4 Planning and policy background

4.1 Introduction

4.1.1 This chapter has been updated to take account of policy changes since the submission of the previous application, for example with the publication of draft National Planning Framework 4 and the Main Issues Report for the Council's new Local Development Plan.

4.1.2 This chapter of the Environmental Impact Assessment Report (EIAR) was originally prepared by Savills UK Limited. This chapter sets out the relevant planning policy considerations for the Consented Development and starts by making reference to international energy policy considerations. This chapter goes on to consider both national and local planning policy and guidance of relevance to the Consented Development and looks in detail at the relevant planning policies of the Local Development Plan (LDP). Specific planning policies are also highlighted in the technical chapters of the EIAR, where they are relevant.

4.1.3 The minimum installed capacity will exceed the 50MW threshold above which decisions on projects are taken by the Scottish Ministers, rather than the Local Planning Authority. fA variation to the Consented Development is therefore being sought under Section 36C of the Electricity Act 1989 (the 1989 Act). Any consent granted under the terms of the 1989 Act normally carries with it deemed planning consent under the terms of Section 57 of the Town and Country Planning (Scotland) Act 1997 (as amended) (the 1997 Act).

4.1.4 Shetland Islands Council is a statutory consultee in the Section 36C variation application process, but it is the Scottish Ministers that will make the final decision on the variation application. Unlike planning applications considered under the terms of Section 25 of the 1997 Act, the Development Plan will not form the primary basis upon which the Section 36 application will be determined. The Development Plan will be an important material consideration in the determination of the Section 36C application, there is no legislative requirement for the Section 36C application to be determined in accordance with the provisions of the Development Plan. In making a decision on the Section 36C application, the Scottish Ministers will also consider UK and Scottish Government energy policy, National Planning Framework 3, Scottish Planning Policy, and responses from statutory consultees.

4.1.5 This Chapter does not assess the Consented Development against relevant planning policies. An assessment of the Consented Development against the policies identified in this chapter is contained within the Planning Statement which accompanies the EIAR which has also been updated as needed. The Planning Statement considers the Consented Development in light of identified residual impacts in other EIAR chapters and planning policy and other objectives concluding with substantiated recommendations about the acceptability of the Consented Development in land use and other policy terms.

4.2 National energy policy documents

4.2.1 The underlying concern of many of the policies reviewed in this chapter is the need to contain global climate change by reducing the emission of greenhouses gases, particularly carbon dioxide (CO_2), that contribute to global warming. A major source of greenhouse gas emissions is associated with the combustion of fossil fuels such as coal, oil and gas.

4.2.2 According to the United Nations Intergovernmental Panel on Climate Change's fifth assessment report[1], fossil fuel power generation should be phased out *"almost entirely"* by the end of the century to limit warming to 2°C above pre-industrial levels. The report states that low carbon electricity supply will have to increase from 30% currently to more than 80% by 2050.

4.2.3 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[2] in 2018 on the impacts of global warming of 1.5°C above pre-industrial levels and related global greenhouse gas emission pathways.

4.2.4 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 presents a study on the impacts and possible methods of keeping temperature from warming by more than 1.5°C. It points out the differences between allowing temperatures to rise towards 2°C above pre-industrial times, or keeping them nearer to 1.5°C.

4.2.5 The report finds 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.

4.2.6 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.

4.2.7 The legally binding target for the United Kingdom (UK) in the first commitment period of the Kyoto Protocol[3] was to reduce emissions of greenhouse gases by 12.5% below 1990 levels in the period 2008-2012. Under the Kyoto Protocol's second commitment period (2013-2020) the UK government has a target to reduce emissions to 20% below 1990 levels by 2020.These international obligations are reinforced by European Union commitments such as the EU 2020 Strategy[4] which reiterates the target of a 20% reduction in greenhouse gas emissions by 2020.

4.2.8 The 21st session of the Conference of Parties to the United Nations Framework Convention on Climate Change was held from 30th November to 11th December 2015 in Paris (Paris 2015). The aim of Paris 2015 was to reach a universal, legally binding agreement to enable climate change to be combated effectively and to boost the transition towards resilient, low-carbon societies and economies. The agreement will enter into force in 2020 and will seek long term change including the reduction of greenhouse gas emissions in order to limit global warming to below 2°C.

4.2.9 Through the Climate Change Act 2008 (2050 Target Amendment) Order[5] (2019), the UK adopted a 2050 net zero emissions reduction target 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.

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

4.2.11 Through the UK's sixth carbon budget, the UK has enshrined a new target in law (the Carbon Budget Order 2021[6]) to slash emissions by 78% by 2035. The UK's sixth 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.

4.2.12 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.

4.2.13 Following on from the Prime Minister's Ten Point Plan for a Green Industrial Revolution published in November 2020, the Government's Energy White Paper[7] 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.

4.2.14 The 2009 Renewable Energy Directive[a] sets a target for the UK to achieve 15% of its total energy consumption, including transport, from renewable sources by 2020. The latest provisional figures published by the Department of Energy and Climate Change (July 2015)[8] show that, using the methodology set out in the 2009 Renewable Energy Directive, 7% of energy consumption in 2014 came from renewable sources. This is up from 5.6% in 2013. The figures suggest that, averaged over 2013 and 2014, the UK has provisionally achieved 6.3% renewable energy consumption, 0.9% more than the interim target which was set at 5.4%.

4.2.15 The Climate Change (Scotland) Act 2009[9] creates the statutory framework for greenhouse gas emission reductions in Scotland by setting a target for net Scottish emissions for the year 2050 to be at least 80% lower than the 1990 baseline level. An interim target of a 42% reduction by 2020 is also set out. The Act requires that the Scottish Ministers set annual targets for Scottish emissions from 2010 to 2050. Wind energy projects such as the Consented Development could make a valuable contribution to the fulfilment of the Scottish Government's targets.

4.2.16 Scotland's Climate Change Delivery Plan[10] was published in 2009 and sets out the four transformational outcomes needed in order to meet the 2050 target. These are:

- A largely decarbonised electricity generation sector by 2030;
- A largely decarbonised heat sector by 2050, with significant progress by 2030;
- Almost complete decarbonisation of road transport by 2050, with significant progress by 2030; and
- A comprehensive approach to ensure that carbon (including the cost of carbon) is fully factored into strategic and local decisions about rural land use.

[a] European Union Directive which mandates levels of renewable energy use within the European Union.

4.2.17 The Climate Change Delivery Plan states that the challenge is for Scotland to reduce demand and de-carbonise its energy supply at the same time as maximising the economic opportunities available in the pursuit of a global, low carbon economy.

4.2.18 The Scottish Government has set a target for the equivalent of 100% of Scotland's electricity demand to be supplied from renewable sources by 2020, with an interim target of 50% by 2015[11]. The Scottish Government published their 'Energy in Scotland 2016' publication on 28th January 2016[12]. This states that renewable sources have generated 49.7% of Scotland's gross electricity consumption, at the end of 2014. The publication states that data for 2015 so far shows that Scotland is on track for another record year of renewable electricity generation with renewable generation over the first three quarters of 2015 being 15% higher than over the same period in 2014.

4.2.19 The Scottish Government introduced a new Climate Change (Emissions Reduction Targets) (Scotland) Bill to Parliament on 23rd May 2018. The Bill was subsequently passed in September 2019 and became an Act[13].

4.2.20 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.

4.2.21 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.

4.2.22 In April 2019 the Scottish Government declared 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.

4.2.23 Published in September 2019 and following on from the first programme published in 2014, the Climate Change Adaptation Programme 2019 – 2024 sets out a five-year programme to prepare Scotland for the challenges likely to be faced as our climate continues to change. The programme aims 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."*

4.2.24 The programme responds 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 promotes collaboration between sectors to achieve climate change adaptation.

4.2.25 The UK and Scottish Government response to the challenge of climate change is to seek to reduce fossil fuel use, partly by using energy more efficiently and partly by finding alternatives. The central concern of many of the policies summarised in this chapter is the need to develop renewable sources

of energy – forms of energy that occur naturally and repeatedly in the environment, including wind. Other policies are concerned with considering the environmental impacts of development proposals.

4.3 National planning policy documents

4.3.1 The National Planning Framework for Scotland 3 (NPF3)[14] was published in June 2014 and sets out the Scottish Government's strategy for Scotland's long term spatial development. Scottish Planning Policy (SPP)[15] is the statement of the Scottish Government's policy on nationally important land use planning matters. Planning Advice Notes (PANs) provide advice and information on technical planning matters. This section briefly summarises the following national planning policies and guidance as potentially relevant to the Consented Development:

- National Planning Framework 4 (Emerging);
- National Planning Framework for Scotland 3 (June 2014);
- Scottish Planning Policy (June 2014);
- Onshore Wind Turbines, Online Renewables Planning Advice (May 2014)[16];
- Onshore Wind Policy Statement[17];
- Onshore Wind – Policy Statement Refresh 2021: Consultative Draft[18];
- Scottish Historic Environment Policy (SHEP) (2011)[19];
- Historic Scotland's Guidance Note Managing Change in the Historic Environment: Setting[20];
- Scottish Natural Heritage, Carbon Rich Soil, Deep Peat and Priority Peatland Habitats Consultation Document and Map (2014)[21];
- Draft Peatland and Energy Policy Statement (2016);
- Guidance on the Electricity Works (Environmental Impact Assessment) Regulations 2000, Scottish Government;
- PAN 1/2011: Planning and Noise (2011);
- PAN 2/2011: Planning and Archaeology (2011);
- PAN 3/2010: Planning Advice on Community Engagement (2010);
- PAN 51: Planning, Environmental Protection and Regulation (2006);
- PAN 60: Planning for Natural Heritage (2000);
- PAN 61: Planning and Sustainable Urban Drainage Systems (2001);
- PAN 68: Design Statements (2003);
- PAN 69: Planning and Building Standards Advice on Flooding (2004);
- PAN 75: Planning for Transport (2005); and
- PAN 79: Water and Drainage (2006).

National Planning Framework 4 (Emerging)

4.3.2 NPF4 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' was published in November 2020 and a consultation draft NPF4 was issued in autumn 2021.

4.3.3 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"*.

4.3.4 Draft NPF4[22] has now been published. This 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''*.

4.3.5 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.''*

4.3.6 Draft Policy 19 sets out requirements in relation to Green Energy. Requirements relevant to onshore wind are (inter alia):

''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 windfarms 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.''*

National Planning Framework for Scotland 3 (June 2014)

4.3.7 NPF3 establishes that the Scottish Government's central purpose is to create a more successful country, through increasing sustainable economic growth. The Scottish Government's overall vision for Scotland is, as follows:

- A successful, sustainable place – key to achievement of this element of the vision is a growing low carbon economy which provides opportunities that are more fairly distributed between and within all our communities. The creation of high quality, sustainable places and a fair distribution of opportunities are central themes to the achievement of this aspect of the vision;

- A low carbon place - this outcome is considered of particular relevance to the Consented Development. NPF3 seeks to ensure that *'we seize opportunities arising from our ambition to be a world leader in low carbon energy generation, both onshore and offshore'*. There are further objectives to make the built environment more energy efficient and to largely decarbonise travel;
- A natural, resilient place – natural and cultural assets are respected, improving in condition, and represent a sustainable economic, environmental, and social resource for the nation. Our environment and infrastructure have become more resilient to the impacts of climate change; and
- A more connected place – the entire country has access to high-speed fixed and mobile digital networks; we make better use of our existing infrastructure and have improved internal and international transport links to facilitate our ambition for growth.

4.3.8 The first three of the four elements of the vision contain narrative that is considered relevant to the Consented Development. These are summarised in the following paragraphs.

4.3.9 In the discussion on a successful, sustainable place, NPF3 identifies energy as one of the key sectors of the Scottish economy (paragraph 2.2). NPF3 states that the strategy aims to make best use of Scotland's assets to build a sustainable future (paragraph 2.6). Paragraph 2.7 seeks to ensure that development facilitates adaptation to climate change, reduces resource consumption and lowers greenhouse gas emissions. Paragraph 2.8 of NPF3 states that much can be gained by focusing on energy resources.

4.3.10 NPF3 refers to the need for a flexible strategy for diverse places including coastal and island hubs. NPF3 recognises that there is a case for further empowering the island communities. The spatial strategy of NPF3 reflects the planning challenges and opportunities for the Northern and Western Isles, including their potential to lead deployment of new offshore renewable technologies.

4.3.11 In the discussion on a low carbon place, the stated ambition is to *'achieve at least an 80% reduction in greenhouse gas emissions by 2050'*. There is an acknowledgement in paragraph 3.2 of NPF3 that at present the energy sector accounts for a significant share of our greenhouse gas emissions. Paragraph 3.1 states that planning has a key role to play in delivering on the commitments set out in Low Carbon Scotland[b], which includes full decarbonisation of electricity supply by 2030.

4.3.12 With respect to wind energy, paragraph 3.4 notes that Scotland has a significant wind resource, both onshore and offshore, and electricity generation from wind continues to rise. Paragraph 3.6 states that the renewable energy industry currently employs around 11,000 people in Scotland, a figure that is expected to grow significantly over the coming years. Paragraph 3.7 refers to the varied opinions across Scotland on onshore wind energy, and comments that public support for this technology as part of the renewable energy mix is high. Paragraph 3.9 identifies that the Scottish Government wants to continue to capitalise on Scotland's wind resource.

4.3.13 Paragraph 3.25 of NPF3 sets out the economic benefits of a growing renewable energy sector. There will be job opportunities for manufacturing and servicing to support the sector, as well as providing job

[b] This report fulfils the duty placed on Scottish Ministers by Section 35 of the Climate Change (Scotland) Act 2009, to lay before the Scottish Parliament a Report on Proposals and Policies setting out specific measures for reducing greenhouse gas emissions to meet Scotland's ambitious statutory targets - http://www.scotland.gov.uk/Topics/Environment/climatechange/scotlands-action/lowcarbon/rpp

opportunities in rural areas. NPF3 acknowledges in paragraph 3.32 that many of the opportunities arising from the transition to a low carbon economy are emerging in coastal areas and islands.

4.3.14 Paragraph 3.40 states that strengthening the electricity grid will be essential in unlocking renewable resources, both onshore and offshore. Paragraph 3.40 states:

4.3.15 *'Interconnectors to the Western Isles, Orkney and Shetland and onshore connections for offshore renewables on other parts of the coast are all required to fully realise the potential for diverse and widely distributed renewable energy development.'*

4.3.16 NPF3 acknowledges the importance of the interconnector between Shetland and the mainland through its allocation as a National Development. This recognition shows the potential of renewable energy developments, such as the Consented Development, from the Shetland Islands.

4.3.17 In the discussion on a natural, resilient place, NPF3 acknowledges the important role that Scotland's landscapes play in contributing to overall quality of life, national identity and the visitor economy (paragraph 4.4). Paragraph 4.5 acknowledges the importance of internationally and nationally important habitats and species. Reference is made to the important contribution the historic environment makes to well-being and cultural identity (paragraph 4.6).

4.3.18 Paragraph 4.7 states that the pressing issue of climate change means that action on the environment must continue to evolve, strengthening longer-term resilience.

4.3.19 Whilst NPF3 does not itself provide detailed guidance on managing development, it notes that SPP sets out the required approach to spatial frameworks which will guide new wind energy development to appropriate locations (paragraph 3.23).

Scottish Planning Policy (June 2014)

4.3.20 Complementing the NPF3 objectives outlined above, SPP reiterates the importance of the planning system in achieving sustainable development. SPP also notes the Climate Change (Scotland) Act 2009 targets for reducing greenhouse gas emissions by 2020 and 2050 (paragraph 18).

4.3.21 SPP and NPF3 share a single vision for the planning system in Scotland, which is defined in paragraph 11 of SPP as:

4.3.22 *'We live in a Scotland with a growing, low-carbon economy with progressively narrowing disparities in well-being and opportunity. It is growth that can be achieved whilst reducing emissions and which respects the quality of environment, place and life which makes our country so special. It is growth which increases solidarity – reducing inequalities between our regions. We live in sustainable, well-designed places and homes which meet our needs. We enjoy excellent transport and digital connections, internally and with the rest of the world'.*

4.3.23 SPP identifies four outcomes, which the Scottish Government considers will support the vision for the planning system in Scotland. These planning outcomes mirror the four elements of the NPF3 vision, as discussed in the previous section, and the narrative in SPP is summarised briefly in the following bullet points:

- Outcome 1 – A successful, sustainable place – supporting sustainable economic growth and regeneration, and the creation of well-designed, sustainable places;

- Outcome 2 – A low carbon place – SPP confirms that reducing our carbon emissions and adapting to climate change are two key components of this outcome. Paragraph 19 states that planning can support the *'transformational change required to meet emission reduction targets and influence climate change'*;
- Outcome 3 – A natural, resilient place – helping to protect and enhance our natural and cultural assets, and facilitating their sustainable use; and
- Outcome 4 – A more connected place – supporting better transport and digital connectivity.

4.3.24 SPP provides policy commentary under two key themes, Principal Policies and Subject Policies. There are two Principal Policies in SPP (Sustainability and Placemaking) which are underpinned in SPP by several policy principles, as discussed in the following paragraphs.

4.3.25 The first policy principle states that *'This SPP introduces a presumption in favour of development that contributes to sustainable development'*. In the context of the Consented Development, SPP confirms that planning policies and decisions should be guided by several key principles, which include:

- Giving due weight to the net economic benefit of proposals;
- Supporting delivery of infrastructure, for example transport, education, energy, digital and water;
- Supporting climate change mitigation and adaptation including taking account of flood risk; and
- Protecting, enhancing, and promoting access to cultural heritage, including the historic environment.

4.3.26 The second policy principle states *'planning should take every opportunity to create high quality places by taking a design-led approach'*. SPP advises that achievement of this principle means taking a holistic approach that responds to and enhances the existing place while balancing the costs and benefits of potential opportunities over the long term. This involves considering the relationships between the four core planning outcomes.

4.3.27 The third policy principle states *'planning should direct the right development to the right place'*. Decisions on development should be guided by a number of guiding principles including:

- *'Locating development where investment in growth or improvement would have most benefit for the amenity of local people and the vitality of the local economy'* (para. 40).

4.3.28 SPP includes a section on promoting rural development. Paragraph 75 states that the planning system should promote a pattern of development that is appropriate to the character of the particular rural area and the challenges it faces and encourage rural development that supports prosperous and sustainable communities and businesses whilst protecting and enhancing environmental quality.

4.3.29 Paragraph 77 states that *'In remote and fragile areas and island areas outwith defined small towns, the emphasis should be on maintaining and growing communities by encouraging development that provides suitable sustainable economic activity, while preserving important environmental assets such as landscape and wildlife habitats that underpin continuing tourism visits and quality of place.'* The Consented Development is considered to contribute to the provision of sustainable economic activity in an island location. With reference to Local Development Plans, SPP states that they should set out a spatial strategy which promotes economic activity and diversification, including, where appropriate, sustainable development linked to tourism and leisure, forestry, farm and croft diversification and renewable energy developments.

4.3.30 Finally, under the 'Placemaking' Principal Policy, SPP states that '*planning should support development that is designed to a high-quality, which demonstrates the six qualities of successful place'*, which are distinctive, safe, and pleasant, welcoming, adaptable, resource efficient and easy to move around and beyond.

4.3.31 Paragraph 153 comments on the vital role that an efficient supply of low carbon electricity from renewable energy sources can play in reducing greenhouse gas emissions.

4.3.32 Paragraphs 161-166 describe key considerations for the delivery of onshore wind farms. It is stated that planning authorities should set out in the development plan a spatial framework identifying areas that are likely to be most appropriate for onshore wind farms. SPP confirms in paragraph 166 that proposals for onshore wind turbines should continue to be determined while spatial frameworks and local policies are being prepared and updated. The same paragraph states that moratoria on onshore wind development are not appropriate.

4.3.33 SPP states that strategic and local development planning authorities should identify where there is strategic capacity for wind farms, and areas with the greatest potential for wind development (Para 162).

4.3.34 Table 1 of SPP, following paragraph 166, sets out the specific criteria by which spatial frameworks for onshore wind energy proposals should be formed. The SPP categorises constraints and opportunities into three groups where differing levels of protection are afforded. These are reproduced below:

4.3.35 Group 1: Areas where wind farms will not be acceptable:

- *'National Parks and National Scenic Areas'*

4.3.36 Group 2: Areas of significant protection:

- *'Recognising the need for significant protection, in these areas wind farms may be appropriate in some circumstances. Further consideration will be required to demonstrate that any significant effects on the qualities of these areas can be substantially overcome by siting, design, or other mitigation.'*

4.3.37 Group 2 constraints consist of:

- *'National and international designations – World Heritage Sites; Natura 2000 and Ramsar sites; Sites of Special Scientific Interest; National Nature Reserves; Sites identified in the Inventory of Gardens and Designed Landscapes; Sites identified in the Inventory of Historic Battlefields;*
- *Other nationally important mapped environmental interests – areas of wild land as shown on the 2014 SNH map of wild land areas; carbon rich soils, deep peat, and priority peatland habitat; and*
- *Community separation for consideration of visual impact – an area not exceeding 2km around cities, towns and villages identified on the local development plan with an identified settlement envelope or edge. The extent of the area will be determined by the planning authority based on landform and other features which restrict views out from the settlement.'*

4.3.38 Group 3: Areas with potential for wind farm development:

- *'Beyond groups 1 and 2, wind farms are likely to be acceptable, subject to detailed consideration against identified policy criteria.'*

4.3.39 The Consented Development is located outside any of the Group 1 areas. The Consented Development is not located within any areas covered by national or international designations; however, it is considered to be located within a Group 2 area due to the presence of deep peat (over 50cm)[23] on the Site. The Consented Development is not located within any areas of wild land, as defined by the NatureScot (previously SNH) wild land map[24]. In Group 2 areas, wind farms may be considered appropriate subject to demonstration that any significant effects on the qualities of the areas of significant protection can be overcome by siting, design, or other mitigation.

4.3.40 Paragraph 169 identifies the range of considerations likely to be relevant to the determination of energy projects, including onshore wind developments. These 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 NPF3;*
- *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.'*

4.3.41 Paragraph 173 deals with community benefit and comments:

4.3.42 *'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.'*

4.3.43 The in-principal support for renewable energy in SPP is balanced against the need for planning to play a key role in maintaining and enhancing cultural heritage assets and environmental resources. In addition to the renewable energy planning policies, the relevant subject planning policies are outlined below.

Landscape and natural heritage

4.3.44 Paragraph 193 comments on the important role planning plays in protecting, enhancing, and promoting access to our key environmental resources, whilst supporting their sustainable use.

4.3.45 Paragraph 194 states that the planning system should:

- *'Facilitate positive change while maintaining and enhancing distinctive landscape character;*
- *Conserve and enhance protected sites and species, taking account of the need to maintain healthy ecosystems and work with the natural processes which provide important services to communities;*
- *Promote protection and improvement of the water environment, including rivers, lochs, estuaries, wetlands, coastal waters, and groundwater, in a sustainable and co-ordinated way;*
- *Seek to protect soils from damage such as erosion or compaction;*
- *Protect and enhance ancient semi-natural woodland as an important and irreplaceable resource, together with other native or long-established woods, hedgerows and individual trees with high nature conservation or landscape value;*
- *Seek benefits for biodiversity from new development where possible, including the restoration of degraded habitats and the avoidance of further fragmentation or isolation of habitats; and*
- *Support opportunities for enjoying and learning about the natural environment.'*

4.3.46 Paragraph 203 confirms that impacts upon statutorily designated sites will be an important consideration, but a designation does not impose an automatic prohibition on development. The same paragraph states that planning permission should be refused where the nature or scale of proposed development would have an unacceptable impact on the natural environment.

4.3.47 Paragraph 204 confirms that while planning authorities should apply the precautionary principle where the impacts of a proposal on nationally or internationally designated resources are uncertain, application of this policy should not be used to impede development without justification.

4.3.48 SPP contains a section providing commentary on matters relating to international and national designations, such as Natura 2000 Sites, Ramsar Sites, National Parks, National Scenic Areas etc. Paragraph 207 confirms that development proposals likely to have a significant effect on Natura 2000 Sites and which are not directly connected with or necessary to their conservation management must be subject to an 'appropriate assessment' of the implications for the conservation objectives. Such proposals may only be approved if the competent authority has ascertained that there will be no adverse effects on the integrity of the site.

4.3.49 SPP highlights that the presence (or potential presence) of a legally protected species is an important consideration in the determination of planning applications. The level of protection afforded by legislation must be factored into the planning and design of the development and any impacts must be fully considered prior to determination of the application (paragraph 214).

Transport

4.3.50 Paragraph 269 highlights that planning can play an important role in improving connectivity and promoting more sustainable patterns of transport and travel as part of the transition to a low carbon economy.

4.3.51 Paragraph 270 states that the planning system should support a pattern of development which:

- *'Optimise the use of existing infrastructure;*
- *Reduce the need to travel;*
- *Provide safe and convenient opportunities for walking and cycling for both active travel and recreation, and facilitate travel by public transport;*
- *Enable the integration of transport modes; and*
- *Facilitate freight movement by rail or water.'*

4.3.52 Paragraph 286 requests that a Transport Assessment should be carried out where a new development is likely to result in a significant increase in vehicular trips.

Historic environment

4.3.53 SPP recognises the key part that Scotland's cultural heritage plays and how it contributes to sustainable economic growth and regeneration. The historic environment is a key cultural and economic asset and is integral to creating successful places. Planning authorities should take account of the siting and design of development to protect all aspects of the historic environment.

4.3.54 The Scottish Government's policy on the historic environment and guidance on relevant legislation is set out in the Scottish Historic Environment Policy (SHEP). SPP, the SHEP and the Managing Change in the Historic Environment guidance note series[c] published by Historic Environment Scotland (previously Historic Scotland, as of 1st October 2015) should be taken into account by planning authorities when preparing development plans and determining applications for listed building consent, conservation area consent or planning permission for development which may affect the historic environment.

Flooding and drainage

4.3.55 Paragraphs 254 to 268 of the SPP address flooding and drainage. The SPP highlights the risk of flooding on development proposals and suggests potential measures for risk management.

[c] These Notes have been produced by Historic Environment Scotland (previously Historic Scotland) with the intention of translating policies into everyday context and language. Notes are available on topics including accessibility, setting, micro-renewables - http://www.historic-scotland.gov.uk/managingchange

Summary

4.3.56 Overall, SPP continues to support the further development of onshore wind as one of the key renewable energy technologies that can help deliver the Scottish Government's target of generating the equivalent of 100% of electricity demand from renewable sources by 2020 and for a reduction in green house gas emissions of 80% by 2050 from the 1990 baseline levels. This support is balanced against the need to consider the wider environmental impacts of onshore wind energy developments and Table 1 of SPP provides a spatial framework that will help all stakeholders understand those areas that are most likely to be most appropriate for onshore wind farms.

Onshore wind – some questions answered

4.3.57 This online document 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 NatureScot (previously SNH) 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 NatureScot (previously SNH) Map of Wild land areas (2014), whereas the SPP at paragraph 200 describes *"the general characteristics of wild land"*.

Onshore wind turbines, online renewables planning advice (May 2014)

4.3.58 The Scottish Government introduced online renewables advice in February 2011 which has been regularly updated since. This advice takes the form of web based renewables advice notes and has replaced Planning Advice Note (PAN) 45: *'Renewable Technologies'* and PAN45: *'Annex 2: Spatial Frameworks and Supplementary Guidance for Wind Farms.'*

4.3.59 The most recent specific advice note regarding onshore wind turbines was published in May 2014.

4.3.60 The advice note sets out guidance for planning authorities to help them plan for and consider onshore wind proposals. Guidance is provided on a number of issues including Evidence Base and Main Issues Report, Spatial Planning, Drafting Development Plan Policy, Development Plans Action Programmes, Securing Sufficient Information to Determine Applications, Pre-application Stage and Determining Planning Applications. Technical information for turbine construction is also provided.

4.3.61 The advice note 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".*

4.3.62 The advice note also identifies the typical planning considerations in determining applications for onshore wind turbines including:

- 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.

4.3.63 It is not considered necessary to discuss each element of the advice note in detail in this section. Instead, the topic-specific chapters that follow will each identify a key issue relevant to the Consented Development and how these have been assessed as part of the EIA. Table 4.1 below identifies the key issues contained in the advice note, and where these issues are addressed in the EIAR.

Table 4.1: Key considerations from the onshore wind turbines online renewables planning advice (May 2014)

Typical considerations in determining planning applications for onshore wind turbines	***Response***
Landscape Impact	Chapter 7 – Landscape Character and Visual Impact Assessment
Landscape Assessment	Chapter 7 – Landscape Character and Visual Impact Assessment
Impacts on Wildlife and Habitat, Ecosystems and Habitats	Chapter 10 – Ornithology and Chapter 11 – Ecology
Shadow Flicker	Chapter 19 – Shadow Flicker
Noise	Chapter 16 - Noise
Electro-magnetic Interference	Chapter 20 - Telecommunications
Safety Aspects	Appendix 3.6
Separation Distances	Chapter 7 – Landscape Character and Visual Impact Assessment
Aviation Matters	Chapter 21 - Aviation
Historic Environment Impacts	Chapter 9 – Cultural Heritage
Road Traffic Impacts	Chapter 18 – Highways and Transportation
Cumulative Impacts	Chapter 24 – Cumulative Impacts
Good Practice During Construction	Chapters 6-24
Decommissioning	Chapters 6-24

Onshore wind policy statement

4.3.64 In December 2017 the Scottish Government published its Onshore Wind Policy Statement to sit alongside the Scottish Energy Strategy. The ministerial foreword by Paul Wheelhouse MSP highlights 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."*

4.3.65 Specifically, in relation to the use of larger turbines, the policy statement makes the following points:

"In order for onshore wind to play its vital role in meeting Scotland's energy needs, and a material role in growing our economy, its contribution must continue to grow. Onshore wind generation will remain crucial in terms of our goals for a decarbonised energy system, helping to meet the greater demand from our heat and transport sectors, as well as making further progress towards the ambitious renewable targets which the Scottish Government has set.

This means that Scotland will continue to need more onshore wind development and capacity, in locations across our landscapes where it can be accommodated.

We know that new projects face a highly uncertain route to market. The arrangements which have enabled onshore wind to expand and to reduce its costs so successfully are no longer in place. Continued innovation and cost reduction, a supportive and well-resourced planning system, and continued advances in turbine and blade technology will help close the gap that currently exists – but not sufficiently, and not for all developments.

We acknowledge that onshore wind technology and equipment manufacturers in the market are moving towards larger and more powerful (i.e., higher capacity) turbines, and that these – by necessity – will mean taller towers and blade tip heights.

The technology shift towards larger turbines may present challenges when identifying landscapes with the capacity to accommodate larger scale development, as not all will be suitable. However, fewer but larger wind turbines may also present an opportunity for landscape improvement, as well as increasing the amount of electricity generated.

The Scottish Government acknowledges the way in which wind turbine technology and design is evolving, and fully supports the delivery of large wind turbines in landscapes judged to be capable of accommodating them without significant adverse impacts…"

4.3.66 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.

4.3.67 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.

Onshore wind – policy statement refresh 2021: consultative draft

4.3.68 The Scottish Government published the draft version on the 28th October 2021 titled Onshore Wind – Policy Statement Refresh 2021: Consultative Draft. 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.

4.3.69 This document was 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.

The chief planner letter to all heads of planning (2015)

4.3.70 The Scottish Government's Chief Planner issued a letter[25] 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 has been reached, a cap will not be placed on supporting such developments.

Scottish Historic Environment Policy (SHEP) (2011)

4.3.71 SHEP sets out Scottish Ministers' policies for the historic environment, provides greater policy direction for Historic Environment Scotland (the new public body established 1st October 2015 to investigate, care for and promote Scotland's historic environment) and provides a policy framework to inform the work of organisations that have a role and interest in managing the historic environment. SHEP complements and has the same authority as the SPP. In paragraph 1.9 of the introductory section, it notes that the historic environment faces many challenges, including the needs of renewable energy generation. Processes such as climate change are referred to in paragraph 1.5.

4.3.72 Key 'outcomes' are referred to in paragraph 1.13. These include protecting and enhancing the historic environment, securing greater economic benefits from it and ensuring that the people of Scotland and visitors, value, understand and enjoy the historic environment. SHEP is discussed in greater detail in Chapter 9 of the EIAR, in specific relation to the Consented Development.

4.3.73 This Policy was updated[26] in 2019 and includes 6 policies for managing the historic environment. Of relevance to the Consented Development are:

- *''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.''*

Historic Environment Scotland (previously Historic Scotland) note managing change in the historic environment: Setting (2010)

4.3.74 Historic Environment Scotland (previously Historic Scotland) produced a series of guidance notes that are intended to 'translate' SPP and the SHEP into everyday language. The guidance note on setting sets out the principles that apply to developments affecting the setting of historic assets. The guidance states that it should inform the determination of applications relating to the historic environment. The

guidance note considers what contributes to the setting of a historic asset, how to assess the impact of a development on the setting of a historic asset or place and the potential for mitigation.

4.3.75 This Guidance Note is considered in greater depth in Chapter 9 of the EIAR, in relation to the Consented Development.

Scottish natural heritage, carbon rich soil, deep peat and priority peatland habitats consultation document and map (2014)

4.3.76 NatureScot (previously SNH) has carried out a consultation on the draft carbon rich soils, deep peat and priority peatland habitats document and accompanying map. This map provides the most up to date information available on the location of carbon rich soils, deep peat, and priority peatland habitats. The consultation draft map shows that the Site is located within an area of Class 1 soils. The description of Class 1 soils provided in the Consultation Document is *'All vegetation cover indicates priority peatland habitats. All soils are carbon-rich soils and deep peat.'* The Consultation Document states that Class 1 soils are nationally important and are areas likely to be of high conservation value. The Consultation Document states that the map and accompanying report will be used to facilitate mapping of wind farm spatial frameworks in line with SPP and to assist development management decisions, however, the map does not remove the requirement for more detailed site soil surveys to be undertaken.

Draft peatland and energy policy statement

4.3.77 In June 2016, the Scottish Government published its draft Peatland and Energy Policy Statement[27], 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.

4.3.78 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 CO2 equivalent). For Scotland to meet its greenhouse gas emissions reduction targets, this vast carbon store must be maintained and where possible enhanced."*

Guidance on the electricity works (Environmental Impact Assessment) Regulations 2017

4.3.79 This guidance provides information on when EIA is required; the issues which the environmental statement should deal with; the pre-application procedures available on the need for and content of an environmental statement, and the procedures, including consultation and publicity, necessary when making an application to the Scottish Ministers for section 36 or section 37 consent under the Act for any development which requires EIA.

PAN 1/2011: Planning and noise (2011)

4.3.80 PAN 1/2011 promotes the principles of good acoustic design and a sensitive approach to the location of new development. This PAN sets out appropriate methods for measurement and mitigation. Regarding wind turbines, the PAN states that the good acoustical design and siting of turbines is essential to minimise the potential to generate noise. The PAN refers to the 'Assessment and Rating of Noise from Wind Farms' study cited as part of the 'Onshore Wind Turbines' specific advice note, also known as ETSU-R-97, which is discussed further in Chapter 16 of the EIAR.

PAN 2/2011: Planning and archaeology (2011)

4.3.81 PAN 2/2011 states that as part of their pre-planning application research, prospective developers should undertake an initial assessment of whether a property or area is known or is likely to contain archaeological remains. Where an EIA is required, this should include information relating to any significant effects on natural assets and cultural heritage, such as archaeological features and other human artefacts, and the measures envisaged to prevent, reduce or offset adverse effects.

4.3.82 The advice contained within PAN 2/2011 is considered further in Chapter 9 of the EIAR.

PAN 3/2010: Planning advice on community engagement (2010)

4.3.83 PAN 3/2010 provides advice to developers on ways of effectively engaging with communities on planning matters. Whilst there are legal requirements on prospective applicants to engage with the community on certain applications, the PAN recognises that some applicants engage with local communities voluntarily in advance of making a planning application. This provides an opportunity for prospective applicants to both ensure they are better informed about the community's view of the proposed development and to address these concerns where they can be tackled.

4.3.84 The Applicant undertook an extensive pre-application consultation exercise as part of the original EIA. This was agreed in advance with Shetland Islands Council and further details about the events and feedback received is set out in the accompanying Pre-Application Consultation Report.

PAN 51: Planning, environmental protection and regulation (2006)

4.3.85 A range of specific environmental protection regimes are designed to safeguard the natural and built environment. They operate alongside the land use planning system, which aims to ensure that development takes place in suitable locations and is sustainable, while also providing protection from inappropriate development. PAN 51 provides guidance on the role of environmental agencies within the development process and sets out the requirement for EIA for certain types of development.

PAN 60: Planning for natural heritage (2000)

4.3.86 PAN 60 provides advice on strategies for the protection of the natural heritage. It promotes good practice in planning for natural heritage and demonstrates that planning and the development process can be powerful tools for realising natural heritage objectives.

4.3.87 PAN 60 recognises that whilst the planning system has a key role to play in safeguarding landscape and wildlife, development and land use planning also offer many opportunities to further enhance Scotland’s natural heritage and create high quality environments for living and working. Planning authorities should be committed to prepare Landscape Character Assessments, Biodiversity Action Plans and local biological record centres which all have valuable roles to play in informing the planning process.

4.3.88 PAN 60 is referred to in further detail in Chapter 11, Ecology, of the EIAR.

PAN 61: Planning and sustainable urban drainage systems (2001)

4.3.89 PAN 61 provides background advice on Sustainable Urban Drainage Systems. It gives good practice advice to planners and the development industry for the implementation of Sustainable Urban Drainage Systems.

PAN 68: Design statements (2003)

4.3.90 PAN 68 sets out that there are certain types of sites or developments where a design statement will be highly desirable. Design statements will most often be needed for major developments or listed building applications. Design issues should, where appropriate, be considered as part of the scoping process for significant planning applications, which require an EIA. A Design Statement has been prepared to accompany the Section 36 application. This outlines the design evolution process and how the layout of the Consented Development has evolved in response to community feedback and technical and environmental constraints.

PAN 75: Planning for transport (2005)

4.3.91 PAN 75 provides good practice guidance which planning authorities, developers and others should carry out in their policy development, proposal assessment and project delivery.

4.3.92 All planning applications that involve the generation of person trips should provide information which covers the transport implications of the development. The level of detail will be proportionate to the complexity and scale of impact of the proposal.

4.3.93 The advice contained within PAN 75 is considered in further detail in EIAR chapter 18.

PAN 79: Water and drainage (2006)

4.3.94 The purpose of this PAN is to provide advice on good practice in relation to the provision of water and drainage within a planning context. EIAR chapter 15, Hydrology and Hydrogeology, refers to water and drainage policy and guidance in relation to the Consented Development.

4.4 Local planning policy documents

The development plan

4.4.1 The development plan for the Consented Development comprises the Shetland Local Development Plan (LDP)[28] which was adopted in September 2014 and is the established planning policy for Shetland. The LDP will be a significant material consideration in shaping the Shetland Islands Council's consultation response to the Section 36 Application.

Shetland Local Development Plan 2 (Emerging)

4.4.2 Since the submission of the previous application, Shetland Islands Council have commenced work on a new LDP (LDP2). To date a Main Issues Report (MIR) has been produced. The MIR presents those issues that the Council thinks needs a fresh approach in their next Local Development Plan (LDP2). MIRs form an important part of an LDP as they consider change. They are not however draft plans and do not cover all policy areas. Policies that the Council considers have worked well within LDP1 are not considered in the MIR, as they are expected to be maintained in LDP2.

4.4.3 The MIR is the primary consultation document in the preparation of the Council's next Local Development 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 LDP 2 will be published in June 2022, with the Council submitting the plan to Scottish Ministers for examination in December 2022.

4.4.4 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. The MIR also notes that the Council intends to update Policy RE1 Renewable Energy policy to align with current national policy on net zero and climate change targets.

4.4.5 Relevant Supplementary Guidance (SG) has also been considered in this section.

Shetland Local Development Plan (2014)

4.4.6 The Site is not subject to any site specific land use allocation within the LDP. The LDP contains a number of potentially relevant planning policies against which the Consented Development will be assessed. Table 4.2 lists the policy numbers and names of relevance to the Consented Development.

Table 4.2: Potentially Relevant LDP Policy Numbers and Names

Policy Number	***Policy Name***
RE1	Renewable Energy
GP1	Sustainable Development
GP3	All Development: Layout and Design
NH1	International and National Designations
NH2	Protected Species
NH3	Furthering the Conservation of Biodiversity
NH4	Local Designations
NH5	Soils
NH6	Geodiversity
NH7	Water Environment
HE1	Historic Environment
HE2	Listed Buildings
HE4	Archaeology
HE6	Trees and Woodlands
ED1	Support for Business and Industry

Table 4.2: Potentially Relevant LDP Policy Numbers and Names

Policy Number	*Policy Name*
TRANS3	Access and Parking Standards
W5	Waste Management Plans and Facilities in all New Developments
WD1	Flooding Avoidance

Policy RE1 'Renewable energy'

4.4.7 With regard to renewable energy and the Scottish Government's target of reducing emissions by 42% by 2020 and by 80% by 2050 through the Climate Change (Scotland) Act 2009, the LDP states (page 49):

4.4.8 *'Shetland is well placed to make a positive contribution to these national targets through the development of the outstanding renewable resource available such as wind, wave and tidal. The Council is committed to harnessing the benefits from renewable energy for the good of the community at large'*.

4.4.9 Policy RE1 'Renewable energy' sets out the Council's commitment to the delivery of renewable energy developments that contribute to the sustainable development of Shetland. The LDP acknowledges that Shetland demonstrates a number of strengths that support the development of renewable technologies and that the LDP seeks to support these opportunities. Policy RE1 states:

4.4.10 *'Proposals for renewable energy will be supported where it can be demonstrated that there are no unacceptable impacts on people (benefits and disbenefits for communities and tourism and recreation interests) the natural and water environment, landscape, historic environment and the built environment and the cultural heritage of Shetland'* (pp49).

4.4.11 Policy RE1 sets out that all renewable energy proposals will be assessed with consideration of their cumulative impacts. Policy RE1 also states that further detailed guidance on renewable energy development is provided in Supplementary Guidance (SG) – Onshore Wind Energy. This SG has not yet been adopted however; it includes broad areas of search illustrating areas where there are no known significant constraints to large scale windfarm developments. SG is considered later in this chapter.

GP1 'Sustainable development'

4.4.12 Policy GP1 'Sustainable development' applies to all development proposals within the Shetland Islands. Policy GP1 sets out that development within the Shetland Islands will be planned to meet the economic and social needs of Shetland in a manner that does not compromise the ability of future generations to meet their own needs and to enjoy the area's high quality environment. Policy GP1 states that *'Tackling climate change and associated risks is a major consideration for all development proposals'.*

GP2 'General requirements for all development'

4.4.13 Policy GP2 is titled 'General requirements for all development' but the first line of the policy states that the policy applies to applications for new buildings or the conversion of existing buildings and that such

developments should meet a number of criteria. Many of the specified criteria, as listed below, are considered relevant to the Consented Development:

a) Developments should not adversely affect the integrity or viability of sites designated for their landscape and natural heritage value;

b) Development should not occur any lower than 5 metres Above Ordnance Datum (Newlyn) unless the development meets the requirements of Policy WD1;

c) Development should be located, constructed, and designed so as to minimise the use of energy and to adapt to impacts arising from climate change, such as the increased probability of flooding; water stress, such as water supply; health or community impacts as a result of extreme climatic events; and a change in richness of biodiversity;

d) Suitable water, waste water and surface water drainage must be provided;

e) All new buildings shall avoid a specified and rising proportion of the projected greenhouse gas emissions from their use, through the installation and operation of low and zero-carbon generating technologies (LZCGT). The proportion of such emissions shall be specified in the council's Supplementary Guidance – Design. That guidance will also set out the approach to existing buildings which are being altered or extended, including historic buildings, and the approach to applications where developers are able to demonstrate that there are significant technical constraints to using on-site low and zero carbon generating technologies;

f) Suitable access, car parking and turning should be provided;

g) Development should not adversely affect areas, buildings or structures of archaeological, architectural or historic interest;

h) Development should not sterilise mineral reserves;

i) Development should not sterilise allocated sites as identified within the Shetland Local Development Plan;

j) Development should not have a significant adverse effect on existing uses;

k) Development should not compromise acceptable health and safety standards or levels; and

l) Development should be consistent with National Planning Policy, other Local Development Plan policies and Supplementary Guidance.

4.4.14 Many of the criteria specified above are not relevant to the Consented Development such as criterion (h) as the Consented Development is not located on any mineral reserves, and criterion (i) as there are no allocated sites located within the Site. Other criteria will be relevant to the Consented Development and are mostly covered by other LDP policies considered in this chapter.

GP3 'All development: layout & design'

4.4.15 Policy GP3 'All development: layout & design' applies to all development proposals. Policy GP3 sets out that all new development should be sited and designed to respect the character and local distinctiveness of the site and its surroundings. The policy states that development should make a positive contribution to:

- *'Maintaining identity and character;*
- *Ensuring a safe and pleasant space;*

- *Ensuring ease of movement and access for all;*
- *A sense of welcome;*
- *Long term adaptability; and*
- *Good use of resources.'*

4.4.16 The LDP states that development should be sited with consideration to the key features of the surrounding area, in particular *'Conservation areas, the national scenic area, local landscape areas, historic landscapes and where the setting of listed buildings and scheduled ancient monuments may be affected.'*

Policy NH1 'International and national designations'

4.4.17 The Consented Development is not located within any internationally or nationally important sites, however, the northern boundary of the Site is adjacent to the Otterswick and Graveland Special Protection Area (SPA) and Otterswick Site of Special Scientific interest (SSSI). At the time of the original consent, the Yell Sound Coast Special Area of Conservation (SAC) and SSSI and the East Mires and Lumbister SAC and SSSI also lay within 10km of the Site. Since consent, the Bluemull and Colgrave Sounds SPA and East Mainland Coast Shetland SPA have been designated.

4.4.18 Policy NH1 'International and national designations' states that development proposals that are likely to have a significant effect on an internationally important site that are not directly connected to the conservation management of the site will be subject to an assessment of the implications for the site's conservation objectives.

4.4.19 The policy states that development that could have a significant effect on an internationally designated site will only be permitted where:

- *'An appropriate assessment has demonstrated that it will not adversely affect the integrity of the site, or*
- *There are no alternative solutions, and*
- *There are imperative reasons of over-riding public interest that may, for sites not hosting a priority habitat type and/or priority species, be of a social or economic nature.'*

4.4.20 It also states that development that could have an effect on a nationally designated site will only be permitted where:

- *'It will not adversely affect the integrity of the area or the qualities or protected features for which it has been designated, or*
- *Any such adverse effects are clearly outweighed by social, environmental, or economic benefits of national importance.'*

Policy NH2 'Protected species'

4.4.21 Policy NH2 'Protected species' sets out that where a species protected under the Wildlife and Countryside Act 1981 (as amended), Annex IV of the Habitats Directive or Annex 1 of the Birds Directive is present on site or may be affected by a development proposal, a plan should be provided to avoid or mitigate any adverse impacts on the species, prior to determining the application.

4.4.22 Policy NH2 states:

4.4.23 *'Planning permission will not be granted for development that would be likely to have an adverse effect on a European Protected Species unless the Council is satisfied that:*

- *The development is required for preserving public health or public safety or for other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment;*
- *There is no satisfactory alternative; and*
- *The development will not be detrimental to the maintenance of the population of the European Protected Species concerned at a favourable conservation status in their natural range.*

4.4.24 *Planning permission will not be granted for development that would be likely to have an adverse effect on a species protected under Schedule 5 (animals) or 8 (plants) of the Wildlife and Countryside Act 1981 (as amended) unless the Council is satisfied that:*

- *Undertaking the development will give rise to, or contribute towards the achievement of, a significant social, economic, or environmental benefit; and*
- *There is no satisfactory solution.*

4.4.25 *Planning permission will not be granted for development that would be likely to have an adverse effect on a species protected under Schedules 1, 1A or A1 (birds) of the Wildlife and Countryside Act 1981 (as amended), unless the Council is satisfied that:*

- *The development is required for preserving public health or public safety; and*
- *There is no other satisfactory solution.'*

Policy NH3 'Furthering the conservation of biodiversity'

4.4.26 Policy NH3 'Furthering the conservation of biodiversity' states that:

4.4.27 *'Proposals for development that would have a significant adverse effect on habitats or species identified in the Shetland Local Biodiversity Action Plan, Scottish Biodiversity List, UK Biodiversity Action Plan, Annexes I and II of the Habitats Directive, Annex I of the Birds Directive or on the ecosystem services of biodiversity, including any cumulative impact, will only be permitted where it has been demonstrated by the developer that;*

- *The development will have benefits of overriding public interest including those of a social or economic nature that outweigh the local, national, or international contribution of the affected area in terms of habitat or populations of species; and*
- *Any harm or disturbance to the ecosystem services, continuity and integrity of the habitats or species is avoided or reduced to acceptable levels by mitigation.'*

Policy NH4 'Local designations'

4.4.28 There are three Local Landscape Areas (LLAs) located within 25km of the Site; Ronas Hill (approximately 16-25km from the Site), Lunna Ness & Lunning (approximately 7-20km from the Site) and Nibbon & Mangaster (approximately 20-25km from the Site). Ladies Hole Local Nature Conservation Site is located to the south of the Site. Policy NH4 states that development affecting a LLA, or a Local Nature Conservation Site will only be permitted where:

- *'It will not adversely affect the integrity of the area or the qualities for which it has been identified; or*
- *Any such effects are clearly outweighed by social, environmental or economic benefits.'*

Policy NH5 'Soils'

4.4.29 The LDP states that soils should be viewed as a finite and non-renewable resource. Policy NH5 'Soils' states that *'development will only be permitted where appropriate measures are taken to maintain soil resources and functions to an extent that is considered relevant and proportionate to the scale of the development.'*

4.4.30 Policy NH5 states:

4.4.31 *'Proposals that will have an unacceptable effect on soil resources and functions will only be permitted where it has been demonstrated that:*

- *The development will have benefits of overriding public interest including those of a social or economic nature that outweigh the local, national, or international contribution of the affected area in terms of its soil functions; and*
- *Any harm or disturbance to the soil resources and functions is avoided or reduced to acceptable levels by suitable mitigation.'*

4.4.32 The Policy sets out that evidence of the adoption of best practice in the movement of, storage, management, reuse, and reinstatement of soils must be submitted with the application. For certain scales of development, a soil management plan will be required to demonstrate that risks to soils, such as unnecessary disturbance, degradation and erosion have been avoided.

Policy NH6 'Geodiversity'

4.4.33 Policy NH6 'Geodiversity' states that proposals that will have an unavoidable effect on geodiversity will only be permitted where it has been demonstrated that the development will have benefits of overriding public interest that outweigh the local, national, or international contribution of the affected area in terms of its geodiversity. In addition, any loss of geodiversity should be reduced to acceptable levels by mitigation, and a record made prior to any loss. Policy NH6 states that for certain scales of development where a soil management plan is required, reference should also be made to geodiversity on site.

Policy NH7 'Water environment'

4.4.34 Policy NH 7 'Water environment' advises that where there is the potential for a development to have an adverse impact on a water course or water body, the applicant or developer must demonstrate that:

- *'There will be no deterioration in the ecological status of the watercourse or water body;*
- *It does not encroach on any existing buffer strips and that access to these buffer strips has been maintained; and*
- *Both during the construction phase and after completion it would not significantly affect:*
    - *Water quality flows in adjacent watercourses or areas downstream*
    - *Natural flow patterns and sediment transport processes in all water bodies or watercourses.'*

Policy HE1 'Historic environment'

4.4.35 Policy HE1 'Historic environment' states that the Council will presume in favour of the protection, conservation, and enhancement of all elements of Shetland's historic environment, which includes buildings, monuments, landscapes, and areas.

Policy HE2 'Listed buildings'

4.4.36 Policy HE2 'Listed buildings' sets out that development affecting a listed building, or its setting, should preserve its setting and that the layout, siting, scale and design of any development should be appropriate to the character and appearance of the listed building and its setting.

Policy HE4 'Archaeology'

4.4.37 Policy HE4 'Archaeology' states that:

4.4.38 *'Developments that have an adverse effect on scheduled monuments and designated wrecks or the integrity of their settings should not be permitted unless there are exceptional circumstances.*

4.4.39 *All other significant archaeological resources should be preserved in situ wherever feasible. Where preservation in situ is not possible the planning authority should ensure that developers undertake appropriate archaeological excavation, recording, analysis, publication and archiving in advance of and/ or during development.'*

Policy HE6 'Trees and woodland'

4.4.40 Policy HE6 'Trees and woodland' states that the Council should ensure that, through the development management process, adequate provision is made for the preservation and planting of trees. The Council should make Tree Preservation Orders to protect trees, groups of trees and areas of woodland where they are considered important for amenity or for their cultural or historical significance.

Policy ED1 'Support for business and industry'

4.4.41 Policy ED1 'Support for Business and Industry' sets out that the Council encourages the creation of sustainable economic development opportunities and business developments in accordance with general policies GP1, GP2 and GP3 of the LDP, as referred to above.

Policy TRANS3 'Access and parking standards'

4.4.42 Policy TRANS3 'Access and parking standards' states that all developments should provide:

- *'A safe and adequate access, visibility splay and turning area in accordance with the standards set out in Supplementary Guidance – Residential Access; and*
- *Adequate car parking and service facilities in accordance with the Council's current standards, which are set out in Supplementary guidance – Parking Standards'.*

Policy W5 'Waste management plans and facilities in all new developments'

4.4.43 Policy W5 'Waste management plans and facilities in all new developments' states that developers must submit an appropriate Site Waste Management Plan (SWMP) which demonstrates how the waste generated by the development during the construction phase will be dealt with. This should set out how

materials will be reused, recycled and how any remaining waste will be disposed of, in accordance with the waste hierarchy.

Policy WD1 'Flooding avoidance'

4.4.44 Policy WD1 states that proposals to build in areas shown to be at risk of flooding or coastal erosion will not be permitted unless a suitable flood risk assessment is provided to demonstrate that:

- *'The development does not create a flood risk to existing or proposed properties and / or surrounding land.*
- *Appropriate acceptable mitigation measures can be undertaken to ensure no significant adverse impact on the natural and built environment as well as cultural heritage.'*

4.4.45 Policy WD1 confirms that further policy and guidance on undertaking a Flood Risk Assessment can be found in the Council's Flooding and Drainage Supplementary Guidance.

Shetland Islands Supplementary Guidance (SG)

4.4.46 ~~The Council have confirmed~~ Four of the Council's ~~two of their~~ SG documents have been adopted; The Onshore Wind Energy SG, The Outdoor Access Strategy SG, The Shetland Islands Marine Spatial Plan SG, and the Local Nature Conservation Sites SG. All other SG documents were originally prepared in 2012 but were not formally adopted with the LDP in 2014. The contents of the SG are under review and are at varying stages of progress, some have been reviewed, some have been re-consulted on and others are awaiting review. The status of each of the SG documents is set out under each of the headings below.

Shetland supplementary guidance, local nature conservation sites (2015)[29]

4.4.47 The Council's Local Nature Conservation Sites (LNCSs) SG was adopted in July 2015. This SG provides a list and map of all LNCSs within the Council area to accompany LDP Policy NH4 'Local Designations'. In respect to Ladies Hole LNCS, the SG states that its primary purpose is for nature conservation and its primary interest is for breeding seabirds including Guillemots, Razor Bills and Puffins. The SG states that:

4.4.48 *'Where a proposed development has the potential to affect the integrity of the LNCS, whether the proposed development is on a LNCS, or outwith the boundaries of the LNCS, it must be demonstrated that this has been taken into account when developing the proposal'*.

4.4.49 The SG states that applicants should discuss their proposal with the relevant organisations and the results of these discussions, predicted effects of the proposal and evidence of how they have been mitigated should be presented with the planning application.

Shetland adopted supplementary guidance, outdoor access strategy (2019)[30]

4.4.50 The Council's Outdoor Access Strategy SG was adopted in in 2019. This SG sets out the sets out the priorities for the provision and development of access to the countryside in Shetland. There are 18 proposals contained within the SG, which sets out various actions the Council will undertake to improve outdoor access on Shetland. The 18 proposals are:

Proposal 1: To review the core paths plan

The Council will review the core paths plan to incorporate changes to the network since 2009 and adopt new created access routes as core paths where agreement can be secured.

Proposal 2: Access for disabled people

The Council will assess the possibilities for improved access for people with disabilities currently afforded by promoted routes by working in conjunction with partners such as NHS, Disability Shetland and the Access Panel.

Proposal 3: Improve routes for all

The Council will promote the use of gates as the preferred means of meeting the needs and requirements of all groups, be they horse riders, walkers, and disabled, elderly, or young people.

Proposal 4: Local access forum

The Council will continue to support the work of a Local Access Forum.

Proposal 5: Scottish outdoor access code

The Council will work with Scottish Natural Heritage in the promotion of the Scottish Outdoor Access Code. In developing access opportunities, consideration will be given to how The Code can assist in visitor management

Proposal 6: Community participation

The Council and its partners will engage with communities to identify their priorities for action in their areas, giving them technical advice and support where they need it and ensuring that landowners and farmers are consulted and content with what is proposed.

Proposal 7: Route development and agriculture

The Council and its partners will seek to protect the needs and the requirements of those who work the land when considering the development of access opportunities and will endeavour to accommodate their wishes where possible and feasible.

Proposal 8: Coastal route improvement

The Council and its partners will work with communities and landowners to create better formal access to Shetland's coast SIC, SAT

Proposal 9: Sensitive breeding sites

The Council will endeavour to promote responsible access in relation to sensitive breeding sites at certain times with the guidance of local organisations.

Proposal 10: Dogs in the countryside

The council will endeavour to raise awareness of the problems irresponsible dog control causes via various media and advisory signage

Proposal 11: Shetland's natural history

The Council will consult with NatureScot (previously SNH), Shetland Biological Records Centre and other partner organisations when developing new access routes to minimise any conflict of interest with sensitive flora and fauna.

Proposal 12: Management of sensitive areas

The Council will consider informal restriction of access to sensitive sites at certain times, providing alternative access can be provided.

Proposal 13: Development of long distance routes

The development of nationally promoted locally managed long distance routes that are of high quality is supported as a long term strategic goal.

Proposal 14: Outdoor access plans

The Council will seek reasonable opportunities from major developments to improve and create, manage, and maintain non-motorised access through the planning process by asking for an Outdoor Access Plan and welcome the opportunity to work with developers at the earliest stages to facilitate and integrated solution to access within and between developments.

Proposal 15: Outdoor access planning.g in the local development plan

The council will work towards including an appropriate policy in the Local Development Plan with regards to Outdoor Access Plans and major developments in order to facilitate integrated non-motorised access and amenity within and between developments.

Proposal 16: Strategic promotion of access routes

The Council will work with partner organisations to investigate ways to promote a coordinated network of countryside access across Shetland to a wider audience with consultation with land managers and land owners.

Proposal 17: Availability of information

The Council will investigate ways of enabling easier access to information showing and promoting formal access routes across Shetland.

Proposal 18: Utilise digital resources

The Council will investigate ways of utilising digital and social media resources to promote and market responsible access to the countryside.

Shetland Adopted Supplementary Guidance Supplementary Guidance, Onshore Wind Energy (2018)[31]

4.4.51 Since the submission of the previous application, the SG on Onshore Wind Energy has been adopted by the Council.

4.4.52 The SG states that its purpose will be to provide developers with information and guidance on where, in principle, large-scale onshore wind energy developments and all associated infrastructure, are likely

to be acceptable. The SG also states its purpose is to *'Provide a policy framework for Shetland Islands Council to use as a basis for consultation responses as part of any Section 36 applications for wind energy developments'.*

4.4.53 The SG further acknowledges that Shetland is well placed to make a positive contribution to national renewable energy targets and states that *'Renewable energy developments are a key component for delivering the ongoing efforts for climate change mitigation and the move towards a low carbon society.'*

4.4.54 The SG contains a spatial framework which follows guidance set out in SPP and applies to large (8 or more turbines with total capacity between 20MW and 50MW) and very large (capacity of 50MW or more) scale developments. The SG contains maps which show areas of significant protection and Group 1 and 2 areas (as defined by SPP). The SG states that in relation to carbon rich soils, deep peat and priority peatland habitat, the consultation draft map produced by NatureScot (previously SNH) (as referred to previously in this chapter) should be consulted as the most up to date information. As discussed under the commentary on SPP, the Site is within an area of deep peat and the NatureScot Consultation draft map indicates that the Site is within an area of Class 1 soils. The description of Class 1 soils provided by NatureScot is *'All vegetation cover indicates priority peatland habitats. All soils are carbon rich soils and deep peat'*. The spatial maps of the SG show that the Consented Development is not located within any other areas of significant protection other than the Scatsta Safeguarding Region which overlaps with the Site to the south west. The site layout has been designed to avoid any conflict with the airport radar. Further detail relating to impacts on radar is contained in EIAR Chapter 21 - Aviation.

4.4.55 The SG provides detailed local policies which will form the basis of the decision making process for proposed onshore wind energy developments. These policies cover the key considerations in the development management process for onshore wind energy developments, as listed in SPP. The policies are listed below and discussion on each is provided in the paragraphs that follow:

- DC1 Landscape and Visual Impact;
- DC2 Cumulative Impact;
- DC3 Natural Heritage;
- DC4 Impacts on Communities;
- DC5 Water Resources;
- DC6 Decommissioning; and
- DC7 Historic Environment.

Policy DC1 Landscape and visual impact

4.4.56 Policy DC1 of the SG sets out the requirement for all applications to be accompanied by an assessment of the likely impact of the Consented development on landscape character and visual amenity. Policy DC1 states:

4.4.57 *'Developers of very large, large, and medium scale proposals will be required to show that their proposal conforms to the guidance provided in the Landscape Sensitivity and Capacity Study for Wind Farm Development on The Shetland Islands (Land Use Consultants for SIC, 2009) for each affected visual compartment.'*

4.4.58 Policy DC1 sets out a requirement for zone of theoretical visibility (ZTV) maps to be included with the application, to a minimum radius of 20km for turbines over 50m. The policy sets out that when assessing the landscape and visual impacts of any Consented development, the associated infrastructure, including tracks, powerlines and ancillary development should be considered as well as the scale and pattern of the turbines. Landscape and Visual Impact Assessments submitted by developers should include an assessment of cumulative landscape and visual effects and should be undertaken and presented in line with relevant guidance issued by NatureScot, the Landscape Institute and The Institute of Environmental Management and Assessment.

Policy DC2 Cumulative impacts

4.4.59 Policy DC2 of the SG states that all applications will be assessed on a case-by-case basis and should be accompanied by an assessment of the likely cumulative impacts on the natural, historic and built environment, the visual amenity of residents and wider socio-economic impacts. In relation to cumulative impacts on the natural environment, consideration for bird species and peatland will be required. Policy DC2 states that cumulative impacts can include, but are not limited to: collision risk, displacement, disturbance, the creation of barriers to species movements and habitat loss.

Policy DC3 Natural heritage

4.4.60 Policy DC3 of the SG states:

4.4.61 *'Proposals for onshore wind development should show that, individually or cumulatively, they will not adversely affect the favourable conservation status of a species, or stop a recovering species reaching favourable conservation status, at international, national or regional level.'*

4.4.62 The policy sets out that the following considerations should be addressed by proposals;

- Ornithology – An assessment of the risks to bird populations should accompany the application and should include an assessment of the following risks; collision with turbines and associated infrastructure, displacement of birds due to loss of suitable feeding and/or breeding / wintering habitat, disturbance within and around the turbine envelope, and creation of a barrier to dispersal, regular movements or migration. A Breeding Bird Protection Plan will be prepared prior to commencement of construction activities and will be included in the Construction Environment Management Plan (CEMP).
- European Protected Species – Proposals should consider the potential impact of the Consented development on otters and identify where there is need for surveys and mitigation measures.
- UKBAP Priority Species – Proposals should consider the potential impact of the Consented Development on UKBAP Priority Species and identify the potential need for surveys and mitigation measures.
- Habitat Management Plans – A draft Habitat Management Plan (HMP) should accompany applications for onshore wind developments where it is necessary to mitigate or compensate for impacts on important habitats or species. The contents of the HMP are stipulated within the Policy and should include consideration of peatland habitats.
- Peat – For all large and very large scale wind energy developments proposed on peat, a carbon calculator should be used during the preparation of the proposal and the whole life carbon balance of the proposals should be considered. Geotechnical and hydrological information should be provided to identify the presence of peat, including the risk of landslide connected to any development work. It

should be demonstrated how the layout and design of the proposal has been devised to avoid impacts on peat.

Policy DC4 Impacts on communities

4.4.63 Policy DC4 of the SG states that development proposals must assess, in combination with existing and consented wind energy developments, the likely impact on communities and amenity including outdoor access, recreation and tourism opportunities.

Policy DC5 Water resources

4.4.64 Policy DC5 of the SG sets out that onshore wind energy development and/ or associated infrastructure proposals should demonstrate that there will be no significant adverse effects on the water environment, including Ground Water Dependant Terrestrial Ecosystems (GWDTEs).

4.4.65 Policy DC5 sets out minimum separation distances which should be adopted between wind energy developments and Scottish Water telemetry equipment. These are marked on Map 3 of the SG which indicates that the Site will not be affected by the telemetry equipment radius.

Policy DC6 Decommissioning

4.4.66 Policy DC6 of the SG states that wind energy development applications should be accompanied by a decommissioning statement detailing the method of reinstatement of the site to its original condition. The decommissioning statement should take into account best practice from guidance from the Scottish Government, NatureScot (previously SNH) and SEPA.

Policy DC7 Historic environment

4.4.67 Policy DC7 of the SG states that proposals for onshore wind energy development should not adversely affect the historic environment or its key features, including its setting and intervisibility between assets. Applications should include an assessment of the historic environment and the potential impacts of the Consented development on the structures and their setting.

Further guidance and advice for developers

4.4.68 The SG sets out that all applications for wind energy developments must contain the following, as a minimum, in order for the application to be validated; a completed full planning application, a site and location plan of the proposed turbines (showing the nearest noise receptor if applicable), a noise impact assessment and specification of the proposed turbine(s).

4.4.69 The SG contains a list of documents that provide planning guidance on wind farm developments and can be referred to when assessing impacts of the Consented Development.

Shetland Draft Supplementary Guidance, Historic Environment (2012)[32]

4.4.70 The Historic Environment draft SG was prepared in 2012 and remains in draft form. It is therefore not a statutory document but does offer some guidance on the historic environment. The draft SG is to be reviewed and re-consulted on prior to being adopted as formal SG, there is no timetable available for the review process.

4.4.71 The draft SG sets out the LDP policies relevant to the historic environment and these have been considered within the LDP section above. In addition, it refers to SG policies as follows:

- Policy SGHE 1 Demolition of Listed Buildings;
- Policy SGHE 2 Demolition of Unlisted Buildings in Conservation Areas;
- Policy SGHE 3 Archaeological Assessment;
- Policy SGHE 4 Shopfronts in Conservation Areas;
- Policy SGHE 5 Advertisements and Signs; and
- Policy SGHE 6 Closure of Lanes and Closes.

4.4.72 Policy SGHE 3 is the only SG policy of relevance to the Consented Development. This states that where archaeological remains are known or thought likely to exist the developer may be requested to supply a report of an archaeological evaluation prior to determination of a planning or listed building consent application.

Shetland Draft Supplementary Guidance, Local Landscape Areas (2014)[33]

4.4.73 The Local Landscape Areas (LLA) draft SG was published in 2014 for a period of consultation. The Council has confirmed that there is further work to be done on this draft SG and that a working group has been set up. There is no timescale for the progress of this SG available at present.

4.4.74 The draft SG sets out that the purpose of LLAs is to ensure sympathetic siting and design of new development and to encourage appropriate consideration of the landscape. The draft SG has been prepared from research undertaken by Land Use Consultants and proposes a number of LLAs.

4.4.75 Three proposed LLAs are located within 25km of the Consented Development; Ronas Hill, Lunna Ness and Lunning and Nibon and Mangaster. The draft SG includes a map of each of the proposed LLA areas, a description of the proposed LLA location and boundaries, key characteristics, a designation statement, and development guidelines for development proposals within the proposed LLAs.

Shetland Draft Supplementary Guidance, Natural Heritage (2012)[34]

4.4.76 The Natural Heritage draft SG was prepared in 2012 and remains in draft form. The draft SG is to be reviewed and re-consulted on prior to being adopted as formal SG, there is currently no timetable available for the review process.

4.4.77 The purpose of the draft SG is to expand on natural heritage policies NH1, NH2, NH3, NH5 and NH6 contained within the LDP. These policies have been identified earlier in this chapter.

4.4.78 The draft SG builds on each of the policies mentioned above and provides definitions of relevant terms for each policy. The legislative and policy framework behind each of the LDP policies is also provided. In reference to LDP Policy NH1 International and National Designations, the draft SG states that any proposal with the potential to affect an internationally important site will be subject to Habitat Regulations Appraisal. The draft SG refers to further sources of information of relevance to the natural heritage LDP policies.

Shetland Draft Supplementary Guidance, Water & Drainage (2012)[35]

4.4.79 The Water and Drainage draft SG was prepared in 2012 and remains in draft form. The draft SG is to be reviewed and re-consulted on prior to being adopted as formal SG, there is currently no timetable available for the review process.

4.4.80 This draft SG sets out policies and further guidance for water and drainage issues related to consented developments. It also sets out advice on the assessment of flood risk on development sites.

4.4.81 The draft SG sets out the LDP policies of relevance to the water environment and drainage. It then goes on to list site selection and design criteria to be considered prior to submitting a planning application. Criteria to be considered include the potential risk of flooding within the development site, whether the development is designed to avoid direct impacts on the water environment and what is to be done during the construction phase to control water contamination and limit flow rates.

4.4.82 The draft SG provides commentary on matters relating to water and drainage including; identifying areas at risk of flooding, flooding avoidance, surface water drainage, maintenance of drainage, roads drainage, the water environment and suitable buffer zones, waste water drainage, drainage impact assessments and flood risk assessments. In relation to flood risk assessments, the draft SG sets out the requirements for flood risk assessments.

4.5 Conclusions

4.5.1 This Chapter has summarised the planning policy context for the Consented Development at a national and at a local level. Commentary on relevant international energy policy considerations has also been provided.

4.5.2 National planning policy continues to support the principle of wind energy development, subject to the consideration of environmental criteria. The spatial strategy outlined in SPP provides an indication of areas where wind energy developments will not be permitted and areas where they may be permitted subject to consideration of a number of environmental criteria. The Consented Development is located within a Group 2 area, where wind farms may be appropriate in some circumstances.

4.5.3 The Development Plan for the Consented Development comprises the Shetland Islands LDP (2014) which is supportive of the principle of wind energy development. The LDP policies require developers to demonstrate that wind energy development proposals will not have unacceptable impacts on people, the natural and water environment, landscape, or the historic, built, or cultural environment of Shetland. The Council's MIR for the emerging LDP2 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 policy to align with current national policy on net zero and climate change targets.

4.5.4 Further guidance on the assessment of the potential impacts of wind energy development proposals is provided in the adopted Onshore Wind SG. The spatial strategy maps within the SG confirm that the Site is located partially within the Scatsta Safeguarding Region and within an area of Class 1 soils where deep peat is present. There are no other areas of significant protection from wind energy development located across the Site.

4.5.5 Overall, there is strong policy support for the principle of renewable energy development at all policy levels, subject to the satisfaction of a number of planning and environmental considerations which are

considered in detail in the following chapters of the EIAR. A full assessment of the Consented Development against the identified plans, policies and strategies identified in this Chapter is contained within the Planning Statement that accompanies the application.

[1] IPCC (2014) IPCC Fifth Assessment Synthesis Report: CLIMATE CHANGE 2014 SYNTHESIS REPORT Longer Report.

[2] IPCC (2018), Summary for Policymakers. In: Global warming of 1.5°C. An IPCC Special Report on the impacts of global warming of 1.5°C above pre-industrial levels and related global greenhouse gas emission pathways, in the context of strengthening the global response to the threat of climate change, sustainable development, and efforts to eradicate poverty. Available online at: https://report.ipcc.ch/sr15/pdf/sr15_spm_final.pdf

[3] An international agreement linked to the United Nations Framework Convention on Climate Change which commits its Parties by setting internationally binding emission reduction targets - http://unfccc.int/kyoto_protocol/items/2830.php

[4] The EU's growth strategy for the coming decade, it sets out to achieve a smart, sustainable, and inclusive economy - http://ec.europa.eu/europe2020/index_en.htm

[5] The Climate Change Act 2008 (2050 Target Amendment) Order 2019.

[6] The UK Government (2021) Carbon Budget Order

[7] UK Government (December 2020), Energy White Paper

[8] Department of Energy & Climate Change (2015) Digest of United Kingdom Energy Statistics 2015.

[9] The Scottish Government (2009) Climate Change (Scotland) Act 2009.

[10] The Scottish Government (2009) Climate Change Delivery Plan. Meeting Scotland's Statutory Climate Change Targets.

[11] The Scottish Government (2013) 2020 Routemap for Renewable Energy in Scotland – Update, 19th December 2013.

[12] The Scottish Government (2016) Energy in Scotland 2016.

[13] Climate Change (Emissions Reduction Targets) (Scotland) Bill 2019.

[14] The Scottish Government (2014) Scotland's Third National Planning Framework.

[15] The Scottish Government (2014) Scottish Planning Policy.

[16] The Scottish Government (2014) Online Renewables Planning Advice.

[17] The Scottish Government (2017) Onshore Wind Policy Statement.

[18] The Scottish Government, Onshore Wind (2021) – Policy Statement refresh 2021: Consultative Draft.

[19] Historic Scotland (2011) Scottish Historic Environment Policy.

[20] Historic Scotland (2010) Managing Change in the Historic Environment, Setting.

[21] SNH (2014) Carbon Rich Soil, Deep Peat and Priority Peatland Habitats Consultation Document.

[22] The Scottish Government: Emerging National Planning Framework 4 (2022).

[23] Deep peat is defined by SNH (2014) Carbon and Peatland (2014) Map - Consultation Document, page 4, as 'soil with a surface peat layer of at least 50cm in depth'

[24] SNH (2014) Wild Land Areas 2014.

[25] The Scottish Government (2015), Chief Planner Letter to all Heads of Planning.

[26] Scottish Historic Environment Policy for Scotland (2019).

[27] The Scottish Government: Peatland and Energy: Draft policy statement (2016).

[28] Shetland Islands Council (2014) Shetlands Local Development Plan.

[29] Shetland Islands Council (2015) Shetland Supplementary Guidance, Local Nature Conservation Sites

[30] Shetland Islands Council (2019) Adopted Supplementary Guidance, Outdoor Access Strategy

[31] Shetland Islands Council (2019) Adopted Supplementary Guidance Supplementary Guidance, Onshore Wind Energy

[32] Shetland Islands Council (2012) Shetland Draft Supplementary Guidance, Historic Environment

[33] Shetland Islands Council (2014) Shetland Draft Supplementary Guidance, Local Landscape Areas

[34] Shetland Islands Council (2012) Shetland Draft Supplementary Guidance, Natural Heritage

[35] Shetland Islands Council (2012) Shetland Draft Supplementary Guidance, Water & Drainage