5 Planning Policy

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5 Planning Policy

5.1 Introduction

5.1.1 This chapter sets out the policy context relevant to the Proposed Development. The approach focuses upon the policies from the Statutory Development Plan, national planning policy and guidance including the marine policy framework and other material considerations, which are of most relevance to the EIA process.

5.1.2 A detailed examination of policy and the development's accordance with the relevant policy framework is provided within the "Planning Statement", which is submitted with the planning application but does not form part of this EIA Report.

5.2 The Statutory Development Plan

5.2.1 Under the terms of the Planning Acts and associated regulations, Councils are required to prepare, and keep up to date, a Statutory Development Plan. The Development Plan provides the land use planning policy framework for the Council's administrative areas. For the Proposed Development, at the time of writing, this comprises the Orkney Local Development Plan 2017 (The LDP), which was adopted in April 2017, and adopted Supplementary Guidance. The LDP provides the land use policy framework and relevant development assessment policies.

5.2.2 Orkney Islands Council (OIC) has adopted five pieces of Supplementary Guidance and those documents of relevance to the Proposed Development are:

- Energy (Adopted March 2017);
- Natural Environment (Adopted March 2017);
- Historic Environment and Cultural Heritage (Adopted March 2017).

5.2.3 There is no live Structure or Strategic Development Plan that forms part of the statutory Development Plan for OIC.

5.2.4 The Proposed Development footprint (i.e. turbines, access tracks and associated infrastructure) lies outwith all statutory natural and cultural heritage land use designations, this is with the exception of the proposed new extended slipway and landing jetty and small sections of track leading to it which fall within the Faray and Holm of Faray Special Area of Conservation (SAC) and Site of Special Scientific Interest (SSSI). There is one Scheduled Monument within the north-west extent of the Proposed Development site boundary, Quoy broch (SM11440). The site boundary, along the eastern extent, takes in a small part of the Faray and Holm of Faray SAC and SSSI.

5.2.5 The majority of the site is located within SP1: 'Area with Potential for Wind Farm Development' as defined by the Spatial Strategy Framework for Wind Farm Development within the Energy SG (2017), where wind energy development is likely to be supported in principle. This is illustrated in Figure 5.1 of the EIA Report. Small parts of the site lie within SP2: 'Area of Significant Protection', which relates to the Faray and Holm of Faray SAC and SSSI. As noted above only the new extended slipway and landing jetty infrastructure and small sections of track leading to it are located within the SP2 area.

5.2.6 The approved LDP 2017 sets out a vision and spatial strategy for the development of land over the next ten to twenty years. In Chapter 1, paragraph VS.1, page 1, it states:

"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" (Orkney Islands Council, 2017).

5.2.7 With regards to energy, paragraph VS.5, page 1 of the vision states:

"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."

5.2.8 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" (Orkney Islands Council, 2017).

5.2.9 Paragraph 7.3 goes on to state:

"The Plan seeks to ensure that Orkney's full potential for electricity and heat from renewable sources is achieved, whilst ensuring that there are no unacceptable impacts on relevant environmental and community considerations…" (Orkney Islands Council, 2017).

5.2.10 The most relevant LDP policies, which have been considered during the EIA, are:

Table 5.1 – Relevant LDP Policies

Policy Topic	Policy
Policy 7 Energy **Extract**	**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

Policy Topic	Policy
	g. Water Environment h. Aviation, Defence and Communications 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)[1] 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

5.1.1

[1] *The Applicant is applying for planning permission for the Proposed Development in perpetuity. There are currently no statutory or legislative limits to the duration of consent for a proposed development, as noted in the Scottish Government's Onshore Wind Policy Statement (2017). The Applicant respectfully requests that no time limit is placed on the planning permission should Orkney Islands Council be minded to grant the application.*

Policy Topic	Policy
	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:** **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 **Relevant Extract**	**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**

Policy Topic	Policy
	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 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. **iv. Scheduled Monuments** Where there is potential for a proposed development to have an adverse effect on the integrity of the setting of a scheduled monument, planning permission will only be granted where: ▪ there are exceptional circumstances; ▪ there is no practical alternative site; and ▪ there are imperative reasons of over-riding public need. **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

Policy Topic	Policy
	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 implication s for the site's conservation objectives. **ii.** Development will only be permitted where the Assessment ascertains that: a) it would not adversely affect the objectives of the designation or the integrity of the site; or b) there is no alternative solution; and c) there are imperative reasons of over-riding public interest, including those of a social or economic nature. **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

Policy Topic	Policy
	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 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

Policy Topic	Policy
	development should incorporate benefits for biodiversity, and avoid further fragmentation or isolation of habitats. **iii.** Where there is evidence to indicate that a priority habitat or species may be present on, or adjacent to, a development site and could be affected by the proposal, the Planning Authority may require an ecological survey and/or mitigation plan to be submitted with the planning application. **D. The Water Environment** **i.** In accordance with the River Basin Management Plan for Scotland River Basin District 2015/2027, development proposals should seek to protect and, where possible, improve the water environment (river streams, lochs, groundwater, estuaries, coastal waters (to 3 nautical miles) and wetlands including Groundwater Terrestrial Ecosystems). Where this is not possible, it must be clearly demonstrated that the development: a) will avoid causing deterioration in the water quality or overall status of water bodies and, for any water body currently not achieving good status, will not prevent it from being able to achieve good status in the future. b) includes the management and/or enhancement of existing habitats and, if appropriate, the creation of new habitats. c) will not significantly affect water quality, flows and sediment transport, either during construction or after completion. Where a development proposal is located adjacent to the water environment, and a bank-side (waterside) location is not essential to the proposal, an appropriate buffer zone between the development and the water body should be included, within which development should be avoided. **ii.** There is a presumption against unnecessary culverting and engineering activities in the water environment. **E. Peat and Soils** **i.** Development on areas of peat or carbon-rich soils will only be permitted where: a) it has been clearly demonstrated that there is no viable alternative; b) an acceptance assessment of the likely effects of the development on carbon dioxide emissions has been undertaken and submitted; and c) the economic and social benefits of the development clearly outweigh any potential detrimental effects on the environment, including likely carbon dioxide emissions. **ii.** Where development on peat or carbon-rich soil is permitted, the Council may ask for a peatland management plan to be submitted which is supported by an appropriate peat survey and clearly

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	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** **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.

Policy Topic	Policy
	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 12 Coastal Development	**A. Criteria for all Coastal Development** Development in the coastal zone (above Mean Low Water Mark of Ordinary Spring Tides) will be supported where it can be demonstrated that: **i.** the scale, location, siting and design of the development will not have a significant adverse effect, either individually or cumulatively, on the landscape/coastal character, seascape or townscape, taking account of all relevant national studies and guidance; **ii.** there will be no significant adverse effects, either individually or cumulatively, on natural, built and/or cultural heritage resources; **iii.** the integrity of coastal and marine ecosystems, as well as geomorphological features, has been safeguarded, to demonstrate how any significant disturbance and degradation has been avoided or appropriately mitigated; **iv.** there will be no significant adverse effects on other coastal and/or marine users; and **v.** public access to and along the coast will be maintained and enhanced wherever possible. Development that would result in significant adverse effects under criteria i to v, that cannot be appropriately mitigated, will only be permitted when it can be demonstrated that any such effects are clearly outweighed by significant socioeconomic benefits. **B Coastal Change** **i.** New development will not generally be supported in areas that are vulnerable to adverse effects of coastal erosion and/or wider coastal change as identified in the National Coastal Change Assessment*. Where new development is adaptive to anticipated coastal change, and therefore avoids the need for intervention over its lifetime, the development may be permitted. **ii.** When there is clear justification for a departure from the general policy to avoid new development in areas that are vulnerable to adverse effects of coastal erosion and/or wider coastal change, development proposals will be required to demonstrate that appropriate resilience and adaptation strategies have been incorporated over the lifetime of the development. *Relevant outputs from the National Coastal Change Assessment are anticipated during 2016. **C Locational Considerations**

Policy Topic	Policy
	i. Development that requires a location on, or directly adjacent to, the coast within settlement boundaries will be supported. When it can be demonstrated that such a coastal development cannot be accommodated within a settlement for locational and/or operational reasons, or other appropriate reasons by agreement with the planning authority, the proposals will be required to comply with Sections A and B of this policy. **ii.** Development that does not have a locational and/or operational requirement for a waterfront location may be refused if the development site has strategic value for marine related industries or community use. **[Part D Aquaculture is not relevant as it relates to finfish and shellfish farming developments]** **E Ports & Harbours** **i.** Development which requires a pier and/or harbour location, including for fishing, renewables, aquaculture or marine leisure and recreational purposes, will be supported within areas identified for harbour and pier uses where; a) the proposal requires a harbour-side location or is ancillary to activities taking place within the harbour area; b) the proposal would not adversely affect the commercial viability or efficient working of the harbour or pier for commercial marine related uses; c) the design, scale and siting of new development would not have a significant adverse effect on the local coastal character and visual amenity; and d) the proposal complies with the requirements of the HSE where the pier or harbour is covered by an HSE Consultation Zone. **ii.** The enhancement and upgrading of piers, landing facilities and other facilities associated with the industries which require a pier and/or harbour location will be supported.
Policy 13 Flood Risk, SuDS & Waste Water Drainage	**A. Flood Risk** **i.** A Flood Risk Assessment must be undertaken in accordance with SEPA technical guidance where development proposals are in areas identified as being of medium to high risk of flooding and, in certain circumstances described in the SPP Flood Risk Framework, may also be required in the low to medium risk category. **ii.** Where built development in the medium to high risk category is permitted, measures to protect against, or manage, flood risk will be required and any loss of flood storage capacity must be mitigated to achieve a neutral or better outcome. Water-resistant materials and construction should be used where appropriate. **iii.** Where development is proposed within an area that is, or is planned to be, behind a formal flood protection scheme, it must be an

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	acceptable land use for the location and designed to be resilient. Permission for the development to commence may be withheld until the flood protection scheme is operational. **iv.** Development will not be permitted in locations where it would increase the probability of flooding elsewhere and the piecemeal reduction of functional floodplains should be avoided. Land with potential to contribute to managing flood risk, for example through natural flood management or green infrastructure creation, will be safeguarded. **B. Sustainable Drainage Systems (SuDS)** **i.** Development proposals must incorporate Sustainable Drainage Systems (SuDS) in accordance with current national guidance, e.g. Designing Streets, the CIRIA SuDS Manual and, where the scheme is to be adopted by Scottish Water, the Sewers for Scotland Manual. **ii.** Planning applications must include a drainage design which demonstrates compliance with best practice and provides the following details: a) the types of measures to be used and location; b) evidence of sub-soil porosity and suitability for use of infiltration SuDS; c) where required, pre- and post-development run-off calculations to determine the scale of SuDS required; d) proposals for integrating the drainage system into the landscape or required open space provision; e) demonstration of good ecological practice including habitat enhancement, where necessary; and f) land take requirements for different drainage options based on initial calculations carried out to size any significant drainage structures. **iii.** Depending on the scale / type of development proposed, a number of different types of SuDS facilities may be required in sequence, each of which provides a different form of water quality treatment. **iv.** In developments that involve a change of use and / or redevelopment, opportunities should be sought to retrofit SuDS wherever possible. **C. Waste Water Drainage** **i.** All new development within or adjacent to settlements must connect to the public sewer as defined in the Sewerage (Scotland) Act 1968, unless: a) The proposed development is in a settlement where there is no, or a limited collection system, or

Policy Topic	Policy
	b) The proposed development is in a village or town where there are infrastructure constraints that prevent connection and a temporary private system is proposed. **ii.** In these cases a private system may be permitted where it does not pose a risk of detrimental effect, including cumulative effect, to the natural or built environment, cultural heritage or surrounding uses. **iii.** Where private drainage arrangements are proposed, the developer should consult the Scottish Environment Protection Agency (SEPA) in relation to authorisations of discharges of sewerage effluent to land or water.
Policy 14 Transport, Travel & Road Network Infrastructure **EXTRACT**	**A. Transport Infrastructure** **i.** Development that would prejudice the present or future operations of Orkney's inter-Island transport routes (ferry and air) or transport connections to the Scottish Mainland (ferry and air) will not be permitted. **ii.** Proposals for the maintenance, improvements or expansion of transport infrastructure, or for the provision of new transport infrastructure, will be supported where justification is provided through a Local, Regional or National Transport Strategy, by a Scottish Transport Appraisal Guidance (STAG), or by a development brief. **C. Road Network Infrastructure** Development will only be permitted where due regard has been paid to Designing Streets and the proposal demonstrates that: **i.** It is well connected to the existing network of roads, paths and cycleways and will not create a barrier to future development; **ii.** It can be safely and conveniently accessed by service, delivery and other goods vehicles, as appropriate to the development; **iii.** Any new access, or upgrades to an existing access, linking to the adopted road network has been designed to an adoptable standard as defined by the National Roads Development Guide (new accesses should be resource efficient, safe for all road users, and convenient for sustainable travel modes); **iv.** It is designed to cause minimal impact on the character of the site and the surrounding area; and **v.** There are satisfactory arrangements to ensure that there is provision for the long term maintenance.

Supplementary Guidance: Energy

5.2.11 Supplementary Guidance: Energy, hereinafter referred to as "SG Energy" was adopted by OIC on 9th March 2017 prior to the adoption of the LDP and forms statutory Supplementary Guidance. The SG Energy contains several statements with respect to OIC's encouragement of renewable energy generation and contains a Spatial Strategy Framework for wind farm development. The application

site lies primarily within an 'Area With Potential for Wind Farms'. Relevant sections of the SG Energy, include:

5.2.12 Chapter 1, Page 4, paragraph 1.01 of the SG Energy refers to the Scottish Governments targets for *"100% of Scotland's electricity and 11% of heat demand to be generated from renewable sources by 2020"* and that *"a modal shift towards renewable and low carbon forms of energy is a major contributory factor in enabling a reduction in emissions*" (Orkney Islands Council, 2017).

5.2.13 At paragraph 1.02, page 4, it is recognised within the SG Energy that "*the renewable energy sector is a growth sector for the both Scottish and the Orkney economies, providing employment and bringing investment*" (Orkney Islands Council, 2017).

5.2.14 Chapter 2, of the SG Energy "*Balancing the Impacts of Development*" sets out the relevant considerations in balancing "*the potential benefits of a proposal and any anticipated adverse impacts on known constraints*" (Orkney Islands Council, 2017).

5.2.15 Chapter 4 of the SG Energy is specific to Wind Energy and references *"a Spatial Framework for wind farm developments and a series of Development Criteria against which all applications for wind energy developments will be assessed" (Orkney Islands Council, 2017).*

5.2.16 Paragraph 4.12 of the SG Energy, makes further reference to the Spatial Strategy where it is stated 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*" (Orkney Islands Council, 2017).

5.2.17 Paragraph 1.04 of the SG Energy, states that the SG Energy will accompany Policy 7 of the LDP *"which seeks to support appropriate renewable energy development."*

5.2.18 The Spatial Policy SP1: sets out the Spatial Policy on 'Areas with Potential for Wind Farms'. It states:

"Areas with potential capacity to accommodate wind farms have been identified as 'Areas With Potential for Wind Farms' and are shown in Figure 1. These places represent the areas of least constraint to wind energy development. Wind energy development is likely to be supported in principle within the areas subject to proposals complying with the Development Criteria and any other material planning consideration" (Orkney Islands Council, 2017).

5.2.19 The Proposed Development lies primarily within an area detailed as "Areas with Potential for Wind Farm Development" as identified by Figure 1 Spatial Strategy Map on Page 17 of the SG Energy and Figure 5.1 of the EIA Report. This is with the exception of infrastructure relating to the new extended slipway and landing jetty and the small sections of track leading to it which are located within 'SP2: Areas of Significant Protection' relating to the Faray and Holm of Faray SAC and SSSI.

5.2.20 Paragraph 4.14 of the SG Energy states, *"The existence of an identified constraint does not in itself lead to a blanket restriction on wind farm development. Justification, along with potential mitigation, will have to be provided in support of a planning application to demonstrate that the proposal is acceptable"* (Orkney Islands Council, 2017).

5.2.21 In June 2019 OIC approved the adoption of Development Management Guidance on Energy 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 and in response to recent appeal decisions made by Reporters in relation to the scale of wind energy developments in Orkney.

5.2.22 Section 2 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"* (Orkney Islands Council, 2019). These factors include net economic impact, the scale of contribution towards renewable energy targets and the effects on greenhouse gas emissions.

5.2.23 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."* (Orkney Islands Council, 2019).

5.2.24 With regard to landscape effects at Section 3, reference is made to the Orkney Landscape Capacity Assessment (2014), adopted by the Council in 2015, which considers the capacity of the Orkney landscape to accommodate onshore wind energy development. It states that *"The study represents a strategic-level starting point to assist planners and developers to shape proposals … The weight which should be attached to this guidance should therefore be considered in that context"* (Orkney Island Council, 2019). The importance of site-specific Landscape and Visual Impact Assessment is relevant in this context.

5.2.25 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"* (Orkney Islands Council, 2019).

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

5.2.27 Section 4 provides an update with respect the Scale of Wind Energy Development recognising that Table 1 of the SG Energy only includes turbines up to a maximum height of 125 m. It then goes on to state, *"For the avoidance of doubt, whilst 'Very Large' turbines are defined as being 80 to 125 metres in height [in the SG Energy], turbines exceeding this height will be assessed in accordance with the Spatial Strategy and Development Criteria set out within the document, this banding does not automatically preclude the consideration of proposals of devices in excess of 125 metres"* (Orkney Islands Council, 2019).

5.2.28 It continues by acknowledging that for the most part new wind energy development will be of this scale and based on turbines which are in excess of 125 m and provides an update to Table 1 which includes turbines over 125 m.

5.2.29 With regards to proposals over 125 m, it acknowledges that it is likely that there will be significant landscape and visual impacts and it is then up to the developer to communicate the nature of the positive impacts of their proposal, as described at Section 1 above, and for the Committee to consider the level of weight which should be attached to each consideration on a case by case basis.

5.2.30 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 10MW…will be considered to make a meaningful contribution toward the interconnector needs case"* (Orkney Islands Council, 2019).

Supplementary Guidance: Historic Environment and Cultural Heritage

5.2.31 Supplementary Guidance: Historic Environment and Cultural Heritage hereafter referred to as SG Heritage is statutory Supplementary Guidance which aims to bring together information on how OIC will administer Policy 8: Historic Environment and Cultural Heritage Local Development Plan. It includes details of:

- Relevant legislation.
- Legally protected sites, and specific policies relating to them.
- The consent process for developments which may affect the historic environment.
- Notes providing further information on certain points of the text.

- A glossary of key terms.

5.2.32 The policy document is structured around five key qualities/types of receptors: archaeological, architectural, artistic, commemorative and historic.

Supplementary Guidance: Natural Environment

5.2.33 Supplementary Guidance: Natural Environment is statutory Supplementary Guidance which sets out additional information on natural heritage to that contained in Policy 9 Natural Heritage and Environment of the LDP. It provides information specifically on natural heritage designations, protected species, wider biodiversity, geodiversity, the water environment, peat and soils.

5.2.34 The aim of the document is to assist stakeholders in fully considering the wildlife and environmental implications of development proposals.

5.3 Material Considerations

5.3.1 The following material considerations are deemed relevant to the assessment and consideration of the Proposed Development:

- The National Planning Framework 3 and emerging National Planning Framework 4;
- Scottish Planning Policy;
- UK Marine Policy Statement (2010);
- Scotland's National Marine Plan 2015;
- Pilot Pentland Firth and Orkney Waters Marine Spatial Plan (2016);
- Planning Advice Notes;
- Landscape Capacity Assessment for Wind Energy in Orkney (2014), adopted by OIC 2015;
- UK and Scottish Government Declaration of a Climate Emergency (2019);
- OIC Council Plan 2018-2023;
- OIC's Declaration of a Climate Emergency (2019);
- Sustainable Orkney Energy Strategy 2017-2025;
- The Renewable Energy Policy Framework.

5.3.2 Those of particular relevance are referenced in this section below and a full review and assessment of each is provided in the accompanying Planning Statement.

The National Planning Framework 3

5.3.3 Scotland's third National Planning Framework (NPF3) was published by the Scottish Government on 23rd June 2014. 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. Together, NPF3 and Scottish Planning Policy (referred to below) applied at the strategic and local levels, are intended to help the planning system deliver the Government's vision and outcomes for Scotland and to contribute to the Government's central purpose.

5.3.4 NPF3 identifies a series of key actions to help deliver the aims of the spatial strategy for Scotland. Action 17 on page 68 states:

"We will support a co-ordinated approach to planning for energy-related and other key development in the five areas of co-ordinated action on: Peterhead, Cockenzie, Grangemouth, Hunterston and the ***Pentland Firth and Orkney Waters****. We believe that these locations have a nationally-significant role to play in delivering our spatial strategy."*

5.3.5 NPF3 sets out a vision for Scotland. One of the key messages is the opportunity of achieving a low carbon place and this is addressed in Chapter 3. This is also a "subject policy" in Scottish Planning Policy. Paragraph 3.1 explains that planning will play a key role in delivering on the commitments set out in delivering 'Low Carbon Scotland: The Scottish Government's Proposals and Policies'. It adds:

"*the priorities identified in this spatial strategy set a clear direction of travel which is consistent with our world leading climate legalisation*".

5.3.6 NPF3 notes the Government's ambition "to achieve at least an 80 % reduction of greenhouse gas emissions by 2020". Paragraph 3.8 also sets out an overall aim to meet at least 30 % of overall energy demand from renewables by 2020 which includes generating the equivalent of a least 100 % of gross electricity consumption from renewables.

5.3.7 NPF3 highlights the need for an enhanced high voltage energy transmission network to facilitate renewable electricity development and its export. Coordinated action is required to deliver the enhanced grid connection which will support the potential of the Pentland Firth and Orkney Waters area.

5.3.8 Orkney is identified as a key connection where improvements to the network are required. Paragraph 3.40 states, *"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*." Large scale renewable energy generation forms part of the business case for delivery of this new infrastructure. In this regard the Proposed Development raises matters of national importance in the context of expectations set out in NPF3 and the need for an enhanced high voltage energy transmission network in Orkney. The Proposed Development can draw significant support from the NPF3 and plays a key role in helping to meet its objectives.

National Planning Framework 4

5.3.9 The Scottish Government is in the process of preparing National Planning Framework 4 which will incorporate Scottish Planning Policy. The Scottish Government expect to lay the draft NPF4 in the Scottish Parliament in Autumn 2021 and will consult publicly on fuller proposals at that stage.

5.3.10 Once finalised NPF4 will have the status of the development plan for planning purposes. This is a change to the current position and will mean that its policies will have a stronger role in informing day to day decision making.

5.3.11 In advance of the draft NPF4, and to provide a current view of the Scottish Government's thinking, an Interim Position Statement has been published. The 'Position Statement for the National Planning Framework 4' (hereafter referred to as 'NPF4 Position Statement') was published in November 2020 and sets out the current position and strategy for the NPF4 alongside wider Scottish Government commitments and seeks to begin to set a new course for planning in Scotland for 2050.

5.3.12 A key theme within the Position Statement is the Scottish Government's ambitious target of meeting net zero emissions by 2045. Page 2 of the document states that the planning system will have to be rebalanced to prioritise climate change in all plans and at all levels of decision making. Furthermore Page 2 states that. *"We will need to focus our efforts on actively encouraging all developments that help to reduce emissions".*

5.3.13 Key opportunities to achieve net zero carbon targets are set out on Pages 2 and 3 and include,

"Supporting renewable energy developments, including the re-powering and extension of existing wind farms, new and replacement grid infrastructure, carbon capture and storage and hydrogen networks."

5.3.14 NPF4 is anticipated to focus on four key outcomes:

- Net Zero Emissions
- A Wellbeing Economy

- Resilient Communities, and
- Better, Greener Place

5.3.15 The long-term strategy will be driven by the overarching goal of addressing climate change and the Scottish Government recognises that we must play our full part in tackling the global climate emergency.

5.3.16 In relation to Net-Zero Emissions, it notes that development that will help meet our emission reduction targets will be prioritised. To achieve a net zero Scotland by 2045 and meet the interim emissions reduction targets of 75 % by 2030 and 90 % by 2040, the Position Statement states that *"an urgent and radical shift in our spatial plan and policies is required."*

5.3.17 The Position Statement notes that Scotland's updated Climate Change Plan is due to be published in 2020, (the updated Climate Change Plan was published in December 2020), setting a course for achieving the targets in the Climate Change (Emissions Reductions Targets) (Scotland) Act 2019 and NPF4 will take forward proposals and policies to support it.

5.3.18 In seeking to achieve reduced emission is it noted that there are opportunities for planning to support a transition to a lower carbon economy in areas that include the Firth of Forth, the North East and island communities.

5.3.19 The document sets out a new spatial strategy to achieve this outcome, which will seek to 'Deliver infrastructure to reduce emissions' amongst other aims. This section recognises Scotland as a net exporter of electricity and states that significant further investment will be needed to continue to advance this sector, including to support electricity grid capacity (including subsea links to the islands). To deliver this infrastructure it states, *"We expect that NPF4 will confirm our view that the Global Climate Emergency should be a material consideration in considering applications for appropriately located renewable energy developments".* (Page 9)

5.3.20 Page 9 goes on,

"As a priority, our strategy will need to facilitate the roll-out of renewable electricity and renewable and zero emissions heat technologies. We will need to switch to low and zero carbon fuel sources, and support the delivery of associated infrastructure, such as grid networks..."

5.3.21 There is a further commitment to ensure that NPF4 helps to deliver on the wider energy strategies including the Scottish Energy Strategy (including any updates).

5.3.22 Consideration will be given as to whether proposed national developments can help to deliver on the New Zero vision, proposals for national developments include on and offshore renewable energy generation and networks.

5.3.23 Page 10 identifies potential policy changes to support a spatial strategy for net-zero emissions including:

- *Facilitating development that is highly energy efficient and which meets greenhouse gas emissions standards, including making provision for zero carbon energy generation.*
- *Strengthening our support for re-powering and expanding existing wind farms.*
- *Updating the current spatial framework for onshore wind to continue to protect National Parks and National Scenic Areas, whilst allowing development outwith these areas where they are demonstrated to be acceptable on the basis of site specific assessments.*

5.3.24 The NPF4 Position Statement also recognises island communities and ensuring greater support for them to achieve better outcomes. As part of the 'Better, Greener Places outcome, the Position Statement refers to the National Islands Plan which *"identifies how we can improve outcomes for our island communities and our approach will be informed by an island communities impact assessment."*

5.3.25 It goes on to state that *"We are currently exploring significant changes to our policies on rural and island development, to support prosperous and sustainable communities and businesses whilst*

protecting our unique natural assets. Our rural areas and islands are one of our greatest assets and our strategy will reflect our ambition to build low carbon rural communities where the quality of life is exceptional. We will identify opportunities to build the long term sustainability of our more fragile areas by highlighting infrastructure requirements and facilitating development that strengthens their future." (page 33)

5.3.26 The NPF4 Position Statement is not approved policy and is not a formal part of the NPF process; nor is it a draft NPF4. It does not have any formal status in the planning process. Therefore, NPF3 remains in force until NPF4 is formally adopted by Scottish Ministers, which is expected in 2022.

Scottish Planning Policy

5.3.27 Scottish Planning Policy (SPP) was published on 23rd June 2014, with a revised version published in December 2020 as a result of changes to paragraphs 28, 29, 30, 32, 33 and 125 of SPP. The changes relate to references to sustainable development and housing land supply.

5.3.28 'Scottish Planning Policy' (SPP) is a statement of Scottish Government policy on how nationally important land use planning matters should be addressed and is a material consideration.

5.3.29 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…."*.

5.3.30 The SPP "*introduces a presumption in favour of sustainable development"* and states at paragraph 28 that *"the planning system should support economically, environmentally and socially sustainable places by enabling development that balances the costs and benefits of a proposal over the longer term. The aim is to achieve the right development in the right place; it is not to allow development at any cost".*

5.3.31 Paragraph 29 states that *'Planning policies and decisions should support sustainable development.'* and goes on to identify the principles which should be taken into account in assessing whether a proposal supports sustainable development. These are considered in detail in the accompanying Planning Statement.

SPP Subject Policies – A Low Carbon Place

5.3.32 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.

5.3.33 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."

Onshore Wind

5.3.34 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. It makes it clear at Paragraph 166 that moratoria on determining onshore wind development are not appropriate.

5.3.35 SPP also highlights that grid capacity should not be used as a reason to constrain the areas identified for wind farm development or decisions on individual applications for wind farms and that it is for wind farm developers to discuss connections to the grid with the relevant transmission network operator.

Development Management for Energy Infrastructure Developments

5.3.36 In terms of development management, paragraph 169 of SPP set 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 within the SPP (page 39) (as replicated below).

5.3.37 The application site is located primarily within a Group 3 area. SPP notes specifically with respect to Group 3 'Areas with potential for wind farm development' that *"wind farms are likely to be acceptable, subject to detailed consideration against identified policy criteria"* (Scottish Government, 2014). A small part of the site boundary lies within Group 2 'Areas of Significant Protection' relating to the Faray and Holm of Faray SAC and SSSI. The only infrastructure associated with the Proposed Development located within these areas is the new extended slipway and landing jetty infrastructure and the small sections of track leading to it. In these areas, wind farms may be appropriate in some circumstances.

5.3.38 Paragraph 170 states that wind farms should be, *"sited and designed to ensure impacts are minimised and to protect an acceptable level of amenity for adjacent communities"* (Scottish Government, 2014).

Table 1: Spatial Frameworks

<table>
<tr><td colspan="3">Group 1: Areas where wind farms will not be acceptable:

National Parks and National Scenic Areas.</td></tr>
<tr><td colspan="3">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.</td></tr>
<tr><td>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.</td><td>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.</td><td>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.</td></tr>
<tr><td colspan="3">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.</td></tr>
</table>

UK Marine Policy Statement (2010)

5.3.39 The UK Marine Policy Statement (MPS) was published jointly by all the UK Administrations in March 2011. It sets a vision for the whole UK marine area and provides a framework for preparing marine plans, including economic, social and environmental considerations which need to be taken into account and strategic policy objectives for key marine sectors. The Marine Policy Statement sets out a presumption in favour of sustainable development in the marine planning area. The Scottish National Marine Plan and any subsequent Scottish regional marine plans must accord with the Statement.

5.3.40 The MPS does not provide specific guidance on every activity which will take place in, or otherwise affect, UK waters. The MPS provides a framework for development of Marine Plans to ensure necessary consistency in policy goals, principles and considerations that must be taken into account, including in decision making.

5.3.41 It is noted that the MPS and marine planning systems will sit alongside and interact with existing planning regimes across the UK. These include town and country planning and other legislation, guidance and development plans. In particular it recognises the national development priorities set out in the National Planning Framework.

5.3.42 Chapter 2 of the MPS outlines the vision for the UK marine area, for a *'clean, healthy, safe, productive and biologically diverse oceans and seas'*; the high-level approach to marine planning; and general principles for decision making that will contribute to achieving the vision. The chapter notes that decisions on activities in the UK marine area will be plan led once Marine Plans are in place. As such, Scotland's National Marine Plan, considered below is the key document for decisions relating to works within the marine environment.

5.3.43 The MPS identifies areas for considerations in providing Marine Plans including Marine ecology and biodiversity; Air quality; Ecological and chemical water quality and resources; Seascape; Historic environment; Climate change adaptation and mitigation; and Coastal change and flooding.

5.3.44 Chapter 3 identifies the policy objectives for the key activities that take place in the marine environment. Section 3.3 refers to Energy production and infrastructure development and recognises the contribution the marine environment will make to the provision of the UK's energy supply and distribution. This contribution includes a growing contribution from renewable energy and from other forms of low carbon energy supply in response to the challenges of tackling climate change and energy security. While the element of the Proposed Development subject to the marine licence applications do not relate to energy generation, they are important components in delivery of an onshore renewable energy project. In this regard the MPS sets out issues for consideration by decision makers in examining and determining applications for energy infrastructure including national level of need for energy infrastructure; positive wider environmental, societal and economic benefits of low carbon electricity generation; and the fact that renewable energy resources can only be developed where the resource exists and where economically feasible.

Scotland's National Marine Plan (2015)

5.3.45 The National Marine Plan (NMP) sets out strategic policies for the sustainable use of Scotland's marine resources out to 200 nautical miles and conforms with the overarching direction provided by the MPS. A marine plan for Scottish inshore waters and a marine plan covering Scottish offshore waters is published in one document, the 'National Marine Plan', however, it is recognised that the NMP is still comprised of two plans made under two separate pieces of legislation.

5.3.46 Scotland's National Marine Plan, Scottish Planning Policy and National Planning Framework 3 have been developed in a consistent manner to provide an integrated policy framework across land and sea.

5.3.47 The NMP sets out the Scottish Government's vision for the marine environment, which is *'Clean, healthy, safe, productive and diverse seas; managed to meet the long term needs of nature and people'.*

5.3.48 The vision for the marine environment is underpinned by a series of strategic objectives which apply to both inshore and offshore waters. The strategic objectives seek to integrate both the ecosystem approach and the guiding principles of sustainable development to deliver a robust approach to managing human impact on Scotland's seas.

5.3.49 The NMP stipulates a set of core General Policies which apply across all existing and future development and use of the marine environment. The polices apply to both inshore (out to 12 nautical miles) and offshore waters (12-200 nautical miles). At the heart of these is the general planning principles is a commitment to sustainable development (GEN 1) and it is noted that this is relevant to key growth sectors such as renewable energy activities.

5.3.50 Other key general polices of relevant to the Proposed Development include:

- GEN 5 Climate change: Marine planners and decision makers must act in the way best calculated to mitigate, and adapt to, climate change;
- GEN 7 Landscape/seascape: Marine planners and decision makers should ensure that development and use of the marine environment take seascape, landscape and visual impacts into account;
- GEN 8 Coastal process and flooding: Developments and activities in the marine environment should be resilient to coastal change and flooding, and not have unacceptable adverse impact on coastal processes or contribute to coastal flooding;
- GEN 9 Natural heritage: Development and use of the marine environment must: (a) Comply with legal requirements for protected areas and protected species. (b) Not result in significant impact on the national status of Priority Marine Features. (c) Protect and, where appropriate, enhance the health of the marine area.
- GEN 12 Water quality and resource: Developments and activities should not result in a deterioration of the quality of waters to which the Water Framework Directive, Marine Strategy Framework Directive or other related Directives apply.
- GEN 18 Engagement: Early and effective engagement should be undertaken with the general public and all interested stakeholders to facilitate planning and consenting processes.
- GEN 21 Cumulative impacts: Cumulative impacts affecting the ecosystem of the marine plan area should be addressed in decision making and plan implementation.

5.3.51 Chapter 5 of the NMP sets out sector specific polices which address the key issues for marine planning where these are not already covered by the General Policies but should be read alongside the general polices. The majority of the sectoral polices are not relevant to the Proposed Development given its nature and limited extent of development that will affect the marine environment. Those of limited relevant include:

- Chapter 11 Offshore Wind and Marine Renewable Energy: this policy relates to offshore renewables primarily however its objectives include alignment of marine and terrestrial planning and efficient consenting and licensing processes as well as to contribute to achieving the renewables target to generate electricity equivalent to 100 % of Scotland's gross annual electricity consumption from renewable sources by 2020 and to contribute to achieving the decarbonisation targets.
- Chapter 13 Shipping, Ports, Harbours and Ferries in so far as it relates to the new elements of infrastructure to access the island - the extended slipway and landing jetty. Objectives of this policy are focused around protecting the existing ports, harbours and ferries and transport routes from inappropriate marine development. It is also noted in terms of policy that 'Maintenance, repair and sustainable development of port and harbour facilities in support of other sectors should be supported in marine planning and decision making.' While the

infrastructure proposed is required to serve access and construction of the Proposed Development, and is not related to an existing port or harbour, the intention is that the infrastructure will be built to a standard design for Orkney Islands to allow access for local vessels and will remain in perpetuity, potentially benefiting other sectors. In terms of dredging activities, the chapter notes that dredging is an essential activity to establish safe approaches to new ports and that dredged material may be disposed of at a licenced marine disposal site or used for alternative purposes such as land reclamation or coastal nourishment, if suitable, to minimise seabed disposal. It also notes that dredging and material disposals may impact other sea users and can cause damage to habitats and species and exposure of buried remains. As per the NMP, dredging are licensable activities and, therefore, their environmental impacts will be assessed through licensing procedure.

5.3.52 The NMP is relevant to the consideration of those elements of the Proposed Development that are located within the intertidal zone and will be considered under the marine licence applications.

Pilot Pentland Firth and Orkney Waters Marine Spatial Plan (2016)

5.3.53 The Pentland Firth and Orkney Waters was chosen to pilot the development of a marine spatial plan to support sustainable management of the area's seas. It aims to balance the needs of local communities and marine economic activities whilst protecting the environment on which they depend. The pilot Pentland Firth and Orkney Waters Marine Spatial Plan (pilot Plan) was developed by a working group including Marine Scotland, Orkney Islands Council and Highland Council.

5.3.54 It aims to put in place a planning policy framework in advance of statutory regional marine planning to support sustainable decision making on marine use and management. It is anticipated that the pilot Marine Spatial Plan will establish a basis for the preparation of the two separate regional marine plans for Orkney and the North Coast Scottish Marine Regions.

5.3.55 The marine environment is used for a wide variety of different purposes and the pilot Plan aims to set out a coherent strategic vision, objectives and policies to further the achievement of sustainable development. This includes the protection and, where appropriate, enhancement of the marine environment within the Plan area. As a non-statutory Plan, it complements and supports existing ambitions and responsibilities.

5.3.56 The pilot Plan is being used by the Marine Scotland Licensing Operations Team (MS-LOT) as a material consideration in the determination of marine licensing and section 36 consent applications within the Pentland Firth and Orkney Waters area. Orkney Islands Council have adopted the final pilot Plan as non-statutory planning guidance, acknowledging the status of the Plan as a material consideration in the determination of relevant planning applications.

5.3.57 The pilot Plan includes a number of General Policies that may be relevant to the determination of any development or activity by any sector and these follow a similar theme to those set out in the NMP. Those which may be of relevance to those elements of the Proposed Development in the intertidal zone include; Sustainable development; Safeguarding the marine ecosystem; Climate change; Nature conservation designations; Protected species; Wider biodiversity; Landscape and seascape; Geodiversity; Water environment; Integrating coastal and marine development; and noise.

5.3.58 General Policy 7: Integrated coastal and marine development is relevant to the consideration of the Proposed Development insofar as those elements (the new extended slipway and landing jetty) that overlap in the inter tidal zone. It states:

"For development(s) and/or activities that require multiple licences, permissions and/or consents, applicants should undertake early preapplication engagement with the consenting authorities and relevant stakeholders.

For development(s) and/or activities that require an Environmental Impact Assessment and multiple licences, permissions and/or consents, applicants should produce a Consultation Strategy at the scoping stage.

Where appropriate, proposals for construction projects should be supported by a construction environmental management plan which covers both the terrestrial and marine environment.

MS-LOT and other relevant consenting authorities should consult one another at an early stage to improve the efficiency of the consenting process and, where appropriate, coordinate and streamline the various consenting requirements."

5.3.59 The pilot Plan also includes Sectoral Policies which are those that are specifically relevant to the determination of an authorisation or enforcement decision for a particular type of development or activity.

5.3.60 Proposed developments and activities must comply with legal requirements and should adhere to all of the general policies, be cognisant of all the sectoral policies and consider the likely cumulative impacts.

5.3.61 Sectoral Policy 4: Renewable Energy Generation relates to offshore wind and marine renewable energy development and therefore has limited relevant to the Proposed Development.

5.3.62 Sectoral Policy 7: Ports Harbours and Dredging notes that *"Ports, harbours, marinas, piers and slipways (collectively referred to as ports and harbours hereafter), provide essential infrastructure to support the transportation, employment and recreational needs of local communities and the wider economy."* (Page 178) The Policy relates to the sustainable growth of the ports and harbours within the Plan area, particularly those existing, which will be supported where:

- *"access to ports and harbours is not restricted*
- *safety considerations are primary*
- *navigational routes are not compromised*

Dredging within the Pentland Firth and Orkney Waters area will be supported by the Plan where:

- *dredged material is recycled or disposed of in appropriate locations"*

5.3.63 The pilot Plan under 'Sectoral Policy 8: Pipelines, Electricity and Telecommunications Infrastructure' acknowledges the opportunity and requirement for electricity grid reinforcement. It states *"Intergovernmental work began in 2012 to progress Scottish island renewables deployment and grid connections and led to additional support for the islands being announced in December 2013. This work has resulted in a Scottish Islands Renewables Delivery Forum being established to develop a series of actions to support the delivery of island renewables, one of which is to convene a working group to pursue research funding to support Orkney grid reinforcement."*

5.3.64 Reference is made to consultation by Scottish and Southern Energy Power Distribution regarding the electricity network on Orkney. The Plan goes on to highlight that there are a number of *"technical options for Orkney grid reinforcement such as transmission reinforcement for contracted developers, distribution reinforcement for general use, nominated developers or marine research and development of a private wire".* A new interconnector between Orkney and the Scottish mainland has been identified within NPF3 as being essential to fully realise the potential for diverse and widely distributed renewable energy development. Whilst not part of the Proposed Development, the Proposed Development would contribute to the investment required for the delivery of the electricity interconnector.

5.3.65 The pilot Plan is relevant to the consideration of those elements of the Proposed Development that are located within the intertidal zone and will be considered under the marine licence applications.

Planning Advice Notes

5.3.66 Table 5.2 identifies and summarises the Planning Advice Notes (PANs) of relevance to the Proposed Development.

Table 5.2 – Relevant Planning Advice Notes

Guidance	Title	Summary
PAN 2/2011	Planning and Archaeology	Provides advice to planning authorities and developers on dealing with archaeological remains. But it does so with a fresh emphasis which is proportionate to the relative value of the remains and of the developments under consideration.
PAN 1/2011	Planning and Noise	Sets out the role of the planning system in preventing and limiting the adverse effects of noise.
PAN 1/2013	Environmental Impact Assessment (2013)	Explains the role of individual planning authorities and that of the Consultation Bodies in EIA, as well as providing guidance on the ways in which EIA can be integrated into the overall development management process.
PAN 60	Planning for Natural Heritage (2000)	Gives basic advice in relation to development and natural heritage. It reiterates the Government's Commitment to the protection and enhancement of the natural heritage.
PAN 61	Planning and Sustainable Urban Drainage Systems (2001)	Provides good practice advice for planners and the development industry complementing the Sustainable Urban drainage Systems Design Manual for Scotland and Northern Ireland (2000).
PAN 69	Planning & Building Standards Advice on Flooding (2004)	Supports national planning policy on flooding. Contains advice on addressing flood risk in development plans and in dealing with planning applications.
PAN 75	Planning for Transport (2005)	Provides advice on the requirement to link transport strategies and development plans and the need to take into account accessibility, location, modal split, parking and design.
PAN 3/2010	Community Engagement	Advice to Planning Authorities and developers on how communities should be properly engaged in the planning process.

Landscape Capacity Assessment for Wind Energy in Orkney

5.3.67 The Landscape Capacity Assessment for Wind Energy (2014) was adopted by OIC in July 2015. The study "*considered the capacity of the Orkney landscape to accommodate onshore wind energy development. The landscape capacity assessment is based on an assessment of landscape sensitivity and value of the different landscape character types and areas of Orkney together with the evolving wind energy scenario*."

5.3.68 The landscape capacity assessment was adopted by the Council on 7 July 2015 and is stated to be "*a material consideration for planning decisions within the County."*

5.3.69 It is noted that the capacity study is strategic in nature and not a substitute for development specific landscape and visual impact assessments to be undertaken. The 2019 update to Development Management Guidance on Wind Energy acknowledges this and has noted that the level of weight given to the study should be considered accordingly. A landscape and visual impact assessment has been undertaken as part of the EIA.

UK and Scottish Climate Emergency Context

5.3.70 The Committee on Climate Change (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 and resulted in both the Scottish and UK Government declaring a climate emergency.

5.3.71 The report made 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.

5.3.72 Since its publication there have been a series of Progress updates by the CCC to both the UK and Scottish Parliaments. The detail of these is considered further in the supporting Planning Statement in the context of the Proposed Development.

OIC Council Plan and Delivery Plan 2018-2023

5.3.73 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.

5.3.74 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"* (Orkney Islands Council 2018).

5.3.75 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

5.3.76 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.

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

5.3.78 The Report states that OIC is committed to continuing to lead the world on low carbon and renewable 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.

5.3.79 An update on the progress of developing the delivery plan targets in response to the climate emergency was presented to the Policy and Resources Committee in February 2020. It outlined current project activity and actions that will contribute to mitigating and adapting to climate change and the opportunity through the impending mid-term review of the Council Plan to embed climate change as a new Council priority, with associated actions.

Sustainable Orkney Energy Strategy 2017 - 2025

5.3.80 The Sustainable Orkney Energy Strategy 2017-2025 (SOES) is a community document endorsed by the Council which sets out the community's aims relevant to its energy strategy with the overarching vision to achieve:

"A secure, sustainable low carbon island 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." (Page 7)

5.3.81 Following this vision, it is stated on page 7 that:

"Realising this vision will deliver the following strategic outcomes:

- *The achievement of ambitious carbon reduction targets.*
- *The reduction and eradication of fuel poverty in Orkney.*
- *Position Orkney as the globally recognised innovation region for energy.*
- *Ensure a secure energy supply during transition to a low carbon future."*

5.3.82 To achieve these outcomes the strategy defines an "activity framework based around five key 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."

5.3.83 Section 5 on page 20 of the SOES details the constraint imposed by *"inadequate electrical grid infrastructure*" and the crosscutting nature of this issue. In the second paragraph of Section 5 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 economy and the community dearly and these barriers to delivering a low carbon economy still need to be influenced and addressed.

Orkney will therefore 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."

5.3.84 Orkney's constraint on renewable energy capacity 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."

Renewable Energy Policy Framework

5.3.85 The renewable energy policy framework at the international and national level applies to renewable electricity generation and related climate change action and is an important material consideration.

5.3.86 The supporting Planning Statement that accompanies this EIA Report examines the most relevant policy documents in detail and sets out the hierarchy of EU, UK and Scottish Government renewable energy policy.

5.3.87 In terms of the relevant policy framework at the International, European and UK level, the following key documents are of relevance:

- International Agreements and Obligations – The COP21 UN Paris Agreement; and
- EU Renewable Energy Progress Report – April 2019.

5.3.88 In terms of UK renewable energy policy, the following documents are of relevance:

- The UK Renewable Energy Strategy (2009);
- The UK Renewable Energy Roadmap Updates (2013);
- The UK Clean Growth Strategy (2017);
- The UK Industrial Strategy (2017);
- The UK Government's Ten Point Plan for a Green Industrial Revolution; and
- The UK Government's Energy White Paper Powering our Net Zero Future (2020).

5.3.89 The following Scottish Government documents relating to renewable energy are of also of relevance:

- The 2020 Routemap for Renewable Energy in Scotland (2011);
- The Electricity Generation Policy Statement (2013);
- The 2020 Routemap for Renewable Energy in Scotland – Update (2013 & 2015);
- The Scottish Energy Strategy: The Future of Energy in Scotland (2017);
- Onshore Wind Policy Statement (2017);
- Scottish Government Web Based Renewables Guidance (2014);
- Climate Change Plan, The Third Report on Proposals and Policies 2018-2032 (2018);
- Update to the Climate Change Plan 2018 – 2032, Securing a Green Recovery on a Path to Net Zero (2020);
- Climate Change (Emissions Reduction Targets) (Scotland) Act (2019);
- Vision for Scotland's Electricity and Gas Networks (2019);
- Islands (Scotland) Act 2018; and
- The National Islands Plan (2019).

5.3.90 Key aspects of these policy documents are set out in the supporting Planning Statement but generally they demonstrate the continued focus and commitment by UK and Scottish Governments towards a net zero carbon agenda. Particular policy and legislation of note with respect to the Proposed Development include:

Scottish Energy Strategy: The Future of Energy in Scotland December 2017

5.3.91 The Scottish Energy Strategy (SES) sets a 2020 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.

5.3.92 The 2050 vision is expressed around six priorities including: "*Renewable and low carbon solutions - continued actions to explore the potential of Scotland's renewable energy resource and its ability to meet local and national heat, transport and electricity needs – assisting the achievement of ambitious emissions reduction targets*."

5.3.93 The strategy also contains 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; and
- an increase by 30 % in the productivity of energy use across the Scottish economy.

5.3.94 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".*

5.3.95 At page 43 it is stated that "*onshore wind is now amongst the lowest cost forms of power generation of any kind, and is a vital component of the huge industrial opportunity that renewables create for Scotland."* It is further stated at page 43, that "*we [Scottish Government] 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".*

5.3.96 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".

5.3.97 With respect to island wind, at page 46 the Scottish Government expresses "*full support for the emerging proposal to provide Scotland's island wind a route to market – offering a new opportunity for our island communities to participate in the energy transition."*

5.3.98 The opportunity set out on page 46 specifically recognises Orkney and the opportunity to bid for long term contracts through the governments CfD process and the importance of providing certainty and acting quickly in getting details and design right:

"The Scottish Government and our partners have pressed the UK Government consistently for a long period over the need to support remote island wind. That means providing a distinct and meaningful opportunity for large wind developments on the Western Isles, Shetland and Orkney to compete for long-term contracts, through the UK Government's Contracts for Difference (CfD) process.

We have welcomed the UK Government's recent confirmation that it will provide this access as part of the next CfD auction round, subject to consultation. But that means getting the details and the design right, and providing confirmation and certainty as quickly as possible. We will continue to work with our partners, and with the UK Government, to ensure that this is the case."

5.3.99 The Scottish Government have committed to an update of the Energy Strategy in 2021 which will set out in detail the role that electricity generation will have in the wider energy system.

The Climate Change Plan (2018) and Update to the Climate Change Plan 2018 – 2032, Securing a Green Recovery on a Path to Net Zero (2020)

5.3.100 The Climate Change Plan was published in February 2018 (hereafter referred to as the CCP). An update to the CCP, 'Update to the Climate Change Plan 2018 – 2032, Securing a Green Recovery on a Path to Net Zero' (2020 Update), was published in December 2020. The 2020 Update notes that many elements of the 2018 Plan still stand and that the 2020 Update should be read alongside the CCP. As such, both documents have been considered here.

5.3.101 At this stage the update is a draft Plan, which will be subject to Parliamentary scrutiny, following which a final version will be published responding to recommendations and conclusions from the scrutiny process. The 2020 Update notes that the next full climate change plan will be delivered by early 2025.

5.3.102 The 2020 Update sets out the Scottish Government's pathway to new and ambitious targets set by the Climate Change Act 2019. It is also noted as a *'key strategic document in the green recovery from COVID-19*'. In delivering the Green Recovery the 2020 Update acknowledges the need for increased investment in renewable energy, particularly onshore and offshore wind. The update also highlights the importance of harnessing Scotland's potential making the most of the vast wind and marine resources which are available.

5.3.103 Within the introduction of the CCP (2018) at page 9 it is noted that:

"Climate change is one of the greatest global threats we face. Scotland must play its part to achieve the ambitions set out in the Paris Agreement, which mandates concerted, global action to deal with the threat."

5.3.104 At page 25 of the CCP, the contribution of onshore wind to electricity generation is recognised alongside its role in driving innovation.

"In 2016, 42.9 % of our electricity was generated by renewables, predominantly onshore wind. The expansion in onshore wind is comparable to the rollout of hydro power in the post-war period, which transformed for the better the lives of so many. This growth continues to drive innovation and adaptation in the management and control of power on the grid. This innovation, both technological and regulatory, will play a crucial role in accommodating the continuing growth of embedded generation, and a wider transformation in how we use the grid to heat and cool our buildings and power our transport systems."

5.3.105 The 2020 Update highlights that Scotland is widely recognised as a world leader in renewable energy, with an abundance of renewable resources, and the targets and achievements reflect that. The Update notes that more than 83 % of the electricity generated in Scotland during 2018 came from renewable or low carbon sources. The 2020 Update sets out a Pathway to Net Zero to 2032 and sets out polices to achieve this.

5.3.106 By 2032, the ambition is that *"Our electricity system will have deepened its transformation for the better, with over 100% of Scotland's electricity demand being met by renewable sources. More and more households, vehicles, businesses and industrial processes will be powered by renewable electricity, combined with green hydrogen production. There will also be a substantial increase in renewable generation, particularly through new offshore and onshore wind capacity."* It is noted that renewable generation in 2019 accounted for the equivalent of more than 90 % of electricity demand.

5.3.107 The final paragraph of page 34 of the CCP (2018) details the continued need to find room for large scale infrastructure.

"Where we get our low emission energy from is also critical and we will continue to need to find room for large scale infrastructure such as wind and solar farms, as well as more locally based equipment, such as heat networks and energy centres."

5.3.108 The CCP states the Scottish Government's Ambitions in the Electricity Sector on page 68 where island wind is specifically identified as being one of the range of technologies that will contribute to the ambition of having a largely decarbonised electricity system by 2032.

"A range of renewable technologies will deliver clean, affordable electricity, including onshore, offshore and island wind, hydro, solar, marine and bioenergy."

5.3.109 Page 68 of the CCP further identifies the importance of viable grid connection and states that *"Scotland's lead in electricity network innovation will continue, allowing our networks to evolve and meet new demands in a way that delivers value for consumers. The integration of storage, smart technologies and innovative approaches to network management at scale will enable our energy assets to be used effectively, and ensure we get the greatest benefit from our generation and network infrastructure."*

5.3.110 The 2020 Update highlights a commitment to continue efforts to ensure a sustainable security of electricity supply, and in 2021 the Scottish Government will launch a call for evidence and views on technologies including energy storage, smart grid technologies and technologies to deliver sustainable security of supply.

5.3.111 The commitment to decarbonisation of the electricity system continues in the 2020 Update and highlights the importance of continuing this decarbonisation in order to achieve the transition to net zero. Its states at page 76, *"The decarbonisation of Scotland's electricity sector has been driven by our rich natural resources, a supportive approach to planning, a drive to involve local communities in decisions that affect them, supportive market frameworks, and rapidly declining prices of renewable technology globally - with wind and solar now the lowest cost forms of new generation."* It continues *"As Scotland transitions to net zero, a growing and increasingly decarbonised electricity sector is critical to enabling other parts of our economy to decarbonise – notably transport, buildings and industry."*

5.3.112 The CCP (2018) cross references, The UK Government's Clean Growth Strategy (October 2017) at page 78, and the commitment of *"up to £557 million for further Pot 2 CfD auctions from 2019."* This is stated to provide an opportunity to support deployment of less established renewable technologies in Scotland including island wind:

"This [the CfD auctions fund] will provide an opportunity to support the deployment of less established renewable technologies in Scotland. These include offshore wind, island wind (subject to State Aid approval), marine technologies, advanced conversion technologies, anaerobic digestion and biomass with combined heat and power, although the Scottish Government knows that minimal ring fenced funds could have been set aside for marine and other less well established technologies that may struggle to compete with offshore wind."

5.3.113 The 2020 Update welcomes the reforms by the UK Government of the CfD mechanism such as the reintroduction of eligibility for onshore wind. At page 87 it states, *"The UK Government's recent response to its CfD consultation contains some welcome elements, notably the separation of offshore wind from floating and remote island wind, which we believe will make the latter technologies more competitive in future allocation rounds."* However, the update calls for further reform, including changes to the CfD which strengthen the requirement to use Scottish and UK supply chains.

5.3.114 The CCP (2018) identified a number of polices and proposals to deliver the plan. The 2020 Update maintains these policies and proposals and identifies those that will be updated by 'boosting' or accelerating actions, and also what new policies have been added. The sector chapters in Part 3 set out the detail of the new policy package and Annex A provides a complete list of the policies.

5.3.115 Policy Outcome 1, relating to Electricity, of the CCP on page 69 states:

"Policy outcome1: From 2020 onwards, Scotland's electricity grid intensity will be below 50 grams of carbon dioxide per kilowatt hour. The system will be powered by a high penetration of renewables, aided by a range of flexible and responsive technologies.

There are two policies, five policy development milestones and five proposals from the Energy Strategy which will contribute to the delivery of policy outcome 1."

5.3.116 Policy Outcome 1 is carried forward in the 2020 Update and provides an update on progress stating that *"there is currently around 12 GW of renewable generation capacity installed across the country, while the carbon intensity of electricity generated in Scotland has fallen to less than 50 g CO¬2 /kWh in both 2018 and 2019."*

5.3.117 It goes on to note that delivering this policy outcome will be further boosted through the publishing of a revised and updated Energy Strategy, reflecting the commitment to net zero.

5.3.118 In terms of Proposals to support this Policy Outcome 1, there is a commitment to *"continue to review our energy consenting processes, making further improvements and efficiencies where possible, and seeking to reduce determination timescales for complex electricity generation and network infrastructure applications"*. In addition, there is a proposal to review and publish an updated Electricity Generation Policy Statement ahead of the next Climate Change Plan, and by 2022.

5.3.119 Under Policy development milestone 1, on page 72,it is stated that *"the Scottish Government will continue to make the case to the UK Government for a stable, supportive regulatory regime that provides appropriate support for investment in renewable energy. This will include the need for a route to market for lowest cost renewable technologies, including onshore wind."*

5.3.120 Under Policy Milestone 2, on page 72 of the CCP, it is stated that *"the Scottish Government will work with the UK Government, industry, local authority partners and communities to maximise the support available to Pot 2 renewable technologies in Scotland*."

5.3.121 The second annual monitoring report of the CCP was published in December 2019. With respect to electricity it notes that Greenhouse gas emissions from the electricity sector have already been reduced by 92 %.

5.3.122 It states that: *"Renewable electricity generation capacity in Scotland has more than trebled in the last ten years; as of June 2019, there was 11.6 GW of installed capacity across the country. Consequently, renewables' contribution towards the total volume of electricity generated has grown from 18.5 % in 2008 to 51.7 % in 2017".* This figure is updated on the Scottish Energy Statistics Hub and it is noted that *"the growth of renewables drove the increase in low carbon generation, rising from 19.0% of all generation in 2010 to 61.1% in 2019[2]"*.

5.3.123 As of September 2020, *"Scotland has 11.8 GW of installed capacity operational with 13.9 GW in the pipeline* [4.4GW of this is in planning*]. How quickly these projects become operational, how favourable the climate is for renewable electricity generation and the extent to which gross consumption falls in the next year could determine if the 100% target is reached"* [3].

5.3.124 Despite this significant pipeline, the 2019 update advises that it is unlikely that all projects consented in the pipeline will progress to commissioning, and that grid intensity and renewable electricity ambitions remain challenging.

5.3.125 This statement highlights how onshore wind will form an important contributor to reducing the emission levels further as more projects with planning or in the system come on line.

5.3.126 Returning to the 2020 Update, the Scottish Government's vision for 2032 and 2045 is that *"renewable generation will increase substantially between now and 2032, and we expect to see the development of between 11 and 16 GW of capacity during this period, helping to decarbonise our transport and heating energy demand."* (page 81)

5.3.127 Actions in this period that the Scottish Government are taking to support onshore wind are set out in the 2020 Update. These include *"Continuing to review our energy consenting processes, making further improvements and efficiencies where possible, and seeking to reduce determination timescales for complex electricity generation and network infrastructure applications. Faster determinations will enable any projects awarded consent to develop more quickly, which will benefit onshore wind in particular."* (Page 84)

5.3.128 In addition, it is acknowledged that the interaction of wind turbines with aviation radar can sometimes present a barrier to development. The Scottish Government will work with aviation, energy and other stakeholders, exploring best practice for collaboration through our Aviation 2030

5.1.1

[2] *Scottish Government (2020) Scottish Energy Statistics Hub https://scotland.shinyapps.io/sg-energy/?Section=RenLowCarbon&Subsection=RenElec&Chart=ElecGen*

[3] *Ibid*

Vision Taskforce to reach a solution which will ensure that all radars are wind turbine tolerant/neutral, freeing up more capacity for development.

5.3.129 The 2020 Update provides an update to the monitoring framework from the 2018 Plan, which will now be used for annual, sector by sector, reporting on progress from May 2021 onwards. Annex B of the 2020 Update sets out the proposed Monitoring Framework which is structured on three levels: **greenhouse gas emissions statistics** provide the highest level measure of progress at an economywide and sectoral level; **a suite of policy outcome indicators** measure the success of policies in achieving the changes that are needed; and **a policy tracker** monitoring implementation of specific policies and proposals.

5.3.130 The 2020 Update reaffirms and strengthens the Scottish Government commitment to net zero and acknowledges the contribution that growth in renewable energy and in particular onshore wind will play in meeting this target.

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

5.3.131 On 31 October 2019 The Climate Change (Emissions Reduction Targets) (Scotland) Act 2019 received Royal Ascent and became an Act of parliament. It amends the Climate Change (Scotland) Act 2009 ("2009 Act") and 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 minimum 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."

5.3.132 The effect of these target changes requires a doubling of response over the period from 2020 to 2030. The need for action set out above is further reinforced by the annual targets required by Section 3.

5.3.133 The targets within the Act legally bind the Scottish Ministers and set the revised framework for Scotland's response to the climate change emergency and will require a revised Climate Change Plan to be consulted upon and approved. The publication of the 'Update of the Climate Change Plan' in December 2020, and referred to above, fulfils this objective. There is a commitment to producing the next full climate change plan by early 2025. Duties have been placed on public bodies through section 44 of the 2009 Act to exercise functions to contribute to meeting targets and deliver the Climate Change Plan. The Monitoring Framework within the 2020 Update to the CCP is vital to ensuring progress is made towards meeting these emissions reduction targets.

5.3.134 Section 35B of the Climate Change (Scotland) Act 2009 (as amended by the Climate Change (Emissions Reduction Targets) (Scotland) Act 2019) places annual progress reporting on a statutory footing, with reports for each sector to be produced and laid in Parliament from May 2021 onwards.

5.4 Summary

5.4.1 This chapter has described the relevant planning and renewable energy policy framework that has informed the EIA. As explained above, the supporting Planning Statement provides an assessment of the Proposed Development against the policy context set out in this chapter.

5.5 References

Department of Energy and Climate Change (2013). UK Renewable Energy Roadmap Update. November 2013. Available at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/255182/UK_Renewable_Energy_Roadmap_-_5_November_-_FINAL_DOCUMENT_FOR_PUBLICATIO___.pdf. Accessed on 4 December 2020.

European Commission (2019). EU Renewable Energy Progress Report. April 2019. Available at: https://ec.europa.eu/commission/sites/beta-political/files/report-progress-renewable-energy-april2019_en.pdf. Accessed on 4 December 2020.

Orkney Islands Council (2015). Landscape Capacity for Wind Energy in Orkney. July 2015. Available at https://www.orkney.gov.uk/Service-Directory/R/landscape-capacity-study-for-wind-energy-in-orkney.htm. Accessed on 4 December 2020.

Orkney Islands Council (2017). Orkney Local Development Plan. April 2017. Available at: http://www.orkney.gov.uk/Files/Planning/Development-and-Marine-Planning/Local-Plan/OLDP_2017/Orkney_Local_Development_Plan_2017_2022.pdf. Accessed 4 December 2020.

Orkney Islands Council (2017). Orkney Sustainable Energy Strategy 2017-2025 (2017). Available at: http://www.oref.co.uk/wp-content/uploads/2017/10/Orkney-Sustainable-Energy-Strategy-2017-2025-1.pdf. Accessed 4 December 2020.

Orkney Islands Council (2017). Supplementary Guidance: Energy. March 2017. Available at: https://www.orkney.gov.uk/Files/Planning/Development-and-Marine-Planning/Adopted_PPA_and_SG/Guidance_for_the_Plan/Energy_Supplementary_Guidance.pdf Accessed on 7 December 2019.

Orkney Islands Council (2017). Supplementary Guidance: Historic Environment and Cultural Heritage. March 2017. Available at: https://www.orkney.gov.uk/Files/Planning/Development-and-Marine-Planning/Adopted_PPA_and_SG/Historic_Environment_SG/Hist_Env_SG.pdf. Accessed on 4 December 2020.

Orkney Islands Council (2017). Supplementary Guidance: Natural Environment. March 2017. Available at: https://www.orkney.gov.uk/Files/Planning/Development-and-Marine-Planning/Adopted_PPA_and_SG/Natural_Environment_SG/Nat_Env_SG.pdf. Accessed on 4 December 2020.

Orkney Islands Council (2018). Council Delivery Plan 2018-2023. Available at: https://www.orkney.gov.uk/Files/Council/Council-Plans/OIC_Delivery_Plan_2018_2023.pdf. Accessed on: 4 December 2020.

Orkney Islands Council (2018). The Council Plan 2018-2023. Available at: https://www.orkney.gov.uk/Files/Council/Council-Plans/Council_Plan_2018_2023_Accessible.pdf. Accessed on: 4 December 2020.

Orkney Islands Council (2019) Development Management Guidance: Energy. June 2019. Available at: https://www.orkney.gov.uk/Files/Planning/Development-and-Marine-Planning/DM_Guidance/Energy.pdf Accessed on 7 December 2020.

Orkney Islands Council (2019) Policy and Resources Committee Report on Climate Emergency: Council Delivery Plan – Targets. 24 September 2019. Available at: https://www.orkney.gov.uk/Files/Committees-and-Agendas/Policy-and-Resources/PR2019/PR24-09-2019/I10_Climate_Emergency_Delivery_Plan_Targets.pdf Accessed on 4 December 2020

Orkney Islands Council (2019). Report by Chief Executive on Declaration of a Climate Emergency. 14 May 2019. Available at: https://www.orkney.gov.uk/Files/Committees-and-Agendas/Council-Meetings/GM2019/SGM14-05-2019/Urgent_Item_Declaration_Climate_Emergency.pdf. Accessed on: 4 December 2020.

Orkney Islands Council (2020). Policy and Resources Committee Report on Climate Change. 18 February 2020. Available at: https://www.orkney.gov.uk/Files/Committees-and-Agendas/Policy-and-Resources/PR2020/PR18-02-2020/I10__Climate_Change.pdf Accessed on: 4 December 2020.

Scottish Government (2009). The Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009. 12 February 2009. Available at: http://www.legislation.gov.uk/ssi/2009/51/pdfs/ssi_20090051_en.pdf . Accessed on 4 December 2020.

Scottish Government (2011). 2020 Routemap for Renewable Energy in Scotland. July 2011. Available at: https://www2.gov.scot/Resource/Doc/917/0118802.pdf. Accessed on 4 December 2020.

Scottish Government (2013). 2020 Routemap for Renewable Energy in Scotland – Update. December 2013. Available at: http://www.districtheatingscotland.com/wp-content/uploads/2015/12/2020RoutemapForRenewableEnergyInScotland.pdf. Accessed on 4 December 2020.

Scottish Government (2013). Electricity Generation Policy Statement. 28 June 2013. Available at https://www.gov.scot/publications/electricity-generation-policy-statement-2013/. Accessed on 4 December 2020.

Scottish Government (2014). Scottish Planning Policy. Available at: http://www.gov.scot/Resource/0045/00453827.pdf Accessed on 4 December 2020.

Scottish Government (2014). The National Planning Framework 3. Available at: http://www.gov.scot/Resource/0045/00453683.pdf Accessed on 4 December 2020.

Scottish Government (2020) Scotland's Fourth National Planning Framework Position Statement. Available at: https://www.gov.scot/binaries/content/documents/govscot/publications/progress-report/2020/11/scotlands-fourth-national-planning-framework-position-statement/documents/scotlands-fourth-national-planning-framework-position-statement/scotlands-fourth-national-planning-framework-position-statement/govscot%3Adocument/scotlands-fourth-national-planning-framework-position-statement.pdf?forceDownload=true Accessed 7 December 2020

Scottish Government (2015). 2020 Routemap for Renewable Energy in Scotland – Update. September 2015. Available at: https://www2.gov.scot/Resource/0048/00485407.pdf. Accessed on 4 December 2020.

Scottish Government (2015) Scotland's National Marine Plan. Available at: https://www.gov.scot/publications/scotlands-national-marine-plan/ Accessed on: 4 December 2020

Scottish Government (2016). Pilot Pentland Firth and Orkney Waters Marine Spatial Plan. Available at: https://www.gov.scot/publications/pilot-pentland-firth-orkney-waters-marine-spatial-plan/ Accessed on 4 December 2020

Scottish Government (2017). Onshore Wind: Policy Statement. 20 December 2017. Available at: https://www.gov.scot/publications/onshore-wind-policy-statement-9781788515283/. Accessed on 4 December 2020.

Scottish Government (2017). The Scottish Energy Strategy: The future of energy in Scotland. December 2017. Available at: http://www.gov.scot/Resource/0052/00529523.pdf. Accessed on 4 December 2020.

Scottish Government (2018). Islands (Scotland) Act 2018. 6 July 2018. Available at: http://www.legislation.gov.uk/asp/2018/12/contents Accessed 4 December 2020

Scottish Government (2018). The Climate Change Plan, The Third Report on Proposals and Policies 2018-2032. February 2018. Available at: http://www.gov.scot/Resource/0053/00532096.pdf/ Accessed on 4 December 2020

Scottish Government (2020) Update to the Climate Change Plan 2018 – 2032 Securing a Green Recovery on a Path to Net Zero. Available at: https://www.gov.scot/publications/securing-green-recovery-path-net-zero-update-climate-change-plan-20182032/ Accessed on 11 January 2021

Scottish Government (2019). Scottish Government Online Renewables Advice. Available at: http://www.gov.scot/Topics/Built-Environment/planning/Policy/Subject-Policies/Utilities/Delivering-heat-electricity/renewables-advice. Accessed on 4 December 2020.

Scottish Government (2019). A Vision for Scotland's Electricity and Gas Networks 2019 – 2030. March 2019. Available at: https://www.gov.scot/publications/vision-scotlands-electricity-gas-networks-2030/pages/3/ Accessed on: 4 December 2020.

Scottish Government (2019). Climate Change Plan: monitoring report 2019. 17 December 2019. Available at: https://www.gov.scot/publications/climate-change-plan-monitoring-report-2019/pages/3/ . Accessed on 4 December 2020.

Scottish Government (2019). Planning Advice Notes (PANs). Available at: https://www.gov.scot/collections/planning-advice-notes-pans/. Accessed on: 4 December 2020.

Scottish Government (2019). The Climate Change (Emissions Reduction Targets) (Scotland) Act 2019. 31 October 2019. Available at: http://www.legislation.gov.uk/asp/2019/15/enacted . Accessed on 4 December 2020.

Scottish Government (2019). The National Islands Plan. December 2019. Available at: https://www.gov.scot/publications/national-plan-scotlands-islands/ Accessed on: 4 December 2020.

UK Government (2009) The UK Renewable Energy Strategy. July 2009. Available at https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/228866/7686.pdf. Accessed on 4 December 2020.

UK Government (2011) UK Marine Policy Statement. Available at: https://www.gov.uk/government/publications/uk-marine-policy-statement Accessed on: 3 December 2020.

UK Government (2017). Industrial Strategy. Available at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/664563/industrial-strategy-white-paper-web-ready-version.pdf. Accessed on 4 December 2020.

UK Government (2017). The Clean Growth Strategy. October 2017. Available on: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/700496/clean-growth-strategy-correction-april-2018.pdf. Accessed on 4 December 2020.

UK Government (2020) The ten point plan for a green industrial revolution. November 2020. Available at: https://www.gov.uk/government/publications/the-ten-point-plan-for-a-green-industrial-revolution Accessed on: 11 January 2021.

UK Government (2020) Energy white paper: Powering our net zero future. December 2020. Available at: https://www.gov.uk/government/publications/energy-white-paper-powering-our-net-zero-future Accessed 11 January 2021.

United Nations (2015). The COP21 UN Paris Agreement. Available at: http://unfccc.int/files/essential_background/convention/application/pdf/english_paris_agreement.pdf. Accessed on 4 December 2020.