern of the wider historic environment; no historic asset should be lost or radically changed without adequate consideration of its significance and of all the means available to manage and conserve it*".

This Policy was updated in 2019[xli] and includes 6 policies for managing the historic environment, including that:

'HEP1 – Decisions affecting any part of the historic environment should be informed by an inclusive understanding of its breadth and cultural significance;

HEP2 – Decisions affecting the historic environment should ensure that its understanding and enjoyment as well as its benefits are secured for present and future generations; and

HEP4 – Changes to specific assets and their context should be managed in a way that protects the historic environment. Opportunities for enhancement should be identified where appropriate. If detrimental impact on the historic environment is unavoidable, it should be minimised. Steps should be taken to demonstrate that alternatives have been explored, and mitigation measures should be put in place.'

Spatial Planning for Onshore Wind Turbines – Natural Heritage Considerations (SNH, June 2015)

Part 3 – Development Management within this guidance document[xlii] identifies natural heritage considerations relevant to the determination of applications for wind energy developments. While the document does not set out any new policy positions or technical requirements for applicants, it highlights the general importance of natural heritage considerations, cross matches existing policy requirements with available guidance documents and provides helpful clarification.

In relation to the impacts of wind energy development on carbon rich soils, deep peat and priority peatland habitat, the document notes that the carbon rich soils, deep peat and priority peatland habitat map currently being prepared by SNH (now NatureScot but SNH at the time) "*cannot (and should not) be used in isolation to determine the impacts of a specific development proposal on peat. This should be based on a detailed, site specific survey of peatland habitats and peat depths across the site using existing methods…*".

4.4 Previous Planning Policy Situation

The majority of the planning policy documents identified that were relevant at the time of the submission of the original application remain relevant for the Proposed Variations. However, the following documents were relevant when the original application was submitted but have now been superseded.

Scottish Historic Environment Policy (SHEP)

This document set out Scottish Ministers' policies for the historic environment and provides policy direction for Historic Scotland. At paragraph 1.14 the document identifies a number of key principles which underpin SHEP, including that "*there should be a presumption in favour of preservation of individual historic assets and also the pattern of the wider historic environment; no historic asset should be lost or radically changed without adequate consideration of its significance and of all the means available to manage and conserve it*".

This document has since been superseded by the updated SHEP policy referred to above.

5 Planning Appraisal of the Proposed Variations

This section provides a planning appraisal of the Proposed Variations against National and Local Planning Policy.

5.1 National Planning Policy

The SPP introduces as one of its core policy principles a presumption in favour of development that contributes to sustainable development. This relates to the identification of the need for and the acceptability of a proposed development. To establish whether the Proposed Variations would contribute to sustainable development and therefore benefit from *the "presumption in favour of sustainable development"* consideration is given to the four outcomes to which SPP aspires and the 13 policy principles that are set out in paragraph 29 of the SPP.

The Proposed Variations would contribute to three of the four outcomes. The fourth outcome is orientated around maximising physical and digital connectivity and is not relevant for the Proposed Variations (see Table 5.1).

Table 5.1 SPP National Outcomes

National Outcome	Proposed Variations
Outcome 1: A successful, sustainable place – supporting sustainable economic growth and regeneration, and the creation of well-designed, sustainable places.	The Proposed Variations would assist in delivering sustainable economic growth.
Outcome 2: A low carbon place – reducing our carbon emissions and adapting to climate change.	The Proposed Variations would assist in reducing carbon emissions and meeting emission reduction targets.
Outcome 3: A natural, resilient place – helping to protect and enhance our natural and cultural assets and facilitating their sustainable use.	The Proposed Variations would make a positive use of resources and contribute to climate change mitigation.

Paragraph 29 of the SPP sets out several principles to guide policies and decisions about the presumption in favour of development that contributes to sustainable development. The principles of relevance to the Proposed Variations are identified in Table 5.2 together with an assessment of whether the Proposed Variations are compliant with the principles.

Table 5.2 SPP Policy Principles

Policy Principle	Proposed Variations
Giving due weight to net economic benefit.	It is estimated that there will be a requirement equivalent to one permanent FTE employee for operation and maintenance throughout that additional 15 year operational period from the Proposed Variations and so there is an additional economic benefit from the Proposed Variations.

Respond to economic issues, challenges and opportunities, outlined in local economic strategies.	The positive economic effects identified for the Proposed Development remain valid for the Proposed Variations. These positive effects would generate local benefits.
Supporting delivery of infrastructure, for example transport, education, energy, digital and water.	The Consented Development supported the provision of energy infrastructure. Energy infrastructure would be delivered by the Proposed Variations. The Proposed Variations would therefore support the provision of energy infrastructure.
Supporting climate change mitigation and adaptation including taking account of flood risk.	When considering the Consented Development, the Scottish Ministers concluded that it would support climate change mitigation. The Proposed Variations would also support climate change mitigation.
Having regard to the principles for sustainable land use set out in the Land Use Strategy.	The Proposed Variations would represent a sustainable use of land. When considering the Consented Development, the Scottish Ministers concluded that it would make efficient use of existing capabilities of land (wind resources) and the same conclusion would be appropriate for the Proposed Variations.
Protecting, enhancing and promoting access to natural heritage, including green infrastructure, landscape and the wider environment.	As demonstrated in Chapters 7, 10 and 11 of the EIAR the Proposed Variations would not have any significant effects on the natural heritage, landscape or the wider environment. The environmental enhancements proposed for the Consented Development will be undertaken and the Proposed Variations would not impact on the delivery of these enhancements.
Avoiding over-development, protecting the amenity of new and existing development and considering the implications of development for water, air and soil quality.	The Proposed Variations would have no impact on the infrastructure previously approved for the Consented Development, which was considered to be appropriate development that avoided unacceptable adverse impacts on amenity, water, air and soil quality. This remains the case for the Proposed Variations.

The table above demonstrates that the Proposed Variations are in accordance with the relevant SPP policy principles.

Paragraph 169 of the SPP identifies several considerations which are likely to be relevant when determining proposed energy infrastructure developments. These include economic impacts and benefits, renewable energy targets, effects on greenhouse gas emissions, cumulative impacts and environmental impacts including noise, visual, access, tourism, hydrology, geology, heritage, transport and ecology.

Given the findings of the EIAR which supports the Proposed Variations and the assessment in this Planning Statement, the Proposed Variations are acceptable in terms of the factors listed in paragraph 169 of the SPP.

5.1.1 Conclusions on National Planning Policy

The Proposed Development meets the requirements set out in NPF3, Emerging NPF4 and SPP which confirm that the planning system has a key role in tackling climate change and working towards achieving the Government's target for renewable energy generation. They recognise the planning system's role in facilitating new development of electricity, specifically in relation to wind energy. Section 3 above confirms that Scottish Ministers expect that onshore wind farms will make a significant contribution to the diversification of energy supplies. Furthermore, national, and international policy frameworks are strongly supportive of renewable energy technologies to mitigate against the impacts of climate change and provide enhanced energy security.

The *"presumption in favour of development which contributes to sustainable development"* set out within the SPP at paragraphs 24-35 relates to the identification of the need for and the acceptability of a proposed development. The Consented Development has been deemed acceptable. The Proposed Variations would enhance greenhouse gas emissions reductions thereby contributing to the continued need set out in national policy and guidance for the development of and investment in renewable energy technologies.

The Proposed Variations would:

- Contribute to achieving three out of the four outcomes identified in the SPP;
- Comply with the principles set out in paragraph 29 of the SPP; and
- Be acceptable in terms of the development management considerations listed in paragraph 169.

It is therefore considered that the Proposed Variations would contribute to sustainable development and would therefore benefit from the presumption in favour of development set out in the SPP.

5.2 Local Planning Policy

The statutory Development Plan comprises the Shetland Islands Local Development Plan (LDP) that was adopted in September 2014. The LDP is a significant material consideration in shaping the Shetland Islands Council's (SIC) consultation response to the Section 36C Application as it sets out the Council's land use strategy for the next 20 years.

This section provides an updated assessment of the Proposed Variations against the Development Plan.

5.3 Updated Development Plan Assessment

An updated assessment against the Development Plan is presented below only for where updates have been made to technical chapters in the Environmental Impact Assessment Report (EIAR). Where no changes have been made to the technical chapters the Development Plan Assessment remains as that set out in the previous planning statement which is reproduced in full in section 5.3 below.

Landscape and Visual

EIAR Chapter 7: Landscape and Visual Impact Assessment (LVIA) is of relevance to the LDP policies which are considered under this heading. The following LDP policies are of relevance:

- Policy RE1 – 'Renewable Energy'.
- Policy GP1 – 'Sustainable Development'.
- Policy GP3 – 'All Development: Layout and Design'.
- Policy NH1 – 'International and National Designations'.

- Policy NH4 – 'Local Designations'.

Supplementary Guidance Policies DC1 Landscape and Visual Impact; and DC2 Cumulative Impact are also of relevance.

The requirements of these policies are set out in section 5.3 below and are not repeated here.

As noted previously, there are no changes to the infrastructure for the Consented Development so the Proposed Variations would not generate any new landscape or visual effects. However, since the Beaw Field Wind Farm was consented in 2017 there have been changes to the landscape and visual baseline environment and these are:

- An increase to the tip heights of the consented Viking Wind Farm from 145m to 155m; and
- The addition of the now consented Energy Isles Wind Farm to the north of the Consented Development.

Chapter 7 of the EIAR notes that for Viking, the S.36 variation application to increase the tip heights included consideration of cumulative effects with the Consented Development and this assessment found that the increased tip height would result in no change to the levels of landscape or visual cumulative effects.

The LVIA for Energy Isles took account of the Consented Development in its assessment of effects on landscape character. It found that significant effects as a result of the addition of Energy Isles to a baseline that already included the Consented Development would be limited to being locally significant within 3 km of the Energy Isles site. Therefore, no significant cumulative effects on landscape character are predicted.

The most recent LVIA for the Energy Isles proposal, submitted as part of the 2021 SEI, found that the assessment of cumulative effects had not been altered by the changes to the Energy Isles proposal. The original assessment remained valid, and this had found that visual receptors located between the Consented Development and the proposed Energy Isles Wind Farm will see the Consented Development to their south, and view Energy Isles as a similar sized wind farm to the north. The differences in turbine scale, due to separation distance would not lead to significant effects. Visual receptors to the east on Unst will see the Consented Development as well as Energy Isles by looking in different directions.

The Energy Isles LVIA concluded that there will also be some locations where that development will be seen in combined or successive views with the Consented Development. However, due to the separation distance these cumulative views will be limited. The Consented Development and Energy Isles will appear similar (a relatively large group of large scale three bladed modern wind turbines) and a direct comparison between turbine size was found not to be possible at that separation distance.

The Energy Isles LVIA found that it's addition in views, to a baseline that included the Consented Development along with Viking and Garth wind farms, would lead to significant cumulative effects on the Belmont House and Brough Lodge Gardens and Designed Landscapes (GDLs). For Belmont House GDL the assessment noted that the Consented Development will contribute weakly to the overall cumulative effect with Garth Wind Farm having a stronger influence.

Following the Proposed Variations, it remains the case that the Consented Development would not have any unacceptable impacts on landscape, taking account of cumulative impacts with the increased tip heights at Viking and the consented Energy Isles scheme.

Therefore, following the Proposed Variations, the Consented Development remains in compliance with Policy RE1 and the other relevant LDP policies, the Wind Energy Supplementary Guidance and other relevant material considerations in respect of landscape and visual effects.

Ornithology and Ecology Policy

EIAR Chapters 10: Ornithology and 11: Ecology are of relevance to the LDP policies which are considered under this heading. In addition to the requirements of Policy RE1, three other LDP policies are relevant in terms of protected species and habitats, as follows:

- Policy NH1 'International and National Designations';
- Policy NH2 'Protected Species'; and
- Policy NH3 'Furthering the Conservation of Biodiversity'.

Supplementary Guidance Policy DC3 Natural Heritage is also of relevance.

The requirements of these policies are set out in section 5.3 below and are not repeated here.

For this variation application an updated ecology walkover survey of the Site was undertaken to check if there had been any changes on Site since the original application was submitted. The updated ecology walkover survey (EIAR Appendix 11.7) found that there were no substantial changes on the Site and therefore that the previous ecology assessment remains valid, i.e., that there would be no significant residual effects on ecology.

Updated Red Throated Diver (RTD) surveys have also been undertaken in response to consultation feedback from NatureScot. The May 2022 RTD survey provided initial results that suggest that diver activity at the Site is very similar to that recorded during the original survey effort. The habitat and NVC update survey has found that there have been no fundamental changes to the habitats and communities within the Study Area. The baseline situation remains unchanged and, as a result, the findings of the original ornithological assessment remain valid, i.e., that the Proposed Variations would not have any significant residual effects on RTD.

Therefore, following the Proposed Variations, the Consented Development remains in compliance with Policy RE1, the other relevant LDP policies, the Wind Energy Supplementary Guidance and other relevant material considerations in respect of ornithology and ecology effects.

Carbon Balance

EIAR Chapter 14: Carbon Balance is of relevance to the LDP policies which are considered under this heading. Relevant LDP policies are:

- Policy RE1 – 'Renewable Energy'.

The previous carbon balance calculations have been updated to account for the proposed 40 year operational life for the Consented Development and to utilise the current figures relating to the carbon emissions of wind farm development and carbon savings based on the current energy mix which has greater levels of renewable generation than when the assessment was originally undertaken.

The original EIAR predicted that the Consented Development would lead to an overall reduction in GHG emissions of 3,602,653 tCO2e over its 25 year life with a predicted GHG emissions payback time of 1.1 years. Updated calculations suggest that, over a 40 year lifetime and taking into account the evolution of the UK energy mix since the original assessment, the overall reduction in GHG emissions would be 4,030,270 tCO2e with a predicted GHG emissions payback time of 1.8 years.

Therefore, the wind farm would continue to have a significant, positive effect on GHG emissions and over a longer length of time. As a result, it would contribute to a considerable overall reduction in GHG emissions compared to electricity generation from fossil fuels.

Therefore, following the Proposed Variations, the Consented Development remains in compliance with Policy RE1 and the Wind Energy Supplementary Guidance and other relevant material considerations in respect of carbon balance effects.

Socio-Economics

EIAR Chapter 6: Socio-Economic, Tourism and Recreation is of relevance to the LDP policies which are considered under this heading. Relevant LDP policies are:

- Policy RE1 – 'Renewable Energy'.

Supplementary Guidance Policies DC1 Landscape and Visual Impact, DC2 Cumulative Impact and DC4 Impacts on Communities are also of relevance.

The requirements of these policies are set out in section 5.3 below and are not repeated here.

No substantial changes to the socio-economic baseline have been identified. The only additional impact of the Proposed Variations relates to the increase from 25 to 40 years for operational period. It is estimated that there will be a requirement equivalent to one permanent FTE employee for operation and maintenance throughout that additional 15 year operational period and so there is an additional economic benefit from the Proposed Variations. No significant residual adverse socio-economic effects were identified for the Consented Development, and this remains the case.

Therefore, following the Proposed Variations, the Consented Development is in compliance with the requirements of LDP Policy RE1, the Wind Energy Supplementary Guidance and other relevant material considerations in respect of socio-economic effects.

Residential Visual Amenity, Noise and Shadow Flicker

EIAR Chapters 8: Residential Amenity Assessment, 16: Noise and 19: Shadow Flicker are of relevance to the LDP policies which are considered under this heading. Relevant LDP policies are:

- Policy RE1 - Renewable Energy;
- Policy GP1 - Sustainable Development; and
- Policy GP3 - All Development: Layout and Design.

Supplementary Guidance Policies DC1 Landscape and Visual Impact and DC4 Impacts on Communities are also of relevance.

A search was undertaken to determine if there were any new residential dwellings since the original application was submitted. No new dwellings were identified within the Study Areas for these topics and so there would be no new visual amenity, noise or shadow flicker effects not previously considered. The conclusions of the previous assessments on these topics remain valid and therefore, following the Proposed Variations, the Consented Development is in compliance with Policy RE1, the other relevant LDP policies, the requirements of the Wind Energy Supplementary Guidance and other relevant material considerations in respect of residential amenity, noise and shadow flicker effects.

5.3.1 Conclusions of the Updated Development Plan Assessment

From the above assessment, there would be no significant residual adverse effects as a result of the Proposed Variations to the Consented Development, and that these are therefore in compliance with Policy RE1, the other relevant LDP policies, the requirements of the Wind Energy Supplementary Guidance and other relevant material considerations.

5.3.2 Previous Development Plan Assessment

The previous development plan assessment for the Consented Development is set out in the March 2016 planning statement prepared in support of the previous application and is not repeated here.

6 Conclusions

6.1 Summary and Conclusions

Onshore wind remains central to achieving the Scottish Government's renewable energy targets which have increased in recent years. The Scottish Government's target is to achieve 50% of total national energy use from renewable sources by 2030 and a largely decarbonised energy system by 2050.

This Planning Statement supports a variation application to the Energy Consents Unit (ECU) of the Scottish Government under Section 36C of the Electricity Act 1989 (the 1989 Act) to extend the time to implement the development and operation of a wind farm generating station and ancillary infrastructure and to extend its operational life from 25 to 40 years. At the same time, the Applicant is seeking a direction that deemed planning permission is granted under the terms of Section 57(2) of the Town and Country Planning (Scotland) Act 1997 (as amended) (the 1997 Act). The contents of the Development Plan and the views of SIC will be important material considerations in assessing the Proposed Variations.

The energy policy documents discussed in Section 3 of this Statement identify ambitious targets for GHG emission reductions and renewable energy generation to 2020 and beyond. Support for renewable energy developments, including onshore wind, is clearly set out in various Scottish Government planning publications such as NPF3, emerging NPF4 and SPP which also filters down into the SIC LDP. In particular, policy RE1 states that the LDP will seek to ensure that Shetland's renewable energy potential is 'optimised'.

This clear policy support for the continued development of renewables is balanced against a requirement to consider environmental impacts associated with development and to ensure the right development is directed to the right place. The Consented Development was found to be the right location in the right place and given the nature of the Proposed Variations it does not change this acceptability.

The updated EIAR assessments demonstrate that there would be no significant residual adverse environmental effects as a result of the Proposed Variations. These are therefore considered to be in compliance with the LDP, the Supplementary Guidance and other relevant material considerations including emerging NPF4.

The Proposed Variations would give rise to additional positive economic benefits in the form of an additional 1 FTE jobs created associated with the extension of the operational period from 25 to 40 years. The driving purpose behind the Consented Development is to generate electricity from a renewable source of energy thereby reducing reliance on fossil fuels and thus limit the amount of GHG emissions generated by the energy sector. The Consented Development will generate enough electricity to meet the average annual energy usage of up to 60,000 homes and would lead to an overall reduction in GHG emissions of over 3.6 million tCO2e over the proposed extended 40 year operational life, when compared to the same amount of energy being generated from fossil fuel power stations.

The Proposed Variations to the Consented Development can therefore ensure that it can be delivered and can make a positive contribution to renewable energy targets set at International, European, UK and Scottish Government level. In particular, the Consented Development can assist in the efforts for Scotland to become net zero.

The planning system has a key role to play in bringing forward renewable energy developments and various Scottish Government publications look to the planning system to create a supportive environment to help the continued deployment of onshore wind energy projects, while at the same time seeking to balance often competing interests.

When all material factors are considered, the balance in this instance favours the granting of Section 36C consent and deemed planning permission. The Consented Development was considered to be in an acceptable location and those residual impacts which cannot be further mitigated were considered to be acceptable and outweighed by the considerable benefits, in particular the generation of a meaningful amount of renewable energy and a significant reduction in GHG emissions. This remains the case for the Consented Development taking into account the Proposed Variations relating to its implementation period and extended operational lifetime.

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