Orkney's Community Wind Farm Project - Quanterness

Planning Statement

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Planning Statement

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1 Introduction and Background

1.1 Background

1.1.1 Orkney Islands Council (OIC) has submitted a planning application to construct and operate Orkney's Community Wind Farm Project – 'Quanterness' ("the Proposed Development"), located on Orkney Mainland

1.1.2 The application is accompanied by an Environmental Impact Assessment (EIA), prepared in accordance with the Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017 ('the EIA Regulations'). The EIA is presented within the EIA Report, which presents information on the identification and assessment of the likely significant positive and negative environmental effects of the Proposed Development.

1.1.3 This Planning Statement has been authored by Stuart Winter (Bachelor of Land Economy (hons), Member of Royal Town Planning institute) of JLL and presents an assessment of the Proposed Development against relevant policy with due regard given to the provisions of the statutory Development Plan for the OIC area, national energy and planning policy, and other relevant material considerations, cross-referencing to information contained in the EIA Report where relevant. The Planning Statement is supplementary to, and should be read in conjunction with, the EIA Report submitted with the application.

1.1.4 The Proposed Development is one of three under development by the Applicant under Orkney's Community Wind Farm Project. The aims of this project are threefold; to generate income to be used for the benefit of the people of Orkney, to aid towards a meaningful response to the Climate Emergency and the urgent need to further decarbonise, and to build the case for a new transmission connection for Orkney and unlocking wider benefits to the energy sector in Orkney.

1.2 Site Location and Description

1.2.1 The Proposed Development site lies approximately 2.7 km north-west of Kirkwall Town Centre, on Mainland Orkney within Orkney.

1.2.2 The surrounding area is characterised by pasture farmland and is divided into large fields with a network of tracks. There are no watercourses onsite, although there are several field drains and small ephemeral waterbodies. The site is generally flat, with Wideford Hill rising steeply to the south of the site area. The elevation of the site is approximately 20 m above Ordnance Datum (AOD) at the southern edge of the site, falling very gently to approximately 10 m AOD in the central site area, and sea level at the northern site boundary. The site covers a total area of 172 hectares (ha) and is centred on British National Grid (BNG) 341650, 1013600. A location plan of the Proposed Development is provided at Appendix 1.

1.2.3 There are no residential properties within the site boundary. Quanterness Farm Cottages, Quanterness Farm and Harwood are the closest residential properties, located 132m, 370m and 433m south of the site's boundary respectively. All properties have been appropriately buffered in terms of proposed turbine siting, to minimise residential amenity impacts. Further information on residential proximity to the Proposed Development is detailed in Appendix 6.2of the EIA Report.

1.2.4 Access to the site would be directly from the A965 on the site's southern boundary, via a new junction designed to meet relevant safety standards. A detailed description of the site is provided in Chapter 3 of the EIA Report.

1.3 The Proposed Development

1.3.1 The Proposed Development comprises six wind turbines with a proposed maximum tip height of 149.9m. The total generating capacity for the site would be approximately 28.8MW[1]. The positions of the proposed turbines have been optimised based on a number of environmental factors

[1] *Actual installed capacity may be greater or less vary dependent on turbine model selection but will not be greater than 50 MW.*

discussed in detail in Chapter 2 of the EIA Report. The Applicant is seeking in-perpetuity consent for the Proposed Development. In the event of decommissioning, or replacement of turbines, it is anticipated that the levels of effect would be similar but of a lesser level than those during construction. Decommissioning would be undertaken in line with best practice processes and methods at that time and will be managed through an agreed Decommissioning Environmental Management Plan.

1.3.2 Whilst the specific turbine manufacturer and model have not yet been selected, for the purposes of the EIA, the operational attributes of a candidate turbine have been established as a worst-case development scenario and have informed the EIA process.

1.3.3 The Proposed Development's layout is illustrated in Appendix 2. The key development components of the Proposed Development include:

- Six wind turbines each with a maximum blade tip height of 149.9m;
- Temporary construction compound;
- Permanent crane hard-standings;
- Temporary laydown areas;
- New and upgraded on-site access tracks;
- Underground cabling between turbines;
- On-site substation and maintenance building; and
- Permanent meteorological monitoring mast.

1.3.4 Access to the site would be directly from the A965 on the site's southern boundary, via a new junction designed to meet relevant safety standards.

1.3.5 The likely installed capacity of the Proposed Development will be approximately 28.8 MW. The actual installed capacity may be greater or less dependent on turbine model selection but will not be greater than 50 MW.

1.3.6 Whilst not part of the Proposed Development, the Proposed Development would contribute to the investment required for the delivery of an electricity interconnector between Orkney and the Scottish Mainland, which can take place only if 135MW of new generation has been awarded a Contract for Difference (CfD) or is likely to be developed by December 2021. The interconnector could lead to considerable economic benefits enabling the construction and operation of wind farms and infrastructure, and downstream benefits to other parts of the local energy industry.

1.4 The Planning Application

1.4.1 As the Proposed Development has a generating capacity below 50MW, its determination will be made in accordance with Section 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 which requires that planning decisions be made in accordance with the development plan unless material considerations indicate otherwise.

1.4.2 The interpretation of this provision was clarified in a House of Lords' decision in 19982 and set out in the former Scottish Planning Policy 1. "*If a proposal accords with the development plan and there are no material considerations indicating that it should be refused, permission should be granted. Conversely, if the application does not accord with the plan, it should be refused unless there are material considerations indicating that it should be granted. Although priority must initially be given to the development plan in determining a planning application, there is a built-in flexibility depending on the facts and circumstances of each case.*

[2] *1 City of Edinburgh Council v the Secretary of State for Scotland 1998 SLT120*

1.4.3 The House of Lords' judgement set out the following approach to deciding an application:

- *identify any provisions of the development plan which are relevant to the decision;*
- *interpret them carefully, looking at the aims and objectives of the plan as well as detailed wording of policies;*
- *consider whether or not the proposal accords with the development plan;"*

1.4.4 This Planning Statement contains an assessment of the Proposed Development against the Development Plan and relevant material considerations, including the policy framework set out within national energy and planning policy.

1.4.5 The Proposed Development is also a 'Major' development owing to the proposed capacity of the wind turbine generators being in excess of 20MW3. Accordingly, the Applicant has undertaken statutory pre-application consultation and the application is accompanied by the following documentation required for Major developments:

- *Pre-application Consultation Report; and*
- *Design and Access Statement.*

1.4.6 The application for planning permission is also accompanied by an EIA Report, and EIA Non-Technical Summary and this Planning Statement, which explains and assesses the relevant policy context against which the application for planning permission should be determined.

1.5 Structure of Planning Statement

- Chapter 2 provides an assessment of the Proposed Development against the relevant Development Plan provisions under relevant topics;
- Chapter 3 provides an assessment of material considerations including relevant national planning policy, energy policy, other guidance and the Proposed Developments benefits; and
- Chapter 4 presents overall conclusions.

2 The Statutory Development Plan

2.1 Introduction and Approach

2.1.1 The statutory Development Plan comprises the Orkney Local Development Plan 2017 ("the LDP") (adopted April 2017). There is no live Structure or Strategic Development Plan that forms part of the Development Plan for Orkney Islands Council (OIC). The LDP and associated Supplementary Guidance (SG) provides the planning framework for the whole of Orkney.

2.1.2 OIC has five SG documents, adopted as part of the statutory Development Plan in April 2017. The SG documents of relevance to the Proposed Development are:

- Energy,
- Natural Environment, and
- Historic Environment and Cultural Heritage.

2.1.3 OIC has also produced the 'Landscape Capacity Assessment for Wind Energy in Orkney' (2014) which is considered below in the context of the Proposed Development. It should be noted that in the Hesta Head Wind Farm appeal (PPA-330-2023) and the Costa Head Wind Farm appeal (PPA-330-2022), the Reporter attached limited weight to the landscape capacity assessment in determining the appeals for reasons set out below.

[3] *See Part 2 of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013*

2.1.4 This Chapter provides an assessment of the Proposed Development against the LDP's Vision for Orkney and the relevant development assessment policies, and SG by drawing upon the conclusions reached within the EIA Report.

2.2 The LDP Vision

2.2.1 The approved LDP (2017) sets out a vision and spatial strategy for the development of land over the next ten to twenty years in Orkney. In Chapter 1, paragraph VS.1, page 1, it is stated that:

"The Local Development Plan for Orkney seeks to ensure that effective planning policies are in place to strengthen and support Orkney's communities by enabling those developments which will have a positive and sustainable socio-economic impact, and utilise locally-available resources, whilst striving to preserve and enhance the rich natural and cultural heritage assets upon which Orkney's economy and society depends."

2.2.2 With respect to energy, paragraph VS.5, page 1 of the vision states that:

"Policy support has been established to ensure that all appropriate energy generation schemes will be supported in the county and that local solutions to storing energy for alternative uses are encouraged where there is not an opportunity to distribute energy through more traditional routes."

2.2.3 Energy is specifically referenced in Chapter 7 page 25 of the LDP 2017, where it is stated that:

"Orkney Islands Council supports the use of renewable and low carbon technologies to heat and power our homes, work places and community facilities and seeks to facilitate appropriate developments associated with a variety of types of renewable energy generation."

2.2.4 In summary, the LDP's Vision recognises the need to safeguard Orkney's existing cultural and natural heritage assets, whilst also prioritising measures to address climate change through the support of renewable energy, use of natural resources, and promotion of sustainable development.

2.2.5 The Proposed Development would make a significant contribution towards realising the LDP's Vision for Orkney as it would not result in unacceptable effects upon the relevant cultural and natural heritage assets within the study area whilst bringing about inward investment, employment opportunities and making a significant contribution to the climate change emergency.

2.2.6 Overall it is submitted that the Proposed Development can draw support from the LDP's Vision and aims, which is a relevant consideration in the planning balance when establishing accordance with the Development Plan. This is consistent with the House of Lords judgement referred to above.

2.3 The LDP Policies

2.3.1 Table 2.1, below, sets out those LDP policies considered and assessed within this Planning Statement. The accompanying Policy Schedule in Appendix 3 provides extracts of these policies and should be read alongside the following assessment. Policy 7 is considered first as it is the most relevant policy to the assessment of the Proposed Development, then followed by an assessment of the remaining policies.

Table 2.1 - Relevant LDP Policies

LDP Policies
Policy 7 - Energy
Policy 1 - Criteria for All Development
Policy 8 - Historic Environment & Cultural Heritage
Policy 9 - Natural Heritage & Landscape
Policy 10 - Green Infrastructure (Paths, Open Spaces & Green Networks)
Policy 14 - Transport, Travel & Road Network Infrastructure

2.4 Policy 7 Energy

2.4.1 Policy 7 Energy is a multi-criteria policy. Part Ci of Policy 7 concerns "*All Renewables and Low Carbon Energy Developments*" including onshore infrastructure and gives support for such development *"where it has been demonstrated that the proposal will not result in significant adverse effects on known constraints, either individually or cumulatively*." The policy identifies a requirement for "sufficient supporting information," to enable a full assessment to be made of the likely effects of a development.

2.4.2 The Planning Application is supported by the EIA Report, which explains the Proposed Development and details its predicted environmental effects. Whilst part Ci of policy 7 is supportive, (and does not prescribe against development proposals that do not meet this objective), it should be acknowledged that it would be impossible for any commercial scale wind farm to have "no significant effects," given that commercial wind farm development by its very presence will result in some significant adverse impacts on visual resources and landscape. The appropriate consideration in this context is the acceptability of a development's impacts, balanced with all other relevant factors. This is explained in the adopted Energy SG at paragraphs 2.02 and 2.03, which forms part of the Development Plan. It states:

"2.02 Whilst potential constraints are covered within the topic-specific policies in the Local Development Plan, and related supplementary guidance, it is likely that the most relevant benefits that a proposed energy development could have would surround net economic benefit; the scale of contribution to renewable energy generation targets; and the effects of a proposal on greenhouse gas emissions.

"2.03 Where there would be clear adverse impacts on known policy constraints or impacts on the subject areas included within the Development Criteria at 4.18 of this document, the scale of any positive impacts will help to establish whether, on balance, the identified adverse impacts are unacceptable."

2.4.3 In this regard, the Proposed Development supports climate change mitigation by replacing fossil fuel energy generation with renewable energy, thereby reducing emissions of climate changing gases. Chapter 16 of the EIA Report addresses the carbon savings of the Proposed Development across its lifespan. Whilst the Proposed Development will release carbon during manufacturing, delivery and construction, this generation will be offset by the generation of carbon free electricity within 3 months, which is a very low payback period that is mainly due there being no peat or trees on site, as well as the sites excellent wind speeds.

2.4.4 The Proposed Development is a direct response to both the Scottish Government and OIC's declaration of a climate emergency in 2019 which would contribute to working towards a carbon neutral economy both in Orkney and across Scotland.

2.4.5 Part Cii of Policy 7 requires that conflict with adjoining land uses is avoided and that development does not compromise the viability of any existing or approved land use in the surrounding area.

2.4.6 The land use which adjoins the Proposed Development site, and within the site, is predominantly pasture farmland which is divided into large fields supported by a network of access tracks. The Proposed Development does not conflict with these land uses and the Proposed Development site will continue to be used for agriculture during operation, thus not removing that land from the agricultural land supply.

2.4.7 Part Ciii of Policy 7 states that "*the net-economic impacts of a proposal, including local and community socio-economic benefits such as employment, associated businesses and supply chain opportunities, will be taken into consideration and any demonstrable benefits will be balanced against any identified adverse impacts on known constraints."*

2.4.8 The net economic impacts associated with the Proposed Development are considered fully in Chapter 13 of the EIA Report and are assessed below.

2.4.9 In summary, the construction of the Proposed Development has the potential to result in a beneficial economic impact of up to £2.6 million in gross value added (GVA) and 39 job years in

Orkney and £10.4 million GVA and 161 job years in Scotland. The annual operational economic benefits arising from maintenance would be up to £0.3 million GVA and four jobs in Orkney and £0.5 million GVA and nine jobs in Scotland.

2.4.10 The benefits arising from the Proposed Development are wide ranging, which include increased employment and use of the local supply chain, increased use of local facilities and businesses, better site access through wind farm track infrastructure, and the opportunity for the local community to benefit financially through public sector ownership and a commitment that profits will be used for the benefit of Orkney and its inhabitants. The Proposed Development is also central to the needs case for a new Orkney electrical interconnector to mainland Scotland. The Orkney Sustainable Energy Strategy 2017 – 2025 recognises the opportunity for "*Orkney to build on its lead as a net exporter of renewable energy to be a major renewable energy producer*" (page 27) and the constraint imposed by "*inadequate electrical grid infrastructure*" (section 5 page 20). These wider benefits that the Proposed Development will bring combine to provide a material net positive benefit to Orkney and more widely to Scotland.

2.4.11 **Part D of Policy 7** relates directly to Onshore Wind Energy Development. This part of policy 7 states that wind energy development will be assessed against several criteria ("factors") to "*ensure that there will be no significant adverse individual or cumulative impacts*". As stated at 2.4.2, given that commercial wind farm development by its very nature will result in some significant adverse impacts, the appropriate consideration in this context is the acceptability of those impacts, balanced with all other relevant factors as explained in the adopted Energy SG at paragraphs 2.02 and 2.0.3.

2.4.12 The factors listed within Policy 7 are outlined below and assessed in turn, followed by the remaining relevant Policies of the LDP:

a) Communities and Amenity

b) Landscape and Visual Impact

c) Natural Heritage

d) Historic Environment

e) Tourism and Recreation

f) Peat and Carbon Rich Soils

g) Water Environment

h) Aviation, Defence and Communications

i) Construction and Decommissioning

2.4.13 Part Diii of Policy 7, states that Applications for any wind farms should take account of the LDP Spatial Strategy Framework for wind farm development. The Spatial Strategy Framework is included on page 29 and further detail of the spatial strategy is found within the OIC Energy SG. The western side of the Proposed Development site is included within the Spatial Strategy Framework as "*Areas with Potential for Wind Farm Development*" and the eastern side is identified as lying within "*Areas of Significant Protection".*

2.4.14 Part Diii a. of Policy 7 states that "*Areas with Potential for Wind Farm Development*" represent "the areas of least constraint to wind energy development*" and that "Wind energy development is likely to be supported in principle within these areas, subject to proposals complying with the Development Criteria from Supplementary Guidance: Energy and any other material planning consideration*." Part b states that within "*Areas of Significant Protection wind farm development may be supported when a proposal complies with the Development Criteria from Supplementary Guidance: Energy and where it can be demonstrated by the applicant that any significant effects on the qualities of these areas can be overcome by siting, design or other mitigation*".

2.4.15 Supplementary Guidance: Energy provides further Areas of Significant Protection under Spatial Policy 2 (SP2). Policy SP 2 states:

"The following areas have been identified within SPP as requiring significant protection from wind energy development: The Heart of Neolithic Orkney World Heritage Site; Designed Landscapes and Gardens; 2km Envelope around Towns and Villages; Natura 2000 and RAMSAR Sites; Sites of Special Scientific Interest (SSSI); Areas of Wild Land and Deep Peat, Priority Peatland Habitat and Carbon Rich Soils. Within the Areas of Significant Protection wind farm development may be appropriate in some circumstances. It must be demonstrated by the applicant that any significant effects on the qualities of these areas can be overcome to the satisfaction of the planning authority by siting, design or other mitigation."

2.4.16 Given that a section of the site lies within an area of significant protection, an assessment is required to determine whether significant effects on the qualities of the area can be substantially overcome. It is noted that the "*area of significant protection*" is due to proximity to the LDP settlement boundary for Kirkwall. In this regard it is relevant that there is roughly a 3 km buffer between the built edge of the town and the LDP settlement boundary. Most importantly, no significant effects are predicted to occur upon the receptors listed within the policy including the amenity of residents within Kirkwall. Accordingly, the Proposed Development accords with this aspect of the policy.

2.4.17 Part D iv. of Policy 7 confirms that "*Throughout the lifetime of the Plan, OIC will investigate potential 'Strategic Wind Energy Development Areas' within which the principle of wind farm developments will be supported. Any such areas will be subject to appropriate assessment and full public consultation before being adopted within Supplementary Guidance: Energy*." The SG Energy is considered below.

2.4.18 Part D v and vi of Policy 7 relates to the period of consent, planning conditions, restoration, and general support for monitoring equipment in advance of full applications for wind farm development, subject to other material considerations. The Applicant is seeking consent in-perpetuity for the Proposed Development. In the event of decommissioning, or replacement of turbines, it is anticipated that the levels of effect would be similar but of a lesser level than those during construction. Decommissioning would be undertaken in line with best practice processes and methods at that time and will be managed through an agreed Decommissioning Environmental Management Plan. An appropriate planning condition could be attached to a grant of consent to ensure that site restoration can be achieved, if required.

a) Communities and Amenity

2.4.19 Potential effects on residential properties with respect to noise, shadow flicker and visual amenity are considered within the EIA Report and are assessed below.

Noise

2.4.20 Noise is considered within Chapter 9 of the EIA Report. The EIA Report concludes that there would be no significant noise effects from the construction of the Proposed Development. The Applicant has committed to implementing appropriate mitigation such that noise limits are met during operation, which includes implementing an appropriate turbine noise management plan if required. Following mitigation, noise effects due to operation are not predicted to be significant. No significant residual or cumulative noise effects are anticipated due to the Proposed Development. The EIA Report also identifies that construction noise can be managed appropriately. Accordingly, there is no conflict with policy arising from potential noise effects.

Shadow Flicker

2.4.21 Chapter 15 of the EIA Report assesses the likely shadow flicker effects resulting from the Proposed Development. The EIA Report concludes that two of the identified receptors may experience shadow flicker exceeding 11 hours per year and on this basis mitigation by way of a Shadow Flicker Protocol, would be introduced to ensure that shadow flicker is controlled within acceptable limits. Residual shadow flicker effects are therefore assessed as being not significant and therefore there would be no conflict with policy.

Visual Amenity

2.4.22 Visual amenity matters are assessed in Chapter 6 of the EIA Report. Whilst there is no published guidance on how impacts on residential amenity should be assessed, or the criteria which should be applied in considering the extent of any such impacts, the Institute of Environmental Management and Assessment EIA Quality Mark Article 'Residential visual amenity assessment: its place in EIA' lists the criteria that could be used to inform an assessment.

2.4.23 The aforementioned article notes that "*a significant adverse change to an outlook from a property does not in itself result in material harm to living conditions – there needs to be a degree of harm over and above this*". Quoting from the Burnthouse Farm appeal it also poses the question, "*would the proposal affect the outlook of these residents to such an extent, i.e. to become so unpleasant, overwhelming and oppressive that this would become an unattractive place to live"*

2.4.24 Similarly, in the case of Afton Wind Farm in East Ayrshire, Scottish Minsters considered the same test before concluding that:

"With regards to impacts on residential properties, Ministers agree with the assessment in the ES and subsequent SEI3 and consider that that the Development would not result in any overbearing visual effects on residential amenity to a degree that any property might be considered an unattractive place in which to live."[4]

2.4.25 Appendix 6.1 states that the assessment of visual amenity assesses how the introduction of the Proposed Development affects the views available to people and their visual amenity during daylight hours. The assessment comprises two parts; an assessment of the effects of the Proposed Development on a series of viewpoints and an assessment from principal residential visual receptors.

2.4.26 The significance of potential effects has been classified by professional consideration of the sensitivity of the receptor and the magnitude of the potential impact. Paragraph 6.5.18 states, *"A significant effect occurs where the Proposed Development will provide a defining influence on a landscape element, landscape character receptor or view, albeit that it may be one of a number of defining characteristics."*

2.4.27 The EIA Report concludes that in respect of effects on visual amenity, eleven out of the thirteen viewpoints assessed will be significantly affected; VP1: Wideford Hill; VP 2: Hatston; VP 3: A965 west of Quanterness, VP 5: Finstown, VP 6: A966 north of Coubister, VP 7: Gorseness, VP 8: Balfour Castle, VP 9: Kirkwall to Shapinsay Ferry, VP 10: Craigiefield, Car Ness; VP 12: Quanterness; and VP 13: Cuween. These viewpoints are all within approximately 6km of the site and are affected due to their proximity to the construction works and operation of the Proposed Development. The EIA Report also notes that all viewpoints beyond this 6 km range will not be significantly affected as a result of the Proposed Development.

2.4.28 In relation to the principle visual receptors assessed, the EIA Report finds that the more elevated or exposed parts of Kirkwall, to the east and Finstown, to the west, will be significantly affected during the construction and operation of the Proposed Development. All other settlements in the study area will not be significantly affected. In addition, the EIA Report concludes that the A965 between Finstown and Kirkwall will also be significantly affected, along with the southern section of the A966, due to the proximity and openness of views to the Proposed Development from these sections of road. All other routes, including the remainder of the A966 will not be significantly affected during the construction and operation phases of the Proposed Development.

2.4.29 In relation to the cumulative effect of the Proposed Development on visual amenity, the EIA Report notes that there will be no significant cumulative effects on any visual receptors largely owing to the relatively small scale of existing wind farms, both in terms of the number of turbines and their size, which prevents wind farms becoming the prevailing characteristic of landscape character or visual amenity.

2.4.30 Appendix 6.2 of the EIA Report provides a Residential Visual Amenity Assessment (RVAA) which assesses forty property groups within 2km of the Proposed Development. Consistent with the

[4] *Scottish Government Energy Consents Unit Reference: EC00003134*

position taken by Scottish Government Reporters in assessing impacts upon residential amenity, it is concluded that there are no residential properties where there would be unacceptable overbearing or oppressive visual effects on residential amenity that would adversely affect the living conditions of occupiers to such a degree that the property would become widely regarded as an unattractive place to live.

2.4.31 In summary, the Proposed Development would not have an unacceptable impact on the amenity of residents or land users and accordingly complies with policy in this regard.

2.4.32 The Proposed Development will not result in any residual unacceptable significant adverse effects on amenity either individually or cumulatively. Whilst there will inevitably be some impacts upon residential amenity the Proposed Development has been designed to limit that potential impact and is found to accord with this section of Policy 7.

b) Landscape and Visual Impact

2.4.33 Consideration of landscape is featured in several policies of the LDP including Policy 1, "*Criteria for All Development*" which supports development where "*i. It is sited and designed taking into consideration the location and the wider townscape, landscape and coastal character*," and Policy 9 "*Natural Heritage & Landscape*." Both policies 1 and 9 are considered in so far as relevant below.

2.4.34 As set out within the EIA Report, the site selection and design iteration processes have sought to arrive at a commercially viable onshore wind energy development proposal whilst seeking to safeguard the natural and built environment and avoiding areas of known constraint. Onshore wind development by its very nature will have significant adverse effects on the landscape and visual resource. A significant adverse effect should not automatically be considered an unacceptable effect, and whilst Policy 7 does not provide any balancing provision for establishing acceptability, the SG Energy does allow for the balancing of impacts in determining a development's acceptability.

2.4.35 The Landscape and Visual Impact Assessment is contained within Chapter 6 of the EIA Report and identifies the individual and cumulative impacts on the landscape and visual resource taking account of the Orkney Landscape Character Assessment and other relevant legislation, policy and guidance. The methodology included the preparation of photomontages for viewpoints and the production of wirelines of the Proposed Development on its own and with all other relevant cumulative developments, to inform the assessment process.

2.4.36 The summary to Chapter 6 at paragraph 6.1.3 notes that the study area for the Proposed Development covers a radius of 40km and the receptors assessed within this area include; 15 Landscape Character Units (LCU), three Coastal Character Areas, two designated landscapes, 13 viewpoints and people associated with the following principal visual receptors: the A965; A966; Kirkwall and Finstown.

2.4.37 The design iteration process, as explained in Chapter 2 of the EIA Report, has incorporated numerous measures to minimise landscape and visual effects including avoiding inconsistent turbine spacing, the consideration of key views particularly from Cuween and Wideford Hill cairns, and ensuring appropriate separation from sensitive receptors.

2.4.38 Chapter 6 of the EIA Report finds that the effects of the Proposed Development are assessed as being relatively localised with a contained pattern in which visibility is largely concentrated within the viewshed of the Wide Firth, which extends to a minimum of 2 km and a maximum of 8 km from the Proposed Development. The site is in a low-lying location and has enclosure from surrounding moorland hills. Due to this largely contained pattern of visibility, the landscape and visual receptors most likely to be affected, are all located within a 15 km radius of the Proposed Development, which is also the zone within which there is likelihood that significant effects may arise.

2.4.39 In respect of the physical effects on landscape, the Proposed Development will necessitate the removal of approximately 12.7 Ha of agricultural land within the application site. These losses comprise a small proportion of a wider landscape resource that has been extensively modified by agricultural practices. The EIA Report concludes that the direct effect on agricultural land as a result of the construction of the Proposed Development will be not significant. The EIA Report finds that

the improved pasture and arable landscape will be relatively easy to re-establish post construction or post decommissioning, depending on the short/long term use of the area.

2.4.40 The EIA Report finds there will be significant effects to Landscape Character Units, which are likely to be partially significantly affected, within a 5-6 km radius of the Proposed Development. The Landscape Character Areas in question are sited either close to the site or located around the Wide Firth where a strong visual association with the site arises.

2.4.41 With regard to Coastal Character Areas, the EIA finds that the Proposed Development will give rise to significant effects on the Wide Firth Regional Coastal Character Areas (RCCA), due to the strong association between the site and the surrounding coastal landscapes. In addition, the overall effect at the Kirkwall RCCA and Shapinsay RCCA are assessed as not significant, however significant localised significant effects are predicted at the western coastal edge of Car Ness at the Kirkwall RCCA, and the south-west corner of the Shapinsay RCCA.

2.4.42 With respect to landscapes of national and regional importance there will be no significant effects within the study area. The EIA Report also finds that following a detailed assessment, no significant effects on the special qualities of the Orkney - Hoy and West Mainland NSA will occur.

2.4.43 The EIA Report also concludes that the overall effect at Balfour Castle Gardens and Designed Landscape is found to be not significant. In terms of visual effects these have been assessed above.

2.4.44 Policy 7 of the LDP together with the SG Energy, is the primary policy for the assessment of Renewable and Low Carbon Energy Development. Both Policy 7 and the SG Energy, seek to steer (and support) wind energy development to "*Areas with Potential for Wind Farm Development*."

2.4.45 It is acknowledged that the site sits within both an area with Potential for Wind Farm Development and the eastern side is identified as lying within Areas of Significant Protection and that there are no significant effects on those receptors that have informed the identification of the Area of Significant Protection. Whilst the Proposed Development results in a number of significant residual effects on the landscape receptors within the study area, the design approach has sought to protect those landscape and visual receptors of most value, including the Orkney - Hoy and West Mainland NSA. Only localised landscape and visual effects remain, which are determined to be acceptable following detailed assessment and accordingly the Proposed Development is found to accord with policy with regards its likely landscape and visual impact.

c) Natural Heritage

2.4.46 Ecological matters are addressed in Chapter 8 of the EIA Report and Ornithology within Chapter 9. Chapter 8 describes the primary habitats on the site as; improved grassland, arable, hardstanding rocks and tracks, intertidal rocks, running water and standing water. It notes that there are two designated sites located within 5 Km of the site that have ecological qualifying features; the Keelylang Hill and Swartaback Burn SSSI lies 1.76 Km southwest of the site and is designated due to the presence upland mosaic habitats, and the West Mainland Moorlands SSSI which lies 4.58Km northwest of the site and which is designated due to the presence of blanket bog habitats. No non-statutory designations (for non-avian considerations) were recorded within 2 km of the site.

2.4.47 Mitigation measures include both design measures i.e. utilising existing tracks to reduce the footprint of the Proposed Development and installing cabling alongside tracks where possible to minimise habitat loss, and good practice measures i.e. appointing a qualified Ecological Clerk of Works and implementing a Construction Environment Management Plan (CEMP).

2.4.48 The assessment concludes that there will be no significant adverse effect on any of the terrestrial ecological or ornithological interests of the site and study area, resulting from the construction and operation of the Proposed Development. Due regard has been given to the importance of international, national and locally designated natural heritage sites in site identification as well as design. From the findings reported in the EIA Report, following mitigation there would be no residual significant adverse effects predicted on international, national, and locally designated sites.

2.4.49 Following mitigation, no residual significant effects are anticipated on the hydrological, hydrogeological and geological receptors due to the Proposed Development. The Proposed Development therefore accords with Policy 7 with regards the natural environment.

d) Historic Environment

2.4.50 Historic Environment is assessed fully in relation to Policy 8 below.

e) Tourism and Recreation

2.4.51 Tourism and recreation are assessed in Chapter 13 of the EIA Report. At paragraph 13.6.41 it is recognised that Tourism is a key driver of the Orkney economy generating income on the Islands and in 2017, 1,250 people were employed in sustainable tourism in Orkney equalling 9.6 % of total employment. The value added by this sector to the Orkney economy was £21.5 million GVA.

2.4.52 The EIA Report establishes that there is no evidence that wind farm developments adversely impact upon the tourism industry in Scotland. Nevertheless, the EIA Report presents an assessment of the Proposed Developments potential impact on tourist attractions and recreational routes, drawing on the findings of the landscape and visual impact assessment and cultural heritage assessment. The EIA Report concludes that the potential impacts of the Proposed Development on tourism will not be significant.

2.4.53 In terms of recreation, Policy 10-part A concerns "Core Paths & Access" and is addressed further below.

2.4.54 Overall, no significant adverse effects on tourism and recreation have been predicted to occur. The Proposed Development therefore accords with Policy 7 with regards tourism and recreation.

f) Peat and Carbon Rich Soils

2.4.55 Chapter 11 of the EIA Report addresses peat. Paragraph 11.6.23 notes that following a site visit and desk study analysis no peat has been identified on the site. Peat has therefore been scoped out of the EIA.

2.4.56 The Proposed Developments carbon payback period is very low, predicted at three months, which is significantly lower than for the vast majority of wind farms, some of which are in excess of three years.

2.4.57 The Proposed Development can draw significant support from the Development Plan in this regard and is considered to comply fully with this aspect of Policy 7.

g) Water Environment

2.4.58 Chapter 11 of the EIA Report assesses the impact of the development on geology, hydrology and hydrogeology. Paragraph 11.1.3 states that likely construction and operational effects include siltation or pollution of the water environment from surface runoff, compaction of soils, and effects on groundwater quality and flow regime. Prior to mitigation, the EIA Report concludes that all likely effects on geology, hydrology and hydrogeology including drainage are assessed to be of negligible or minor significance.

2.4.59 Proposed mitigation includes the preparation of a Construction Environmental Management Plan (CEMP) which will include a breakdown of the phasing of construction activities, a pollution risk assessment, contingency planning and emergency procedures and ongoing monitoring of construction procedures to ensure management of risk is maintained. In addition, the Proposed Development has been designed to minimise effects on hydrology including the implementation of a 6m buffer for all drainage ditches located on site, designing infrastructure outwith the ditches where possible and designing the proposed access tracks to use the shortest amount of track possible to minimising soil compaction.

2.4.60 The Proposed Development accords with Policy 7 in this regard.

h) Aviation, Defence and Communications

2.4.61 There is no specific policy relating to aviation within the LDP with the exception of the general heading under Policy 7. Aviation and Radar are considered in Chapter 14 of the EIA Report.

2.4.62 A statement of potential effects is provided in section 14.7 of the EIA Report and confirms that *"No aviation or radar impacts are anticipated during construction, operation or decommissioning*."

2.4.63 The EIA Report notes that no objections were received from NATS, Kirkwall Airport or Orkney Islands Council Airfields.

2.4.64 The MOD scoping response noted that the Proposed Development may impact upon low flying operations, however the EIA Report states that this response is based solely on the categorisation of the airspace without reference to subject matter experts. The site is in a low priority area for military low flying. The EIA Report states that there are no apparent military low flying activities in this area that would conflict with the Proposed Development. Therefore, the EIA Report concludes that an objection to low flying is unlikely by the MOD, however the MOD are likely to request infra-red lighting, which increases the visibility of the development to military pilots conducting night-time operations using night-vision goggles. Infra-red lighting would be fitted to the turbines.

2.4.65 HIAL (Highlands and Islands Airports Ltd), the operators of Kirkwall Airport, has requested that an assessment of the impacts to the Kirkwall VOR (a navigational aid) is conducted, with no other concerns highlighted. A study has been commissioned, with the results outstanding at the time of submission. No conflict with this aspect of policy has been identified at this stage.

i) Construction and Decommissioning

2.4.66 Decommissioning would be undertaken in line with best practice processes and methods at that time and will be managed through an agreed Decommissioning Environmental Management Plan. An appropriate planning condition could be attached to a grant of consent to ensure that site restoration can be achieved, if required.

2.5 Policy 1 Criteria for All Development

2.5.1 Policy 1 "Criteria for All Development" is a generic policy that is explained in paragraph 1.1 of the LDP as having the purpose of setting out the "*key guiding principles that will be a consideration in the assessment of all planning applications*". The policy has not been drafted specifically for the assessment of renewable energy development, it is more appropriate to apply to bricks and mortar development and in the context of Policy 7 and the Energy SG setting a bespoke policy framework for renewables development, the policy has limited relevance.

2.5.2 Nevertheless, with regards to the policy criteria that have some relevance, it is noted the Proposed Development site selection and design iteration processes has sought to avoid known constraints. The Proposed Development does not conflict with the predominant land use in the locale, which is pasture farmland as the site will continue to be used for agriculture during the operation of the Proposed Development, thus not removing that land from the agricultural land supply.

2.5.3 The Proposed Development does not create a burden on existing infrastructure, does not create a public health or safety risk and incorporates a waste management plan. Crucially in relation to criterion Vii) the Proposed Development is a low/zero carbon electricity generating development, which provides a meaningful response to the Climate Emergency and the urgent need to further decarbonise the electrical sector, and contributes to the case for a new interconnector to Orkney, which would assist in unlocking wider energy sector benefits.

2.5.4 The impact of the Proposed Development on residential properties has been considered above, as have natural heritage and cultural resource matters.

2.5.5 In general terms, the policy has limited relevance to the Proposed Development; however, the Proposed Development is considered to accord with Policy 1 in so far as relevant.

2.6 Policy 8 Historic Environment and Cultural Heritage

2.6.1 Chapter 8 of the LDP recognises that "*Orkney's rich and varied historic sites are valuable assets*" and *"seeks to protect the importance of these sites whilst recognising their place in the living landscape*." (Paragraph 8.1 of the LDP).

2.6.2 Under the category of "All Development" in Part A of Policy 8 it is stated with regards historic and cultural resources that *"development which would have an adverse impact on this significance will only be permitted where it can be demonstrated that:*

i. measures will be taken to mitigate any loss of this significance; and

ii. any lost significance which cannot be mitigated is outweighed by the social, economic, environmental or safety benefits of the development."

2.6.3 Three significant setting effects to monuments are predicted, which are indirect and not considered to extend to adverse effects upon the integrity of setting.

2.6.4 Part Bi of Policy 8 "Specific Policy Considerations" concerns the Heart of Neolithic Orkney World Heritage Site. The second part of the policy states that "*development will not be permitted where it breaks the skyline at sensitive ridgelines of the World Heritage Site when viewed from any of its component parts, or where it will be sited in any location where there is the potential to impact upon the World Heritage Site, unless it is demonstrated that the development will not have a significant negative impact on either the Outstanding Universal Value or the setting of the World Heritage Site."*

2.6.5 No significant effects on the world heritage site are predicted.

2.6.6 Policy 8Bii relates to development that affects Listed Buildings, their setting or any features of special architectural or historic interest. The policy appears to relate primarily to works to Listed Buildings and has limited relevance to the assessment of wind farm development. Nevertheless, it is relevant that the EIA predicts no direct effects or setting effects upon listed buildings within the study area.

2.6.7 Part iv. of Policy 8B relates to Scheduled monuments, and states that "*where there is potential for a proposed development to have an adverse effect on the integrity of the setting of a scheduled monument, planning permission will only be granted where:*

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

2.6.8 There would be a moderate and significant residual effect on the settings of the Cuween Hill, Wideford Hill and Quanterness chambered cairns although the core components and integrity of their settings would not be significantly adversely affected to the extent that the attributes that led to their designation would be compromised.

2.6.9 Part v of Policy 8B concerns Inventory Gardens and Designed Landscapes and provides general support for Development which preserves or enhances the character and features of inventory gardens and designed landscapes and their setting. Development "*that would have a significant negative impact upon the character of their areas will not be permitted."*

2.6.10 No significant effects upon Gardens and Designed Landscapes are predicted when the designations are assessed as a whole.

2.6.11 Given that there would be no adverse effects to the integrity of the setting of monuments or significant effects to other heritage assets, the Proposed Development accords with Policy 8.

2.7 Policy 9 Natural Heritage and Landscape

2.7.1 Natural Heritage is considered in Policy 9 of the LDP. Paragraph 9.1 notes that "*the natural heritage of Orkney is reflected in its designated sites, the wider biodiversity and geodiversity, as well as its inspiring landscapes.*" Paragraph 9.2 of the LDP details the aim of Policy 9 in seeking to "*protect Orkney's natural environment from the detrimental effects of development, ensuring the conservation of this rich natural heritage for the benefit of future generations."*

2.7.2 In addition to Policy 9, OIC has produced Supplementary Guidance: Natural Environment, which has been adopted and has Development Plan Status. The Supplementary Guidance: Natural Environment, repeats the relevant aspects of Policy 9 as assessed above and below in relation to the relevant topic areas and provides advice, in relation to the assessment for development and matters that should be taken into account. The Supplementary Guidance: Natural Environment, has been taken into account in the assessment of development and in informing the conclusions within the EIA Report.

2.7.3 Policy 9 is split into seven sections, which are as follows:

- *Natural Heritage Designations*
- *Protected Species*
- *Wider Biodiversity and Geodiversity*
- *The Water Environment*
- *Peat and Soils*
- *Trees and Woodland*
- *Landscape*

2.7.4 These policy matters have been considered in the context of Policy 7 above, with the exception of trees and woodland.

2.7.5 It has been found that no natural heritage designations would be significantly affected and that there would be no significant effects on species, biodiversity, geodiversity, and peat. All potential effects on these resources have been mitigated appropriately and residual effects are consistent with relevant legislation that applies to species and habitats.

2.7.6 Some significant landscape effects are predicted, which for commercial scale wind energy development is to be expected. Those landscape effects do not extend to effects that bring into consideration matters of national or regional significance.

2.7.7 In terms of trees and woodland, the Proposed Development would have no effects as there are no trees or woodland on the site that would be affected.

2.7.8 The Proposed Development is considered to accord with this policy.

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

2.8.1 Policy 10-part A concerns "*Core Paths & Access*". Part I of the Policy requires that "*Development should have no unacceptable adverse impact on statutory access rights, core paths, other public footpaths or rights of way."*

2.8.2 Part ii of the Policy requires that "*Where a proposal will affect access rights, a core path, a right of way or other public paths it will be necessary to:*

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

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

2.8.3 The EIA Report identifies that a number of recreational trails were identified in the local area, and within 15 km of the Proposed Development there are a number of core paths. The EIA finds that the

effect on core paths was assessed as negligible and not significant. With regards to recreational trails, Paragraph 13.7.77 states, "*Overall, the Proposed Development would not affect the availability of any recreational trails, nor the features that make them attractive. The effect has been assessed as negligible for tourism."*

2.8.4 Overall, no significant adverse effects on core paths or other green infrastructure is predicted to occur and no potential effects are considered to be unacceptable. On this basis the Proposed Development is found to accord with this policy.

2.9 Policy 14 Transport, Travel & Road Network Infrastructure

2.9.1 Policy 14 has limited relevance to the development of onshore wind proposals, but notes at section Bi that "*Proposals that involve significant travel generation by virtue of their size or nature must provide a Transport Assessment to explain how the development will incorporate sustainable travel options (active travel, public transport and low carbon vehicles) and how they will integrate with existing infrastructure/networks."*

2.9.2 The Proposed Development will be accessed from the A965 between Kirkwall and Finstown via a priority access junction constructed at the location of an existing agricultural access. There are no Core Paths or rights of way within the site. It is noted that in order to construct the Proposed Development, bulk materials such as concrete and rock will be imported to the site from local sources, whilst specialist loads such the turbine components will arrive in Orkney by ship and will be transported to site using specialist vehicles from Hatston Pier.

2.9.3 The residual impacts reported in the EIA Report with respect to traffic and transportation are predicted to be not significant in all respects. The existing road network can accommodate the anticipated construction and operational phase traffic. The development would not result in any unacceptable access or traffic effects and is considered to be in accordance with those aspects of Policy 14 that could be considered to have some relevance to the Proposed Development.

2.10 Supplementary Guidance Energy

2.10.1 OIC's SG Energy was adopted on 9 March 2017 and as confirmed on page 1 of the SG Energy, now has "*statutory weight in the determination of planning applications and forms part of the plan*."

2.10.2 Paragraph 1.01 of the SG Energy provides an introduction recognising that:

"the Scottish Government has set targets for 100% of Scotland's electricity and 11% of heat demand to be generated from renewable sources by 2020. Section 4 of The Climate Change (Scotland) Act 2009 also places a duty on all Public Bodies to mitigate against climate change by reducing emissions of 'greenhouse gases', in line with national targets."

"The SG Energy further recognises that "A modal shift towards renewable and low carbon forms of energy is a major contributory factor in enabling a reduction in emissions."

2.10.3 At paragraph 1.02 the SG Energy acknowledges that

"The renewable energy sector is a growth sector for the both Scottish and the Orkney economies, providing employment and bringing investment. The European Marine Energy Centre is located in Orkney along with a number of renewable energy companies and ancillary businesses. In addition to this, students are attracted to Orkney to study renewable energy-related courses at the International Centre for Islands Technology, which is part of Heriot Watt University."

2.10.4 Paragraph 1.03 of the SG Energy confirms its purpose is seeking *"to ensure that appropriate development can take place, whilst at the same time seeking to ensure the character and special qualities of Orkney is not adversely affected."*

2.10.5 Paragraph 1.04, sets out that the policy context accompanies Policy 7 of the LDP which "seeks to support appropriate renewable energy development… whilst offering a transparent and robust framework for the assessment of relevant development proposals." Policy of the 7 LDP as assessed above is repeated.

2.10.6 Sections 1.09 and 1.10 detail expectations with respect to community benefit but detail that *"negotiations for community benefit payments will take place independently from the planning process."*

2.10.7 Whilst it is acknowledged that negotiation on community benefit will take place independently from the Planning process, net economic impact is a material planning consideration. The Development Management criterion in SPP paragraph 169, includes ""*net economic impact, including local and community socio economic benefits such as employment, associated business and supply chain opportunities*" as the first criterion and this is also reflected in the SG Energy.

2.10.8 Section 1.11 "Positive Impacts" states that OIC, "*will strive to balance both positive and negative factors associated with a proposal prior to making a determination. Where there are significant adverse impacts on known constraints, the onus will be on the developer to demonstrate that the positive impacts, including net economic impact, the scale of contribution to renewable energy generation targets and the effects on greenhouse gas emissions, outweigh these".*

2.10.9 Section 2 sets out further detail on the requirement to balance the impacts of development as discussed under the relevant assessment of Policy 7 above.

2.10.10 Sections 2.05 to 2.12 provide guidance on assessing the net economic impacts with "*the key criterion in assessing the economic impact of a proposed development is to estimate the economic position where the development proceeds, and then compare it with the estimated economic position if the proposal does not go ahead."*

2.10.11 In addition to the Net economic impact this section of the SG Energy is particularly relevant to considering the impact of the Proposed Development and its wider contribution, including the extent to which it will aid the case in support of the upgrading of the interconnector to the mainland. The proposed interconnector has numerous benefits: increasing security of electricity supply, enabling Orkney to be an exporter of electricity, protecting the jobs and local supply chain associated with renewables, marine renewables and centres of excellence such as European Marine Energy Centre (EMEC), and the potential for increased community investment and benefits, which may be used to alleviate matters such as fuel poverty.

2.10.12 Wind Energy is specifically covered in section 4 of the SG Energy and there is reference to the Spatial Framework (as required by SPP) for wind farm developments and "*encouragement for all applicants …. to consider the spatial framework at an early stage to identify potential constraints that may impact upon their development proposal."*

2.10.13 The Spatial Strategy Framework is further considered in section 4 of the SG Energy. Paragraph 4.12 states that "*developers of 'wind farms' are generally directed to 'Areas with Potential for Wind Farms' where there are the lowest levels of potential constraints to wind energy developments."*

2.10.14 Paragraph 4.13 defines how the Areas of Potential for Wind Farm development have been identified, confirming that *"these areas have been defined by eliminating sensitive areas that require significant protection or are sensitive to wind farm development*" and that "*It is not guaranteed that development within these areas will be technically feasible or appropriate and each application will be judged on its merits against the Development Criteria (from paragraph 4.18)"* as taken into account in the relevant chapters of the EIA Report and above.

2.10.15 Spatial Policy SP1, below para 4.13 of the SG confirms that "Areas with potential for wind farms" in the Spatial Framework represent the areas of least constraint.

"Areas with potential capacity to accommodate wind farms have been identified as 'Areas With Potential for Wind Farms' and are shown in Figure 1. These places represent the areas of least constraint to wind energy development. Wind energy development is likely to be supported in principle within the areas subject to proposals complying with the Development Criteria and any other material planning consideration."

2.10.16 Spatial Policy 2 addresses "Areas of Significant Protection" in which justification, along with mitigation, will have to be provided in support of a planning application to demonstrate

acceptability. Paragraph 4.16 states that within Spatial Policy 2 (SP2) – Areas of Significant Protection,

"the following areas have been identified within SPP as requiring significant protection from Wind energy development:

- *The Heart of Neolithic Orkney World Heritage Site;*
- *Designed Landscapes and Gardens;*
- *2km Envelope around Towns and Villages;*
- *Natura 2000 and RAMSAR Sites;*
- *Sites of Special Scientific Interest (SSSI);*
- *Areas of Wild Land; and*
- *Deep Peat, Priority Peatland Habitat and Carbon Rich Soils.*

Within the Areas of Significant Protection wind farm development may be appropriate in some circumstances. It must be demonstrated by the applicant that any significant effects on the qualities of these areas can be overcome to the satisfaction of the planning authority by siting, design or other mitigation."

2.10.17 An assessment of the site's position within both an area for wind farm potential and significant constraint is addressed above in relation to Policy 7 of the LDP. However, in summary, none of the areas listed in Policy SP2 which require significant protection are located within the Proposed Development site with the exception of the 2km envelope around towns and villages.

2.10.18 In June 2019 OIC approved' Development Management Guidance on Energy' as a material consideration, which was prepared to provide additional clarity to the material factors outlined within the SG Energy document and to assist in the assessment of planning applications. The Guidance was adopted in response to OIC's declaration of a climate change emergency on 14th May 2019.

2.10.19 Section 2 of the document states that, "*Where there will be adverse effects on local-level constraints, such as landscape impacts outwith the National Scenic Area or impacts on sites that are not subject to a national or international level designation, significant weight will be given to any cogent argument that demonstrates that the proposal will have a meaningful positive impact on the factors outlined within Section 1."* These factors include net economic impact, the scale of contribution towards renewable energy targets and the effects on greenhouse gas emissions. As noted above, OIC are committed towards delivering a carbon neutral economy whilst tackling climate change. In considering the weight of positive impacts of developments, Section 1 also notes, "*It is acknowledged that community and publicly owned energy developments naturally have greater socio-economic benefits at the local level than private schemes."*

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

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

2.10.22 Section 5 notes that recent appeal decisions have placed significant material weight on the contribution of renewable energy projects towards the needs case for the Orkney interconnector. Page 3 of the Guidance states, "*In future, significant material weight will be placed upon any meaningful contributions toward realising this National Development. For the avoidance of doubt, any single energy generation project greater than 15MW…will be considered to make a meaningful contribution toward the interconnector needs case."*

2.10.23 The Proposed Development draws significant support from the Development Management Guidance on Energy document as a community wind farm development which provides various economic benefits, contributes towards renewable energy targets, tackles the effects on greenhouse gas emissions and which will generate significant energy making a meaningful contribution towards the interconnector needs case.

2.10.24 In conclusion, SG Energy (as adopted) forms part of the Development Plan, against which the development will be assessed. The SG identifies more appropriate balancing duties in assessing a developments impacts than LDP Policy 7 and the two must, thus, be read together.

2.10.25 As noted above the Proposed Development sits within both an area of least constraint and in an area of significant protection which is justified and considered to meet the relevant policy guidance. The site selection and design iteration process has sought to ensure that the development minimises potential impacts against the listed assessment criteria. The Proposed Development will result in minimal significant adverse effects whilst the net economic impacts and contribution to Orkney in terms of economic benefit, employment, contribution to renewable energy targets and supporting the case for the new interconnector to the mainland are all significant factors that should weigh favourably in the planning balance.

2.11 Landscape Capacity Assessment for Wind Energy in Orkney (2014)

2.11.1 OIC, in partnership with and jointly funded by Scottish Natural Heritage appointed Ironside Farrar to prepare the Landscape Capacity Assessment for Wind Energy in Orkney' (LCA) which was published in April 2014. The LCA provides detailed guidance on the capacity of the landscape to accommodate wind turbine development and to inform the review of the Development Plan spatial frameworks and supplementary guidance. The study specifically assesses landscape and visual sensitivity, landscape value and landscape capacity together with the impact of cumulative wind energy development in order to determine where significant protection from further development may be required.

2.11.2 It is important to note that the Capacity Study has the following disclaimer on Page 2,

"It is emphasised that this is a strategic level landscape and visual study, providing a context for consideration of capacity for, and the cumulative effects of, existing and potential future wind turbine developments in Orkney. No site-specific conclusions should be drawn from it in relation to current, proposed or future wind turbines and windfarms.

As a strategic landscape and visual study this does not address specific localised impacts such as effects on individual residential receptors or other sensitive receptors. All wind energy proposals should be considered on their own unique locational and design characteristics as well as their strategic context. All proposals should be subject to landscape, visual and cumulative impact assessment including (if required) a full environmental assessment."

2.11.3 The Proposed Development site has a defined landscape character type of 'inclined coastal pasture' This landscape is defined by gently sloping hills with rectangular fields sloping towards the coast, a farmed landscape with small scale agricultural development containing resident farming communities and small settlements. The sensitivity levels of the landscape character, visual sensitivity and landscape value are graded as medium in the LCA.

2.11.4 In this landscape character type, the LCA finds that there is no capacity for the largest multi-turbine developments of 80-125m. It is noted that the scale of the proposed wind turbines is beyond the current maximum height of 125 metres tip height as considered by Supplementary Guidance: Energy and the LCA.

2.11.5 The Landscape Capacity Assessment for Wind Energy in Orkney has only limited relevance to the Proposed Development as it is a strategic study which doesn't provide site-specific conclusions and cannot be used to assess the design response or the specific localised effects of developments. The findings of the EIA Report are of most relevance to determining the Proposed Development's acceptability.

2.11.6 In terms of weight, the Reporters Report for the Costa Head Wind Farm and Hesta Head Wind Farm appeals attached very limited weight to this study owing to it being strategic, inconsistent with the findings of the Landscape Assessment for Potential Strategic Wind Energy Development in Orkney published in 2015 and also inconsistent with the spatial framework contained within the 2017 Energy SG. It is submitted that limited, if any weight, should be given to the 2014 landscape capacity study in determining the Proposed Development.

2.12 Development Plan Conclusions

2.12.1 The Proposed Development has been assessed against all relevant policies contained within the statutory Development Plan under the policy headings set out above. Policy 7 "Energy" of the LDP is considered to be the most relevant policy against which to assess the Proposed Development due to its nature as a renewable energy development. Whilst the policy offers general support for renewable and low carbon energy developments, it makes no allowance for the balancing and assessment of the acceptability of the significant effects which will inevitably arise with any commercially scaled onshore wind farm development.

2.12.2 Policy 7 offers specific support proposals for wind energy developments where the proposal is within an area with potential for wind farm development. For the reasons set out above, the Proposed Development is considered to be in accordance with the objective of the primary policy and the wider aims and vision of the Development Plan in seeking to address climate change through the support of renewable energy, use of natural resources and the promotion of sustainable development.

2.12.3 The EIA reports that the Proposed Development would result in significant landscape and visual effects and cultural heritage setting effects. This is not abnormal for wind farm development of a commercial scale, as all such developments would have significant landscape and visual effects of varying degrees. Whilst the identification of significant adverse effects results in an element of non-compliance with Policy 7, the SG makes allowance for the assessment of acceptability in the Planning balance. The residual landscape and visual effects reported are considered to be acceptable as they have been reduced and limited through the design iteration and mitigation process.

2.12.4 The EIA Report clearly describes the consideration of the development in relation to the most sensitive landscape and visual receptors within the study area, including any designations. The Proposed Development has been optimised to avoid or minimise any significant adverse effects. It is also important, (following the approach discussed in paragraph 1.4.2 to this Planning Statement), to consider the Development Plan as a whole, including the aims and objectives of the plan, as well as detailed wording of policies.

2.12.5 Reading Policy 7 along with the SG that contains an appropriate balancing provision, when the climate change and socio-economic benefits are weighed against the predicted environmental effects it is submitted that the Proposed Development accords with the Development Plan.

3 Material Considerations

3.1 Introduction

3.1.1 The following material considerations are relevant to the Proposed Development and are assessed below:

- National Planning Policy and Guidance;
- The Renewable Energy Policy Framework;
- The National Islands Plan;
- Orkney Corporate Policy; and
- Benefits of the Proposed Development.

3.2 Benefits of The Proposed Development

3.2.1 There are a number of benefits associated with the Proposed Development and these are summarised below:

- The Proposed Development forms a key part of a cumulative needs case which can unlock investment in an interconnector from Orkney to the Scottish mainland. A new grid upgrade to Orkney would stimulate development in the growing marine renewables sector and provide opportunity for other onshore wind developments, which will help build a dynamic and growing economy in Orkney, whilst contributing to sustainable development. This is a key definer of the socio-economic direction for Orkney, as set out in the Orkney Local Development Plan (Orkney Islands Council (OIC), 2017) and in NPF 3 which actively promotes Orkney as a potential Energy Hub.
- The Proposed Development would contribute to the attainment of the UK and Scottish Government policies of encouraging renewable energy development and in turn contribute to the achievement of Scottish Government targets for climate change and renewable electricity generation. The Proposed Development, with an installed capacity of approximately 28.8MW would make a significant and valuable contribution to such unmet targets. Government policy envisages renewable energy contributing more than 100% of electricity consumption by 2020. There remains a significant national level shortfall against the 2020 target. The Government has confirmed its long term commitment to the decarbonisation of electricity generation and the Proposed Development would help advance this policy objective.
- Based on an average household consumption the EIA Report identifies that the Proposed Development would be expected to generate enough electricity to power at least 25,102 average UK households. Taking account of the estimated energy consumed over the project life cycle, the net energy generated per annum by the Proposed Development's is expected to be approximately 96,626MWh. This represents a reduction of approximately 43,482 tonnes of carbon dioxide per annum.
- The Proposed Development would contribute positively to the 2030 and 2045 Climate Change (Scotland) Act targets, which are very challenging; especially the interim 2030 target.
- The construction of the Proposed Development has potential to result in a beneficial economic impact of up to £2.6 million in gross value added (GVA) and 39 job years in Orkney and £10.4 million GVA and 161 job years in Scotland from construction activities. The annual operational economic benefits arising from maintenance would be up to £0.3 million GVA and four jobs in Orkney and £0.5 million GVA and nine jobs in Scotland.
- The Proposed Development is also promoted by OIC, who have resolved to use the profits from the Proposed Development for the benefit of Orkney and its inhabitants.
- The Proposed Development site boasts an excellent wind resource. Based on available wind speed databases it is anticipated that this site will easily out-perform the Scottish average.
- There are no international or national natural heritage designations within the development footprint.
- There are no internationally or nationally designated cultural heritage/archaeological assets on site.
- The Proposed Development should benefit from the presumption in favour of sustainable development.
- The Proposed Development can be regarded as operating as a Group 3 site.

- The Proposed Development is consistent with and would help deliver Orkney's corporate policies regarding climate change, renewables and economic development.
- The Proposed Development would assist with the objectives within the National Island Plan regarding renewables, economic development and electrical interconnectors to be realised.

3.2.2 The Proposed Development is therefore likely to result in a wide range of benefits. It is considered that the potential benefits of the development deserve significant weight.

3.3 National Planning Policy and Guidance

3.3.1 National planning policy guidance and advice relevant to the consideration of the Proposed Development is addressed in this section and includes consideration of:

- The National Planning Framework 3 (NPF3); and
- Scottish Planning Policy (SPP);

The National Planning Framework 3

3.3.2 The National Planning Framework 3 (NPF3) was published on 23 June 2014. It is anticipated that a draft NPF 4 will be consulted upon during the latter half of 2020. NPF3 is a long-term strategy for Scotland and is the spatial expression of the Government's Economic Strategy and plans for development and investment in infrastructure but is not now up-to-date in terms of current climate change commitments. Together, NPF3 and SPP (referred to below) applied at the strategic and local levels, are intended to help the planning system deliver the Scottish Government's vision and outcomes for Scotland as well as contribute to the Government's central purpose.

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

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

3.3.4 Further support is provided in Chapter 3 "A Low Carbon Place" which sets out the role that Planning will play in delivering the commitments set out in 'Low Carbon Scotland: The Scottish Government's Proposals and Policies'. It states, "the priorities identified in this spatial strategy set a clear direction of travel which is consistent with our world leading climate legalisation".

3.3.5 The introduction to Chapter 3 states that the Government's ambition "*is to achieve at least an 80% reduction of greenhouse gas emissions by 2020".*

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

3.3.7 Paragraph 3.8 makes reference to targets and states that by 2020, the aim is to reduce total energy demand by 12%. In order to achieve this, and to maintain energy supplies, further diversification of supplies will be required.

3.3.8 It adds that the Government's aim is to meet at least 30% of overall energy demand from renewables by 2020 – this includes generating the equivalent of at least 100% of gross consumption from renewables, with an interim target of 50% by 2015. (A new target is set by the Scottish Energy Strategy for "*the equivalent of 50% of the energy for Scotland's heat, transport and electricity consumption to be supplied from renewable sources.")*

3.3.9 Paragraph 3.9 states:

"Our Electricity Policy Statement sets out how our energy targets will be met. We are making good progress in diversifying Scotland's energy generation capacity, and lowering the carbon emissions associated with it, but more action is needed. Maintaining security of supplies and addressing fuel poverty remain key objectives. We want to continue to capitalise on our wind resource and for Scotland to be a world leader of offshore renewable energy. In time we expect the pace of onshore wind energy development to be overtaken by a growing focus on our significant marine energy opportunities including wind, wave and tidal energy".

3.3.10 Paragraph 3.23 states that "*onshore wind will continue to make a significant contribution to diversification of energy supplies. We do not wish to see wind farm development in our National Parks and National Scenic Areas. Scottish Planning Policy sets out the required approach to spatial frameworks which will guide new wind energy development to appropriate locations, taking into account important features including wild land."*

3.3.11 The NPF3 also sets out where wind energy development will be unacceptable, on the basis of protecting the most significant national landscape related assets. NPF3 presumes against wind farms located within National Parks and NSA's. NPF3 also recognises the value and sensitivity of Wild Land Areas to onshore wind energy development. The Proposed Development is not within a National Park or National Scenic Area and would have no impact upon wild land areas.

3.3.12 Orkney is specifically recognised in at several points within NPF 3 as an Energy Hub and at paragraph 3.40 of NPF 3 there is recognition of the need for "*strengthening the electricity grid will be essential in unlocking renewable resources, both onshore and offshore. 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."*

3.3.13 In conclusion, it is clear that onshore wind development is recognised as a key technology in the energy mix which will contribute to Scotland becoming 'a low carbon place', which in turn will be a key part of the 'vision' for Scotland (as set out at paragraph 1.2 of NPF3). Furthermore, the Scottish Government has made it unequivocally clear that it wants to continue to *"capitalise on our wind resource".* The Proposed Development would contribute to the 2020 renewable electricity and energy targets as set out in NPF3 and to longer term Scottish Government policy objectives and targets set out in Chapter 4 of this Planning Statement. In terms of the contribution that the Proposed Development will make to the business case for the Orkney Interconnector, it is relevant that the interconnector is recognised within the NPF3 as being a National Development that is described as being "essential" for Orkney to realise its marine renewables potential. Therefore, the Proposed Development should also draw support from NPF 3 in this regard.

Scottish Planning Policy

3.3.14 SPP was published on 23 June 2014 and therefore does not reflect the current climate change and renewable energy policy framework. The purpose of the SPP is to set out national planning policies which reflect Scottish Government Ministers' priorities for the operation of the planning system and for the development and use of land. The SPP is a statement of Scottish Government policy on how nationally important land use planning matters should be addressed.

3.3.15 Paragraph (iii) states that the content of SPP is a material consideration that carries significant weight, although it is for the decision maker to determine the appropriate weight to be afforded to it in each case.

Relationship of SPP to National Outcomes

3.3.16 Paragraph 9 of the SPP refers to 'Outcomes' as they relate to the Scottish Government's 'Purpose' *"of creating a more successful country, with opportunities for all of Scotland to flourish through increasing sustainable economic growth….".*

3.3.17 Paragraph 10 adds that the Scottish Government's 16 national outcomes articulate in more detail on how the Purpose is to be achieved. It adds that the pursuit of these outcomes provides the

impetus for other national plans, policies and strategies and many of the principles and policies set out in them are reflected in both SPP and NPF3.

3.3.18 Paragraph 13 of SPP introduces four planning outcomes which explain "how planning should support the vision" for the planning system in Scotland. Three of these outcomes are particularly relevant, namely:

- Outcome 1: a successful sustainable place – supporting sustainable economic growth and … the creation of well designed, sustainable places;
- Outcome 2: a low carbon place – reducing our carbon emissions and adapting to climate change; and
- Outcome 3: a natural, resilient place – helping to protect and enhance our natural and cultural assets, and facilitating their sustainable use.

3.3.19 In particular, the Proposed Development would assist in delivering sustainable economic growth in line with Outcome 1.

3.3.20 Outcome 2 'A Low Carbon Place' explains that NPF3 will facilitate the transition to a low carbon economy, particularly by supporting diversification of the energy sector. Paragraph 18 makes reference to the Climate Change (Scotland) Act 2009 which has set a target of reducing greenhouse gas emissions by at least 80% by 2050, with an interim target of reducing emissions by at least 42% by 2020. SPP explains that Section 44 of the 2009 Act places a duty on public bodies to act in the best way to contribute to the delivery of emissions targets as set out in the Act, and to help deliver the Scottish Government's climate change adaption programme. (Note: these targets have been superseded – see below)

3.3.21 The Proposed Development would also assist in achieving Outcome 3 'a natural, resilient place', by reference to paragraph 21 in particular, which deals with the concept of a natural, resilient place in a wider context than merely visual amenity or landscape character. The Proposed Development would contribute to a natural, resilient place through the part it plays in mitigating the effects of climate change.

3.3.22 It also needs to be noted that very few developments would be able to contribute to all four outcomes – that the Proposed Development contributes positively to three (and the fourth one is not relevant as it applies to transport and digital connectivity) is to its credit and reinforces the engagement of the presumption5.

Principal Policies of SPP

3.3.23 SPP contains two Principal Policies, namely 'sustainability' and 'placemaking'.

3.3.24 Sustainability is addressed at Page 9. SPP states at paragraph 24 that, "*the Scottish Government's central purpose is to focus Government and public services on creating a more successful country, with opportunities for all of Scotland to flourish, through increasing sustainable economic growth*".

3.3.25 Paragraph 25 adds that the Scottish Government's commitment to the concept of sustainable development is reflected in its Purpose.

3.3.26 Paragraph 27 cross refers to the Government's Economic Strategy which it states *"indicates that sustainable economic growth is the key to unlocking Scotland's potential…. and to achieving a low*

[5] *The Reporter in the Caplich case also made the point (paragraph 8.32 of the IR) that with regard to the four planning outcomes and policy principles in SPP "the objective of any analysis of compliance….should be to see whether there is a 'broad fit' with the themes and objectives of the various outcomes and principles, rather than to test the proposal against each issue as though it were a specific policy test". This approach is consistent with Suffolk Coastal UKSC with regard to the interpretation of policies in the NPPF (the equivalent of SPP in England) – i.e. they should be approached in the same way as outlined in Tesco – namely statements should not be construed as if they were statutory or contractual provisions (i.e. should not be too literal).*

carbon economy…" . It also makes reference to the need to maintain a high quality environment and to pass on "a sustainable legacy for future generations".

Presumption in Favour of Development that contributes to Sustainable Development

3.3.27 A new 'Policy Principle' in the planning system, introduced in the SPP is the statement at Paragraph 27 which is as follows:

"This SPP introduces a presumption in favour of development that contributes to sustainable development".

3.3.28 Paragraph 28 continues and states:

"the planning system should support economically, environmentally and socially sustainable places by enabling development that balances the costs and benefits of a proposal over the longer term. The aim is to achieve the right development in the right place; it is not to allow development at any cost".

3.3.29 A presumption in favour is not a new concept to Scottish planning which now takes on a re prominent role in national planning policy. It is a formal policy presumption which the system has not seen since the changes made to the Town and Country Planning (Scotland) Act 19726 . For practical purposes it is a (relatively) new approach. Although little practical guidance is available, the approach to its application in wind farm cases has been fairly consistently set out by a number of Reporters and in the Graham's Dairy Judgement. The introduction of the presumption in favour of development that contributes to sustainable development has important consequences for development management practice.

3.3.30 Paragraph 32 states that "*the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision-making".* SPP directs decision makers as follows, "*proposals that accord with up-to-date plans should be considered acceptable in principle and consideration should focus on the detailed matters arising …".*

3.3.31 Paragraph 33 adds,

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

3.3.32 In this case, the Proposed Development is considered to be in accordance with the Development Plan which is not more than five years old. However the presumption is still considered to be engaged as the policies within the Development Plan are considered out of date as they do not respond to the climate change emergency in the way that planning is expected to respond as is set out in the Programme for Government.

SPP Subject Policies – A Low Carbon Place

3.3.33 SPP addresses 'A Low Carbon Place' as a 'subject policy' on page 36 and refers to 'delivering electricity'. Paragraph 152 refers to the NPF context and states that NPF3 is clear that planning must facilitate the transition to a low carbon economy and help to deliver the aims of the Scottish Government. It is stated that Scotland has significant renewable energy resources, both onshore and offshore.

[6] *The move in Scotland to the presumption being in favour of proposals which accorded with the Development Plan rather than general development is explained in the House of Lords case of City of Edinburgh Council v Secretary of State for Scotland, Revival Properties Ltd. v City of Edinburgh Council, Secretary of State for Scotland v Revival Properties Ltd [1997] 1 W.L.R. 1447.*

3.3.34 Paragraph 153 states that terrestrial planning "facilitates" development of renewable energy technologies, and guides new infrastructure to appropriate locations. It adds that "*efficient supply of low carbon and … generation of … electricity from renewable energy sources are vital to reducing greenhouse gas emissions …".* It explains that renewable energy also presents a significant opportunity for associated development, investment and growth of the related supply chain.

3.3.35 In terms of 'Policy Principles', Paragraph 154 states that the planning system should:

- Support the transformational change to a low carbon economy, consistent with national objectives and targets, including deriving:
  - 30% of overall energy demand from renewable sources by 2020;
  - The equivalent of 100% of electricity demand from renewable sources by 2020.
- Support the development of a diverse range of electricity generation from renewable energy technologies – including the expansion of renewable energy generation capacity;
- Guide development to appropriate locations and advise on the issues that will be taken into account when specific proposals are being assessed.

3.3.36 SPP also cross refers to "key documents" and those of relevance include:

- The Electricity Generation Policy Statement (EGPS);
- The 2020 Routemap for Renewable Energy in Scotland; and
- Low Carbon Scotland: Meeting Our Emissions Reductions Targets 2013 – 2027.

3.3.37 The Proposed Development is consistent with the 'low carbon place' subject policy and would contribute to the attainment of its objective. These renewable energy policy documents are referred to below together with more recent policy documents.

SPP References to Onshore Wind

3.3.38 Onshore wind is specifically addressed at Paragraph 161 et seq of SPP. Detailed guidance is provided for Planning Authorities with regard to the preparation of Spatial Frameworks for onshore wind development, and it makes it clear that proposals for onshore wind turbine development should continue to be determined whilst Spatial Frameworks and local policies are being prepared and updated.

3.3.39 In terms of Spatial Framework preparation, a "*community separation for consideration of visual impact*" is set out as being "*an area not exceeding 2km around cities, towns and villages identified on the local development plan with an identified settlement envelope or edge".*

3.3.40 As with the previous SPP, this separation distance has a purpose of guiding the preparation of Spatial Frameworks and is not a requirement for a 'set back' to settlements, or in relation to individual properties for wind farms in terms of development management.

Development Management for Energy Infrastructure Developments

3.3.41 In terms of development management, paragraph 169 of SPP sets out that "*proposals for energy infrastructure developments should always take account of spatial frameworks for wind farms and that considerations will vary relative to the scale of the proposal and area characteristics but are likely to include*" a number of matters. These are set out at Table 1 of SPP (page 39), as replicated below.

Table 1: Spatial Frameworks

Group 1: Areas where wind farms will not be acceptable: National Parks and National Scenic Areas.		
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.		
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.	**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.
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.		

3.3.42 With reference to Table 1 and according to SPP criteria, the Proposed Development would be defined as Group 3: Areas with potential for wind farm development. With reference to the Spatial Framework approach set out in Table 1 of SPP, the application site does not lie within any 'Group 1' areas, or within any national and international designations for ecology, ornithology, cultural heritage or wild land (Group 2 areas). Accordingly, the site is considered to be suitable for wind farm development, subject to detailed consideration against identified policy criteria.

3.3.43 In terms of development management, paragraph 169 of SPP sets out that considerations for energy infrastructure *"… will vary relative to the scale of proposal and area characteristics but are likely to include:*

- *"net economic impact, including local and community socio-economic benefits such as employment, associated business and supply chain opportunities;*
- *the scale of contribution to renewable energy generation targets;*
- *effect on greenhouse gas emissions;*
- *cumulative impacts – planning authorities should be clear about the likely cumulative impacts arising from all of the considerations below . . . .;*
- *impacts on communities and individual dwellings, including visual impact, residential amenity, noise and shadow flicker;*
- *landscape and visual impacts, including effects on wild land;*
- *effects on the natural heritage, including birds;*
- *impacts on carbon rich soils, using the carbon calculator;*
- *public access, including impact on long distance walking and cycling routes and scenic routes identified in the NPF;*

- *impacts on the historic environment, including scheduled monuments, listed buildings and their settings;*
- *impacts on tourism and recreation;*
- *impacts on aviation and defence interests and seismological recording;*
- *impacts on telecommunications and broadcasting installations, particularly ensuring that transmission links are not compromised;*
- *impacts on road traffic;*
- *impacts on adjacent trunk roads;*
- *effects on hydrology, the water environment and flood risk;*
- *the need for conditions relating to the decommissioning of developments, including ancillary infrastructure, and site restoration;*
- *the need for a robust planning obligation to ensure that operators achieve site restoration."*

3.3.44 As set out in the EIA Report and the policy assessment above, the Proposed Development does not result in any unacceptable significant effects.

3.3.45 Paragraph 170 of SPP states that areas identified for wind farms should be suitable for use in perpetuity. It further adds that consents may be time limited, but nevertheless "*wind farms should … be sited and designed to ensure impacts are minimised and to protect an acceptable level of amenity for adjacent communities".*

3.3.46 The provision of paragraph 170 is not a new matter. Circular 4/98 in relation to the use of conditions in planning permissions sets out paragraph 105 that "*the reason for granting a temporary permission can never be that a time limit is necessary because of the effect of the development on the amenity of the area".*

3.3.47 Another important point to note with regard to paragraph 170 of SPP is that it further supports the Government's position that wind energy developments can play an important role in the long-term renewable generation platform of the country, thereby sustaining carbon savings and renewable energy generation targets. As set out in the very recent Government publications, there are now further challenging carbon saving and renewable energy targets set for the long term that go beyond those referenced in NPF3 and SPP, and wind farms operating on a long term, or in perpetuity basis, will clearly sustain and contribute to those targets.

SPP Conclusions

3.3.48 In conclusion, the SPP sets out continued support for onshore wind. Furthermore, it sets out a clear presumption in favour of development that contributes to sustainable development as well as those which accord with the Development Plan. The Proposed Development can draw significant support from SPP.

3.4 Renewable Energy Policy and the Climate Emergency

3.4.1 This section explains the renewable energy policy framework that applies as an important material consideration that requires to be weighed in the decision-making balance. The energy and climate change policy and legislative framework sets the needs case for the proposed development, which is to address the impacts of climate change through renewable energy generation whilst also maintaining energy security.

3.4.2 The approach taken within this Planning Statement has been to place this information in the current climate emergency context, which has been recently well explained by the Committee on Climate Change (CCC) and then to follow this with the current legislative and policy position.

UK Climate Emergency Context

3.4.3 The CCC published its landmark report entitled 'Net Zero – UK's Contribution to Stopping Global Warming' in May 2019. The report responds to requests from the Governments of the UK, Wales and Scotland, asking the CCC to reassess the UK's long-term carbon emissions targets.

3.4.4 The Foreword of the report (page 8) sets out that the CCC has *"reviewed the latest scientific evidence on climate change, including last year's IPCC special report on global warming of 1.50C and considered the appropriate role of the UK in the global challenge to limit future temperature increases*". It adds, "*Net Zero is a more fundamental aim than previous targets. By reducing emissions produced in the UK to zero, we also end our contribution to rising global temperatures*".

3.4.5 The Foreword also sets out that "*we must now increase our ambition to tackle climate change. The science demands it; the evidence is before you; we must start at once; there is no time to lose*".

3.4.6 The report makes recommendations for the UK economy including:

- UK overall: a new tougher emissions target of net zero greenhouse gases (GHG) by 2050, ending the UK's contribution to global warming within 30 years. This would replace the previous target of an 80% reduction by 2050 from a 1990 baseline;
- Scotland: a target of net-zero GHG economy by 2045, reflecting Scotland's greater relative capacity to remove emissions than the UK as a whole;
- A net zero GHG target for 2050 would deliver on the commitment that the UK made by signing the Paris Agreement.

3.4.7 In terms of the UK and Scottish targets, the report makes it clear that, "*this is only possible if clear, stable and well-designed policies to reduce emissions further are introduced across the economy without delay. Current policy is insufficient for even the existing targets".*

3.4.8 The report also adds for Scotland that:

"Scotland has proportionately greater potential for emissions removal than the UK overall and can credibly adopt a more ambitious target. It should aim for net zero greenhouse gas emissions by 2045. Interim targets should be set for Scottish emissions reductions (relatively to 1990) of 70% by 2030 and 90% by 2040".

3.4.9 The CCC report sets out various scenarios for UK net zero GHGs in 2050. These include one of extensive electrification, particularly of transport and heating. Page 23 of the Executive Summary states that this would need to be "*supported by major expansion of renewable and other low carbon power generation. The scenarios involve around a doubling of electricity demand, with all power produced from low carbon sources (compared to 50% today)."*

3.4.10 It also adds that in terms of preparation (Executive Summary page 34) that with regard to low carbon power, *"the supply of low carbon power must continue to expand rapidly ...".*

3.4.11 The Technical Annexe to the CCC report specifically addresses integrating variable renewables into the UK electricity system. The Annexe makes it clear that variable renewable electricity such as large-scale onshore wind is now the cheapest form of electricity generation in the UK and can be deployed at scale to meet UK electricity demands.

3.4.12 The CCC's 'further ambition scenario' for the power sector sees low power carbon sources providing 100% of power generation by 2050. This would be through a mix of variable renewables (including onshore wind) contributing some 57% of power, with firm low carbon power such as nuclear or other plants fitted with carbon capture and storage (38%) and de-carbonised gas such as hydrogen (5%).

3.4.13 The report contains a number of key messages including that "*intermittency of renewables does not prevent full decarbonisation of the power system. Deployment of variable renewables, alongside system flexibility, is a low regret and low cost means of de-carbonising the UK's electricity system*".

3.4.14 The CCC published a progress report to Parliament in July 2019 and the Foreword of the Report states that in May 2019, the CCC's Net Zero report offered compelling analysis of the need to reduce greenhouse gas emissions in the UK effectively to zero by 2050. The net-zero target meets the UK's obligations under the Paris Agreement and responds to the urgent need for action highlighted by the United Nations Intergovernmental Panel on Climate Change ("IPCC") in the 2018 Special Report on 1.5°C of global warming.

3.4.15 The Report states that the CCC welcomes strongly the UK Parliament's decision to make net zero law – and the corresponding decisions of the Welsh Assembly and the Scottish Parliament. These are acknowledged to be positive steps which are of "*fundamental consequence for the future path of our economy, our society and the climate. Carbon neutrality has now become a mainstream goal".*

3.4.16 The Report adds that tougher targets do not themselves reduce emissions and new plans must be drawn up to deliver them and that *"climate change adaptation is a defining challenge for every government, yet there is only limited evidence of the present UK Government taking it sufficiently seriously".*

Other key points include:

3.4.17 The Adaptation and Mitigation Committees have reviewed the UK Government's approach to climate change adaptation and emissions reduction. The Report states "*we find a substantial gap between current plans and future requirements and an even greater shortfall in action".*

3.4.18 Planning for climate change adaptation is a statutory obligation but the National Adaptation Programme ("NAP") is incomplete. Of the 56 risks and opportunities identified in the UK's Climate Change Risk Assessment, 21 have no formal actions in the NAP.

3.4.19 We are now seeing the substantial impacts of a global temperature rise of just 1°C. The Paris Agreement targets a threshold of well below 2°C, ideally 1.5°C, but current global plans give only a 50% chance of meeting 3°C.

3.4.20 In these circumstances, although the UK is committed to working for global action to parallel our own adoption of a net-zero statutory target, it is prudent to plan adaptation strategies for a scenario of 4°C, but there is little evidence of adaptation planning for even 2°C. The Report adds that *"Government cannot hide from these risks".*

3.4.21 The Clean Growth Strategy, the UK's plan for emissions reduction, provides a solid foundation for the action needed to meet a net-zero GHG target but "*policy ambition and implementation now fall well short of what is required".*

3.4.22 In June 2018, the CCC advised that 25 headline policy actions were needed for the year ahead. Twelve months later, only one has been delivered by Government in full. Ten of the actions have not shown even partial progress. Government continues to be off track for the fourth and fifth carbon budgets – on their own appraisal – and the policy gap has widened further this year as an increase in the projection of future emissions has outweighed the impact of new policies.

3.4.23 The Report concludes by stating that the central premise of the Climate Change Act is that the Government of the day holds the responsibility to act to protect future generations. This principle is at risk if the priority given to climate policy is not substantially increased over the next year. The report adds "*The need for action has rarely been clearer. Our message to government is simple: Now, do it".*

3.4.24 On 27 June 2019 the UK Government became the first major economy in the world (the first G7 country) to pass legislation to end its contribution to global warming by 2050 – by way of 100% reduction of greenhouse gas emissions. The target is now legally binding by way of an amendment to the Climate Change Act 2008. Scotland followed soon after (See below).

Climate Change Legislation

3.4.25 On 31 October 2019 The Climate Change (Emissions Reduction Targets) (Scotland) Act 2019 received Royal Ascent and became an Act of parliament, which amended the Climate Change (Scotland) Act 2009. The Act requires that "*The Scottish Ministers must ensure that the net Scottish emissions account for the net-zero emissions target year is at least 100% lower than the baseline (the target is known as the "net-zero emissions target")." The target year is 2045 and the Act also sets out challenging interim targets. It requires that:*

"The Scottish Ministers must ensure that the net Scottish emissions account for the year—

(a) 2020 is at least 56% lower than the baseline,

(b) 2030 is at least 75% lower than the baseline, and

(c) 2040 is at least 90% lower than the baseline."

3.4.26 It is important to note that these targets are minimum targets, they are not maximums or aspirations. The targets legally bind the Scottish Ministers and have largely been legislated to set the framework for Scotland's response to the climate change emergency – see below.

3.4.27 It is also very important to note that Section 44 of the Climate Change (Scotland) Act 2009 'imposes a number of duties on public bodies relating to climate change'. It obliges them, including all Councils to ensure when exercising functions they act:

- In the way best calculated to the delivery of the targets
- In the way best calculated to help deliver any programme laid before the Scottish Parliament (Scottish Climate Change Plan)
- In a way that it considers most sustainable

Scottish Climate Emergency Context

3.4.28 Scottish First Minister Nicola Sturgeon declared a "Climate Emergency" in her speech to the SNP Conference in April 2019, stating:

"As First Minister of Scotland, I am declaring that there is a climate emergency. And Scotland will live up to our responsibility to tackle it." Referring to the recently published CCC advice, Ms Sturgeon added "if that advice says we can go further or go faster, we will do so".

3.4.29 Furthermore, Climate Change Secretary Roseanna Cunningham made a statement on 14 May to the Scottish Parliament on the 'Global Climate Emergency'. Again, with reference to the recent CCC Report. She stated:

"We acted immediately with amendments to our Climate Change Bill to set a 2045 target for net zero emissions - as we said we'd do. If agreed by Parliament, these will be the most stringent legislative targets anywhere in the world and Scotland's contribution to climate change will end, definitively, within a generation. The CCC was clear that this will be enormously challenging...."

3.4.30 The Minister also highlighted the important role of the planning system stating:

"And subject to the passage of the Planning Bill at Stage 3, the next National Planning Framework and review of Scottish Planning Policy will include considerable focus on how the planning system can support our climate change goals".

3.4.31 The Scottish Government has therefore acted on the stark warnings issued by the IPCC who have stated that by 2030 it would be too late to limit global heating to 1.5 degrees. In light of the further report by the CCC the Scottish Government has stated unequivocally that there needs to be "*transformative change*" and that action has to be quick and decisive. An emergency requires action and as set out in the conclusions below, the planning system must be responsive to that.

3.4.32 The current climate change emergency must therefore significantly inform the weight to be attributed to the climate change benefits that would result from the operation of the proposed Development.

3.4.33 In this regard the Proposed Development would likely 'payback' its carbon footprint resulting from construction activities within three months, which is an incredibly short carbon payback period when compared to other wind energy developments which can vary generally between 1.5 and four years.

Programme for Government – 2019-20

3.4.34 The Scottish Government published the Government Programme for 2019-20 entitled 'Protecting Scotland's Future' on 3 September 2019. In the introduction from the First Minister, the 'Climate Emergency' is acknowledged and it states that "*this Programme for Government sets out some of the next step in Scotland's journey to net zero emissions and raises our ambition in light of the emergency we face. We are leading the world in setting challenging targets but we must also redouble our efforts to meet them".*

3.4.35 The Introduction also refers to the preparation of the National Planning Framework 4 and confirms that an updated Climate Change Plan will be prepared that will take full account of the advice of the UK Committee on Climate Change.

3.4.36 The Executive Summary (page 10) addresses 'ending Scotland's contribution to climate change' and states that "*Our response to the global climate emergency requires us to accelerate our good work*" and reference is made to the recently established Climate Emergency Response Group (CERG).

3.4.37 Chapter 1 of the Programme entitled 'Ending Contribution to Climate Change' makes it clear that Scotland is facing a climate emergency and key points include the following: -

- Reference is made to Scotland already having committed to some of the toughest emissions reductions in the world and adopting a net zero emissions target by 2047 and underlines the Government's ambition that Scotland will no longer contribute to global climate change.
- Scotland has a unique opportunity to be at the forefront of global action; and
- This Programme for Government commits to vital early action to accelerate Scotland's journey towards net zero.

3.4.38 With reference to the CERG, '12 specific asks' are set out and these include:

- *"Making regional land use plans for maximising the potential of every part of Scotland's land to contribute to the fight against climate change…*
- *Completion of plans for how Scotland generates the renewable electricity needed to reach net zero. In this regard reference is made to the next Energy Statement which is to set out the extent to which renewable and low carbon energy generation will need to combine in order to meet net zero and that this will then be monitored on an annual basis."*

3.4.39 Page 38 also states that the Scottish Government is making a number of other major commitments in response to the climate emergency and in terms of 'Planning' this will include the fourth National Planning Framework which will help to radically accelerate reduction of emissions.

3.4.40 Page 39 refers specifically to planning and key points referenced in this regard include:

- *"The global climate emergency means that the time is right for wide-ranging debate on more radical planning policy options.*

- *Innovation, infrastructure and investment will be needed to transform our cities, towns and rural areas into places that support lower emissions lifestyles and businesses. Planning is a vital tool in leveraging the changes we need to make to achieve our goals.*
- *We will begin engagement on the fourth National Planning Framework in autumn this year. Through it, we will explore planning options that radically accelerate reduction of emissions.*
- *By summer next year, we will publish a draft National Planning Framework which sets out how and where development should take place across Scotland for the period up to 2050.*
- *This will be part of a wider package to deliver the reform envisaged by the Planning Act 2019. As part of that wider programme, we will introduce legislation on permitted development rights. This would support, for example, developments such as micro-renewable technologies. We will also launch a programme of digital transformation to make better use of digital technologies and data, including a digital mapping prototype to support co-ordinated and sustainable development. The Programme also makes reference to the Climate Change (Emissions Reduction Targets) Bill which seeks to introduce a legally-binding net zero target of 2045. The Bill passed Stage 3 on 25 September 2019 and is due to become an Act of the Scottish Parliament once it receives Royal Assent. Notably, the change in reduction targets will make Scotland's statutory targets the most stringent in the world and shows yet another commitment to meeting its net-zero ambition five years ahead of the date set for the UK."*

Energy Policy

3.4.41 The most up-to-date Scottish Government energy policy position, by way of published energy policy documents, is contained within the Scottish Energy Strategy (SES) and the Onshore Wind Energy Policy Statement (OWPS), which establish the policy position to deliver clean energy to support the commitments within the Climate Change Plan (2018). These documents are examined below.

3.4.42 However, it requires to be noted that the Climate Change Plan, the SES and OWPS were published in advance of The Climate Change (Emissions Reduction Targets) (Scotland) Act 2019, which sets significantly more ambitious climate change targets than were in place when this current suite of energy policy documents were published. Accordingly, the current suite of energy policy requires to be read in the context of current legislated climate change targets.

The Scottish Energy Strategy (SES)

3.4.43 The SES sets a 2050 vision for energy in Scotland as "*a flourishing, competitive local and national energy sector, delivering secure, affordable, clean energy for Scotland's households, communities and businesses".* The vision is guided by three core principles namely:

- *A whole system view;*
- *An inclusive energy transition; and*
- *A smarter local energy model.*

3.4.44 The 2050 vision is expressed around six priorities including:

"Renewable and low carbon solutions – we will continue to champion and explore the potential of Scotland's huge renewable energy resource, and its ability to meet our local and national heat, transport and electricity needs – helping to achieve our ambitious emissions reduction targets".

3.4.45 The strategy also contains new whole system targets for 2030 as follows: -

- *The equivalent of 50% of the energy for Scotland's heat, transport and electricity consumption to be supplied from renewable sources;*
- *An increase by 30% in the productivity of energy use across the Scottish economy.*

3.4.46 The longer term target is further articulated on page 34 where it is stated: "Scotland's long term climate change targets will require the near complete decarbonisation of our energy system by 2050, with renewable energy meeting a significant share of our needs." However, these targets may need to be revisited in light of the recent legislated climate change targets.

3.4.47 The SES refers to "*Renewable and Low Carbon Solutions"* as a strategic priority (page 41) and states *"we will continue to champion and explore the potential of Scotland's huge renewable energy resource, its ability to meet our local and national heat, transport and electricity needs – helping to achieve our ambitious emissions reduction targets".*

3.4.48 Onshore wind is identified as a key technology and the SES states "*we will push for UK wide policy support for onshore wind, and take action of our own to prioritise and deliver a route to market – combined with a land use planning approach which continues to support development while protecting our landscapes".*

3.4.49 The Government has highlighted the importance of the need for onshore wind to have a route to market and the importance of this consideration is clearly emphasised in the final SES.

3.4.50 The SES goes on to set out what is termed the "Opportunity" for onshore wind and there is explicit recognition that onshore wind is amongst the lowest cost forms of power generation of any kind which will allow it to contribute to one of six priorities, which is "*to protect consumers from excessive or avoidable costs" (Page 8). It is also recognised as "a vital component of the huge industrial opportunity that renewables creates for Scotland". Reference is made to the employment levels and economic activity derived from onshore wind and the SES sets out that the Government is "determined to build on these strengths".*

3.4.51 The SES sets out the Government's clear position on onshore wind namely:

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

"That means continuing to support development in the right places, and – increasing the extension and replacement of existing sites with new and larger turbines, all based on an appropriate, case by case assessment of their effects and impacts and it means developers and communities working together and continuing to strike the right balance between environmental impacts, local support, benefits, and – where possible economic benefits driving from community ownership".

3.4.52 The SES adds:

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

3.4.53 The SES goes on to cross refer to further detail in relation to onshore wind as contained within the OWPS which as noted, has been published alongside the SES. The SES therefore, in addition to setting new stretching renewable energy and electricity targets, gives unequivocal strong policy support for the further development of onshore wind. In essence there is a renewed and enhanced impetus being imparted, rather than just a continuation of previous support.

3.4.54 Page 69 references "near term actions" for onshore wind including:

- *"Build on the positive and practical provision for onshore wind in our planning system under the next National Planning Framework and Scottish Planning Policy; and*
- *Implement the new Onshore Wind Policy Statement, which underlines the continued importance of this established low cost resource".*

3.4.55 In terms of energy storage, the SES recognises the importance of storage for flexibility. The SES notes on page 21 that "*energy storage is another important source of flexibility. Energy can be stored in*

different ways – for example, in pumped hydro storage facilities, chemical batteries, thermal stores, stocks of coal at power stations, gas storage facilities and more locally in the form of petrol and diesel in refilling stations or in vehicle tanks.

3.4.56 *Changes to how we store energy across the system, and particularly in terms of electricity and heat, could have a profoundly important bearing on our low carbon future."*

3.4.57 The SES also notes on page 47 that "*Combining storage with wind and solar assets presents a valuable solution for the energy system as a whole, offering the potential for demand to be managed locally. This kind of flexibility and control will be important as electric vehicles become an integral part of the transport system."*

3.4.58 On page 59 under the heading 'System Security and Flexibility' the SES further notes the importance of storage and states:

"Renewables will play a huge part in meeting our future energy needs. But there will be roles too for other sources and technologies – for thermal generation with carbon capture, for pumped storage hydro and other forms of storage, and for smarter, more interconnected networks…

The Scottish Government agrees that storage is a strategically important issue, with real potential benefits for Scotland. We will continue to support innovation and deployment in this area, and to work with energy sector and academic stakeholders on steps designed to accelerate its penetration and value across Scotland…

Electricity storage The UK Smart Systems Plan includes a strong commitment to improving the prospects for and uptake of electricity storage. We are seeing remarkable growth and changes in storage potential and technologies – such as the availability and reducing cost of batteries which can help manage and control domestic demand, with much larger applications able to complement large scale renewable generators connected to higher voltage networks."

Onshore Wind Policy Statement (OWPS)

3.4.59 The Ministerial Foreword of the OWPS sets out that "there is no question that onshore wind is a vital component of the huge industrial opportunity that renewables more generally create for Scotland".

3.4.60 It adds "our energy and climate change goals mean that onshore wind will continue to play a vital role in Scotland's future – helping to substantively decarbonise our electricity supplies, heat and transport systems, thereby boosting our economy".

3.4.61 Chapter 1 is entitled 'Route to Market' and it sets out (paragraph 2) that onshore wind, as a mature and established technology, is now amongst the lowest cost forms of generating electricity, renewable or otherwise. It adds "we expect onshore wind to remain at the heart of a clean, reliable and low carbon energy future in Scotland".

3.4.62 Establishing a route to market is essential to enable wider deployment and an increased contribution from onshore wind. In a subsidy free context, it will be the larger scale developments that can capture a good wind resource, and which have cost effective grid connection arrangements which will make a valuable early contribution to targets.

3.4.63 Paragraph 3 continues: "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".

3.4.64 The statement therefore makes it very clear that onshore wind is expected to make a significant contribution to Scotland's energy needs including renewable targets into the long term. A number of parties opposed to onshore wind farms have in recent years continued to advance an argument that because Scotland's 2020 target in relation to the generation of renewable electricity could be within reach, that less weight should be placed on the contribution and benefits that could arise from onshore wind energy. Put simply, this argument does not stack up, particularly in light of the

recent legislated climate change targets that will require a green energy generation response to address decarbonising the grid, heat and transport.

3.4.65 Paragraph 4 of Chapter 1 states that given the recognised contribution that onshore is expected to make to Scotland's future energy and renewable targets "this means that Scotland will continue to need more onshore wind development and capacity, in locations across our landscapes where it can be accommodated".

Recent Onshore Wind Energy Decisions

3.4.66 In order to establish the weight that should be given to the renewable and climate change policy framework in decision making, it is helpful to examine the position of Reporters in recent s.36 and Appeal Decisions.

3.4.67 In the Pencloe Wind Farm s.36 Decision (December 2018) the Reporter addressed national energy policy in his overall conclusions (Chapter 9 of the Inquiry Report) and set out at paragraph 9.7 the following position:

"I see no sign that the Scottish Government is slackening the pace; rather, the latest policy statements on energy and onshore wind indicate that the effort is being intensified. The latest target of generating 50% of energy from renewable sources by 2030 is a deliberately challenging one, which may require around 17GW of installed capacity by that date. The newly adopted Scottish Energy Strategy and the accompanying Onshore Wind Policy Statement are explicit that onshore wind will continue to play a vital role in that regard".

3.4.68 In the Hopsrig[8] Appeal Decision Notice at paragraph 64, the Reporter referred to Dumfries and Galloway Council's position that the Scottish Energy Strategy ("SES") and Onshore Wind Policy Statement ("OWPS") add little to that already set out in SPP and NPF3. He took a different view and stated:

"However, I agree with the appellant that the OWPS uses particularly positive language when discussing on-shore wind. For example, in paragraph 3, it is described as playing a "vital role in meeting Scotland's energy needs and a material role in growing our economy." It is also stated that "Onshore wind generation will remain crucial in terms of our goals for a decarbonised energy system…". I find it significant that, despite the progress that has been made in recent years in the delivery of onshore wind energy development and the consequent improvement there has been in the provision of energy in ways that minimise greenhouse gas emissions, there remains undiminished, in principle, policy support for further such development. This is made clear in paragraph 4 of the OWPS – "Scotland will continue to need more onshore wind development and capacity, in locations across our landscapes where it can be accommodated."

3.4.69 In summary, in recent decision making the renewable energy policy at the UK and Scottish Government levels has been a significant material matter. It is also the case that the Programme for Government and The Climate Change (Emissions Reduction Targets) (Scotland) Act 2019 were published post these decisions and add substantially to the Scottish Governments ambitions to address the climate change emergency. Substantial weight being attributed to the proposed Developments climate change benefits would be appropriate in determining this application for planning permission.

Conclusions on Renewable Energy Policy and the Climate Emergency

3.4.70 The UK and Scottish Government renewable energy policy documents, and associated renewable energy and climate change targets, all provide considerable support in favour of renewable energy development. Owing to the recent enactment of climate change legislation and the clear recognition in the Programme for Government of the climate change emergency that we are in; the need case for the Proposed Development must be considered significant and a weighty material consideration.

[8] It should be noted that the Hopsrig decision is currently the subject of a challenge by way of judicial review in the Court of Session.

3.4.71 As required by S44 of the Climate Change Act 2009 (as amended) in determining this planning application the Scottish Ministers are bound to exercise their decision-making function in the interests of sustainable development and in the best way to contribute to the net zero target and the interim 2020, 2030 and 2040 targets. There is a long way to go to achieve net zero and simply because the 2020 target may be considered in reach does not reflect the scale of the net zero challenge.

3.4.72 The Proposed Development has a capacity in the region of 28.2MW, is predicted to have a three month carbon payback period and is estimated to be capable of powering the equivalent of 25,102 homes which significantly exceeds the number of households in Orkney. It would make a valuable contribution to legislated climate change targets and government policy objectives; thereby implementing Government policy, which encourages more electricity generation from renewable sources.

3.4.73 The Scottish Government makes it unequivocally clear that renewable energy generation is a key component of the ways in which climate change can be addressed and a key component in meeting climate change targets. The SES recognises that onshore wind is a vital part of Scotland's renewable energy future and that it is the most cost-effective way of generating renewable energy and on this basis must be considered as being the energy generation technology that could contribute the most to our climate change objectives in the short term.

3.4.74 The scale of the challenge presented by the new targets adopted by the Scottish Government on the advice of the CCC is considerable, especially given the requirements for decarbonisation of heat and transport, which will require significant increases in renewable energy generation well beyond historic deployment levels.

3.4.75 The Energy Minister has stated that in light of adopting the CCC recommendations "*this means we have the most stringent statutory targets in the world*". Moreover, the CCC is unambiguous in stating that "Current policy is insufficient for even the existing targets". It cannot be the case therefore that it is 'business as usual' for decision makers.

3.4.76 The Proposed Development and the support that it can draw from the renewable energy policy should also be considered in the context of the Scottish Government's support for Island Wind and the extent to which the Proposed Development underpins the needs case in support of a new interconnector, acting as an enabler for OIC to implement its own Energy Strategy and allowing Orkney to become a greater electricity exporter.

3.4.77 Accordingly, the current climate change emergency, the scale of the challenge and the contribution that the Proposed Development can make must be a significant consideration weighed in favour of consenting the Proposed Development.

3.5 The National Islands Plan

3.5.1 The Scottish Government adopted the National Islands Plan in December 2019. The objective of the plan is to set a framework for meaningfully improving outcomes for island communities.

3.5.2 The plan identifies that the Scottish Government will seek to work in partnership with island communities to support strategic projects which deliver sustainable economic growth on the islands.

3.5.3 With regards to climate change and energy the plan specifically recognises that:

"Small low-lying islands are under threat from climate change and predicted sea-level rise. Climate change is expected to increase instances of flooding and coastal erosion, whilst simultaneously negatively affecting water supply, food production, health, tourism, and accelerating habitat depletion. Additionally, the majority of island economies are highly dependent on outside sources for food, fuel, and even employment, which together increase the economic fragility of many islands. Respondents to the consultation frequently mentioned the need for action on climate change.

However, there are opportunities for island communities to lead the way in showing how to realise our climate change ambitions. For example, the European Marine Energy Centre (EMEC) is a world-leading centre based on Orkney for testing wave and tidal energy devices.

This shows how islands are at the forefront of emerging technologies. The introduction of climate change adaptation and mitigation measures, whether it be increased revenue for island communities through renewable energy projects, or the protection, recovery, restoration or enhancement of natural carbon stores (on land or in the sea), or the introduction of (preferably nature-based) solutions to combat coastal erosion, can have a direct, positive effect on the local economy and environment. Subsequently, if the low carbon energy potential of islands was fully realised and avenues were developed to allow for reinvestment in the community, directed by the community to ensure inclusiveness, the effect on the island economy, facilities and general wellbeing could be transformational…

There are, and will continue to be in future, strong cases to upgrade existing island connections to the mainland or to build new ones so that the electricity generated on the islands can help meet wider Scottish and UK demand, and to allow for profits associated with the generation to be reinvested appropriately on the islands. The Plan presents an opportunity to support continued debate with relevant UK and Scotland-based partners and stakeholders on how islands throughout Scotland can become hubs of energy innovation and climate change leaders, as is already happening on some islands within Scotland and across Europe."

3.5.4 Accordingly, the National Islands Plan recognises the benefits that renewables development can bring to island communities by way of those of a socio economic-nature and those related to wider climate change and Scotland wide electricity demand. The National Islands Plan also recognises the importance of mainland interconnectors and the benefits that could be realised from the reinvestment of revenues associated with generation projects on the islands. On this basis the Proposed Development and its contribution to the business case for delivering an Orkney Interconnector would assist in delivering those objectives set out within the National Islands Plan.

3.6 Orkney Islands Corporate Policies

3.6.1 This section considers the policies and guidance at the local level in Orkney including:

- *Orkney Sustainable Energy Strategy 2017 - 2025*
- *OIC's Council Plan and Delivery Plan 2018-2023*
- *OIC's Declaration of a Climate Emergency.*

Orkney Sustainable Energy Strategy 2017 – 2025

3.6.2 In 2017, the Orkney Sustainable Energy Strategy (OSES) was developed in a partnership between OIC, Highlands and Islands Enterprise (HIE), Community Energy Scotland (CES) and the Orkney Renewable Energy Forum (OREF), on behalf of the wider community. The OSES presents an overarching vision for the islands to:

'secure, sustainable, low carbon economy driven uniquely by innovation and collaboration, enabling the community to achieve ambitious carbon reduction targets, address fuel poverty and provide energy systems solutions to the world.'

3.6.3 Consultation took place in March of 2017 with relevant partners, including the local supply chain, as well as the wider public and the strategy was endorsed by the Orkney Partnership.

3.6.4 The strategy sets out five targets for Orkney:

- The achievement of ambitious carbon reduction targets.
- The reduction and eradication of fuel poverty in Orkney.
- Positioning Orkney as the globally recognised innovation region to develop solutions for the world's energy systems challenges.

- Ensuring a secure energy supply during transition to a low carbon future.
- Maximising economic opportunity and investment in Orkney.

3.6.5 To achieve these outcomes the strategy (page 7) defines an "activity framework based around 5 thematic pillars":

- Maximum Local Value and Efficiency (from local resources)
- Smart Low Carbon Transport and Heat.
- Secure transition to renewable and low carbon energy systems.
- Smart, supportive infrastructure investment.
- Develop and influence policy: delivering access to energy markets."

3.6.6 Section 5 on page 20 of the OSES details the constraint imposed by "inadequate electrical grid infrastructure" and the crosscutting nature of this issue. In the final paragraph of page 20 it is stated that:

"In order to deliver and significantly contribute towards the low carbon ambitions of the Scottish and UK governments, Orkney needs significant investment in grid connectivity to export and trade in the energy markets and will continue to seek political support and appropriate investment in upgrades. In recent years the negative impact of constraint and curtailment has cost the community dearly and these barriers to delivering a low carbon economy still need to be influenced and addressed. Orkney will continue to influence the regulatory frameworks that will determine and support the necessary transformation of the energy industry that is required to tackle climate change."

3.6.7 Orkney's constrained renewable energy capability is further defined on page 27:

"It is well established that Orkney is both rich in ambition and rich in renewable energy sources of wind, wave and tide and that there is recognised opportunity for Orkney to build on its lead as a net exporter of renewable energy to be a major renewable energy producer."

"Having recently demonstrated generation of 120.5% of the Islands' annual electricity needs from renewable energy, the original goal to maximise production and profit and sell into export markets in the UK and beyond, remains, despite ongoing electrical grid constraint."

3.6.8 Despite "The Natural Advantage" that Orkney has in terms of its natural resources, Orkney has seen an increase in fuel poverty which the OSES recognises as a trend that must be reversed. Orkney now has a single issue Fuel Poverty charity, THAW, working toward this and also a Fuel Poverty action plan which is a "*key action that the Council will lead on."*

3.6.9 On page 30 "Orkney's vision has been translated into the following initial targets to be met by 2030."

Target Factor	Now	2030
Renewables generation of electricity	120%	300%
Total Energy demand	250 MW	200 MW
Electricity demand	25 MW	100 MW
Energy storage and commoditisation capacity	2 MW	200 MW
Decarbonised energy use	10%	50%
Installed capacity (within 50 nautical miles)	60 MW	600 MW
Households in fuel poverty	>60%	<20%
Jobs related to sustainable energy (Oil * Gas – not drilling)	300 (200)	600 (250)
Students studying energy in Orkney (Distance learning)	35 (150)	100 (300)

Table source : Orkney Sustainable Energy Strategy 2017 – 2025 (2017)

3.6.10 The target presented within the OSES present an ambitious but laudable target to achieve a significant increase in renewable energy generation. The Proposed Development will contribute significantly to the aims and target set out within the OSES both as a direct contribution to renewable energy generation and decarbonisation in energy use, but also related themes in relation to the reduction in fuel poverty and supporting the business case for an Interconnector between Orkney and the Scottish Mainland.

OIC's Council Plan and Delivery Plan 2018 – 2023

3.6.11 OIC's Council Plan 2018-2023 and Council Delivery Plan 2018-2023 identify key priorities and targets, along with details of the individual projects and activities that OIC aim to complete within budget over the period of 2019 to 2023.

3.6.12 A target outcome of the Council Plan is, making Orkney, "A vibrant carbon neutral economy which supports local businesses and stimulates investment in all our communities.". A top priority related to this outcome is to, "Continue to develop strategic projects, particularly to capitalise on the renewable sector. "In addition, a future aspiration of the Plan is to "Achieve a carbon neutral economy within Orkney."

3.6.13 The Council Delivery Plan also outlines a number of plans which aim to capitalise and boost the renewable sector in Orkney including developing Orkney as a Low Carbon Energy Systems Innovation Hub and strategic investment in various sustainable projects.

OIC's Declaration of a Climate Emergency

3.6.14 In May 2019 OIC declared a climate emergency. The declaration was agreed in a Special General Meeting of the Council as a means of both reaffirming the Council's existing commitment to a vibrant carbon neutral economy, and publicly expressing concern about climate change. This was detailed in a Report by the Chief Executive.

3.6.15 Consequently, in September 2019, OIC published a report which outlined their next steps in developing and progressing Council Delivery Plan targets in response to the declaration of a Climate Emergency.

3.6.16 The Report states that OIC are committed to continuing to lead the world on low carbon and renewable energy project activity. The Council is developing strategic projects to capitalise on the renewable sector and is progressing a portfolio of carbon reduction initiatives such as community wind farm projects, hydrogen strategy, shore power for ferries etc.

3.6.17 The Council are due to provide an update on the progress of developing their delivery plan targets in response to the climate emergency in February 2020.

3.6.18 Like the Scottish Ministers, OIC have declared a climate emergency and have recently published corporate policy documents on how they plan to deal with the climate emergency. Part of their approach is the progressing of a portfolio of community wind farm projects, with which the Proposed Development forms the first that has been submitted for planning permission.

3.6.19 The council plan and delivery plan 2018 – 2023 also envisages a vibrant carbon neutral economy for Orkney which supports local businesses and stimulates investment in communities. This objective would clearly be realised should the business case for the interconnector from Orkney to the Scottish Mainland be established and that project delivered.

3.6.20 The Orkney sustainable energy strategy could be considered to be somewhat out of date as it does not respond to the recently declared climate emergency; however, its ambitions renewable generation targets are highly relevant as is its recognition that Orkney currently contains inadequate electrical grid infrastructure and requires significant investment in grid connectivity in order to deliver renewable energy projects allowing energy to be exported from Orkney to its benefit.

3.6.21 In conclusion the corporate policy position of OIC lends significant support as a material consideration to granting planning permission for the Proposed Development.

3.7 Conclusions on Material Considerations

3.7.1 The material considerations set out above lend significant support in favour of granting planning permission for the Proposed Development. The Proposed Development site is not located within any areas, such as National Parks or National Scenic Areas, where national policy embargoes wind energy development. The Proposed Development site is also not located within any other areas of identified by national planning policy as being of national significance, such as Wild Land. National planning policy also provides substantial support for onshore wind energy development that is in the right place and of the right design. In terms of the climate emergency, it is also the case that national planning policy must be considered out of date, which is recognised within the PfG with regards to commitments to revisit national planning policy to ensure that planning responds appropriately to the climate emergency that we are facing. However, national policy is of some relevance, in particular the presumption in favour of sustainable development within SPP, which the Proposed Development should fully benefit from due to the Development Plan policy position being out of date as it does not respond to the recently declared climate change emergency.

3.7.2 In this regard the Proposed Development will have a significantly low carbon payback period of three months, it will contribute to the needs case for the Orkney interconnector to the mainland, it has minimised its likely environmental effects through siting and design and will bring socio economic benefits to the area. It is submitted that the Proposed Development must be considered sustainable.

3.7.3 The Climate Change Act requires decision makers to Act in the way best calculated to contribute to the delivery of the targets set in or under Part 1 of this Act, which must include ramping up the support for renewable energy development. This part of the Act is binding upon OIC and this approach would be consistent with their corporate policy position.

3.7.4 The Proposed Development also forms a key part of a cumulative needs case which can unlock investment in an interconnector from Orkney to the Scottish mainland. A new grid upgrade to Orkney would stimulate development in the growing marine renewables sector and provide opportunity for other onshore wind developments, which will help build a dynamic and growing economy in Orkney, whilst contributing to sustainable development.

3.7.5 The Proposed Development would also contribute to the attainment of the UK and Scottish Government policies of encouraging renewable energy development and in turn contribute to the achievement of Scottish Government targets for climate change and renewable electricity generation. The Proposed Development, with an installed capacity of approximately 28.8MW would make a significant and valuable contribution to such unmet targets. Government policy envisages renewable energy contributing more than 100% of electricity consumption by 2020. There remains a significant national level shortfall against the 2020 target and a substantial shortfall against the 2030 and 2045 targets within the Climate Change Act.

3.7.6 The Government has confirmed its long term commitment to the decarbonisation of electricity generation and it is development like the Proposed Development, where significant impacts on nationally important receptors has largely been avoided, that would help advance this policy objective.

3.7.7 The Proposed Development is found to draw significant support from material considerations being largely consistent with the national policy spatial strategy for wind energy development in Scotland and contributing to our very ambitious climate change targets in the climate emergency that we are in.

4 Conclusions

4.1 Introduction

4.1.1 This Chapter of the Planning Statement sets out overall conclusions regarding the extent of the Proposed Development's accordance with the statutory Development Plan and the support that can be drawn from other material considerations.

4.2 The Statutory Development Plan

4.2.1 The conclusions reached above from the assessment of the relevant LDP provisions is that the Proposed Development is in accordance with and supported by the LDP's aims and objectives, being consistent with the LDPs land use strategy aims and objectives. It is also concluded that the Proposed Development is in accordance with the Development Plan, when considered as a whole and in particular policy 7 and the SG Energy, which directs onshore wind development to Areas with potential for wind farm development.

4.2.2 As set out above, it is found that the Development Plan is out of date and that the presumption in favour of sustainable development set out within SPP is fully engaged. This is because the LDP is of an age where it has not reflected the current climate change emergency and the Scottish Government commitments for making NPF4 fit to respond to the climate change emergency, which once adopted will form part of the statutory Development Plan.

4.2.3 The Proposed Development is considered to be in accordance with the relevant provisions of the LDP and accordingly the Development Plan.

4.3 National Planning Policy

4.3.1 The NPF3 and SPP set out a strong position of support with regard to renewable energy (including renewable energy targets and Scottish Government energy policy) and recognise the significant energy resource that can be provided by onshore wind.

4.3.2 SPP sets out guidance and advice for the consideration of onshore wind energy development and it is clear that the Proposed Development has a location that falls out with nationally important protected designations, and which falls within the category of development (Group 3) 'Areas with potential for wind farm development' (this is within the exception of settlements and in this case it must be recognised that the settlement boundary of Kirkwall extends significantly beyond the settlement edge).

4.3.3 The Proposed Development is appropriately sited, addresses national planning policy requirements and would provide a valuable contribution to renewable energy and climate change targets. As above, the Proposed Development should benefit from the full application of the presumption in favour of sustainable development within SPP.

4.3.4 On the whole it is found that the Proposed Development can draw significant support from NPF3 and SPP.

4.4 Other Relevant Material Considerations

4.4.1 Other key material considerations include the CCC Report, the Programme for Government, the Scottish Energy Strategy, the Onshore Wind Policy Framework, Orkney Corporate Policies, the National Islands Plan and the benefits that the Proposed Development would bring.

4.4.2 It is submitted that substantial weight should be attributed to the current climate emergency, the scale of the challenge presented by our recently legislated climate change targets and the contribution that the Proposed Development can make, including its very low carbon payback period.

4.4.3 It is also the case that there is consistency between national climate change objectives and those set at the local level within OIC corporate policy documents, with both the Scottish Government and OIC declaring a climate emergency. The Proposed Development and its contribution to the business case for an Orkney interconnector to the mainland is also a relevant consideration, to which the Reporter within the Costa Head wind farm decision placed "particular weight" in the context of enabling the NPF3 spatial strategy and the economic benefits that would accrue to Orkney.

4.4.4 In terms of direct socio economic benefits, the construction and operation of the Proposed Development would bring financial benefit to both Orkney and the wider Scottish economy by way of bettering the security of electricity supply, enabling Orkney to be an exporter of electricity, protecting the jobs and local supply chain associated with renewables, marine renewables and

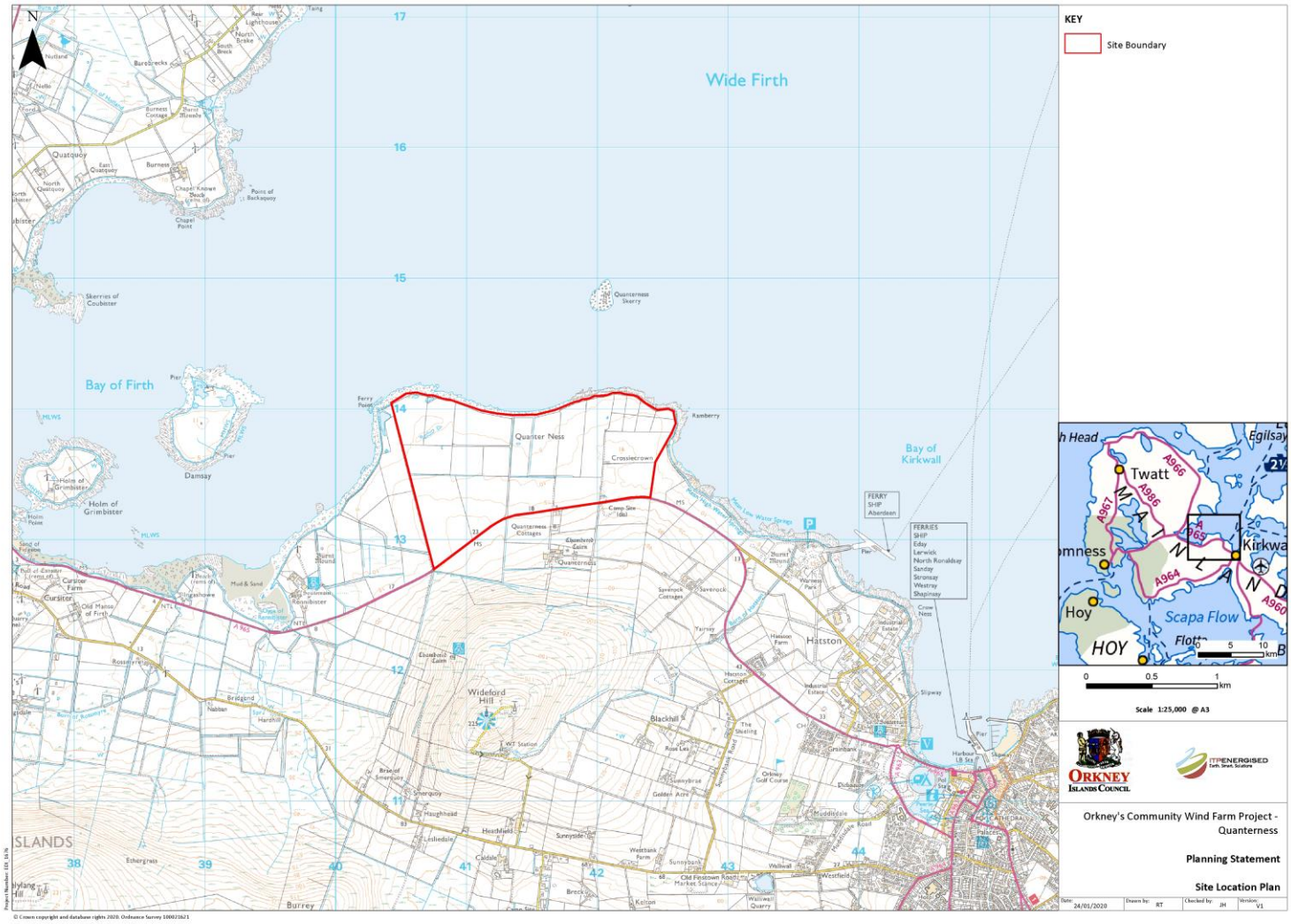
centres of excellence such as EMEC. These matters are recognised as being benefits that can be delivered from renewables and the interconnector within OIC corporate policy as well as within the Scottish Governments National Islands Plan.

4.4.5 On the whole, it is concluded that substantial support can be drawn from other material considerations.

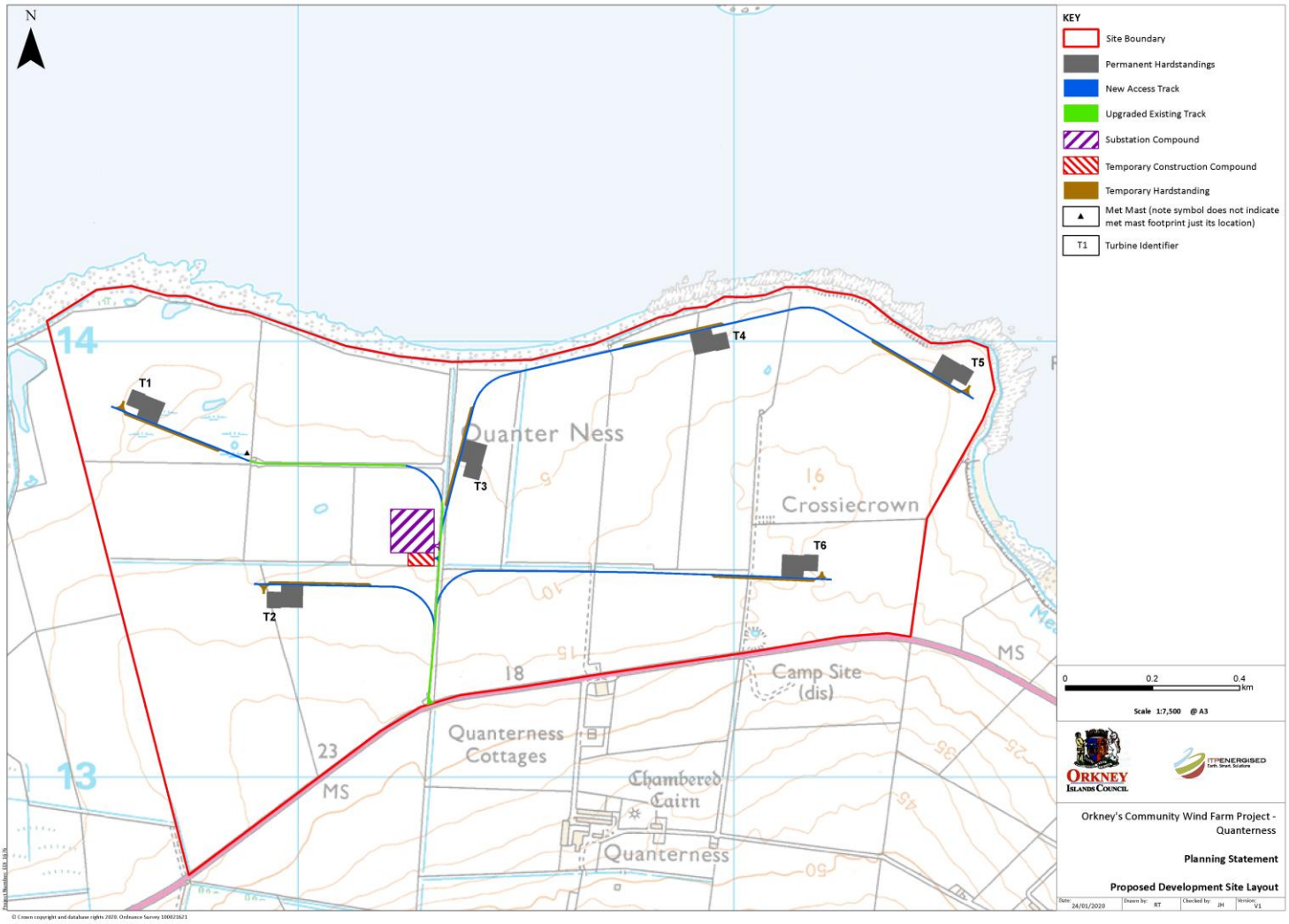
4.5 Overall Conclusions

4.5.1 In conclusion, having regard to s.25 and s.37(2) it is found that the Proposed Development accords with the relevant provisions of the statutory Development Plan and that substantial support is gained from relevant material considerations. Accordingly, it is submitted that planning permission should be granted.

Appendix 1 : Location Plan



Appendix 2 : The Proposed Development Layout



Appendix 3 : Policy Schedule

Purpose

This Policy Schedule should be read alongside JLL's Planning Statement and lists the relevant policies of the Orkney Local Development Plan 2017.

The relevant supplementary guidance documents energy, natural environment, and historic environment and cultural heritage repeat the policies found within the LDP and are therefore not repeated in full below.

Policy Topic	Policy
Policy 7 Energy	**C All Renewables and Low Carbon Energy Developments** i. The development of renewable and low carbon energy schemes, including the onshore infrastructure and/or buildings required for offshore marine renewable energy developments, and related transmission infrastructure, will be supported where it has been demonstrated that the proposal will not result in significant adverse effects on known constraints, either individually or cumulatively. Sufficient supporting information must be submitted with any planning application to enable a full assessment to be made of the likely effects of the development. ii. Conflict with adjoining uses must be avoided and developments may not compromise the viability of any existing land use allocation or approved land use proposal in the surrounding area. iii. The net-economic impacts of a proposal, including local and community socio-economic benefits such as employment, associated businesses and supply chain opportunities, will be taken into consideration and any demonstrable benefits will be balanced against any identified adverse impacts on known constraints. **D Onshore Wind Energy Development** i. Proposals for wind energy developments of all scales, including extensions to existing developments and repowering, will be assessed against the following factors to ensure that there will be no significant adverse individual or cumulative impacts: a. Communities and Amenity b. Landscape and Visual Impact c. Natural Heritage d. Historic Environment e. Tourism and Recreation f. Peat and Carbon Rich Soils g. Water Environment h. Aviation, Defence and Communications

Policy Topic	Policy
	i. Construction and Decommissioning ii. Appropriately sited single small wind energy developments (<20m to blade tip) will be supported in principle where there is a clear visual link, at an appropriate scale, between the wind energy development and the building(s) to which it relates. iii. Applications for any windfarms should take account of the Spatial Strategy Framework for windfarm development: a. Areas with potential capacity to accommodate wind farms have been identified as 'Areas with Potential for Wind Farm Development'; representing the areas of least constraint to wind energy development. Wind energy development is likely to be supported in principle within these areas, subject to proposals complying with the Development Criteria from Supplementary Guidance: Energy and any other material planning consideration. b. Within the 'Areas of Significant Protection' wind farm development may be supported when a proposal complies with the Development Criteria from Supplementary Guidance: Energy and where it can be demonstrated by the applicant that any significant effects on the qualities of these areas can be overcome by siting, design or other mitigation. c. Wind farm developments will not be supported within the National Scenic Area. iv. Throughout the lifetime of the Plan, OIC will investigate potential 'Strategic Wind Energy Development Areas' within which the principle of wind farm developments will be supported. Any such areas will be subject to appropriate assessment and full public consultation before being adopted within Supplementary Guidance: Energy. v. Consent for wind energy developments may be granted for a maximum period (usually 25 years) from final commissioning/the date that the device commences energy generation. Planning conditions and, where required, a financial bond, letter of credit and/or Legal Agreement will be attached in relation to the removal of the development and to the restoration of the site at the point when the planning permission expires or when the project ceases to operate for a specified period of time. vi. Applications for the erection of monitoring equipment, anemometer masts etc., in relation to proposed wind farm projects in advance of a full application being submitted will be supported subject to other development plan policies and any other material considerations. Any planning permission for monitoring/survey equipment will normally be limited to a maximum period of 2 years unless the need for a longer monitoring period can be demonstrated. Consideration should be given to using digital monitoring equipment, especially to mitigate impacts in sensitive locations.
Policy 1 Criteria for All Development	Development will be supported where:

Policy Topic	Policy
	i. It is sited and designed taking into consideration the location and the wider townscape, landscape and coastal character; ii. The proposed density of the development is appropriate to the location; iii. It is not prejudicial to the effective development of, or existing use of, the wider area; iv. The amenity of the surrounding area is preserved and there are no unacceptable adverse impacts on the amenity of adjacent and nearby properties/users; v. It would not create an unacceptable burden on existing infrastructure and services that cannot be resolved; vi. It does not result in an unacceptable level of risk to public health and safety; vii. It is resource efficient and utilises sustainable construction technologies, techniques and materials and, where practicable, low and zero carbon generating technologies are installed; viii. It facilitates the prevention, reuse, recycling, energy recovery and disposal of waste, including where relevant, the use of Site Waste Management Plans; ix. It protects and where possible enhances and promotes access to natural heritage, including green infrastructure, landscape and the wider environment; and x. It protects and where possible enhances Orkney's cultural heritage resources.
Policy 8 **Historic Environment & Cultural Heritage**	**A All Development** Development which preserves or enhances the archaeological, architectural, artistic, commemorative or historic significance of cultural heritage assets, including their settings, will be supported. Development which would have an adverse impact on this significance will only be permitted where it can be demonstrated that: i. measures will be taken to mitigate any loss of this significance; and ii. any lost significance which cannot be mitigated is outweighed by the social, economic, environmental or safety benefits of the development. **B Specific Policy Considerations** i. Heart of Neolithic Orkney World Heritage Site Development within the Inner Sensitive Zones will only be permitted where it is demonstrated that the development would not have a significant negative impact on the Outstanding Universal Value of the World Heritage Site or its setting. Development will not be permitted where it breaks the skyline at the sensitive ridgelines of the World Heritage Site when viewed from any of its component parts, or where it will be sited in any location where there is the potential to impact upon the World Heritage Site, unless it is demonstrated that the development will not have a

Policy Topic	Policy
	significant negative impact on either the Outstanding Universal Value or the setting of the World Heritage Site. **ii. Listed Buildings** Change to a listed building must be managed to protect its special interest while enabling it to remain in/return to active use. Applications for development must have regard to the importance of preserving and enhancing the building, its setting and any features of special architectural or historic interest. Enabling development may be acceptable where it can be clearly shown to be the only means of preventing the loss of the asset and securing its long term future. Any development must be the minimum necessary to achieve these aims and the resultant development should be designed and sited carefully to preserve or enhance the character and setting of the historic asset. **iii. Demolition** a. A listed building, or any structure or object in the curtilage of a listed building, may only be demolished where evidence is provided to demonstrate that every effort has been made to retain it and: i. it is not of special architectural or historic interest; or ii. it is incapable of repair; or iii. it can be clearly demonstrated that the proposed development is essential to delivering significant benefits to economic growth or the wider community proportionate to the significance of the building to be lost; or iv. its repair is not economically viable and it has been marketed at a price reflecting its location and condition to potential restoring purchasers for a reasonable period. b. The demolition of an unlisted building or structure in a Conservation Area will only be permitted where: i. it does not make a positive contribution to the special character of the conservation area, and where the application is supported by acceptable proposals for the redevelopment of the cleared site; or ii. its retention, restoration or reuse has been fully considered but its structural condition rules out retention at reasonable cost, or its form or location makes its re-use/retention extremely difficult; and iii. The comparative socio-economic merits of the new build proposal for the site outweigh the benefits of retaining the building. **iv. Scheduled Monuments**

Policy Topic	Policy
	Where there is potential for a proposed development to have an adverse effect on the integrity of the setting of a scheduled monument, planning permission will only be granted where: • there are exceptional circumstances; • there is no practical alternative site; and • there are imperative reasons of over-riding public need. **v. Inventory Gardens and Designed Landscapes** Development which preserves or enhances the character and features of inventory gardens and designed landscapes and their setting, will be supported. Development that would have a significant negative impact upon the character of their areas will not be permitted. The conservation, maintenance and restoration, including the restoration of layout and features, will be supported where this is appropriate and based on historical research. **vi. Investigation & Recording** a. Where there is the potential for historic environment assets to exist in particularly sensitive areas, such as the Inner Sensitive Zone of the World Heritage Site or the historic core of Kirkwall, applicants may be required to undertake 'Cultural Heritage Impact Assessments' to ensure that there will be no unacceptable effects on any known or potential historic environment assets. b. Where development, which has the potential to impact on areas known or suspected to contain archaeological deposits is permitted, planning conditions will be attached to ensure the effective assessment, analysis, archiving and publication of any archaeological remains to an agreed timeframe. c. Where a historic environment asset, or a significant element thereof, will be lost as a result of a development, it may be necessary to record the site to an agreed level prior to the commencement of development/demolition.
Policy 9 Natural Heritage & Landscape	**A Natural Heritage Designations** **1. Internationally Designated Sites** i. Development likely to have a significant effect on a site designated or proposed as a Special Protection Area (SPA) or Special Area of Conservation (SAC), collectively known as Natura 2000 sites, individually or cumulatively and not directly connected with, or necessary to the conservation management of that site must be subject to an Appropriate Assessment in order to assess the implications for the site's conservation objectives. ii. Development will only be permitted where the Assessment ascertains that:

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	a) it would not adversely affect the objectives of the designation or the integrity of the site; or b) there is no alternative solution; and c) there are imperative reasons of over-riding public interest, including those of a social or economic nature. iii. A derogation is available where there are no alternative solutions; there are imperative reasons of overriding public interests, including those of a social or economic nature; and compensatory measures are provided to ensure that the overall coherence of the Natura network is protected. iv. The international importance of Ramsar sites should also be appropriately protected. **2. Nationally Designated Sites** i. Development that negatively affects a Site of Special Scientific Interest (SSSI) will only be permitted where: a) the objectives of the designation and the overall integrity of the area will not be compromised; or b) any significant adverse effects on the qualities for which the area has been designated are clearly outweighed by social, environmental or economic benefits of national importance. ii. Development capable of affecting a Nature Conservation Marine Protected Area (NC MPA) will only be permitted where it can be demonstrated that: a) there is no significant risk of hindering the achievement of the conservation objectives of the NC MPA; or b) there is no alternative that would have a substantially lower risk of hindering the achievement of the conservation objectives of the NC MPA; and c) the public benefit outweighs the risk of damage to the environment. **3. Locally Important Sites** i. Development likely to negatively affect a Local Nature Conservation Site (LNCS), Local Nature Reserve (LNR) or unnotified Geological Conservation Review (GCR) site will only be permitted where there is no feasible alternative location; and a) mitigative measures will be satisfactorily implemented to ensure that it will not affect the integrity of the area or the qualities for which it has been designated; or

Policy Topic	Policy
	b) any such effects are clearly outweighed by social, environmental or economic benefits. Details of Local Nature Conservation Sites are contained in Supplementary Guidance: Natural Environment. **B Protected Species** i. Development likely to have an adverse effect on any protected species will not be permitted unless it can be justified in accordance with the relevant protected species legislation. ii. Where there is evidence to indicate that a protected species may be present on, or adjacent to, a development site and could be affected by the proposal, the Planning Authority may require an ecological survey and/or mitigation plan to be submitted with the planning application. **C Wider Biodiversity and Geodiversity** i. All development proposals must seek to avoid damage to, or loss of, biodiversity and geodiversity, and should enable the maintenance of healthy ecosystems, as well as natural features and processes which provide important services to communities e.g. coastal protection, flood risk mitigation or carbon storage. ii. All development proposals should have due regard for priority habitats and species identified in the UK Biodiversity Action Plan, the Scottish Biodiversity List, the list of Priority Marine Features and the Orkney Local Biodiversity Action Plan. Where possible, new development should incorporate benefits for biodiversity, and avoid further fragmentation or isolation of habitats. iii. Where there is evidence to indicate that a priority habitat or species may be present on, or adjacent to, a development site and could be affected by the proposal, the Planning Authority may require an ecological survey and/or mitigation plan to be submitted with the planning application. **D The Water Environment** i. In accordance with the River Basin Management Plan for Scotland River Basin District 2015/2027, development proposals should seek to protect and, where possible, improve the water environment (river streams, lochs, groundwater, estuaries, coastal waters (to 3 nautical miles) and wetlands including Groundwater Terrestrial Ecosystems). Where this is not possible, it must be clearly demonstrated that the development: a) will avoid causing deterioration in the water quality or overall status of water bodies and, for any water body currently not achieving good status, will not prevent it from being able to achieve good status in the future.

Policy Topic	Policy
	b) includes the management and/or enhancement of existing habitats and, if appropriate, the creation of new habitats. c) will not significantly affect water quality, flows and sediment transport, either during construction or after completion. Where a development proposal is located adjacent to the water environment, and a bank-side (waterside) location is not essential to the proposal, an appropriate buffer zone between the development and the water body should be included, within which development should be avoided. ii. There is a presumption against unnecessary culverting and engineering activities in the water environment. **E Peat and Soils** i. Development on areas of peat or carbon-rich soils will only be permitted where: a) it has been clearly demonstrated that there is no viable alternative; b) an acceptance assessment of the likely effects of the development on carbon dioxide emissions has been undertaken and submitted; and c) the economic and social benefits of the development clearly outweigh any potential detrimental effects on the environment, including likely carbon dioxide emissions. ii. Where development on peat or carbon-rich soil is permitted, the Council may ask for a peatland management plan to be submitted which is supported by an appropriate peat survey and clearly demonstrates how the unnecessary disturbance, degradation and erosion of peat and soils will be avoided and, where this is not possible, minimised and mitigated. iii. New areas of commercial peat extraction will only be permitted where it can be demonstrated that: a) it is an area of degraded peatland which has been damaged by human activity and has low conservation value and, as a result, restoration is not possible. iv. The applicant must submit a method statement, and where necessary a soil management plan, in support of any application. **F Trees and Woodland**

Policy Topic	Policy
	i. Development that would result in the loss of, or damage to, one or more trees protected by a Tree Preservation Order; or lead to the loss of, or damage to, individual trees or woodlands of significant ecological, landscape, shelter or recreational value will not be permitted unless: a) it would achieve significant and clearly defined benefits that outweigh any potential loss; b) an evaluation, to the appropriate British Standard (or a suitable standard to be agreed with the Planning Authority) of the ecological, landscape, shelter and recreational value of the tree(s) has been undertaken and it is concluded that the loss would be acceptable; and c) an additional or equivalent number of new trees are planted on, or near the site to an agreed standard and specification (species and maturity). ii. Works to trees must not result in any unnecessary fragmentation of a green network. **G Landscape** i. All development proposals must be sited and designed to minimise negative impacts on the landscape, townscape and seascape characteristics and landscape sensitivities that are identified in the Orkney Landscape Character Assessment, and should be sympathetic to locally important natural and/or historic features within the landscape. ii. Consideration should be given to the siting, scale and design of the proposal, as well as the potential for cumulative effects with other developments. iii. Development that affects the National Scenic Area (NSA) will only be permitted where it is demonstrated that: a) the proposal will not have a significant effect on the overall integrity of the area or the qualities for which it has been designated; or b) any such adverse effects are clearly outweighed by social, environmental or economic benefits of national importance. iv. Development proposals affecting the area of wild land on Hoy will be only be permitted where it has been demonstrated that any significant effects on the character and qualities of this area can be substantially overcome by siting, design or other mitigation.
Policy 10	**A Core Paths & Access**

Policy Topic	Policy
Green Infrastructure (Paths, Open Spaces & Green Networks) **EXTRACT**	i. Development should have no unacceptable adverse impact on statutory access rights, core paths, other public footpaths or rights of way. ii. Where a proposal will affect access rights, a core path, a right of way or other public paths it will be necessary to: a) Maintain or enhance the amenity value of the current route; or b) Provide an alternative path or access that is both safe and convenient for the public to use.
Policy 14 Transport, Travel & Road Network Infrastructure	**B Sustainable Travel** **i. Proposals that involve significant travel generation by virtue of their size or nature must provide a Transport Assessment to explain how the development will incorporate sustainable travel options (active travel, public transport and low carbon vehicles) and how they will integrate with existing infrastructure/networks.** **ii. ii. Within settlements, all development must demonstrate how it will access and facilitate sustainable travel to minimise the need for independent car journeys. This requirement will be proportionate to the nature of the proposal and the size of the settlement; and may require sustainable travel infrastructure improvements within or outwith site. Further detail and specific requirements for individual allocations will be provided in the settlement statements, masterplans and development briefs.** **iii. iii. Developments must accord with the car parking standards that are set in the National Roads Development Guide, which has been adopted as Planning Policy Advice.**