# Orkney's Community Wind Farm Project - Faray

Planning Statement

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# Planning Statement

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# 1 Introduction and Background

## 1.1 Background

1.1.1 Orkney Islands Council (the Applicant) has submitted a planning application to construct and operate Orkney's Community Wind Farm Project – 'Faray' ("the Proposed Development"), on a site on the island of Faray, Orkney Islands.

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

1.1.3 This Planning Statement has been authored by Deirdre Thom (Master of Urban and Regional Planning, Member of Royal Town Planning institute), with overview by Steven Black (MRTPI, MSc) of JLL and presents an assessment of the Proposed Development against relevant policy with due regard given to the provisions of the statutory Development Plan for the Orkney Islands Council (OIC) area, national energy and planning policy, and other relevant material considerations, cross-referencing to information contained in the EIA Report where relevant. The Planning Statement is supplementary to, and should be read in conjunction with, the EIA Report submitted with the application.

1.1.4 The Proposed Development is one of three under development by the Applicant under Orkney's Community Wind Farm Project. Planning applications for Orkney's Community Wind Farm Project - Hoy and Orkney's Community Wind Farm Project - Quanterness were submitted to Orkney Islands Council in 2020, both of which are being considered by Scottish Ministers following call in. The aims of this project are threefold;

- to generate income to be used for the benefit of the people of Orkney;
- to aid towards a meaningful response to the Climate Emergency and the urgent need to further decarbonise; and
- to build the case for a new transmission connection for Orkney and unlocking wider benefits to the energy sector in Orkney.

1.1.5 In respect of the contribution that the Proposed Development can make towards the case for a transmission connection between Orkney and the mainland, it is important to highlight that this connection represents a nationally important infrastructure project which is supported at the national level by Scottish Government through the National Planning Framework 3.

## 1.2 Site Location and Description

1.2.1 The Proposed Development site lies on the island of Faray, an uninhabited island to the north and west of Eday and south-east of Westray in the Orkney Islands. The smaller island Holm of Faray is immediately to the north. Faray is approximately 17 km north-east of Orkney Mainland, and approximately 25 km from Kirkwall. The site extends to approximately 168 hectares (ha) and is centred on British National Grid (BNG) 353112, 1036752.

1.2.2 The topography of the island comprises two low hills. The southern of the two forms approximately the central point of the island, rising to 32 m Above Ordnance Datum (AOD). Approximately 700 m to the north a second hill rises to 31 m AOD. The ground level falls away fairly gently from the two hills, the steepest slope being near the coast to the west of the southern hill. The coastline is generally defined by rocky cliffs with geos and caves, except on the west coast near the north of the island and on the far south-east coast, where there are stretches of beach.

1.2.3 The island comprises open fields of improved pasture, a number of abandoned buildings and a slipway. The current land use is sheep farming.

1.2.4 There are no major surface watercourses on the island. There are however, two springs located near the centre of the island from which a small stream flows west towards the sea and a number of drainage ditches and abandoned wells.

1.2.5 There are no residential properties within the site boundary. The closest dwelling is North Guith, on the island of Eday, c.1.6 km east of the nearest proposed turbine.

1.2.6 The Proposed Development will be accessed from new marine access points that will need to be constructed on the south of the island. This will take the form of a proposed new extended slipway, which will be a replacement of an existing facility which needs upgrading regardless of the Proposed Development, and the new facility will be in the same location as the existing slipway. A landing jetty will also be provided to allow access for larger vessels and to accommodate abnormal and heavy loads. This will be located in close proximity to the new extended slipway.

1.2.7 A location plan of the Proposed Development is provided at Appendix 1.

## 1.3 The Proposed Development

1.3.1 The Proposed Development comprises six wind turbines with a proposed maximum tip height of up to 149.9m. The total generating capacity for the site would be approximately 28.8MW[1]. The positions of the proposed turbines have been optimised based on a number of environmental factors discussed in detail in Chapter 2 of the EIA Report. The Applicant is seeking in-perpetuity consent for the Proposed Development. In the event of decommissioning, or replacement of turbines, it is anticipated that the levels of effect would be similar but of a lesser level than those during construction. Decommissioning would be undertaken in line with best practice processes and methods at that time and will be managed through an agreed Decommissioning Environmental Management Plan.

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

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

- Six wind turbines each with a maximum blade tip height of 149.9m;
- Permanent crane hard-standings;
- Temporary laydown areas;
- New marine access points including new extended slipway and landing jetty;
- On site access tracks;
- Underground cabling between turbines to the onsite substation;
- Possible external transformers;
- On-site substation and maintenance building (compound measuring approximately 30 m by 60 m);
- Permanent meteorological monitoring mast;
- Borrow pits; and
- Temporary construction compound.

[1] *28.8 MW is an indicative capacity. Actual installed capacity may be greater or less dependent on turbine model selection but will not be greater than 50 MW.*

1.3.4 A detailed description of the Proposed Development is presented in Chapter 3 of the EIA Report.

### *Access*

1.3.5 The Proposed Development will be accessed from the new marine access points to be constructed on the south-east of the island. To access the island, the following strategy will need to be developed:

- a new extended slipway will be required to replace the existing facility. This item would need to be replaced regardless of the Proposed Development as the current slipway is badly damaged and access to the island is still required for agricultural purposes. The new extended slipway would be built in the same location as the existing slipway and would be built to a standard design for the Orkney Islands to allow access for local vessels;
- a new landing jetty will be constructed to allow access for larger vessels to Faray. This is to be located in close proximity to the slipway and will allow access for abnormal and heavy loads to the island; and
- a network of access roads will connect the new extended slipway and landing jetty to the other Proposed Development elements. The access tracks would be designed to accommodate all predicted loads and traffic for both the construction and operational phases of the Proposed Development.

1.3.6 The A965 on the Mainland of Orkney covers the principal route for HGV access from Cursiter Quarry (the nearest quarry to the port) and Hatston Pier (the embarkation point for deliveries to Faray).

1.3.7 It is assumed that staff access to Faray would be taken from Westray, where accommodation for staff could be arranged. Staff would travel to Faray on a daily basis using a works boat, with the new slipway allowing staff to embark.

1.3.8 Emergency access for staff would be provided via helicopter to allow for fast evacuation as well as by boat from the existing access point on the east of Faray.

1.3.9 Whilst not part of the Proposed Development, the Proposed Development would contribute to the investment required for the delivery of an electricity interconnector between Orkney and the Scottish Mainland, which can take place only if 135 MW of new generation has obtained planning permission, signed up to a grid connection agreement, and passed a financial audit before the end of 2021. The interconnector could lead to considerable economic benefits enabling the construction and operation of wind farms and infrastructure to help a constrained marine sector, and downstream benefits to other parts of the local energy industry.

## 1.4 The Planning Application

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

1.4.2 The interpretation of this provision was clarified in a House of Lords' decision in 1998[2] and set out in the former Scottish Planning Policy 1. "If a proposal accords with the development plan and there are no material considerations indicating that it should be refused, permission should be granted. Conversely, if the application does not accord with the plan, it should be refused unless there are material considerations indicating that it should be granted. Although priority must initially be given to the *development plan in determining a planning application, there is a built-in flexibility depending on the facts and circumstances of each case."*

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

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

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

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

1.4.5 The Proposed Development is also a 'Major' development owing to the proposed capacity of the wind turbine generators being in excess of 20 MW[3]. Accordingly, the Applicant has undertaken statutory pre-application consultation and the application is accompanied by the following documentation required for Major developments:

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

1.4.6 The application for planning permission is also accompanied by an EIA Report, and EIA Non-Technical Summary and this Planning Statement, which explains and assesses the relevant policy context against which the application for planning permission should be determined. In addition to the planning application, a marine licence application has also been submitted under the Marine (Scotland) Act 2010 for works below Mean High Water Springs (MHWS), specifically construction works associated with the improved access to Faray via a new extended slipway and landing jetty.

## 1.5 Duration of Planning Permission

1.5.1 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 wind farm, or any other type of development, as noted in the Scottish Government's Onshore Wind Policy Statement (OWPS) (2017). The Applicant respectfully requests that no time limit is placed on the planning permission should the consenting authority be minded to grant the application.

1.5.2 It is noted that Policy 7 part D of the Orkney Local Development Plan 2017 states that *"Consent for wind energy developments may be granted for a maximum period (usually 25 years) from final commissioning/the date that the device commences energy generation"*.

1.5.3 This part of Policy 7 acknowledges that it may be considered necessary or appropriate in some instances to attach a time limitation in terms of the duration of consent, and a bracketed reference to past instances often involving a time period of 25 years.

1.5.4 The Policy is repeated within the Orkney Islands Council "Supplementary Guidance: Energy" with paragraph 4.79 stating *that "Large and very large scale wind energy developments and wind farms will normally be given planning permission for a period of 25 years."* and in the circumstances where a restriction on the duration of consent is applied *"At the end of this period, a new planning application for continued use or for new development will be required."*

1.5.5 Since the adoption of the Orkney Local Development Plan 2017 and related Supplementary Guidance, there has been further developments in onshore wind technology and it has become more common for developers to explore the specific environmental characteristics of the case and to apply for periods of consent that extend beyond 25 years, due to the extended lifespan of turbines.

1.5.6 This is noted in the Scottish Government's publication of its OWPS, with the duration of consent considered in paragraph 41. It is noted there appears to be a common but not universal assumption

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

that a 25 year lifetime limit is a requirement of the consent for all onshore wind applications before noting that *"there are no current statutory or legislative limits to the duration of consent for a proposed development".*

1.5.7 Furthermore, the OWPS sets out the approach that should be taken in line with Scottish Planning Policy (2014), *"that areas identified for wind farms should be suitable for use in perpetuity."* On that basis the OWPS confirms *that "the operating period of an individual wind farm is a matter which developers can consider and discuss prior to the submission of an application."*

1.5.8 Having assessed the impacts and effects of the Proposed Development as detailed within the EIA Report and assessed these findings in the context of relevant policy and material considerations, it is concluded that those impacts/effects are acceptable in perpetuity. In this context, the appropriate consideration is whether there are any particular circumstances of this case that would necessitate a limited duration of consent.

1.5.9 In the case of the Proposed Development there are no particular characteristics that should necessitate a limited period of consent. Indeed, it is considered that there is significant benefit in not limiting the duration of consent to extend both the economic benefits (the electricity interconnector lifespan is anticipated to be greater than 25 years) and the environmental benefits with regards to carbon offsetting of the Proposed Development. This is ever more important given the Scottish Government's net zero targets which will necessitate more clean energy being produced to reach these ambitions targets. The Proposed Development supports Orkney's Sustainable Energy Strategy which has an overarching aim *of "adding value to Orkney's renewable energy resources, for the benefit of the local economy and local communities, whilst minimising damage to the environment".*

1.5.10 In summary, the Orkney Islands Council Policy 7D notes that it may be considered appropriate to limit the duration of consent but the policy does not require that such planning permission is time limited. It is appropriate in the case to consider the specific environmental circumstances and whether there is any Planning necessity to limit the terms of the consent. It is the Applicant's position having considered the impacts of the Proposed Development in the context of the Development Plan and material considerations that there is no planning necessity or requirement to limit the duration of the Planning permission in this instance, however if the consenting authority is minded to impose an operational limit the Applicant would be grateful for that limit to be as long as possible to maximise the benefits of the Proposed Development.

## 1.6 Structure of Planning Statement

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

# 2 The Statutory Development Plan

## 2.1 Introduction and Approach

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

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

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

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

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

## 2.2 The LDP Vision

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

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

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

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

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

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

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

2.2.5 The Proposed Development would make a significant contribution towards realising the LDP's Vision for Orkney bringing about positive and sustainable socio-economic impacts, utilising locally available resources and thus contributing to inward investment, employment opportunities and making a significant contribution to addressing the climate change emergency.

2.2.6 Overall, it is submitted that the Proposed Development draws support from the LDP's Vision and aims, which is a relevant consideration in the planning balance when establishing accordance with the Development Plan. This is consistent with the House of Lords judgement referred to above in chapter 1.

## 2.3 The LDP Policies

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

**Table 2.1 - Relevant LDP Policies**

| LDP Policies |
|---|
| Policy 7 - Energy |
| Policy 1 - Criteria for All Development |
| Policy 8 - Historic Environment & Cultural Heritage |
| Policy 9 - Natural Heritage & Landscape |
| Policy 12 - Coastal Development |
| Policy 13 - Flood Risk, SuDS & Waste Water Drainage |
| Policy 14 - Transport, Travel & Road Network Infrastructure |

## 2.4 Policy 7 Energy

2.4.1 Policy 7 Energy is a multi-criteria policy. The supporting text notes that further details of how the policy will be interpreted and applied are contained within Supplementary Guidance: Energy (SG Energy), which forms part of the Development Plan. As such it is important to consider both together. Part Ci of Policy 7 concerns "All Renewables and Low Carbon Energy Developments" including onshore infrastructure and gives support for such development *"where it has been demonstrated that the proposal will not result in significant adverse effects on known constraints, either individually or cumulatively."* The policy identifies a requirement for *"sufficient supporting information"* to enable a full assessment to be made of the likely effects of a development.

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

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

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

2.4.3 In this regard, the Proposed Development supports climate change mitigation by replacing fossil fuel energy generation with renewable energy, thereby reducing emissions of climate changing gases. Chapter 18 Other Issues of the EIA Report addresses the carbon savings of the Proposed Development across its lifespan. Whilst the Proposed Development will release carbon during

manufacturing, delivery and construction, this generation will be offset by the generation of carbon free electricity within approximately three months. This is a small percentage of the lifespan of the Proposed Development (1.25 % of the conservative 20 years used in Chapter 18). Compared to fossil fuel electricity generation projects, the Proposed Development has a very low carbon footprint and the electricity generated will displace grid electricity generated from fossil fuel sources. The site would in effect be in a net gain situation following the estimated three month carbon payback period and will be contributing to national objectives of reducing greenhouse gas emissions. Therefore, the Proposed Development could make a material contribution to creating the demand for the interconnector which in turn could help deliver sustainable development and the drive to net zero.

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

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

2.4.6 The site is located on an uninhabited island, and comprises open fields of improved pasture, a number of abandoned buildings and a slipway. The current land use is sheep farming. The Proposed Development does not conflict with this land use, and the Proposed Development site will continue to be used for this use during operation and the new extended slipway would provide improved access.

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

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

2.4.9 In summary, the construction of the Proposed Development has the potential to result in a beneficial economic impact of up to £2.6 million in gross value added (GVA) and 39 job years in Orkney and £10.4 million GVA and 161 job years in Scotland. The additional expenditure required to guarantee access to the island is expected to generate £0.2 million GVA and support five job years in Orkney and £0.8 million GVA and 11 job years across Scotland (including Orkney). The annual operational economic benefits arising from maintenance would be up to £0.3 million GVA and four jobs in Orkney and £0.5 million GVA and nine jobs in Scotland. In addition, it would contribute around £0.5 million to public finances through the payment of non-domestic rates.

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

2.4.11 The EIA Report concludes that there is likely to be a significant moderate beneficial effect as a result of the Proposed Development relating to the indirect benefits associated with the Proposed Development's contribution to the delivery of the interconnector linking Orkney and mainland Scotland. Additional indirect benefits are associated with the ownership structure which mean profits will remain in Orkney and will be spent in the interests of the people of Orkney. This means that the total direct and indirect economic benefits of the Proposed Development are expected to be much greater than would generally be expected for a development of this scale.

2.4.12 Part D of Policy 7 relates directly to Onshore Wind Energy Development. This part of Policy 7 states that wind energy development will be assessed against several criteria ("factors") *to "ensure that there will be no significant adverse individual or cumulative impacts"*. The test set out within Policy 7 is that there should be *"no significant adverse effects".* This requires to be considered in the context of the plan and is the starting point to assessing potential acceptability. The SG Energy makes provision for the decision maker to consider the acceptability of a significant effect and this is important in considering the Proposed Developments accordance with the Development Plan as a whole. The test set out in Policy 7 alone, is considered too high a threshold and is out of step with national policy. It does not allow for significant effects to be considered acceptable through balancing the benefits that a proposal can offer.

2.4.13 Given that commercial wind farm development by its very nature will result in some significant adverse impacts, the appropriate consideration in this context, as required by national policy and which is explained in the adopted SG Energy at paragraphs 2.02 and 2.03, is the acceptability of those impacts, balanced with all other relevant factors.

2.4.14 The factors listed within Policy 7 D(i) are as follows and are assessed in turn:

a) Communities and Amenity

b) Landscape and Visual Impact

c) Natural Heritage

d) Historic Environment

e) Tourism and Recreation

f) Peat and Carbon Rich Soils

g) Water Environment

h) Aviation, Defence and Communications

i) Construction and Decommissioning

## *a) Communities and Amenity*

2.4.15 This part of the policy relates to shadow flicker, noise, electromagnetic interference and construction and traffic as explained in the SG Energy. Wind energy development will not be permitted where there will be unacceptable adverse impacts on quality of life or amenity at sensitive locations. Potential effects on community amenity with respect these factors are considered within the EIA Report and are assessed below.

### *Noise*

2.4.16 Noise is considered within Chapter 9 of the EIA Report. Noise effects from construction, including on-site activities and construction traffic, were found to be not significant. Noise effects from fixed non-turbine plant have been determined to be not significant.

2.4.17 The Applicant has committed to noise levels associated with operation of the Proposed Development meeting the development-specific noise limits to be agreed through the consenting process at all NSRs. Where necessary, this may require a noise management plan to be put in place. Consequently, residual noise effects due to operation are therefore assessed as not significant.

### *Shadow Flicker*

2.4.18 Chapter 15 of the EIA Report assesses the likely shadow flicker effects resulting from the Proposed Development. A shadow flicker assessment was undertaken at five identified receptors which may have potential to experience shadow flicker. Both the worst-case and realistic modelling identified no effects at four of the receptors. No significant effects were identified at the fifth receptor as the shadow flicker anticipated in a realistic scenario would be well below the eight hours per year threshold considered to be a significant effect. Residual shadow flicker effects are therefore assessed as being not significant and therefore there would be no conflict with policy.

### *Electromagnetic Interference*

2.4.19 Chapter 18 Other Issues of the EIA Report deals with potential impact on telecommunications infrastructure and marine radar. The EIA Report has considered potential effects of the Proposed Development on television and telecommunications infrastructure, both within the site and in the wider area. The Proposed Development will have no residual effects on television or telecommunication links.

2.4.20 Consultation with stakeholders has identified no impacts or effects caused by the Proposed Development on marine radar.

### *Construction Phase and Traffic*

2.4.21 Chapter 12 of the EIA Report deals with Traffic and Transport matters. A Transport Assessment has also been undertaken and is provided at Appendix 12.1 of the EIA Report. The greatest traffic impact will be that associated with the assembly of material on the Mainland of Orkney and its transport to Hatston Pier during the construction period, due to traffic associated with deliveries of raw materials from the supply chain sources to Hatston Pier and on to Faray and also due to Faray being uninhabited with no current vehicular traffic or metaled public road network. As a result, the impact assessment has considered the traffic implications on the Mainland of Orkney only. The construction activities will lead to increased traffic volumes on the A965 during the construction phase only. Following commissioning of the Proposed Development, traffic flows will fall to two vehicle movements a week.

2.4.22 The assessment confirms that traffic levels will not exceed the assessment thresholds on the Mainland of Orkney, primarily due to extensive use of onsite batching and borrow pit on the site and a number of loads will not enter the public road network on the Mainland of Orkney as they will arrive at Hatston and be shipped direct to Faray by boat, and as such no significant effects are anticipated. The assessment also concludes that the road network has sufficient capacity to accommodate the temporary construction traffic.

2.4.23 Standard mitigation is proposed to manage the construction phase include a Construction Traffic Management Plan which would be implemented prior to construction work commencing and agreed with Orkney Islands Council. In addition, a Port Management Plan is recommended to manage deliveries of turbine components through Hatston Pier. This could be secured through an appropriate planning condition should planning permission be granted so that there would be no unacceptable adverse effects on communities and amenity.

## ***b) Landscape and Visual Impact***

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

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

2.4.26 The design iteration process, as explained in Chapter 2 of the EIA Report, has incorporated numerous measures to minimise landscape and visual effects. Consideration has been given to keeping the proposed turbines sufficiently inset so as not to encroach on the coastal edge and appear contained on the island. The iterative design process has incorporated embedded mitigation

in the form of design refinement to minimise landscape and visual effects. The proposed turbines have been set at consistent elevations and spaced evenly, to produce a compact and legible layout from the key viewpoints on the surrounding islands. A number of highly sensitive visual receptors have been identified on the close-range surrounding islands and their views have also been an important consideration in the iterative design process.

2.4.27 The summary to Chapter 6 at paragraph 6.1.5 notes that the study area for the Proposed Development covers a radius of 40 km and the receptors assessed within this area include; one landscape element, 14 Landscape Character Units (LCU), nine Regional Coastal Character Areas (RCCAs) or Local Coastal Character Areas (LCCAs), 11 viewpoints and eight principal visual receptors.

### *Landscape*

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

2.4.29 In respect of the physical effects on landscape elements, the assessment found that the direct effect on the agricultural land as a result of the construction of the Proposed Development will be not significant. The losses will comprise only a small proportion of a much wider landscape resource, with improved pasture occurring in abundance across the Orkney Islands. Furthermore, improved pasture will be relatively easy to re-establish post-construction.

2.4.30 In respect of effects on landscape character, the assessment concludes that there will be significant effects within a 6 km to 7 km radius of the Proposed Development, with significant effects occurring wholly in respect of five of the LCUs, and partly in respect of a further four LCUs. These LCUs are either close to the site or occur around the Westray Firth from where a strong association arises with the island of Faray. All LCUs beyond this radius will undergo no significant effects.

2.4.31 In terms of coastal character, the assessment found there will be significant effects within a 4 km to 5 km radius of the Proposed Development, with significant effects occurring wholly in respect of three of the RCCAs/LCCAs and partly in respect of a further two RCCAs/LCCAs. These RCCAs/LCCAs are either close to the site or occur around the Westray Firth from where a strong association arises with the island of Faray. All RCCAs/LCCAs beyond this radius will undergo no significant effects.

2.4.32 In respect of landscape designations, the assessment found that there will be no significant effects in respect of national and regional landscape designations within the study area. This is due to there being no regionally designated landscapes on the Orkney Islands and that the closest nationally designated landscapes, Balfour Castle Gardens and Designed Landscapes (GDL), approximately 19 km, and West Mainland and Hoy National Scenic Area (NSA), approximately 29 km, have very limited extents and levels of visibility of the Proposed Development from the designated areas.

### *Visual Amenity*

2.4.33 The EIA Report concludes that in respect of effects on visual amenity, seven out of the 11 viewpoints assessed will be significantly affected during construction and operation of the Proposed Development. These viewpoints are all within approximately 12 km of the site and are affected due to either their close proximity to the construction works and operation of the Proposed Development, or their greater sensitivity. All viewpoints beyond this 12 km range will not be significantly affected as a result of the Proposed Development owing largely to their greater separation distance, as well as the wider natural and human influences which define their contextual character.

2.4.34 In relation to the principle visual receptors (PVRs) assessed, the assessment found there will be significant effects within a 12 km radius of the Proposed Development, however all significant effects will not extend to this distance. Significant effects are predicted to occur wholly in respect of four of the PVRs: ED1 Eday Heritage Walk; ED5 Newark; ED6 Sands of Mussetter and R6 Faraclett Head; and partly in respect of a further four PVRs: Northern Isles Ferries; B9066, Westray; B9063

and W8 Castle o' Burrian and the Bay of Tafts. Principal visual receptors beyond 12 km will not be significantly affected.

2.4.35 A Residential Visual Amenity Assessment (RVAA) has been undertaken to support the EIA and is provided at Appendix 6.2 of the EIA Report. A RVAA goes a stage beyond the LVIA by assessing the visual impact of the Proposed Development on private views and private visual amenity, and has been prepared, in accordance with the Landscape Institute's Technical Guidance Note 02/19 'Residential Visual Amenity Assessment' (TGN 02/19).

2.4.36 The purpose of the RVAA is to inform the planning process. It is in this context that TGN 02/19 states *"It is not uncommon for significant adverse effects on views and visual amenity to be experienced by people at their place of residence as a result of introducing a new development into the landscape. In itself this does not necessarily cause particular planning concern. However, there are situations where the effect on the outlook / visual amenity of a residential property is so great that it is not generally considered to be in the public interest to permit such conditions to occur where they did not exist before."*

2.4.37 A RVAA follows the process of a LVIA, but goes beyond this with an additional step of further assessment of predicted change to the visual amenity of properties where a judgement in relation to the Residential Visual Amenity Threshold is required. The difference between significant visual effects and those at the 'Residential Visual Amenity Threshold' which might be considered to have an overbearing effect on residential visual amenity, has evolved through Public Local Inquiry (PLI) decisions over the past decade. The factors considered in such an assessment are widely recognised by professional Landscape Architects and decision makers and are often referred to as 'the Lavender test' after the Inspector who first developed the concept. The factors considered in the so called 'Lavender test' require a level of visual effect to arise which is greater than a significant visual effect in EIA terms – this is referred to as the Residential Visual Amenity Threshold.

2.4.38 The degree of effect must be to such a degree that a property would become widely regarded as an unattractive place in which to live. This public interest test therefore has a higher threshold than 'significant' in EIA terms. This approach is commonly applied to the assessment of visual effects on residential amenity and has been refined through decisions for Inquiries and Appeals into wind farm applications across the United Kingdom. It recognises that, given no person is entitled to a view in law, it is not sufficient for a property to simply sustain a significant visual effect for its residential amenity to be unacceptably harmed. For residential visual amenity to be harmed, a higher threshold requires to be triggered, whereby the turbine(s) are at such proximity to a house, or in such number, that they lead to an overwhelming or overbearing effect on the property to the extent that it becomes an unattractive place in which to live. Where this occurs the matter affects the public interest.

2.4.39 The RVAA is presented at Appendix 6.2 of the EIA Report and has considered the impact of the Proposed Development on the visual amenity of residents within a 2 km radius. There are five properties on the west coast of Eday which lie between 1.64 km and 2.01 km from the nearest proposed turbine. While all five of these properties will undergo a medium-high magnitude of change and a significant effect, none will reach the Residential Visual Amenity Threshold which would otherwise indicate that the effects could potentially be overbearing.

2.4.40 The Proposed Development will not overwhelm views in all directions, nor will it be unpleasantly encroaching / inescapably dominant in the available views from any of the properties assessed. This is due to a combination of factors, such as the availability of interior views, orientation of the property, position of windows and external screening elements influencing available views, which limit effects on the overall visual amenity experienced from properties. Many of the properties assessed are orientated such that they have an aspect over the coast of Newark Bay or Fersness Bay. In most cases the principal views from the interiors of the properties will remain largely unaffected.

2.4.41 There will be no significant cumulative landscape and visual effects largely owing to the relatively small scale of the cumulative wind farms, both in terms of the number of turbines and their size,

and / or their distance from the Proposed Development, which prevents wind farms becoming the prevailing characteristic of landscape character or visual amenity.

### *Summary Landscape and Visual Impact*

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

2.4.43 All of the proposed turbines and most of the associated infrastructure are located within an 'Area with Potential for Wind Farm Development' with the new extended slipway and landing jetty infrastructure and short section of the access track within an 'Area of Significant Protection'. The Group 2 areas relate to nature conservation designations and are not landscape related planning designations, which would otherwise denote a special landscape value.

2.4.44 Whilst the Proposed Development results in some significant residual effects on landscape and visual receptors, the design approach has sought to minimise those effects where possible. Policy 7 requires that there are no significant adverse effects on landscape and visual resources. However, it requires to be considered alongside the SG Energy in terms of the balancing provision which the SG introduces. Some significant landscape and visual effects are inevitable when considering a commercial scale wind farm, and these require to be considered in so far as whether they are deemed acceptable or not in the planning balance, when taking account of the net economic benefits. The benefits of the Proposed Development have been demonstrated and are set out in this Planning Statement and within the EIA Report, and it is considered that when taking these into account that the adverse effects identified are deemed acceptable.

## *c) Natural Heritage*

2.4.45 Terrestrial ecological matters are addressed in Chapter 8 of the EIA Report, this assesses impacts to the Mean Low Water Springs (MLWS) mark, and Ornithology within Chapter 7. A Report to Inform Habitats Regulations Appraisal (HRA) is also provided at Appendix 8.5. An assessment of potential effects of underwater noise on marine mammals, relating to piling of the landing jetty, has also been undertaken within Chapter 16 Underwater Noise Assessment. In addition, an assessment of potential impacts to water and sediment quality from dredging activities associated with the new extended slipway and landing jetty has been undertaken within Chapter 17 Water and Sediment Quality whilst impacts to benthos and coastal processes from the proposed marine infrastructure are assessed within Chapter 18 Other Issues.

2.4.46 Energy SG notes that *"Development proposals will not be successful where there would be unacceptable adverse effects, either individually or cumulatively on the qualifying interests and integrity of Natura 2000 sites (Special Protection Areas, Special Areas of Conservation); Ramsar Sites; or Sites of Special Scientific Interest with the national policy tests for each designation guiding assessment".*

2.4.47 The primary habitats identified on site above the shoreline (listed in order of size) are: Improved grassland; Semi-improved acid grassland; and Marshy grassland.

2.4.48 The desk study identified the presence of five sites of international and national importance designated for nature conservation, 15 designated seal haul-outs and two local nature conservation sites within 10 km of the site. The presence of grey seals and otter use of the island was also noted.

2.4.49 Important Ecological Features were identified and taken forward for further assessment including the Faray and Holm of Faray Special Area of Conservation (SAC) and Site of Special Scientific Interest (SSSI) (designated for grey seals, with the site supporting the second-largest breeding colony in the UK and is one of the most important breeding and haul out sites for grey seal in Orkney); designated seal haul-outs within 5 km of the site and those on the potential shipping route for delivery of plant and materials; standing water; intertidal boulders/rocks; groundwater-dependent terrestrial ecosystem (GWDTE) marshy grassland with springs; otter; and non-breeding grey seals.

2.4.50 Likely impacts of the construction and operation phases are presented in the EIA Report, prior to the assessment of effects. Standard mitigation measures are assumed as part of the assessment, including no construction works will be undertaken during the seal breeding season (between the 15th of September and 31st of December inclusive). Additional measures to control remaining impacts are also detailed, including development of Method Statements and Species Protection Plans.

2.4.51 With these in place, residual effects are assessed to be, at most, negligible adverse during construction for all described important ecological features. During operation there will be, at most, temporary minor adverse and not significant effect on individual seals close to the landing facilities (within c.200 m) if maintenance or a major repair event is required during breeding season. For the wider breeding population of the SAC, based on the use patterns observed the maintenance events would only affect a very small number of the c.3,578 strong population of breeding seals, resulting in a negligible adverse and therefore not significant effect on the SAC breeding population.

2.4.52 Overall, both construction and operational effects are therefore considered not significant under the EIA Regulations. With a lack of connectivity to any other wind farms, or other types of developments, no cumulative effects are anticipated for the terrestrial (i.e. non-avian) interests of the site.

2.4.53 No significant adverse effects are predicted on any designated sites assessed therefore the Proposed Development meets the policy test set out in the Energy SG in relation to designated sites.

2.4.54 Chapter 7 deals with ornithological interests. The site is located outwith any sites designated for ornithological interests. However, three international, one proposed international and six national nature conservation designations occur within 10 km of the Proposed Development boundary.

2.4.55 An assessment of ornithology effects arising from the construction and operation of the Proposed Development was undertaken. Important Ornithological Features were identified and brought forward for assessment. Important Ornithological Features taken forward for further consideration included one designated site (Mill Loch SSSI) and 13 species and species groups (greylag goose, red-throated diver, lapwing, oystercatcher, redshank, golden plover, ringed plover, curlew, great skua, Arctic tern, black guillemot, shag and gull species).

2.4.56 The assessment process assumes the application of standard mitigation measures. With these in place, predicted effects were considered to be barely perceptible and therefore not significant for all Important Ornithological Features. With further specific mitigation detailed, residual effects for construction and operation phases are considered to have barely perceptible adverse significance, i.e. not significant. Implementation of mitigation and enhancement measures may lead to net gains with regards to storm petrel as well as ground nesting bird species such as lapwing, and oystercatcher due to a grazing management plan leading to less nesting attempts failing during the incubation period. The assessment concludes a long-term significant beneficial effect on the breeding population of storm petrels as a result of these measures.

2.4.57 Likely cumulative effects of nearby operational developments, as well as those currently consented or at application stage of planning, were also considered and no significant cumulative effects are anticipated as a result of the Proposed Development.

2.4.58 Potential impacts to marine fauna as a result of the Marine Licensable activities (i.e. construction works below the MHWS associated with the new extended slipway and landing jetty) are assessed in Chapters 16, 17 and 18. the assessment determined that, with appropriate mitigation in place, residual effects to marine fauna from the works below MHWS were minor to negligible.

### *d) Historic Environment*

2.4.59 Consideration of the historic environment is also dealt with under Policy 8 of the LDP 'Historic Environment & Cultural Heritage' and the SG Energy. Further guidance and interpretation of polices is also set out in Supplementary Guidance: Historic Environment and Cultural Heritage.

2.4.60 Policy 7 notes that proposals for wind energy will be supported subject to no significant adverse effects on the historic environment while the SG Energy states *that "Wind energy developments will*

*not be permitted where they would have an unacceptable adverse impact on the historic environment."* (Emphasis added).

2.4.61 The cultural heritage assessment has identified 88 non-designated heritage assets and one designated asset within the site, a Scheduled cairn known as chambered cairn, 280m NW of Quoy, Faray (Site 1) hereafter referred to as Quoy Chambered Cairn. The Proposed Development has been designed to avoid directly impacting upon this asset. The Proposed Development has also been designed so as to avoid impacts upon other known heritage assets where possible. Given the density and extent of known remains it has not been possible to avoid all impacts and there would be direct impacts on seven non-designated heritage assets. Assets recorded and known only from historic mapping are judged to be of negligible importance. The remaining assets are judged to be of low importance. A programme of archaeological works will be undertaken prior to commencement with appropriate recording of any unknown heritage remains found. A programme of mitigation is also proposed to mitigate impacts including the protection of archaeological sites and archaeological evaluation. A negligible and not significant direct effect has been predicted in each case.

2.4.62 There would be a moderate and significant temporary effect on the setting of Quoy Chambered Cairn during the construction phase. Effects associated with construction noise and traffic would cease on completion of the construction phase.

2.4.63 Potential operational effects on the settings of designated heritage assets within the 5 km and 10 km study areas and selected assets within the 15 km study area have been considered in detail as part of the assessment. The assessment concludes that there would be moderate and significant residual effects on the setting of the Quoy Chambered Cairn (Site 1), Muckle Hill of Linkataing Chambered Cairn (Site 17), Vinquoy Hill Chambered Cairn (Site 40) and the Faray post-medieval landscape. However, the assessment also concludes that the core components and integrity of the setting of these assets would not be adversely affected.

2.4.64 The possibility of cumulative effects has been considered and assessed in the context of heritage assets; however, no additional significant cumulative effects are predicted.

2.4.65 While there is some conflict with Policy 7 in that significant adverse effects are predicted on heritage assets, it is necessary to consider the balancing provision provided for in the SG Energy which refers to whether the effects may be considered unacceptable or not. In this case the assessment has concluded that the overall integrity of the setting of the assets would not be adversely affected. In this scenario this is deemed to acceptable, when balanced with the wider social and economic benefits the Proposed Development will result in.

### *e) Tourism and Recreation*

2.4.66 Tourism and recreation are assessed in Chapter 13 of the EIA Report. The SG Energy notes that wind energy proposals that have the potential to have significant adverse impacts on any tourism and recreation resource which is linked to the surrounding landscape will not be supported.

2.4.67 The EIA Report explores studies on wind farms and tourism and highlights that from studies undertaken there is no evidence that wind farm developments adversely impact upon the tourism industry in Scotland. Nevertheless, the EIA Report presents an assessment of the Proposed Developments potential impact on individual tourism assets.

2.4.68 Visitor attractions were identified within 15 km of the Proposed Development. The assessment has found that, for all identified attractions, as a result of separation distance and/or the fact that the Proposed Development would not impact upon visitor experience, it would not have an impact on motivation to visit them. As a result, the assessment has concluded that there would be a negligible and non-significant effect on visitor attractions.

2.4.69 The assessment of effects on popular routes has considered 19 recreational trails and 41 core paths within 15 km of the Proposed Development. Assessment of these routes found that the effect on their amenity as tourism or recreational assets would be negligible and not significant as the Proposed Development would not impact upon their use.

2.4.70 Overall, no significant adverse effects are predicted on tourism and recreation resources as a result of the Proposed Development. The Proposed Development therefore accords with Policy 7 with regards tourism and recreation.

### *f) Peat and Carbon Rich Soils*

2.4.71 Chapter 11 Geology, Hydrology and Hydrogeology of the EIA Report includes consideration of peat and carbon rich soils. The SNH Carbon and Peatland Map 2016 identifies 'Class 0' soils on site (not peat), and 1:50,000 scale BGS geological mapping identifies no peat on site. Site reconnaissance, review of aerial photography, and habitat survey work has identified no peat at the site. Targeted peat surveys at proposed turbine locations have also been conducted and have identified no peat, which is consistent with desk study findings. The Proposed Development therefore would not disturb peat resource in accordance with the terms of Policy 7.

### *g) Water Environment*

2.4.72 Likely construction and operational effects include siltation or pollution of the water environment from surface runoff, and effects on groundwater quality and flow regime. Standard / embedded mitigation measures include appropriate design to minimise potential impact on minor surface watercourses, pre-construction site investigation works, and implementation of a Construction Environmental Management Plan (CEMP) and Drainage Strategy. These mitigation measures are considered to be robust and implementable and will result in no significant effects on the hydrological, hydrogeological and geological receptors.The EIA Report concludes that there would be no significant adverse effects on the water environment as a result of the Proposed Development.

2.4.73 Potential impacts to marine water and sediment quality from dredging operations associated with the construction of the new extended slipway and landing jetty are assessed in Chapter 17 of the EIA Report. This concluded that effects were minor to negligible.

### *h) Aviation, Defence and Communications*

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

2.4.75 The EIA Report notes that no objections were received from the Ministry of Defence (MOD), National Air Traffic Services (NATS), Highlands and Islands Airports Ltd (HIAL) and Orkney Islands Council Airfields during consultation as part of the EIA process.

2.4.76 The MOD noted that low flying may be a concern, ahead of a detailed assessment by their subject matter expert. Having considered the site specifics no objection is expected, but the requirement for lighting is very likely to be retained and hence IR lighting is specified.

2.4.77 Following implementation of the required mitigation outlined at section 14.7 of Chapter 14, it is concluded that there will be no significant residual effects on aviation or radar as a result of the Proposed Development.

2.4.78 In assessing the Proposed Development against the terms of Policy 7 and the associated SG Energy, the Proposed Development would not have an adverse effect on 'the safe use of airports, airfields, their communications, navigation and surveillance systems including radar and other equipment'.

### *i) Construction and Decommissioning*

2.4.79 The EIA Report sets out details relating to the construction period within Chapter 3. As part of the construction contract the Applicant will produce, and adhere to, a CEMP. An outline CEMP has been provided at Appendix 3.1.

2.4.80 The Applicant is applying for the Proposed Development in perpetuity, however, should the site require to be decommissioned this would be undertaken in line with best practice processes and methods at that time, with an update to the CEMP to take into account the legislation, and policy

at that time and will be managed through an agreed Decommissioning Environmental Management Plan.

### *Policy 7 D i Summary*

2.4.81 The Proposed Development has been assessed against the nine factors listed under policy 7 D i, and the associated SG Energy which provides further detail on assessing each of the factors listed. Significant adverse effects are predicted on landscape and visual receptors and four cultural heritage assets.

2.4.82 Part Diii of Policy 7, states that Applications for any wind farms should take account of the LDP Spatial Strategy Framework for wind farm development. The Spatial Strategy Framework is included on page 29 and further detail of the spatial strategy is found within the SG Energy. The site is primarily located within an "Areas with Potential for Wind Farm Development". Only the new slipway, landing jetty and access track are located within an "Area of Significant Protection".

2.4.83 Part Diii a. of Policy 7 states that "Areas with Potential for Wind Farm Development" represent *"the areas of least constraint to wind energy development"* and that *"Wind energy development is likely to be supported in principle within these areas, subject to proposals complying with the Development Criteria from Supplementary Guidance: Energy and any other material planning consideration."*

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

2.4.85 Given that part of the site lies within an area of significant protection, an assessment is required to determine whether significant effects on the qualities of the area can be substantially overcome.

2.4.86 Only the new slipway, landing jetty and access track are located within an "Area of Significant Protection" which relates to the nature conservation designations relating to grey seals.

2.4.87 No significant adverse effects are predicted on the qualities of the designation for which the area is afforded protection through the spatial framework, therefore the Proposed Development is deemed to accord with this aspect of policy 7.

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

2.4.89 Parts D v of Policy 7 relates to the period of consent, planning conditions and restoration and suggest the granting of time limited consents.

2.4.90 This approach of limiting the period of consent is no longer aligned with industry practice and consents are now applied for and assessed on the basis of being in place in perpetuity, in line with the Scottish Government's publication of its Onshore Wind Policy Statement in 2017 and Scottish Planning Policy. The Applicant is therefore seeking consent in-perpetuity for the Proposed Development as outlined in detail at Section 1.5 of this Planning Statement, and which is relevant to the assessment of the Proposed Development under Policy 7 Part D v.

2.4.91 Policy 7D V notes that it may be considered appropriate to limit the duration of consent but the policy does not require that such planning permission is time limited. It is appropriate to consider the specific environmental circumstances and whether there is any Planning necessity to limit the terms of the consent. It is the Applicant's position having considered the impacts of the Proposed Development in the context of the Development Plan and material considerations that there is no planning necessity or requirement to limit the duration of the Planning permission in this instance. However, if the consenting authority is minded to impose an operational limit the Applicant would be grateful for that limit to be as long as possible to maximise the benefits of the Proposed Development.

2.4.92 In the event of decommissioning, or replacement of turbines, it is anticipated that the levels of effect would be similar but of a lesser level than those during construction. Decommissioning would be undertaken in line with best practice processes and methods at that time, with an update provide to the CEMP as may be necessary. A Decommissioning Environmental Management Plan would also be agreed through an appropriate planning condition.

2.4.93 Part D vi of Policy 7 relates to applications for monitoring equipment in advance of full applications for wind farm development. Therefore, it is not relevant to this application.

### *Policy 7 Conclusion*

2.4.94 Policy 7 provides support for renewable energy developments and specifically onshore wind where it has been demonstrated that the proposal will not result in significant adverse effects on known constraints.

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

2.4.96 The Proposed Development would not result in any significant adverse effects on Communities and Amenity in relation to noise, shadow flicker, electromagnetic interference and construction works; Tourism and Recreation; Peat and Carbon Rich Soils; Underwater Noise; Marine Water and Sediment Quality; Coastal Processes; Benthos; Commercial Fisheries; Navigation; and Aviation, Defence and Communications.

2.4.97 The Proposed Development would result in significant adverse effects which would be limited to some landscape and visual receptors and setting effects on four scheduled monuments.

2.4.98 In coming to a determination on the Proposed Developments compliance with Policy 7, it is necessary to consider the net-economic impacts of a proposal and the associated SG Energy.

2.4.99 Policy 7, when considered in isolation, is considered to set too high a threshold in respect of precluding any significant adverse effects on known constraints, which are inevitable when considering a commercial scale wind farm development. Whilst the policy offers general support for renewable and low carbon energy developments, it makes no allowance for the balancing and assessment of the acceptability of the significant effects which will inevitably arise with any commercially scaled onshore wind farm development.

2.4.100 In this regard, the policy requires to be considered alongside the more recently adopted SG Energy which includes a more appropriate balancing provision in assessing the acceptability of a proposed development's impacts and the two must, thus, be read together.

2.4.101 Neither Policy 7 nor the LDP recognise the climate change emergency which has been declared at the national and local level, and in that regard the policy is considered out of date. The need to address the climate change emergency should be given significant weight and the presumption in favour of sustainable development, as set out in national policy is considered to apply.

2.4.102 The benefits of the Proposed Development have been set out within section 3.2 of this Planning Statement and are considered to be of significant importance at the local and national level due to the contribution it will make towards renewable energy targets and the benefits associated with the ownership of the wind farm, which will see income being returned to the local community.

2.4.103 In addition, the Proposed Development will contribute towards the needs case to delivering a nationally important infrastructure project, identified in NPF3, in the form of the interconnector between Orkney and the mainland. These benefits are considered to weigh heavily in the planning balance against the significant adverse effects predicted on those receptors considered under Policy 7.

2.4.104 When considering Policy 7 and the SG Energy together, in the context of the net economic benefits some of which are of national importance, the significant adverse effects predicted, are considered to be acceptable.

2.4.105 The Planning Statement has considered those effects and in the planning balance has considered the effects to be acceptable, when balanced with the wider socio-economic benefits to Orkney.

## 2.5 Policy 1 Criteria for All Development

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

2.5.2 Nevertheless, with regards to the policy criteria that could be considered to have some relevance, it is noted the Proposed Development site selection and design iteration processes has sought to avoid known constraints in so far as possible, with alterations and amendments made accordingly. The Proposed Development does not conflict with the predominant land use on the island which comprises open fields of improved pasture used for sheep farming which will continue during the operation of the Proposed Development. While there will be some loss of land use, this is not considered to be significant. The existing land use can continue alongside the Proposed Development thus not removing that land from the agricultural land supply.

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

2.5.4 The impact of the Proposed Development on residential properties has been considered above and in a RVAA, as have natural heritage and cultural resource matters, as such these are not repeated here.

2.5.5 In general terms, the policy has limited relevance to the Proposed Development as there are more relevant polices to consider when assessing a wind farm development; however, the Proposed Development is considered to accord with Policy 1 in so far as it is relevant.

## 2.6 Policy 8 Historic Environment and Cultural Heritage

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

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

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

2.6.3 There would be a moderate and significant temporary effect on the setting of Quoy Chambered Cairn during the construction phase which would cease on completion of the construction phase.

2.6.4 Potential operational effects on the settings of designated heritage assets have been assessed and the EIA Report concludes that there would be moderate and significant residual effects on four assets: the setting of the Quoy Chambered Cairn (Site 1), Muckle Hill of Linkataing Chambered Cairn (Site 17), Vinquoy Hill Chambered Cairn (Site 40) and the Faray post-medieval landscape. However, the assessment also concludes that the core components and integrity of the setting of these assets would not be adversely affected.

2.6.5 In this regard, although significant adverse effects are predicted, these are not deemed to be to the extent that they would not preserve the special character and setting of each of these assets and would be deemed acceptable. The significant effects predicted also require to be considered alongside the social, economic and environmental benefits of the development which in this case are considered to offer significant weight in the planning balance.

2.6.6 Part Bi of Policy 8 "Specific Policy Considerations" concerns the Heart of Neolithic Orkney World Heritage Site which lies approximately 16.6 km southwest of the site. The ZTV indicates very limited visibility within the Sensitive Area, and no visibility from any of the core monuments within the World Heritage Site. As such a detailed assessment was not undertaken as no significant effects were likely at this distance.

2.6.7 Policy 8Bii relates to development that affects Listed Buildings. The policy appears to relate primarily to works to Listed Buildings and has limited relevance to the assessment of the Proposed Development.

2.6.8 Part 8Biii relates to Demolition and is not relevant to the assessment of the Proposed Development.

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

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

2.6.10 There would be moderate and significant residual effects on the setting of three scheduled monuments (the Quoy Chambered Cairn (Site 1), Muckle Hill of Linkataing Chambered Cairn (Site 17) and Vinquoy Hill Chambered Cairn (Site 40)). However, the assessment concludes that the core components and integrity of the setting of these assets would not be adversely affected. The Proposed Development is therefore deemed to be in accordance with the policy test.

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

2.6.12 There are two nationally important Inventory Gardens and Designed Landscapes (GDL) within the study area: Balfour Castle at approximately 19 km to the south and Skaill House at approximately 36 km to the south-west. There will be no visibility of the Proposed Development from Skaill House GDL and very limited visibility from Balfour Castle, such that there will be a very limited effect. The EIA Report concludes that no significant effects upon Gardens and Designed Landscapes are predicted as a result of the Proposed Development.

2.6.13 Given that there would be no adverse effects to the overall integrity of the setting of the scheduled monuments listed, the Proposed Development is deemed to accord with part iv of Policy 8.

2.6.14 Although some significant adverse effects are predicted on cultural heritage assets, these have been minimised in so far as possible through careful siting and design of infrastructure to avoid the most sensitive areas in terms of direct impacts. A programme of recording of any unknown heritage assets found will allow these elements to be preserved and for a better appreciation of the historic context to be shared with the public. In addition, the turbine layout and spacing has been finalised to reduce insofar as possible the extent and level of impact on the setting of heritage assets. This has ensured that the overall integrity of the setting of those designated heritage assets would be preserved.

## 2.7 Policy 9 Natural Heritage and Landscape

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

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

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

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

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

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

2.7.6 In terms of the other factors mentioned, the conclusions reached within the EIA Report and the assessment against policy is set out in detail above under Policy 7 and therefore is not repeated here. Where significant adverse effects are predicted, these have been considered alongside the positive benefits that the Proposed Development would generate. Although there is potential for a significant adverse effect on some landscape character areas, the scale of the positive effects, to the extent that some are of national significance, results in the conclusion that on balance overall the identified adverse impacts are acceptable.

2.7.7 The Proposed Development is considered to meet the policy tests set out under Policy 9.

## 2.8 Policy 12 - Coastal Development

2.8.1 Policy 12 is a multi-criteria policy. Part A deals with all Coastal Development and notes that development in the coastal zone (above Mean Low Water Mark of Ordinary Spring Tides) will be supported subject to a number of criteria being met including that there are no significant adverse effects on the i) landscape or coastal character or seascape; ii) natural, built or cultural heritage resources; and iv) on coastal or marine users. In addition iii) safeguarding of coastal and marine ecosystems must be demonstrated and v) public access to the coast will be maintained and enhanced.

2.8.2 The policy incorporates a balancing provision whereby development that would result in significant adverse effects under the criteria listed, that cannot be appropriately mitigated, will only be permitted when it can be demonstrated that any such effects are clearly outweighed by significant socio-economic benefits.

2.8.3 Significant adverse effects are predicted on a number of landscape and coastal character areas and on four cultural heritage assets.

2.8.4 As part of the Proposed Development there is a requirement for a new extended slipway and a new landing jetty to be constructed on the south-east of Faray. Under the Marine (Scotland) Act 2010, an application for a Marine Licence will be submitted to Marine Scotland (MS-LOT) for the works below MHWS. Potential impacts associated with the marine licensable activities are assessed in Chapters 16, 17 and 18 of the EIA Report. The assessment determined that the construction of the new marine structures does not have the potential to significantly affect cultural heritage resources, marine water and sediment quality, coastal processes, benthos or other coastal or marine users. In terms of marine ecosystems, the construction works have the potential to significantly effect marine mammals via underwater noise from piling operations. However, with appropriate mitigation in place, residual effects to marine mammals from the works below MHWS were deemed to be minor to negligible.

2.8.5 As noted above, there are a number of important socio-economic benefits which can be attributed to the Proposed Development which require consideration against these significant adverse effects. Chapter 13 of the EIA Report notes that the COVID-19 pandemic and the strategy being adopted by the Scottish Government for economic recovery and transformation, based on green growth, means that the Proposed Development can be considered to be of substantial socio-economic importance, since it has the potential to make a meaningful contribution to economic recovery, providing employment during the construction phase and boosting productivity growth in the economy during the operational phase. In addition, the ownership structure means that profits will be returned to the local area, benefitting local people.

2.8.6 The island is uninhabited, and as such there is limited public access. However, no significant adverse effects are predicted on coastal or marine users as a result of the Proposed Development. Indeed, through the new extended slipway and landing jetty access will be maintained and enhanced as required by part v) of the policy.

2.8.7 The Proposed Development can draw support from some aspects of part A of policy A while there is also some conflict due to the significant adverse effects predicted. However, on balance when considering the socio-economic impacts alongside the improvement sin access to the island the Proposed Development is deemed to accord with this element of policy 12.

2.8.8 Part B of the policy relates to coastal change and requires that new development will not generally be supported in areas that are vulnerable to adverse effects of coastal erosion and/or wider coastal change. A review of coastal erosion maps supplied by Dynamic Coast Scotland was undertaken as part of Chapter 11 of the EIA Report. It is observed that little or no coastal erosion has occurred surrounding and adjacent to the site from 1890 to present day (Dynamic Coast Scotland, 2019). Mapping shows localised areas where erosion has occurred up to a maximum of 20 m over that period, and it is noted that the historical mapping review and site walkover undertaken as part of the cultural heritage assessment identified some evidence of localised erosion. However, recorded areas of erosion are short stretches of coastline, with most areas exhibiting lesser or no erosion, and in some areas, accretion. Projected coastal erosion maps, displaying future erosion until 2050, shows that there is not predicted to be any coastal erosion surrounding and adjacent to the site (Dynamic Coast Scotland, 2019). Therefore, there is considered to be little or no risk of coastal erosion affecting the site as a result of the Proposed Development.

2.8.9 Part C relates to Locational Characteristics and development that requires a coastal location. The elements of the Proposed Development that are located within the coastal zone by their nature require a coastal location. As such the Proposed Development complies with this aspect of the policy.

2.8.10 Part D Aquaculture of the policy is not relevant to the Proposed Development.

2.8.11 Part E relates to Ports and Harbours. Part i) is not relevant to the Proposed Development as it relates to development within areas identified for harbour or pier uses, which the application site is not. Part ii) however states that "*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."* The Proposed Development will rely on port facilities at Hatston Pier in terms of deliveries to site during construction and includes a new slipway and landing jetty to facilitate receipt of those deliveries. The Proposed Development can therefore draw support from Part E of the policy insofar as it is relevant.

2.8.12 Overall, and on balance the Proposed Development is considered to accord with Policy 12.

## 2.9 Policy 13 - Flood Risk, SuDS & Waste Water Drainage

2.9.1 SEPA Flood Maps indicate that there are no areas of fluvial flood risk (i.e. flooding from rivers) nor surface water flood risk within the study area. The mapping indicates that areas of coastal flooding could occur at the margins of the site area.

2.9.2 Based on the absence of identified fluvial and surface water flood risk, and the coastal flood risk being restricted to the immediate coastline outside any proposed infrastructure locations, there is a low risk of flooding affecting the Proposed Development. Given that all site drainage is to the sea adjacent to the site, and that operational drainage will be appropriately designed in accordance with relevant guidance and in consultation with SEPA, there is considered to be no risk of the Proposed Development resulting in any downstream flooding risk. Flood risk was therefore scoped out of the EIA for further assessment.

2.9.3 Outline drainage arrangements are discussed in Chapter 3 and Section 11.8 and would be developed further as part of a detailed Drainage Strategy to be agreed with SEPA and OIC prior to commencement of construction. In all cases, the design will seek to maintain greenfield flow conditions.

2.9.4 The EIA Report notes that there will be no foul/waste water drainage on-site.

2.9.5 The Proposed Development is considered to accord with Policy 13.

## 2.10 Policy 14 Transport, Travel & Road Network Infrastructure

2.10.1 Policy 14 relates to transport infrastructure sustainable travel and road network infrastructure. The Proposed Development has limited relevance to this policy insofar as once it is operational it will not be a traffic generating use. A Transport Assessment (refer to Chapter 12 and Appendix 12.1) has been prepared in support of the application for the Proposed Development.

2.10.2 The Proposed Development will be accessed from new marine access points that will need to be constructed on the south-east of the island of Faray. The main potential impacts will be on the Mainland of Orkney and this has been the focus of the assessment. Although there will be increased traffic during the construction phase this is below the threshold levels and is assessed as not being significant. Once operational, traffic flows will fall to two vehicle movements a week.

2.10.3 The residual impacts reported in the EIA Report with respect to traffic and transportation are predicted to be not significant in all respects. The development would not result in any unacceptable access or traffic effects. Standard mitigation is proposed to manage potential impacts during the construction stage of the development. A Port Management Plan is also recommended to manage turbine components deliveries at Hatston Pier.

2.10.4 Part A of the policy states that development which would prejudice inter island transport connections will not be supported. The Proposed Development will not impact inter island connections, and indeed through the new and improved slipway and landing jetty will improve access to the island of Faray. These works can also draw support from Part Aii where improvements to transport infrastructure is supported.

2.10.5 The Proposed Development accords with Policy 14 in so far as it is relevant.

## 2.11 Supplementary Guidance Energy

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

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

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

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

2.11.3 At paragraph 1.02 the SG Energy acknowledges that

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

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

2.11.5 Paragraph 1.04, sets out that the guidance accompanies Policy 7 of the LDP *which "seeks to support appropriate renewable energy development… whilst offering a transparent and robust framework for the assessment of relevant development proposals."* Policy 7 of the LDP as assessed above is not repeated here.

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

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

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

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

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

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

2.11.12 Wind Energy is specifically covered in section 4 of the SG Energy and there is reference to the Spatial Framework (as required by SPP) for wind farm developments and *"encouragement for all applicants*

*…. to consider the spatial framework at an early stage to identify potential constraints that may impact upon their development proposal."*

2.11.13 Paragraph 4.12 states that *"developers of 'wind farms' are generally directed to 'Areas with Potential for Wind Farms' where there are the lowest levels of potential constraints to wind energy developments."*

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

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

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

2.11.16 Spatial Policy SP2 addresses "Areas of Significant Protection" in which justification, along with mitigation, will have to be provided in support of a planning application to demonstrate acceptability. The text below paragraph 4.16 identifies those areas that have been identified as requiring significant protection as defined by SPP, these are referred to above under Policy 7 and as such not repeated here.

2.11.17 It is noted however that within the Areas of Significant Protection wind farm development may be appropriate in some circumstances and it must be demonstrated by the applicant that any significant effects on the qualities of these areas can be overcome to the satisfaction of the planning authority.

2.11.18 The Proposed Development lies mostly in an area which has potential for wind farm development, with the smaller scale components of the new extended slipway and landing jetty infrastructure and a short section of access track leading to this infrastructure being located in an area of significant protection.

2.11.19 An assessment of the Proposed Development's position within both an area for potential wind farm development and significant constraint is addressed above in relation to Policy 7 of the LDP. As a reminder, the Areas of Significant protection on Faray appear to relate to the Faray and Holm of Faray SAC and SSSI which wrap around the coastline.

2.11.20 The assessment undertaken in Chapters 8 and 16 has concluded that there would be no significant adverse effects on the SSSI and SAC designated for breeding grey seals and no effects on the qualities of these areas.

2.11.21 The Proposed Development would not impact any other feature listed under SP2. As such, although part of the Proposed Development would be located within an SP2 area, as no significant adverse effects are predicted on the qualities for which it is designated the Proposed Development is deemed acceptable in this area, in line with the policy test, and alongside the overall net economic benefits of the Proposed Development the Proposed Development is considered to be in accordance with the guidance.

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

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

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

2.11.25 The Proposed Development will not result in significant adverse effects to any designated landscapes or landscapes deemed of high value.

2.11.26 The Proposed Development would give rise to a number of positive benefits, which are discussed in detail within section 3 below. The contribution the Proposed Development will have towards securing the Orkney to mainland interconnector is of significant weight given its importance at the National level, as well as the wider socio-economic benefits of a publicly owned development, which will see the benefits of renewable energy generation and the associated income returned to the local area.

2.11.27 The guidance also updates the SG Energy document's position on tip heights and states that turbines of over 125 metres should be considered and accepts that for the most part, wind energy developments in the future will be of a larger scale with turbines in excess of 125 metres. The Proposed Development will contribute approximately 28.8 MW of renewable energy, which is in part due to the efficiencies that larger towers and rotors can generate.

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

2.11.29 The Proposed Development draws significant support from the Development Management Guidance on Energy document as a community wind farm development which provides various economic benefits, contributes towards renewable energy targets, tackles the effects on greenhouse gas emissions and which will generate significant energy making a meaningful contribution towards the interconnector needs case. Significant material weight requires to be given in the overall planning balance to the contribution the Proposed Development can make towards the Orkney interconnector.

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

2.11.31 As noted above the Proposed Development sits primarily within an area of least constraint with some smaller scale components of the new extended slipway and landing jetty infrastructure and a short section of access track being located in an area of significant protection where it is accepted that development may be appropriate.

2.11.32 The SG Energy includes an important balancing provision which requires the benefits of a proposed development to be balanced against the potential adverse effects. The benefits should always weigh

favourable in the planning balance, and where those benefits can be demonstrated to be of national importance these should be given significant weight, as is the case here.

2.11.33 The residual significant adverse effects identified are limited to impacts on local and regional landscape and coastal character areas, visual impact out to approximately 12 km and impact on four cultural heritage assets and need to be weighed in the Planning balance against OIC's wider climate change ambitions and achieving the energy targets as set out in the Orkney Energy Strategy and those set at the national level. To achieve these targets, part of which is to secure the grid connection to Mainland Scotland, will require leadership and strategic decision making. The net economic benefits and contribution to Orkney in terms of economic benefit, employment, contribution to renewable energy targets and supporting the case for the new interconnector to the Scottish mainland are all significant factors that can draw significant weight in the planning balance.

## 2.12 Development Plan Conclusions

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

2.12.2 The Proposed Development is considered to be in accordance with wider aims and vision of the Development Plan in seeking to address climate change through the support of renewable energy, use of natural resources and the promotion of sustainable development. That said, the Development Plan is considered to be out of date insofar as it does not address the Scottish Government and OIC's declaration of a climate change emergency.

2.12.3 Whilst the identification of some significant adverse effects results in an element of non-compliance with Policy 7, the SG Energy makes allowance for the assessment of acceptability in the planning balance when considering the positive benefits associated with the proposal. Whilst these, strictly speaking, are material considerations in relation to the determination of a planning application, they are directly relevant to the assessment of the balance that is required by the SG Energy. Policy 7 is considered to set too high a threshold that does not allow for balance and has been assessed as being out of date in that it does not recognise the climate change emergency. Where conflict does arise, this should be given less weight in the context of these matters. Furthermore, the benefits identified are considered to be significant enough to outweigh the significant adverse effects identified.

2.12.4 The residual effects reported are considered to be acceptable as they have been reduced and limited through the design iteration and mitigation process in the majority of cases. Where significant adverse effects have been identified, the EIA Report has demonstrated that these would generally be relatively localised in nature and would not result in significant adverse effects on any designated landscapes or natural heritage sites. While significant adverse effects are predicted on three scheduled monuments, the assessment concludes that the core components and integrity of the setting of these assets would not be adversely affected. When considered alongside the positive benefits which the Proposed Development could deliver to Orkney, and nationally in terms of the contribution towards the delivery of the interconnector, in the overall planning balance they are deemed to be acceptable.

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

objectives of the plan as well as the detailed wording of policies and the relevant Supplementary Guidance.

2.12.6 When considering the above Development Plan context and assessing the Proposed Development alongside the important climate change and socio-economic benefits that it would result in the predicted environmental effects are deemed to be acceptable. When examining the Proposed Development in this regard, it is submitted that overall, the Proposed Development accords with the Development Plan.

# 3 Material Considerations

## 3.1 Introduction

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

- Benefits of the Proposed Development;
- National Planning Policy and Guidance;
- The Renewable Energy Policy Framework;
- The National Islands Plan;
- Corporate Policy in Orkney; and
- Landscape Capacity Assessment for Wind Energy in Orkney (2014).

## 3.2 Benefits of The Proposed Development

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

- The Proposed Development forms a key part of a cumulative Needs Case[4] (as approved by OFGEM) which can unlock investment in an interconnector from Orkney to the Scottish mainland. A new grid upgrade to Orkney would stimulate development in Orkney's energy industry which has been stymied by a moratorium on new grid connections since 2012, due to a lack of capacity in the distribution network. Whilst the moratorium was lifted in September 2020 there is no material change to the overall level of constraint in Orkney and it is not considered that any substantial project will be able to secure a grid connection with acceptable curtailment levels. This additional development could include; the marine renewables sector for which Orkney has a world-renowned track record and vast resource, the burgeoning green hydrogen sector already demonstrated in Orkney through well-known projects such as BIG HIT and Surf'n'Turf, smart local energy networks and virtual energy systems as currently being investigated by the £28.5 million UK Government supported ReFlex project in Orkney, as well as providing opportunity for other onshore wind developments. It will help build and support a dynamic and growing economy in Orkney, whilst contributing to sustainable development. This is a key definer of the socio-economic direction for Orkney, as set out in the Orkney Local Development Plan and in NPF3 which actively promotes Orkney as a potential Energy Hub.
- The Report by Gutteridge Haskins & Davey Limited "An impact analysis on the Orkney Economy" (May 2021) considers the transmission link, and the renewable generation it enables, under *two scenarios to evaluate the Gross Valued Added (GVA) impact for* Orkney:

[4] *Ofgem provided a condition approval on the needs case for a new transmission connection between Orkney and Mainland Scotland. The decision to approve the Final Needs Case was subject to certain specific conditions being met, including a certain amount of new generation to be delivered on Orkney.*

1) The 'Conditionality' scenario assumes 135 MW of projects are developed to meet Ofgem's conditions, including the three OIC projects. 'Conditionality' can be considered a 'minimum benefit' scenario.

2) The 'Enabled' scenario assumes longer-term renewable growth of around 300 MW is enabled by the transmission link, including tidal flow.

3.2.2 The GVA benefit to Orkney is substantial – ranging from £371 million in the 'minimum' Conditionality scenario, to some £807 million in the Enabled scenario - a GVA benefit corresponding to between £730 and £1,591 a year over the next 45 years to each household in Orkney.

- The Proposed Development would contribute to the attainment of the UK and Scottish Government policies of encouraging renewable energy development and in turn contribute to the achievement of Scottish Government targets for climate change and renewable electricity generation. The Proposed Development, with an installed capacity of approximately 28.8 MW would make a significant and valuable contribution to such unmet targets. Government policy envisages renewable energy contributing more than 100 % of electricity consumption by 2020. There remains a significant national level shortfall against the 2020 target. The Government has confirmed its long-term commitment to the decarbonisation of electricity generation and the Proposed Development would help advance this policy objective.
- One part of the Scottish Government's response to the COVID-19 pandemic has been to adopt a strategy for economic recovery and transformation which is based on green growth. The Proposed Development can support this objective through the economic benefits it will bring to Orkney and the wider Scottish economy.
- The Proposed Development would also contribute towards Orkney Islands Council's ambitious proposals as set out in the Orkney Sustainable Energy Strategy, to increase renewable energy generation to 300 % as well as ambitious carbon reduction targets.
- Based on an average household consumption the EIA Report identifies that the Proposed Development would be expected to generate enough electricity to power approximately 27, 006 average UK households. The annual indicative total power output for the site would be approximately 96,626 MWh. This represents a reduction of approximately 43,482 tonnes of carbon dioxide per annum.
- The payback period for the Proposed Development to offset the CO2-e released during its lifespan (conservatively assuming operation for 20 years) is estimated to be three months. Whilst this figure should be considered approximate, this clearly indicates that the Proposed Development would provide a benefit in terms of renewable electricity generation and carbon reduction, given that after a very short (estimated three month) payback period, the in-perpetuity operation of the Proposed Development would deliver carbon-free electricity and displace carbon emissions which would otherwise result from energy generation by fossil fuels.
- The Proposed Development would contribute positively to the 2030 and 2045 Climate Change (Scotland) Act targets, which are very challenging; especially the interim 2030 target.
- The construction of the Proposed Development has potential to result in an estimated beneficial economic impact of £2.6 million in Gross Value Added (GVA) and 39 job years in Orkney and £10.4 million GVA and 161 job years in Scotland from construction activities. The Proposed Development, compared to a similar development, will require additional expenditure in infrastructure to allow for access to the island. This expenditure could generate up to £0.2 million GVA and support five job years in Orkney and £0.8 million GVA and 11 job years in Scotland. The annual operational economic benefits arising from maintenance could be £0.3 million GVA and four jobs in Orkney and £0.5 million GVA and nine jobs in Scotland.
- The Proposed Development is also promoted by OIC, who have resolved to use the profits from the Proposed Development for the benefit of Orkney and its inhabitants.
- The Proposed Development site boasts an excellent wind resource. Based on available wind speed databases it is anticipated that this site will easily out-perform the Scottish average. It is

noted within the EIA Report at Chapter 2, section 2.5.6 that the Orkney Islands are one of the windiest places in the United Kingdom (Met Office, 2019). The average wind speed across the development footprint is c.8.5 m/s at 45 m elevation. This is substantially above the UK average of 6.8 m/s. However, it is notable that the average mean wind speed onsite based on six months of monitoring is 9.7 m/s at 79 m.

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

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

## 3.3 National Planning Policy and Guidance

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

- The National Planning Framework 3 (NPF3);
- The National Planning Framework 4 (as emerging);
- Scottish Planning Policy (SPP);
- UK Marine Policy Statement (2010);
- Scotland's National Marine Plan 2015; and
- Pilot Pentland Firth and Orkney Waters Marine Spatial Plan (2016).

### *The National Planning Framework 3*

3.3.2 The National Planning Framework 3 (NPF3) was published on 23 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 but is not now up-to-date in terms of current climate change commitments. Together, NPF3 and SPP (referred to below) applied at the strategic and local levels, are intended to help the planning system deliver the Scottish Government's vision and outcomes for Scotland as well as contribute to the Government's central purpose.

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

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

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

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

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

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

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

3.3.9 Paragraph 3.9 states:

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

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

3.3.11 The NPF3 also sets out where wind energy development will be unacceptable, on the basis of protecting the most significant national landscape related assets. NPF3 presumes against wind farms located within National Parks and NSA's. NPF3 also recognises the value and sensitivity of Wild Land Areas to onshore wind energy development. The Proposed Development is not within a National Park, National Scenic Area or Wild Land Area.

3.3.12 Orkney is specifically recognised at several points within NPF3 as an Energy Hub and at paragraph 3.40 of NPF3 there is recognition of the need for *"strengthening the electricity grid will be essential in unlocking renewable resources, both onshore and offshore. Interconnectors to the Western Isles, Orkney and Shetland and onshore connections for offshore renewables on other parts of the coast are all required to fully realise the potential for diverse and widely distributed renewable energy development."*

3.3.13 Paragraph 3.40 states that the low carbon agenda forms a crucial part of the Governments strategy and development plans are expected to promote a positive, planned approach to providing low carbon infrastructure across Scotland. The Orkney, Pentland Firth and North Caithness area is identified as a key location of particular significance as an area that will benefit from coordinated action. Ambitious projects are planned for this area however it is acknowledged that onshore and offshore grid connections, including an Orkney Islands interconnector, will be essential in fully realising the areas potential. The Proposed Development can draw significant weight from this objective, in that it will contribute towards the needs case for the delivery of the interconnector which is essential in realising the area potential.

3.3.14 NPF3 further identifies National Developments, one of which includes 'An Enhanced High Voltage Energy Transmission Network', which will assist in achieving the Scottish Governments strategy for a low carbon place and notes that key connections include links to Orkney.

3.3.15 The recognition within NPF3 of the interconnector from Orkney to Mainland Scotland as a nationally significant piece of infrastructure is a significant material consideration in the planning balance.

3.3.16 In addition, it is relevant to note that two of Orkney's Community Wind Farm Projects – at Quanterness and Hoy[5], which were submitted for planning in January 2020 and September 2020 respectively, have since been called in by the Scottish Ministers for determination. The reason for the call-ins were noted as follows:

*"Reasons given by the Scottish Ministers for requiring the application to be referred to them are in view of the proposal raising matters which are of national importance in the context of expectations set out in National Planning Framework 3 for the Pentland Firth and Orkney Waters area and the need for an enhanced high voltage energy transmission network…"*

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

### *National Planning Framework 4 - 'Position Statement for the National Planning Framework 4'*

3.3.18 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.

3.3.19 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.

3.3.20 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.

3.3.21 It should be noted that 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. Nevertheless, the NPF4 Position Statement is a useful indicator of the Scottish Government's thinking with respect future national policy in relation to achieving energy targets and continued support for renewable energy development.

3.3.22 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".*

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

[5] *Two of three wind farms projects under development by the Applicant under Orkney's Community Wind Farm Project.*

*"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."*

3.3.24 NPF4 is anticipated to focus on four key outcomes:

- Net Zero Emissions;
- A Wellbeing Economy;
- Resilient Communities; and
- Better, Greener Place.

3.3.25 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. The Proposed Development can draw support from this objective of tackling the climate emergency and contribute to the Governments strategy.

3.3.26 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."*

3.3.27 The Position Statement notes that Scotland's updated Climate Change Plan is due to be published in 2020, (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.

3.3.28 In seeking to achieve reduced emissions 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 (emphasis added).

3.3.29 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) This is an extremely important indicator of the likely direction of travel for NPF4, and the likelihood of strong support for renewable energy development.

3.3.30 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..."*

3.3.31 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).

3.3.32 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.

3.3.33 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.*

3.3.34 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."*

3.3.35 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)

3.3.36 The Proposed Development presents an opportunity for the Orkney Island's community to benefit from economic growth associated with the project, particularly given its unique ownership structure which will see profits staying in Orkney and being used for the benefit of the people of Orkney, increasing the level of local benefits significantly and also socialising the benefits amongst as many people as possible.

### *Scottish Planning Policy*

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

3.3.38 An errata to SPP was published on the 18th 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.

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

#### *Relationship of SPP to National Outcomes*

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

3.3.41 Paragraph 10 adds that the Scottish Government's 16 national outcomes articulate in more detail on how the Purpose is to be achieved. It adds that the pursuit of these outcomes provides the impetus for other national plans, policies and strategies and many of the principles and policies set out in them are reflected in both SPP and NPF3.

3.3.42 Paragraph 13 of SPP introduces four planning outcomes which explain "how planning should support the vision" for the planning system in Scotland namely:

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

- Outcome 4: A more connected place – supporting better transport and digital connectivity.

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

3.3.44 Outcome 2 'A Low Carbon Place' explains that NPF3 will facilitate the transition to a low carbon economy, particularly by supporting diversification of the energy sector. Paragraph 18 makes reference to the Climate Change (Scotland) Act 2009 which has set a target of reducing greenhouse gas emissions by at least 80 % by 2050, with an interim target of reducing emissions by at least 42 % by 2020. This has been further updated by the Climate Change (Emissions Reduction Targets) (Scotland) Act 2019 which specifies a 54 % per cent reduction by 2018. Scottish Government figures published in June 2020 for 2018 note that greenhouse gas emissions reduced by 50 % by 2018[6], therefore the targets have not been met, demonstrating that there is more to be done and a continuing need for clean energy generation.

3.3.45 SPP explains that Section 44 of the 2009 Act places a duty on public bodies to act in the best way to contribute to the delivery of emissions targets as set out in the Act, and to help deliver the Scottish Government's climate change adaption programme. (Note: these targets have been superseded – see below). The Proposed Development would contribute to this outcome, and demonstrates a commitment by a public body, OIC, to contribute to emissions reductions targets.

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

3.3.47 The Proposed Development can contribute locally to Outcome 4 'a connected place' in so far as it will include improved access to the island of Faray through the development of a new extended slipway and landing jetty.

3.3.48 It also needs to be noted that very few developments would be able to contribute to all four outcomes – that the Proposed Development contributes positively to each is to its credit and reinforces the engagement of the presumption[7].

### *Principal Policies of SPP*

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

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

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

3.3.52 Paragraph 27 cross refers to the Government's Economic Strategy which it states "*indicates that sustainable economic growth is the key to unlocking Scotland's potential…. and to achieving a low carbon economy…".* It also makes reference to the need to maintain a high quality environment and to pass on *"a sustainable legacy for future generations".*

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*6 Scottish Government (2020)* Scottish Greenhouse Gas Emissions 2018 *https://www.gov.scot/binaries/content/documents/govscot/publications/statistics/2020/06/scottish-greenhouse-gas-emissions-2018/documents/scottish-greenhouse-gas-emissions-2018/scottish-greenhouse-gas-emissions-2018/govscot%3Adocument/scottish-greenhouse-gas-emissions-2018.pdf?forceDownload=true*

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

### *Presumption in Favour of Sustainable Development*[8]

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

*"This SPP introduces a presumption in favour of sustainable development".*

3.3.54 Paragraph 28 continues and states:

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

3.3.55 A presumption in favour was a new concept to Scottish planning which now takes on a prominent role in national planning policy. It is a formal policy presumption which the system has not seen since the changes made to the Town and Country Planning (Scotland) Act 1972[9]. For practical purposes it is a (relatively) new approach. Although little practical guidance is available, the approach to its application in wind farm cases has been fairly consistently set out by a number of Reporters, as well as in the Graham's Dairy Judgement and most recently in the Gladman Developments Limited v Scottish Ministers Judgment. The introduction of the presumption in favour of development that contributes to sustainable development had important consequences for development management practice. However, following the Scottish Government's consultation on SPP in 2020 which included a possible removal of the presumption in favour of development that contributes to sustainable development changes have been made to the policy wording. In December 2020, the Scottish Government published an update to SPP which revised the wording at paragraph 27 in relation to the 'presumption'. SPP now refers simply to 'A presumption in favour of sustainable development' rather than a 'a presumption in favour of development that contributes to sustainable development'.

3.3.56 This change in wording is not considered to alter the support the Proposed Development can draw from the presumption in favour of sustainable development, as it is considered by its very nature sustainable.

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

3.3.58 Paragraph 33, which has also been updated adds,

*"Proposals that do not accord with the development plan should not be considered acceptable unless material considerations indicate otherwise. Where a proposal is for sustainable development, the presumption in favour of sustainable development is a material consideration in favour of the proposal. Whether a proposed development is sustainable development should be assessed according to the principles set out in paragraph 29."* The Proposed Development has been considered alongside these principles at paragraph 3.3.60 below.

3.3.59 In this case, the Proposed Development has been assessed overall as being in accordance with the Development Plan and is a sustainable development.

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[8] *The Scottish Government launched a Scottish Planning Policy and Housing: Technical Consultation on Proposed Policy Amendments in 2020. The consultation included a possible removal of the presumption in favour of development that contributes to sustainable development from the SPP. IN December 2020, the Scottish Government published an update to SPP which revised the wording in relation to the 'presumption'. SPP now refers simply to A presumption in favour of sustainable development' and forms a material consideration in favour of the Proposed Development.*

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

### *SPP Appraisal of the Proposed Development with regard to the Presumption in Favour*

3.3.60 Paragraph 29 of SPP sets out that policies and decisions should be guided by a number of principles. Those of relevance are listed in Table 3.1 below together with a summary response of the extent to which the Proposed Development is consistent or otherwise with the respective principle:

**Table 3.1 SPP Appraisal of the Proposed Development with regard to the Presumption in Favour of Sustainable Development**

| Policy Principle | Proposed Development |
|---|---|
| Giving due weight to net economic benefit. | There would be net positive socio-economic benefits, as detailed in Chapter 13 'Socio-Economics, Recreation and Tourism' of the EIA Report and as summaries above. |
| Respond to economic issues, challenges and opportunities, outlined in local economic strategies. | A targeted outcome of The Orkney Council Plan (2018-2023) 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."*<br><br>This objective would clearly be realised should the business case for the interconnector from Orkney to the Scottish Mainland be established and that project delivered.<br><br>The ownership structure contributes to the distinctiveness of the Proposed Development, since profits would stay in Orkney and be used for the benefit of the people of Orkney, increasing the level of local benefits significantly. |
| Supporting good design and the six qualities of successful places. | This is of limited relevance to wind farm developments however the iterative design process that has been undertaken has sought to minimise impacts on a range of receptors. Chapter 2 of the EIA Report explains the various design iterations of the Proposed Development in arriving at the final layout, which has been reduced in scale and amended over the course of its development to respond to potential environmental effects. |
| Supporting delivery of infrastructure, for example transport, education, energy, digital and water. | The Proposed Development would deliver renewable energy infrastructure and in addition make a significant contribution to securing the interconnector between Orkney and the mainland, which is a nationally important project.<br><br>The Proposed Development also includes new marine access points in the form of an extended slipway and |

| Policy Principle | Proposed Development |
|---|---|
| | landing jetty which will improve access to the island potentially benefitting others. |
| Supporting climate change mitigation and adaptation including taking account of flood risk. | The Proposed Development would help to support climate change mitigation by replacing fossil fuel energy generation with renewable energy, thereby reducing emissions of climate changing gases. |
| Having regard to the principles for sustainable land use set out in the Land Use Strategy. | The Land Use Strategy (2016-21) is a key commitment in the Climate Change (Scotland) Act 2009. The Strategy cross refers to development plans and their policies such as landscape protection, biodiversity, and renewable energy development which, through planning decision-making will help deliver the Strategy and the principles for sustainable land use. The Proposed Development would contribute positively to climate change action and demonstrate care for the landscape by being within a landscape that can accommodate development. |
| Protecting, enhancing and promoting access to cultural heritage, including the historic environment. | The Proposed Development seeks to protect the cultural heritage and historic environment of the area.<br><br>A Historic Building Recording is proposed to be undertaken to ensure better understanding and appreciation of the surviving extent and condition of upstanding built heritage remains. This would provide a permanent record of these buildings prior to any further loss from structural collapse and weathering. Publication of the records of these buildings would also make Faray's built heritage remains more accessible and engaging for local communities on surrounding islands. As the island is not readily or publicly accessible a permanent and accessible record of its upstanding remains would be a valuable resource and would create a baseline against which any further deterioration could be measured and understood. |
| Protecting, enhancing and promoting access to natural heritage, including green infrastructure, landscape and the wider environment. | The island of Faray is uninhabited and therefore relatively inaccessible to the public. The Proposed Development will improve access to the island through the creation of the new marine access points. |
| Avoiding over-development, protecting the amenity of new and existing development and considering the implications of development for water, air and soil quality. | The scale of the Proposed Development has been carefully designed to fit with the surrounding landscape context. There would be no conflict with this policy principle. |

3.3.61 The fourth, fifth, eighth, and twelfth principles in SPP relate to town centre and regeneration priorities and specifically housing, business, retail uses, social interaction and recreation and waste management and resource recovery etc. and are therefore not deemed to be relevant to the Proposed Development. The Proposed Development is considered to adhere to the abovementioned principles and is, overall, considered to constitute sustainable development.

### *SPP Subject Policies – A Low Carbon Place*

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

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

3.3.64 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 (and 50 % by 2030).
- The equivalent of 100 % of electricity demand from renewable sources by 2020.
- Support the development of a diverse range of electricity generation from renewable energy technologies – including the expansion of renewable energy generation capacity.
- Guide development to appropriate locations and advise on the issues that will be taken into account when specific proposals are being assessed.

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

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

3.3.66 The Proposed Development is consistent with the 'low carbon place' subject policy and would contribute to the attainment of its objective.

### *SPP References to Onshore Wind*

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

3.3.68 Table 1 set out the guidance for planning authorities in preparing spatial frameworks and is provide at Figure 3.1 below.

**Table 1: Spatial Frameworks**

| | | |
|---|---|---|
| **Group 1: Areas where wind farms will not be acceptable:**<br>National Parks and National Scenic Areas. | | |
| **Group 2: Areas of significant protection:**<br>Recognising the need for significant protection, in these areas wind farms may be appropriate in some circumstances. Further consideration will be required to demonstrate that any significant effects on the qualities of these areas can be substantially overcome by siting, design or other mitigation. | | |
| **National and international designations:**<br>• World Heritage Sites;<br>• Natura 2000 and Ramsar sites;<br>• Sites of Special Scientific Interest;<br>• National Nature Reserves;<br>• Sites identified in the Inventory of Gardens and Designed Landscapes;<br>• Sites identified in the Inventory of Historic Battlefields. | **Other nationally important mapped environmental interests:**<br>• areas of wild land as shown on the 2014 SNH map of wild land areas;<br>• carbon rich soils, deep peat and priority peatland habitat. | **Community separation for consideration of visual impact:**<br>• an area not exceeding 2km around cities, towns and villages identified on the local development plan with an identified settlement envelope or edge. The extent of the area will be determined by the planning authority based on landform and other features which restrict views out from the settlement. |
| **Group 3: Areas with potential for wind farm development:**<br>Beyond groups 1 and 2, wind farms are likely to be acceptable, subject to detailed consideration against identified policy criteria. | | |

**Figure 3.1 Extract of SPP Table 1 Spatial Frameworks**

3.3.69 With reference to SPP Table 1 and according to SPP criteria, a minor element of the Proposed Developments infrastructure (slipway and landing jetty) would be defined as being within a Group 2 area: Areas of Significant Protection. This relates to the Faray and Holm of Faray SAC and SSSI designated for breeding grey seals. It is important to highlight that SPP states that *"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."*

3.3.70 It is important to highlight at this stage the NPF 4 position statement which identifies potential changes in policy to support a spatial strategy for net zero which includes: *"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".* While there is no draft policy at this stage, this may suggest removal of the group 2 and 3 areas to a broader approach of general support for onshore wind in all areas outwith national parks and national scenic areas, subject to site specific assessment. This would be a welcome approach.

3.3.71 Detailed assessments have been undertaken to assess the impact of the Proposed Development on the SAC and SSSI at Chapter 8 and Chapter 16 of the EIA Report. The assessments have concluded that there would be no significant adverse effects on the SSSI and SAC on the grey seal population. Accordingly, the site is considered to be suitable for wind farm development, subject to detailed consideration against identified policy criteria.

### *Development Management for Energy Infrastructure Developments*

3.3.72 In terms of development management, paragraph 169 of SPP sets out that *"proposals for energy infrastructure developments should always take account of spatial frameworks for wind farms…"* and that *"Considerations will vary relative to the scale of the proposal and area characteristics but are likely to include":*

- *"net economic impact, including local and community socio-economic benefits such as employment, associated business and supply chain opportunities;*
- *the scale of contribution to renewable energy generation targets;*
- *effect on greenhouse gas emissions;*
- *cumulative impacts – planning authorities should be clear about the likely cumulative impacts arising from all of the considerations below . . . .;*
- *impacts on communities and individual dwellings, including visual impact, residential amenity, noise and shadow flicker;*
- *landscape and visual impacts, including effects on wild land;*
- *effects on the natural heritage, including birds;*
- *impacts on carbon rich soils, using the carbon calculator;*
- *public access, including impact on long distance walking and cycling routes and scenic routes identified in the NPF;*
- *impacts on the historic environment, including scheduled monuments, listed buildings and their settings;*
- *impacts on tourism and recreation;*
- *impacts on aviation and defence interests and seismological recording;*
- *impacts on telecommunications and broadcasting installations, particularly ensuring that transmission links are not compromised;*
- *impacts on road traffic;*
- *impacts on adjacent trunk roads;*
- *effects on hydrology, the water environment and flood risk;*
- *the need for conditions relating to the decommissioning of developments, including ancillary infrastructure, and site restoration;*
- *the need for a robust planning obligation to ensure that operators achieve site restoration."*

3.3.73 As set out in the EIA Report and the policy assessment above at chapter 2, the Proposed Development does not result in any unacceptable significant adverse effects. Significant support can be drawn from a number of the considerations including the net economic impact including local and community socio-economic benefits, the scale of contribution to renewable energy generation targets and the contribution to reducing greenhouse gas emissions, which the Proposed Development will contribute and deliver on.

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

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

3.3.76 Another important point to note with regard to paragraph 170 of SPP is that it further supports the Government's position that wind energy developments can play an important role in the long-term renewable generation platform of the country, thereby sustaining carbon savings and renewable energy generation targets. As set out in the very recent Government publications, there are now further challenging carbon saving and renewable energy targets set for the long term that go beyond

those referenced in NPF3 and SPP, and wind farms operating on a long term, or in perpetuity basis, will clearly sustain and contribute to those targets.

### *Historic Environment*

3.3.77 Paragraph 140 of SPP states that *"The siting and design of development should take account of all aspects of the historic environment".* The EIA Report at Chapter 10 considered Cultural Heritage resource. SPP states at paragraph 145 in relation to Scheduled Monuments that:

*"Where there is potential for a proposed development to have an adverse effect on a scheduled monument or on the integrity of its setting, permission should only be granted where there are exceptional circumstances. Where a proposal would have a direct impact on a scheduled monument, the written consent of Scottish Ministers via a separate process is required in addition to any other consents required for the development."*

3.3.78 There are no direct effects on any scheduled monuments. Significant adverse effects are predicted on three scheduled monuments: the Quoy Chambered Cairn (Site 1), Muckle Hill of Linkataing Chambered Cairn (Site 17), and Vinquoy Hill Chambered Cairn (Site 40). However, the overall assessment as set out in the EIA Report concludes that the core components and integrity of the setting of these assets would not be adversely affected. While significant effects are predicted, these need to be balanced with the wider benefits of the Proposed Development. Orkney's Community Wind Farm Project is unique in the contribution that it can make to a nationally important infrastructure project as well as the benefits that will be provided to the local area.

### *Natural Heritage*

3.3.79 Paragraphs 207 to 212 set out the relevant tests for the consideration of development impacting upon natural heritage designations.

3.3.80 With respect to internationally designated sites such as Special Areas of Conservation (SACs) and/or Special Protection Areas (SPAs) paragraph 207 of SPP states that:

*"Any development plan or proposal likely to have a significant effect on these sites which is not directly connected with or necessary to their conservation management must be subject to an "appropriate assessment" of the implications for the conservation objectives. Such plans or proposals may only be approved if the competent authority has ascertained by means of an "appropriate assessment" that there will be no adverse effect on the integrity of the site."*

3.3.81 The Proposed Development is not predicted to result in a significant adverse effect on the Faray and Holm of Faray SAC, designated for grey seals. Appendix 8.5 of the EIA Report includes information to inform a Habitats Regulations Appraisal and appropriate assessment. The findings of the assessment are that there would be no adverse effects on the integrity of the SAC assessed as a result of the Proposed Development or in combination with other proposals.

3.3.82 The relevant policy tests in relation to national designations is set out in paragraph 212 of SPP and states:

*"Development that affects a National Park, National Scenic Area, Site of Special Scientific Interest or a National Nature Reserve should only be permitted where:*

- *the objectives of designation and the overall integrity of the area will not be compromised; or*
- *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."*

3.3.83 The EIA Report concludes that no significant adverse effects are predicted on the Faray and Holm of Faray SSSI and the overall integrity of the designation is not compromised.

3.3.84 As no significant adverse effects are predicted, it is not necessary to consider the second part of this policy test. However, it is worth highlighting that the Proposed Development would provide important economic benefits which are of national importance. This is in the form of the contribution the Proposed Development would make to the delivery of the interconnector between Orkney and Mainland Scotland, which is a nationally recognised project set out within NPF3. The

contribution that the Proposed Development would make to the threshold for the interconnector and the implications for the future development of renewable energy in Orkney represents a material economic opportunity for Orkney and is considered a moderate and significant beneficial effect. These positive attributes, coupled with other benefits as identified in section 3.2 of this Planning Statement, would weigh heavily in favour of the Proposed Development in the planning balance.

3.3.85 Paragraph 214 of SPP deals with Protected Species. It states:

*"The presence (or potential presence) of a legally protected species is an important consideration in decisions on planning applications. If there is evidence to suggest that a protected species is present on site or may be affected by a proposed development, steps must be taken to establish their presence. The level of protection afforded by legislation must be factored into the planning and design of the development and any impacts must be fully considered prior to the determination of the application."*

3.3.86 The EIA Report has taken the necessary steps to establish whether protected species are on site.

3.3.87 In terms of terrestrial ecological resource, only otter and grey seal were taken forward for detailed assessment, due to their presence on or near the site and potential for significant effects. The assessment concludes that there is potential for some localised significant effects with respect otters, however with the proposed mitigation in place this would reduce to either no effect or negligible and not significant. No significant adverse effects are predicted on grey seals, subject to the implementation of the mitigation proposed, including no construction works being undertaken during the grey seal breeding season.

3.3.88 In terms of ornithological protected species, no significant adverse effects are predicted on ornithology resources.

### *SPP Conclusions*

3.3.89 In conclusion, the SPP sets out continued support for onshore wind. Furthermore, it sets out a clear presumption in favour of sustainable development which is relevant to the Proposed Development. The Proposed Development meets the policy objectives of SPP in relation to natural and cultural heritage designations. The Proposed Development can draw significant support from SPP.

## *UK Marine Policy Statement (2011)*

3.3.90 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.

3.3.91 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.

3.3.92 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.

3.3.93 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.

3.3.94 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.

3.3.95 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 application 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)*

3.3.96 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.

3.3.97 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.

3.3.98 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'.

3.3.99 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.

3.3.100 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 principle, a commitment to sustainable development (GEN 1), and it is noted that this is relevant to key growth sectors such as renewable energy activities.

3.3.101 Other key general polices of relevance 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 – this is an obligation on decision makers. However, the Proposed Development would assist in tacking the effects of 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 - this is an obligation on decision makers. The EIA Report has undertaken an assessment of the Proposed Development in relation to landscape, seascape and visual receptors. Significant adverse effects are predicted on some coastal landscapes and some visual receptors as a result of the Proposed Development as a whole.

- 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 – no significant adverse effects are predicted in relation to coastal change or flooding as a result of the Proposed Development.
- 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. Chapters 16, 17 and 18 of the EIA Report considers the impact the new slipway and landing jetty will have on marine ecology and concludes that there would be no significant adverse effects on the resources assessed subject to the mitigation proposed.
- 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. The proposed standard construction practices and associated mitigation will ensure that the Proposed Development will not result in any deterioration of the quality of waters.
- GEN 13 Noise: Development and use in the marine environment should avoid significant adverse effects of man-made noise and vibration, especially on species sensitive to such effects. The installation of the new landing jetty will require piling, the potential impacts to marine mammals from underwater noise is assessed in Chapter 16 of the EIA report. The assessment determined that, with appropriate mitigation in place, residual effects from the works below MHWS were minor to negligible.
- GEN 18 Engagement: Early and effective engagement should be undertaken with the general public and all interested stakeholders to facilitate planning and consenting processes – Consultation has been undertaken with the public in relation to the Proposed Development.
- GEN 21 Cumulative impacts: Cumulative impacts affecting the ecosystem of the marine plan area should be addressed in decision making and plan implementation. The EIA Report has considered cumulative impacts of the Proposed Development. No significant adverse cumulative impact are predicted.

3.3.102 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 policies are not relevant to the Proposed Development given its nature and limited extent of development that will affect the marine environment. Those of limited relevance 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. The Proposed Development can draw support from this policy through its contribution to these objectives.
- 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 remain in perpetuity for the potential benefit of other sectors. The Proposed Development can therefore draw support from this policy. 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.

3.3.103 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 application.

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

3.3.104 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 The Highland Council.

3.3.105 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.

3.3.106 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.

3.3.107 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.

3.3.108 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.

3.3.109 '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) 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."*

3.3.110 The Applicant has undertaken the necessary consultation as recommended by this policy.

3.3.111 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.

3.3.112 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.

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

3.3.114 '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…"*

3.3.115 The Proposed Development includes a new slipway and landing jetty which will result in improved access to the island. It would not result in implications for existing ports or harbours. Consultation with Marine Services and Harbour Authority and Orkney Ferries Ltd have confirmed that no impacts or potential effects are anticipated on marine radar due the Proposed Development. The Proposed Development will require to utilise the facilities at Hatston Pier thereby supporting this sector.

3.3.116 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."*

3.3.117 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 needs case for the delivery of the electricity interconnector and can therefore draw support from sectoral policy 8 in this regard.

3.3.118 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 application. To summarise:

3.3.119 Under General Policy 1C (Safeguarding the Marine Ecosystem), developments must safeguard the integrity of the coastal and marine ecosystems, contributing towards the Marine Strategy Framework Directive objectives to promote enhancement or improvement of the environmental status of the marine environment. They must also demonstrate how any significant disturbance and degradation of coastal and marine ecosystems has been avoided or appropriately mitigated.

Potential impacts to marine ecology from construction of the proposed new extended slipway and landing jetty are assessed in Chapters 16, 17 and 18 of the EIA Report.

3.3.120 Under General Policy 4C (Wider Biodiversity), the Plan will not support development(s) and/or activities that result in a significant impact on the national status of Priority Marine Features. Where there is the potential for adverse impacts on species of regional or local biodiversity importance, proposals must demonstrate that developments will be sited and designed to minimise adverse impacts on environmental quality, ecological status or viability; and any impact will be suitably mitigated. Potential impacts to PMFs present within the area are assessed in Chapter 16 and 18 of the EIA Report.

3.3.121 Under General Policy 5A (Water Environment) of the Plan, it is a requirement that applications for a marine development or an activity do not cause any water body to deteriorate in status nor prevent the achievement of established objectives set out in the River Basin Management Planning (RBMP) for the Scotland river basin district. In addition, where possible, developments should work towards objectives to improve the ecological status of coastal water bodies and the environmental status of marine waters and should not cause deterioration in the standard of waters designated under European Commission Directives and national legislation. All applications should be accompanied by sufficient information to enable a full assessment of the likely effects, including cumulative effects, on the water environment, should take into account existing activities in the proposed location for development and undertake early consultation to ensure that activities that may not be compatible are not located together (e.g. development of an incompatible activity near an established legitimate activity, such as a licensed discharge). Potential impacts to marine water and sediment quality from dredging activities are assessed in Chapter 17 of the EIA Report.

3.3.122 Under General Policy 5B (Coastal Processes and Flooding), it is a requirement that projects must be in compliance with Scottish Planning Policy, will not will not exacerbate present or future risks of flooding or erosion and adaption strategies to effects of climate change, coastal erosion and coastal flooding should be incorporated into the proposed development. Potential impacts to coastal processes are assessed in Chapter 18 of the EIA Report.

3.3.123 Under General Policy 8A (Noise) of the Plan, it is a requirement that applications for a marine development or an activity that is likely to have significant noise impacts (on sensitive species and/or people) include a noise impact assessment or supporting information to describe the duration, type and level of noise expected to be generated at all stages of the development (construction, operation, decommissioning). In particular, the assessment must consider whether the level of surface or underwater noise has the potential to affect a European Protected Species (EPS). Potential impacts to marine mammals, including EPSs, from underwater noise is assessed in Chapter 16 of the EIA Report.

3.3.124 Sectoral Policy 1 (Commercial Fisheries) advises that along with fishing data, such as ScotMap, that assessments of potential impacts to commercial fisheries should undertake consultation with local fishermen and organisations as activities change over time, this ensures that up to date information is used, which is essential. Such consultation has been undertaken and feeds into the commercial fisheries impact assessment provided in Chapter 18 of the EIA Report.

3.3.125 All assessments concluded that with appropriate mitigation in place, residual effects from the works below MHWS were minor to negligible.

## 3.4 Renewable Energy Policy and the Climate Emergency

3.4.1 This section explains the renewable energy policy framework that applies as an important material consideration that requires to be weighed in the decision-making balance. The energy and climate change policy and legislative framework sets the needs case for the Proposed Development, which is to address the impacts of climate change through renewable energy generation whilst also maintaining energy security. Chapter 5 of the EIA Report highlights the extensive international, national and Scottish legislation and policy in terms of support for renewable energy generation. The Planning Statement has sought to draw out those of most relevance to the consideration of the Proposed Development.

3.4.2 The approach taken has been to place this information in the current climate emergency context, which has been recently well explained by the Committee on Climate Change (CCC) and then to follow this with the current legislative and policy position. Key aspects of Scottish Government policy and how its Programme for Government will tackle the climate emergency are also examined.

3.4.3 This section will examine key aspects of the following legislative and policy base:

- The UK Government's Ten Point Plan for a Green Industrial Revolution;
- The UK Government's Energy White Paper Powering our Net Zero Future (2020);
- The Scottish Energy Strategy: The Future of Energy in Scotland (2017);
- Onshore Wind Policy Statement (2017);
- 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 Act 2009 and 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).

### *UK Climate Emergency Context*

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

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

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

3.4.7 The report makes recommendations for the UK economy including:

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

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

3.4.9 The CCC report also adds for Scotland that:

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

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

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

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

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

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

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

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

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

### *Other key points include*

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

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

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

3.4.21 In these circumstances, although the UK is committed to working for global action to parallel our own adoption of a net-zero statutory target, it is prudent to plan adaptation strategies for a scenario of 4°C, but there is little evidence of adaptation planning for even 2°C. The Report adds that *"Government cannot hide from these risks".* (page 2, 2019 Progress Report)

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

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

3.4.24 In December 2019 the CCC 'Progress Report to the Scottish Parliament' was published. It sets out that in the CCC's 'net zero' report published earlier in 2019, the Committee had made it clear that meeting Scotland's 2045 target is contingent on early and decisive action to strengthen policy. One of the messages in the report notes that Net zero GHG emissions by 2045 is a 'step change' in ambitions for Scotland – requiring urgent action in order to meet that target.

3.4.25 The CCC Report adds that Scotland's target to meet 100 % of gross electricity consumption from renewables by 2020 remains challenging as it is unlikely that all the projects consented will progress to the commissioning stage.

3.4.26 The CCC published a further Progress Report to Parliament in June 2020 which has considered the impact of the Covid 19 pandemic and highlighting the opportunity of making the COVID-19 recovery a defining moment in tackling the climate crisis. The Foreword to the report states *"This report provides important new advice to Government on framing a recovery from Covid-19 that both accelerates the transition to Net Zero and strengthens our resilience to the impacts of climate change, whilst driving new economic activity."*

3.4.27 The Executive Summary acknowledged that initial steps towards a net-zero policy package have been taken, *"but this was not the year of policy progress that the Committee called for in 2019."* It goes on *"There were important new announcements on transport, buildings, industry, energy supply, agriculture and land use. But these steps do not yet measure up to meet the size of the Net Zero challenge and we are not making adequate progress in preparing for climate change."*

3.4.28 The delay to COP26 has been considered an opportunity to address the policy deficit and establish a credible internationally leading position, with a number of recommendations set out including:

- *"The goal to substantially expand supplies of low-carbon power must be accompanied by steps in the Energy White Paper to encourage a resilient and flexible energy system."*

3.4.29 While policy implementation has not met the required ambition, there has been new elements to the policy framework which are identified in the Progress Report, including the creation of a Cabinet Committee on Climate Change, and the commencement of a treasury Net Zero Review, amongst others.

3.4.30 Progress is also underway in developing policies to drive emissions reductions across the largest emitting sectors of the economy. However, the Report notes that these are generally far from complete and leave significant gaps. One of those polices is the introduction of power sector plans:

*"Power sector plans are advancing in line with the large scale required for the net-zero target. Contracts to construct a further 6 GW of offshore wind were awarded at record low prices in the last year and ambition for 2030 was increased from 30 GW to 40 GW. The Government announced welcome plans to bring large-scale solar and onshore wind back into the system of power auctions. A clear timetable for future auctions would support delivery and development of supply chains."*

3.4.31 Looking ahead, the Report notes that much more will need to be done to achieve the targets being set and the Report notes that the key remaining elements of the net-zero policy package must be put in place in the coming months, early enough to demonstrate the UK's credentials ahead of COP26. One of those relates to energy supply:

- ***"Energy supply (the power sector accounted for 12 % of 2019 emissions): policy must reach beyond renewable power.*** *The Energy White Paper, due later in 2020, should address the*

*challenges faced as renewables take an ever larger share: how they will be contracted, how the economic benefits of flexibility will be realised and how energy supply resilience will be ensured."*

3.4.32 The Progress Report demonstrates the need for continued commitment to the implementation of a policy framework that supports the transition to Net Zero, and the realisation that there is much more to do in achieving that aim.

3.4.33 In November 2020, the UK Government published its 'Ten Point Plan for a Green Industrial Revolution', which the Prime Minister has said will allow the UK to forge ahead with eradicating its contribution to climate change by 2050, particularly crucial in the run up to the COP26 climate summit in Glasgow in 2021. Included in the Plan is a £20 million investment for a competition to develop clean maritime technology, such as feasibility studies on key sites, including in Orkney. This signifies the important role Orkney has in driving the green recovery.

3.4.34 The publication of the 10 point plan was followed by the 'Energy White Paper: Powering our net zero future' in December 2020. In it the UK Government highlights the intention to continue to hold regular CfD auction rounds every two years to bring forward a range of low-cost renewable technologies, with the next auction in late 2021 which will be open to onshore wind. While a key focus on investment for the UK Government is in offshore wind it states at page 45 that *"Onshore wind…will be key building blocks of the future generation mix…We will need sustained growth in the capacity of these sectors in the next decade to ensure that we are on a pathway that allows us to meet net zero emissions in all demand scenarios."*

3.4.35 The publication of these polices, backed by committed funding and investment, is a positive response to the CCC's call for action. The Proposed Development can draw support from this acknowledgement of the importance of continued investment and support for the onshore wind sector at the UK level.

3.4.36 The CCC published its 'Reducing emission in Scotland - 2020 Progress Report to Parliament' in October 2020. The report shows that Scotland's greenhouse gas emissions fell by 31 % from 2008 to 2018. This was primarily due to action to reduce emissions in the power sector, where Scottish renewable electricity generation has tripled, and fossil-fuelled generation has fallen by more than 70 % in the last decade. However, greenhouse gas emissions increased by 2 % in 2018, compared to a reduction of 3 % in 2017. The report highlights priority areas for the Scottish Government in terms of emissions reductions one of which included the delivery of an updated Climate Change Plan, which was published in December 2020 and is discussed further below.

3.4.37 The Executive Summary provides a series of recommendations and actions for the Scottish Government in Embedding Net Zero and adaptation as core Scottish Government objectives. One of which includes:

*"Align the National Planning Framework (NPF4) to a net-zero energy system – enforcing a favourable planning and consenting scheme for onshore wind and other renewables in manner that is consistent with other policies on land use, supporting repowering and life extension of existing wind power in Scotland, and aligning with adaptation priorities under the Scottish Climate Change Adaptation Programme."*

3.4.38 The publication of the NPF 4 Position Statement, as referred to above, indicates the proposed direction of travel by the Scottish Government in terms of policy on onshore wind, which suggests would align with recommendations by the CCC.

### *Climate Change Legislation*

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

3.4.40 On 31 October 2019 The Climate Change (Emissions Reduction Targets) (Scotland) Act 2019 received Royal Ascent and became an Act of parliament, which amended the Climate Change (Scotland) Act 2009. The Act requires that *"The Scottish Ministers must ensure that the net Scottish emissions*

*account for the net-zero emissions target year is at least 100 % lower than the baseline (the target is known as the "net-zero emissions target").*" The target year is 2045 and the Act also sets out challenging interim targets. It requires that:

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

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

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

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

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

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

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

3.4.44 To help ensure delivery of the long-term targets, Scotland's climate change legislation also includes annual targets for every year to net-zero. The levels of these targets (expressed as percentage reductions from the 1990/1995 baseline) are set out below in Table 3.2:

**Table 3.2 Annual Emissions Reduction Targets to 2045**

| Year | Target |
|---|---|
| 2018 | 54.0 % |
| 2019 | 55.0 % |
| **2020 (interim target)** | **56 %** |
| 2021 | 57.9 % |
| 2022 | 59.8 % |
| 2023 | 61.7 % |
| 2024 | 63.6 % |
| 2025 | 65.5 % |
| 2026 | 67.4 % |
| 2027 | 69.3 % |
| 2028 | 71.2 % |
| 2029 | 73.1 % |
| **2030 (interim target)** | **75 %** |

| Year | Target |
|---|---|
| 2031 | 76.5 % |
| 2032 | 78.0 % |
| 2033 | 79.5 % |
| 2034 | 81.0 % |
| 2035 | 82.5 % |
| 2036 | 84.0 % |
| 2037 | 85.5 % |
| 2038 | 87.0 % |
| 2039 | 88.5 % |
| **2040 (interim target)** | **90 %** |
| 2041 | 92.0 % |
| 2042 | 94.0 % |
| 2043 | 96.0 % |
| 2044 | 98.0 % |
| **2045** | **100 % (net-zero emissions)** |

*Table source: Scottish Government*

### *Programme for Government – 2019-20*

3.4.45 The Scottish Government's Programme for Government 2019-20 entitled 'Protecting Scotland's Future' was an important step in acknowledging the climate change emergency, and its actions and plans continue to be relevant. In the introduction from the First Minister, the 'Climate Emergency' was acknowledged and stated that *"this Programme for Government sets out some of the next step in Scotland's journey to net zero emissions and raises our ambition in light of the emergency we face. We are leading the world in setting challenging targets, but we must also redouble our efforts to meet them".*

3.4.46 The Introduction also referred to the preparation of the National Planning Framework 4 and confirmed that an updated Climate Change Plan will be prepared that will take full account of the advice of the UK Committee on Climate Change (Update now published).

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

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

- Reference is made to Scotland already having committed to some of the toughest emissions reductions in the world and adopting a net zero emissions target by 2045 and underlines the Government's ambition that Scotland will no longer contribute to global climate change;
- Scotland has a unique opportunity to be at the forefront of global action; and
- This Programme for Government commits to vital early action to accelerate Scotland's journey towards net zero.

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

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

3.4.50 In the plan the Scottish Government made a number of other major commitments in response to the climate emergency and in terms of 'Planning' this will include the fourth National Planning Framework which will help to radically accelerate reduction of emissions.

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

- *"The global climate emergency means that the time is right for wide-ranging debate on more radical planning policy options.*
- *Innovation, infrastructure and investment will be needed to transform our cities, towns and rural areas into places that support lower emissions lifestyles and businesses. Planning is a vital tool in leveraging the changes we need to make to achieve our goals.*
- *We will begin engagement on the fourth National Planning Framework in autumn this year. Through it, we will explore planning options that radically accelerate reduction of emissions.*
- *By summer next year, we will publish a draft National Planning Framework which sets out how and where development should take place across Scotland for the period up to 2050.* [Delayed until Autumn 2021]
- *This will be part of a wider package to deliver the reform envisaged by the Planning Act 2019. As part of that wider programme, we will introduce legislation on permitted development rights. This would support, for example, developments such as micro-renewable technologies. We will also launch a programme of digital transformation to make better use of digital technologies and data, including a digital mapping prototype to support co-ordinated and sustainable development. The Programme also makes reference to the Climate Change (Emissions Reduction Targets) Bill which seeks to introduce a legally-binding net zero target of 2045. The Bill passed Stage 3 on 25 September 2019 and is due to become an Act of the Scottish Parliament once it receives Royal Assent. Notably, the change in reduction targets will make Scotland's statutory targets the most stringent in the world and shows yet another commitment to meeting its net-zero ambition five years ahead of the date set for the UK."*

### *Programme for Government 2020/2021*

3.4.52 The Scottish Government published the Government Programme for 2020-21 in September 2020 entitled 'Protecting Scotland, Renewing Scotland'. The Programme for Government's main focus is on COVID-19 and how the Government plan to address its impacts prior to the end of Parliament in May 2021.

3.4.53 Notably, the Government puts the creation of 'green' jobs and its commitment to achieving net zero by 2045 at the heart of Scotland's recovery from COVID-19. The First Minister states in the introduction that *"we must use this moment to make significant advances to deliver the fairer, greener, more prosperous Scotland we all want to see. Central to that recovery is a new national mission to help create new jobs, good jobs and green jobs…" (page 4).*

3.4.54 The First Minister also highlights that *"our economic recovery must be a green recovery*" and acknowledges that *"even before the pandemic, we knew we had significant work to do in order to improve the state of nature and meet our statutory commitment to be a net zero society by 2045". She states that "the impacts of the crisis have reinforced the need for that, but also the opportunities it presents*" [emphasis added] (page 4).

3.4.55 She also announced that the Government will put a *"clear new focus on our updated Climate Change Plan, ensuring it reflects our new starting point and the central importance of a green recovery to Scotland's progress, and the Infrastructure Investment plan will reflect our commitment to tackling climate change" (page 4).*

3.4.56 Page 9 of the Programme states that *"the Scottish Government is committed to achieving net zero by 2045" and that this commitment (amongst others) is central to the Programme for Government and "progress will only be possible through collaboration and a collective determination to succeed".*

3.4.57 Chapter 1 of the Programme sets out the Government's *"mission" to create new, green jobs to help people back into employment. Page 22 of the Programme states that:*

3.4.58 *"It is imperative that our economic recovery is a green recovery – not just because it is the right thing to do in the face of the climate crisis, but also because it provides opportunities for new work and growth in today's challenging global market.*

3.4.59 *Building on last year's ambitious programme of action, we are now setting out new investment that increases the momentum for Scotland's transition to net zero. We are doing this because the opportunity is now greater than ever for Scotland to be at the forefront of global action. Governments around the world are reinforcing their commitment to net zero. Financial markets and investors are working towards greening their investment. Our programme, underpinned by our £2 billion Low Carbon Fund and a Scottish National Investment Bank committed to delivering net zero, will strengthen supply chains, attract investment, encourage businesses to innovate and diversify, and provide new opportunities for people to retrain and upskill in new and high growth areas – while protecting the environment that we all rely on".*

3.4.60 Chapter 1 sets out a range of low carbon funding initiatives to *"secure a just transition to a net zero economy … help provide new, green jobs and skills development, and ensure that as we accelerate our transition to net zero we have the Scottish supply chain, workforce and expertise that we need to maximise the opportunities from that transition in Scotland and globally"* [emphasis added] (page 27).

3.4.61 Page 36 states that *"Scotland was one of the first countries in the world to declare a global climate emergency"* and that *"[the Government] have delivered against all of our commitments, and now we will adapt and scale up our response, ensuring a green recovery is at the heart of economic recovery".*

3.4.62 One of the initiatives listed is a £2 million Islands Green Recovery Plan to help deliver on low-carbon related commitments in the National Islands Plan which will complement existing funding, some of which will be ringfenced for capital projects on islands relating to net-zero and green recovery objectives, creating high-quality, skilled, green jobs in some of our most remote and vulnerable communities.

3.4.63 In conclusion, the Programme for Government clearly re-emphasises, and indeed heightens, the importance of achieving the Government's commitment to tackling climate change and becoming net zero by 2045. The Proposed Development is at a stage where it presents a significant opportunity to contribute to achieving the Government's ambitions which are more important now than ever in the face of the global pandemic. As noted in the Programme for Government, progress in this regard will only be possible through collaboration and a collective determination to succeed.

### *Scottish Energy Policy*

3.4.64 *The most up-to-date Scottish Government energy policy position, by way of published energy policy documents, is contained within the Scottish Energy Strategy (SES) and the Onshore Wind Energy*

*Policy Statement (OWPS), which establish the policy position to deliver clean energy to support the commitments within the Climate Change Plan (2018) (CCP). These documents are examined below.*

3.4.65 *However, it requires to be noted that the CCP, the SES and OWPS were published in advance of The Climate Change (Emissions Reduction Targets) (Scotland) Act 2019, which sets significantly more ambitious climate change targets than were in place when this current suite of energy policy documents were published. Accordingly, the current suite of energy policy requires to be read in the context of current legislated climate change targets including the December 2020 Update to the Climate Change Plan.*

### *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)*

3.4.66 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.

3.4.67 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.

3.4.68 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.

3.4.69 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."*

3.4.70 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."*

3.4.71 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.

3.4.72 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.*

3.4.73 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." (Page 34)*

3.4.74 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."*

3.4.75 Page 68 of the CCP (2018) 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."*

3.4.76 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. The legislative basis for the formulation of the plan is provided for in Section 35C of the Climate change (Scotland) Act 2009[10]. It includes new concepts requiring Ministers to go beyond the incorporation of climate change principles in the plan and give due regard to the way that it can bring about just outcomes. The "Just Transition Principles" define *"the importance of taking action to reduce net Scottish emissions of greenhouse gases in a way which—*

*(a) supports environmentally and socially sustainable jobs,*

*(b) supports low-carbon investment and infrastructure,*

*(c) develops and maintains social consensus through engagement with workers, trade unions, communities, non-governmental organisations, representatives of the interests of business and industry and such other persons as the Scottish Ministers consider appropriate,*

*(d) creates decent, fair and high-value work in a way which does not negatively affect the current workforce and overall economy,*

*(e) contributes to resource efficient and sustainable economic approaches which help to address inequality and poverty."*

3.4.77 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."*

3.4.78 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*

[10] *As amended by the Climate Change (Emissions Reduction Targets) (Scotland) Act 2019*

*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."*

3.4.79 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.

3.4.80 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.

3.4.81 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."*

3.4.82 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.

3.4.83 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."*

3.4.84 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.

3.4.85 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.

3.4.86 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."*

3.4.87 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."*

3.4.88 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 %.

3.4.89 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[11]"*.

3.4.90 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"*.

3.4.91 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.

3.4.92 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.

3.4.93 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)

3.4.94 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)

3.4.95 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.

3.4.96 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 Scottish Energy Strategy (SES): The Future of Energy in Scotland December 2017*

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

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

3.4.98 The 2050 vision is expressed around six priorities including:

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

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

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

- *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.*

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

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

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

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

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

3.4.105 The SES sets out the Government's clear position on onshore wind at page 44 namely:

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

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

3.4.106 The SES adds:

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

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

3.4.108 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."*

3.4.109 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."*

3.4.110 As highlighted above, the UK Government's reform of the CfD has confirmed the reintroduction of eligibility for onshore wind. This is a positive move by the UK government and shows a further commitment to Net Zero. Key points arising with regard to the policy position reference is made to the need to decarbonise the power sector which is a vital part of the UK's effort to meet its world leading net zero target. It states whilst we cannot predict today exactly what the generating mix will look like in 2050, we can be confident that *"renewables will play a key role, alongside firm or flexible low carbon generating capacity."*

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

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

3.4.112 Page 53 makes specific reference to Land Use Planning and the Planning Bill and states that *"Renewable energy is a core part of our planning policy, as it provides a key means of reducing greenhouse gas emissions as well as significant economic opportunities."* It highlights the way in which the planning system already supports the energy system and refers to the ongoing review of the planning system and as part of this opportunities will be created to collaborate on a set of planning policies wholly in line with the goals of the Energy Strategy and Climate Change Plan.

3.4.113 On page 59 under the heading 'System Security and Flexibility' the SES notes the importance of system security and flexibility:

*"Scotland needs a balanced and secure electricity supply. That means a system and a range of technologies which provide sufficient generation and interconnection to meet demand. It means an electricity network which is resilient and sufficiently secure against any fluctuations or interruptions to supply."*

3.4.114 Page 59 continues with reference to the need for Interconnection in achieving system security. *"Scotland's security of supply, and our ability to export and import power when needed, is enhanced by our interconnection with other power markets and networks. Scotland's current and long-standing interconnections with England and Northern Ireland are good cases and point."* While this is reference to connections with other markets, the contributions the Proposed Development can make to securing the interconnector between Orkney and the Mainland is a relevant consideration.

3.4.115 An errata was published on 10 April 2018 with an update to Section 3 Scotland's Route to 2050: Targets, Priorities and Actions. This has been updated to reflect Scottish Government analysis underpinning the targets which shows that renewable electricity – which has already outperformed the interim 2015 target of 50 % – could rise to over 140 % of Scottish electricity consumption, ensuring its contribution to the wider renewable energy target for 2030.

3.4.116 The Scottish Government have committed to an update of the SES in 2021 in the December 2020 Update to the Climate Change Plan, which will set out in detail the role that electricity generation will have in the wider energy system.

### *Onshore Wind Policy Statement (2017)*

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

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

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

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

3.4.121 Paragraph 3 continues: *"In order for onshore wind to play its vital role in meeting Scotland's energy needs, and a material role in growing our economy, its contribution must continue to grow. Onshore wind generation will remain crucial in terms of our goals for a decarbonised energy system, helping to meet the greater demand from our heat and transport sectors, as well as making further progress towards the ambitious renewable targets which the Scottish Government has set".*

3.4.122 The statement therefore makes it very clear that onshore wind is expected to make a significant contribution to Scotland's energy needs including renewable targets into the long term. A number of parties opposed to onshore wind farms have in recent years continued to advance an argument that because Scotland's 2020 target in relation to the generation of renewable electricity could be within reach, that less weight should be placed on the contribution and benefits that could arise from onshore wind energy. This argument does not stack up, particularly in light of the recent legislated climate change targets and declarations of a climate emergency, that will require a green energy generation response to address decarbonising the grid, heat and transport.

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

3.4.124 Paragraph 41 of the OWPS relates to the duration of consents. It is noted that there appears to be a common but not universal assumption that a 25 year lifetime limit is a requirement of the consent for all onshore wind applications before noting that *"there are no current statutory or legislative limits to the duration of consent for a proposed development"*.

3.4.125 Furthermore, the OWPS sets out the approach that should be taken in line with Scottish Planning policy 2014, *"that areas identified for wind farms should be suitable for use in perpetuity."* On that basis the OWPS 2017 confirms that *"the operating period of an individual wind farm is a matter which developers can consider and discuss prior to the submission of an application."*

3.4.126 The Applicant is requesting an in perpetuity consent for the Proposed Development. The OWPS offers support for this approach and as such the Proposed Development can draw support from the statement in this regard.

### *Progress to the Scottish 2020 Renewable Energy & Electricity Targets*

3.4.127 It is useful to consider how much progress has been made towards achieving the Scottish Government targets set out in Table 3.3, below. While progress has been made, there is still a way to go to reaching the targets. Notwithstanding this position, even if the target was to be achieved, the Scottish Government has made clear that this does not represent a cap on the installation of further renewable electricity capacity. A continued effort to secure low carbon energy generation is

required and as stated in the Scottish Energy Strategy onshore wind must continue to play a vital role in helping to decarbonise the electricity system.

**Table 3.3 Summary of Scottish Government Renewable Energy and Electricity Targets**

| Target | Target Year | Current Position | Source / Notes |
|---|---|---|---|
| **Renewable Energy** | | | |
| 30 % of total energy use from renewable sources | 2020 | 24%<br>(2019) | Scottish Energy Strategy (SES) (2017)<br>Scottish Energy Statistics Hub, accessed February, 2021. |
| 50 % of total energy use from renewable sources | 2030 | 24 %<br>(2019) | SES (2017)<br>Scottish Energy Statistics Hub, accessed February 2021. |
| **Renewable Electricity** | | | |
| Meet 100 % of electricity demand from renewables | 2020 | 89.5%<br>(2019) | 2020 Routemap for Renewable Energy in Scotland (2011)<br>Scottish Energy Statistics (June 2018)<br>Scottish Energy Statistics Hub, accessed February 2021. |
| 100 % Target is circa 16 GW | 2020 | 11.8 GW (installed capacity) | Scottish Energy Statistics Hub, accessed February 2021 |
| Renewable energy may need to generate 140 % of Scotland's electricity needs | 2030 | 11.8 GW | Would require c.17 GW installed renewable electricity capacity by 2030 SES (2017) |
| **Climate Change** | | | |
| Reduce carbon emissions by 66 % against 1990 levels | 2032 | -37.6 % | Climate Change Plan (2018) |
| Reduce emissions by 56 % against 1990 levels<br>Reduce emissions by 75 % against 1990 levels<br>Reduce emissions by 90 % against 1990 levels<br>Reduce emissions to Net Zero | 2020<br>2030<br>2040<br>2045 | 50 %<br>(2018) | Climate Change (Emissions Reduction Targets) (Scotland) Act 2019<br>Scottish Greenhouse Gas Emissions 2018, Scottish Government, published June 2020 |
| Reduce Scotland's electricity grid intensity below 50g $CO_2$ / kWh by 2020 | 2020 | <50 g CO¬2 / kWh and 2019 | Climate Change Plan (2018)<br>Update to Climate Change Plan 2018 – 2032 Securing a Green Recovery on a Path to Net Zero (2020) |

### *Renewable Energy*

3.4.128 The Scottish Government's targets are to achieve 30 % of total Scottish energy use from renewable sources by 2020 and 50 % by 2030. The Government's Scottish Energy Statistics Hub contains the most up to date energy statistics and shows that in 2019, 24 % of total Scottish energy consumption came from renewable sources. This is illustrated in Figure 3.2 below.

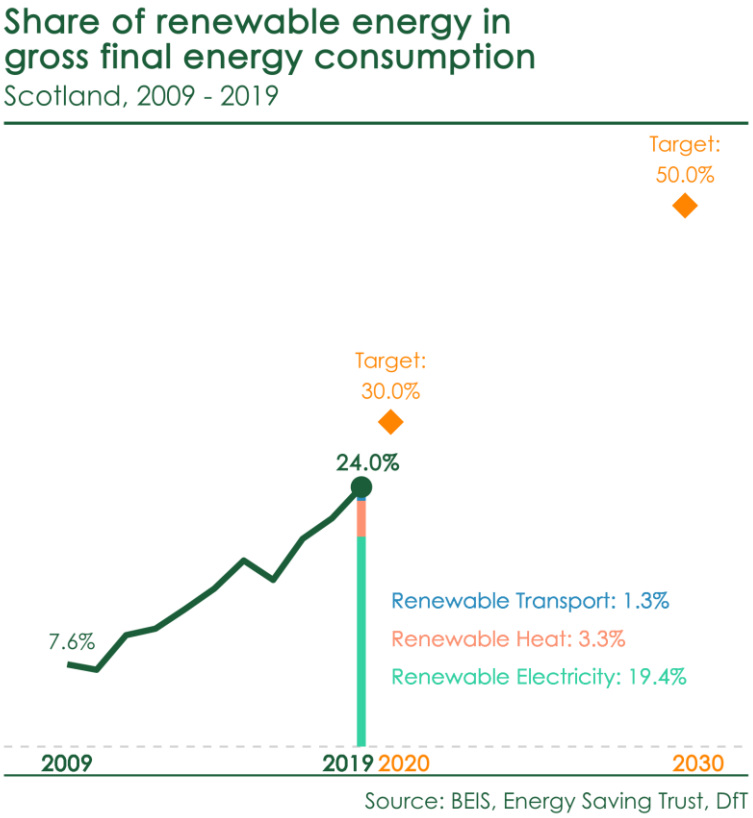



**Figure 3.2: Performance against the 2020 & 2030 Renewable Energy Targets**

### *Renewable Electricity*

3.4.129 As shown in Table 3.3 above, there is a 2020 target of delivering the equivalent of 100 % of Scottish electricity consumption from renewables: this target equates to around 16 GW of installed renewables capacity. As of September 2020, Scotland had 11.8 GW of installed capacity operational with 13.9 GW in the pipeline[12].

3.4.130 In 2019, the equivalent of 89.5 % of gross electricity consumption was from renewable sources, rising from 76.2 % in 2018. This is illustrated in Figure 3.3 below. Much of this increase was due to wind, however, the commentary on the data acknowledges that *"Scotland's ability to meet the 100 % target by 2020 will depend on how much renewable electricity generation increases and gross consumption decreases in the next year".*

[12] *Scottish Government (2020) Scottish Energy Statistics Hub* https://scotland.shinyapps.io/sg-scottish-energy-statistics/?Section=RenLowCarbon&Subsection=RenElec&Chart=RenElecTarget Accessed 1 February 2021

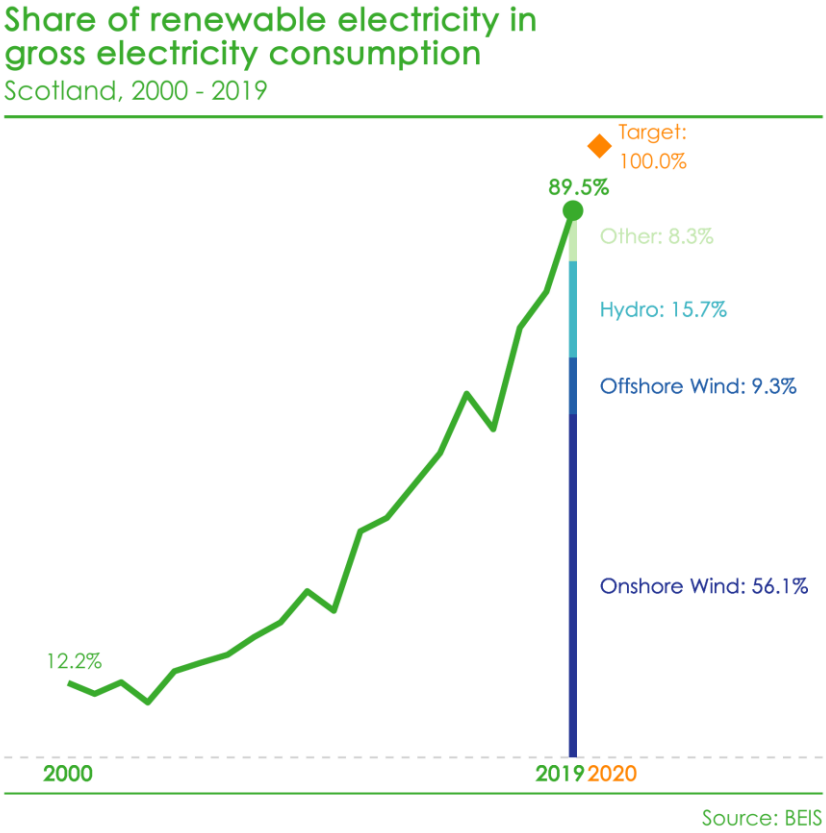



**Figure 3.3: Performance against 2020 Renewable Electricity Target**

3.4.131 As of September 2020, 286 renewable electricity projects with a capacity of 13.9 GW are in the pipeline. 2.0 GW of these are under construction, most of which are offshore wind farms off the Moray Firth. 7.6 GW are awaiting construction and 4.4 GW in planning.

3.4.132 Therefore, there remains to be a shortfall against the Scottish 2020 renewable electricity generation target which is c. 16 GW. Indeed, the Government acknowledges that meeting the 2020 target depends upon the speed at which these projects become operational, how favourable the climate is for renewable electricity generation, and the extent to which gross consumption falls. Accordingly, the Proposed Development represents a significant opportunity to increase the amount of renewable energy generated.

3.4.133 In the Caplich S36 Report to the Scottish Ministers (November 2017), the Reporter, in addressing overall conclusions and recommendations, made reference to relevant International, UK and Scottish policy on renewable energy. At paragraph 8.5 he stated, *"International Agreements on renewable energy delivery and greenhouse gas emissions to which the UK is a signatory, some of which will remaining binding irrespective of European Union membership, will pose a significant challenge going forward"*.

3.4.134 The Reporter went on to make reference to UK and Scottish Government targets and took the view that greater weight should be given to Scottish Government policy and stated at paragraph 8.7 *"that being the case, the contribution this proposal would make to these targets is a factor in its favour, to which significant weight should be attached".*

3.4.135 The Reporter added at paragraph 8.9 that *"in any event, there can be no doubt that the targets are minimum levels to be achieved rather than caps that must not be exceeded. The Scottish Government has made it clear that it will continue to support the principle of onshore wind, even if or when current targets are met".*

3.4.136 The decision also confirms that national planning policy as set out in National Planning Framework 3 and SPP confirms the commitment to making Scotland a low carbon place and a world leader in low carbon energy generation including in relation to onshore wind. Paragraph 8.10 of the decision states that *"the proposal's contribution to such commitments is a factor in its favour that must be taken into account".*

### *Recent Onshore Wind Energy Decisions*

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

3.4.138 In the Lethans Wind Farm S36 Decision (June 2020), in their consideration of the climate change and renewable targets the Scottish Ministers acknowledged *"the seriousness of climate change, its potential effects and the need to cut carbon dioxide emissions"* (page 9) which *"remain a priority for the Scottish Ministers".* In addition, the decision state that *"The Scottish Government's ambitions for renewables and the delivery of clean electricity in Scotland go beyond the current 2020 targets."* (Page 9)

3.4.139 In the Corriemoillie Wind Farm S36 Decision (December 2019), the Reporter considered climate change and renewable targets and stated that *"the seriousness of climate change, its potential effects and the need to cut carbon dioxide emission, remains a priority of Scottish Ministers"* (page 7 of the Decision Letter).

3.4.140 In the Gordonbush Wind Farm Extension S36C Decision (issued November 2019), when considering Scottish Government policy, the Scottish Ministers were *"satisfied that deploying larger and more efficient turbines of the proposed varied Development would provide considerable carbon savings and these savings would be of an order that weighs in favour of the proposed varied Development"*.

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

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

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

### *A Vision for Scotland's Electricity and Gas Networks 2019 – 2030*

3.4.143 Published in March 2019, A Vision for Scotland's Electricity and Gas Networks sets out that by 2030 Scotland's energy system will have changed dramatically in order to deliver Scotland's Energy Strategy targets for renewable energy and energy productivity.

3.4.144 Page 5 of the report sets out the key aspects of the 2030 vision including in relation to 'Network Infrastructure Electricity Transmission'. It states by 2030, there will be 'New transmission infrastructure that ensures we can meet Scotland's renewable energy ambitions – including new transmission links to meet the needs of Scotland's islands, stronger links within Scotland, and new links to the rest of Great Britain'. The Proposed Development can play an important part in the needs case for a new interconnector between Orkney and the Scottish mainland contributing to achieve this ambition.

3.4.145 In terms of Whole System Planning, the ambition is that the *"energy system, at a national and local level, is designed strategically, taking economic and social priorities into account and supporting the principles and priorities laid out in the Scottish National Planning Framework and with a view to supporting sustainable energy solutions for Scotland's islands"* and that *"the networks enable major increases in renewable energy capacity and generation, ensuring that we meet our target of 50% of all energy from renewables in 2030."*

3.4.146 Finally, there is a commitment to *"delivering local and community energy projects and development of our islands' economies, with this now underpinned in statute, through the Islands Act, 2018".*

3.4.147 These elements of the vision for Scotland's Electricity networks are underpinned by investment in new transmission infrastructure which is reliant on new renewable energy capacity coming on stream. The Proposed Development is of critical importance to realising these elements of the Vision.

### *Conclusions on Renewable Energy Policy and the Climate Emergency*

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

3.4.149 As required by S44 of the Climate Change Act 2009 (as amended) in exercising their functions in determining this planning application, a public body, as defined at Section 44 (2), is bound to exercise their decision-making function in the interests of sustainable development and in the best way to contribute to the net zero target and the interim 2020, 2030 and 2040 targets. There is a long way to go to achieve net zero and while strong progress is being made, confirmation is yet to be provided as to whether the 2020 target has been achieved, with yet a significant way to go in achieving net zero .

3.4.150 The Proposed Development has a capacity in the region of 28.8 MW, is predicted to have an approximate 3 month carbon payback period and is estimated to be capable of powering the equivalent of 27,006 homes which significantly exceeds the number of households in Orkney. It would make a valuable contribution to legislated climate change targets and government policy objectives; thereby implementing Government policy, which encourages more electricity generation from renewable sources.

3.4.151 The Scottish Government makes it unequivocally clear that renewable energy generation is a key component of the ways in which climate change can be addressed and a key component in meeting climate change targets. The SES recognises that onshore wind is a vital part of Scotland's renewable energy future and that it is the most cost-effective way of generating renewable energy and on this basis must be considered as being the energy generation technology that could contribute the most to our climate change objectives. More recent government policy stresses the need for continued support for onshore wind and noting that the planning system can play an important role in in its delivery, specifically through National Planning Framework 4 enforcing a favourable planning and consenting scheme for onshore wind.

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

3.4.153 The Energy Minister has stated that in light of adopting the CCC recommendations "*this means we have the most stringent statutory targets in the world*". Moreover, the CCC is unambiguous in stating that *"Current policy is insufficient for even the existing targets"* and although it is noted in the June 2020 update that *"Important new parts of the policy framework have been introduced since the target was set a year ago"* [May 2019], it continues stating that *"Most have not yet delivered, so*

*must progress in the coming year".* It cannot be the case therefore that it is 'business as usual' for decision makers.

3.4.154 The Proposed Development and the support that it can draw from the existing renewable energy policy framework, as well as the recognised move towards even further enhanced policy support, should also be considered in the context of the Scottish Government's support for Island Wind and the extent to which the Proposed Development underpins the needs case in support of a new interconnector, acting as an enabler for OIC to implement the Orkney Sustainable Energy Strategy and allowing Orkney to become a greater electricity exporter.

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

### *The National Islands Plan*

3.4.156 The Scottish Government adopted the National Islands Plan in December 2019 as required by The Islands (Scotland) Act 2018. The Islands (Scotland) Act which was passed by the Scottish Parliament in 2018 sets out the purpose of the National Islands Plan and the main objectives and strategy of the Scottish Government in relation to improving outcomes for island communities. This is reflected in the objective of the plan to set a framework for meaningfully improving outcomes for island communities.

3.4.157 The foreword to the Plan notes that the Scottish Government consulted widely to understand what was important to islanders and their communities and goes on to note that *"Climate change emerged as one of the most pressing of those issues. Islanders are extremely resilient and innovative and are determined to play their part and indeed, want to be at the very forefront of, responding effectively to the climate emergency."*

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

3.4.159 The National Islands Plan is founded on the principle of delivering 'A Fair, Integrated, Green and Inclusive Plan'.

3.4.160 One aspect of this states *"A Green Plan is about focusing not only on the challenges, but also on the opportunities that Scotland's islands have because of their environment and natural resources and assets"* with specific mention of the powerful winds and tides. These high wind speeds are demonstrated at the site of the Proposed Development from monitoring undertaken to date.

3.4.161 The Plan recognises the concerns of some stating:

*"A green Plan recognises the concerns of the people on the islands that we met during the consultation. It talks in particular to those who understand, (probably better than others due to the threat it poses to them), the dangers of climate change. At the same time, a green Plan aligns with Scotland as a global leader in its wider efforts to tackle climate change. Not only will islands play their role in the Government's Climate Change ambition to achieve net-zero greenhouse gas emissions by 2045, the Plan will enable islands to become hubs of innovation when it comes to renewables and electricity generation."*

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

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

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

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

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

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

### *Corporate Policy in Orkney*

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

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

### *Orkney Sustainable Energy Strategy 2017 – 2025*

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

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

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

3.4.168 The strategy sets out five targets for Orkney:

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

- Maximising economic opportunity and investment in Orkney.

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

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

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

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

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

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

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

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

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

**Table 3.4 Orkney Energy Targets**

| Target Factor | Now | 2030 |
|---|---|---|
| Renewables generation of electricity | 120 % | 300 % |
| Total Energy demand | 250 MW | 200 MW |
| Electricity demand | 25 MW | 100 MW |
| Energy storage and commoditisation capacity | 2 MW | 200 MW |
| Decarbonised energy use | 10 % | 50 % |

| Target Factor | Now | 2030 |
|---|---|---|
| Installed capacity (within 50 nautical miles) | 60 MW | 600 MW |
| Households in fuel poverty | >60 % | <20 % |
| Jobs related to sustainable energy<br>(Oil & Gas – not drilling) * | 300<br>(200) | 600<br>(250) |
| Students studying energy in Orkney<br>(Distance learning) | 35<br>(150) | 100<br>(300) |
| *This refers to jobs in the sector not directly associated with drilling and production of Oil and Gas but involved in other aspects of the industry such as processing petro-chemical products that are more sustainable | | |

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

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

### *OIC's Council Plan and Delivery Plan 2018 – 2023*

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

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

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

### *OIC's Declaration of a Climate Emergency*

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

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

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

3.4.181 The Council provided an update on the progress of their delivery plan targets in response to the climate emergency at a meeting of the Policy and Resources Committee in February 2020. The Report to Committee outlines the progress being made in terms of project activity and the delivery plan which will contribute to a carbon neutral Orkney. It also notes that the current actions in the Council Delivery Plan and highlights the opportunity to embed climate change as a new council priority as part of the impending mid-term review of the Council Delivery Plan and allow further consideration of whether the measures currently contained in the Plan are sufficient to enable the Council to meet any future timescale it sets for achieving a zero emissions target. It identifies potential other areas for consideration including establishing a target timescale for zero emissions. The Report to Committee also outlines plans to establish a post of Climate Change Project Officer to facilitate activities already underway, together with co-ordination of climate-related policy and projects across the full range of Council services, demonstrating OIC's commitment to tackling the climate emergency.

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

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

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

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

### *Landscape Capacity Assessment for Wind Energy in Orkney (2014)*

3.4.186 OIC, in partnership with and jointly funded by Scottish Natural Heritage (now known as NatureScot) appointed Ironside Farrar to prepare the Landscape Capacity Assessment for Wind Energy in Orkney' (LCA) which was published in April 2014 and has been adopted as non-statutory planning policy advice in 2015. The LCA provides detailed guidance on the capacity of the landscape to accommodate wind turbine development and to inform the review of the Development Plan spatial frameworks and supplementary guidance. The study specifically assesses landscape and visual sensitivity, landscape value and landscape capacity together with the impact of cumulative wind energy development in order to determine where significant protection from further development may be required.

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

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

*As a strategic landscape and visual study this does not address specific localised impacts such as effects on individual residential receptors or other sensitive receptors. All wind energy proposals*

*should be considered on their own unique locational and design characteristics as well as their strategic context. All proposals should be subject to landscape, visual and cumulative impact assessment including (if required) a full environmental assessment."*

3.4.188 The application site is located within the Whaleback Island Landscape Character Type characterised by low and rounded landform which slopes gently down to the coastal edge.

3.4.189 In respect of Faray, where the Proposed Development would be located, the LCA determines that *"These islands should be maintained free of wind turbines to retain their undeveloped character"* but without any further information to substantiate this position. Faray is not covered by any national or local landscape designations which would otherwise denote a special landscape value and it is uninhabited.

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

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

# 4 Conclusions on Material Considerations

4.1.1 The material considerations set out above lend significant support in favour of granting planning permission for the Proposed Development.

4.1.2 The Proposed Development will result in a number of important benefits in both a local and national context. The level of weight to be afforded to these benefits, in particular the contribution the Proposed Development will make towards securing the interconnector between Orkney and the Scottish Mainland, is significant.

4.1.3 In this regard, the Proposed Development will contribute towards the delivery of a National Development as set out in NPF3, through the expansion of the transmission network to Orkney, which in turn will support the Energy Hub identified in the Pentland Firth and Orkney Waters. The opportunity that the Proposed Development presents should be given significant weight in the planning balance.

4.1.4 SPP is supportive of renewable energy developments, including onshore wind, however it is recognised that development must be located in the right place. The Proposed Development is not located within any areas, such as National Parks or National Scenic Areas, where national policy embargoes wind energy development. National planning policy also provides substantial support for onshore wind energy development that is in the right place and of the right design. The Proposed Development is considered to be a form of sustainable development. The Proposed Development can draw support from SPP in this regard.

4.1.5 In terms of the climate emergency, it is also the case that national planning policy must be considered out of date, which is recognised within the Programme for Government (both 2019/2020 and 2020/2021) with regards to commitments to revisit national planning policy to ensure that planning responds appropriately to the climate emergency that we are facing. The direction of travel in terms of those changes that are required to policy were partly set out in the recently published NPF4 Position Statement whereby the Scottish Government noted *that "To achieve a net zero Scotland by 2045 and meet the interim emissions reduction targets of 75 % by 2030 and 90 % by 2040, an urgent and radical shift in our spatial plan and policies is required."* One of which may

include *"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."*

4.1.6 In this regard the Proposed Development will have a low carbon payback period of approximately 3 months, it will contribute to the needs case for the Orkney interconnector to the Scottish mainland, it has minimised its likely environmental effects through siting and design insofar as is possible and will bring socio economic benefits to the area. It is submitted that the Proposed Development must be considered sustainable.

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

4.1.8 The Proposed Development would also contribute to the attainment of the UK and Scottish Government policies of encouraging renewable energy development and in turn contribute to the achievement of Scottish Government targets for climate change and renewable electricity generation. The Proposed Development, with an installed capacity of approximately 28.8 MW would make a significant and valuable contribution to such unmet targets. Government policy envisages renewable energy contributing more than 100 % of electricity consumption by 2020. There remains a shortfall against the 2020 target and a substantial shortfall against the 2030 and 2040 targets within the Climate Change Act.

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

4.1.10 The Proposed Development can draw considerable support for the variety of material considerations set out above. One of the most recent considerations, the declaration of a climate emergency, is perhaps the most important, and particularly in the context of achieving the ambitions energy targets set out by the Scottish Government. The NPF4 Position Statement reinforces the importance of the climate emergency and confirms its status as a material consideration in the determination of applications, where 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"*.

4.1.11 The Scottish Government has acted on the stark warnings issued by the IPCC and in light of the report by the CCC, the Government has stated unequivocally that there needs to be *"transformative change"* and that action has to be quick and decisive. An emergency requires action and the planning system must be responsive to that. In this regard, the climate change emergency is considered to have fundamentally rebalanced the decision-making requirements when it comes to development which would make a significant contribution to meeting the climate change targets and achieving a net zero economy.

# 5 Conclusions

## 5.1 Introduction

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

### *The Statutory Development Plan*

5.1.2 The Planning Statement has assessed the Proposed Development against the aims, objectives and policies of the Development Plan and has concluded that the Proposed Development is in accordance with and supported by the aims and objectives, being consistent with the LDPs land use strategy. It is also concluded that the Proposed Development is in accordance with the Development Plan, when considered as a whole. While there are some conflicts with aspects of Policy 7, it is considered that the policy in isolation is overly restrictive when considering significant adverse effects and requires to be read alongside the SG Energy, which includes an appropriate balancing provision. When the climate change and socio-economic benefits are weighed against the predicted environmental effects, it is submitted that the Proposed Development accords with the Development Plan.

5.1.3 The assessment has also found that the Development Plan is out of date insofar as the policies within it do not respond to the climate change emergency or take full account of the Scottish Government's position with respect to the Climate Change Emergency and interpret that into local policy. The NPF 4 Position Statement sets out that it is likely that the climate emergency will be treated as a material consideration to be set out within the Draft NPF4 to be published later this year, recognising its importance in the determination of planning applications.

5.1.4 The Proposed Development is considered to be in accordance with the Development Plan when read as a whole.

### *National Planning Policy*

5.1.5 The NPF3 and SPP set out a strong position of support with regard to renewable energy (including renewable energy targets and Scottish Government energy policy) and recognise the significant energy resource that can be provided by onshore wind. The Scottish Government has also committed to making NPF4 fit to respond to the climate change emergency, as demonstrated by the NPF4 Position Statement where it is considered to be treated as a material consideration, which once adopted will form part of the statutory Development Plan.

5.1.6 SPP sets out guidance and advice for the consideration of onshore wind energy development. A small section of the Proposed Development's infrastructure (part of an access track, slipway and landing jetty) falls within a Group 2 Area of Significant Protection, in relation to the Faray and Holm of Faray SAC SSSI. In these areas wind farm development may be appropriate in some circumstances.

5.1.7 The EIA Report has assessed the impacts on the SAC and SSSI, which are judged to be not significant. The Planning Statement has therefore considered the potential effects on the Group 2 asset identified and it is considered that the Proposed Development can be accommodated in this setting as there would be no unacceptable impact to this Group 2 asset.

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

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

### *Other Relevant Material Considerations*

5.1.10 Other key material considerations include the benefits that the Proposed Development would bring, the CCC Report, the Climate Change Plan and Update; the Programme for Government, the Scottish Energy Strategy, the Onshore Wind Policy Framework, the ambitious climate change targets of the Scottish and UK Governments, OIC Corporate Policies and the National Islands Plan.

5.1.11 Substantial weight should be attributed to the current climate emergency, the scale of the challenge presented by our recently legislated climate change targets and the contribution that the Proposed Development can make.

5.1.12 Related to this, the Scottish Government have placed significant emphasis on the need for a green recovery from the impacts of Covid 19. This has been set out clearly in both the 2020/2021 Programme for Government, and in the Update to the Climate Change Plan (2020). The 2020 Update is noted as a 'key strategic document in the green recovery from COVID-19' and acknowledges the need for increased investment in renewable energy, particularly onshore and offshore wind and the importance of harnessing Scotland's potential in terms of the vast wind resources which are available. In this regard, the Scottish Government have recognised that it is imperative that the economic recovery is a green recovery – not just because it is the right thing to do, but also because it provides opportunities for new work and growth in today's challenging global market. The Proposed Development can support this objective.

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

5.1.14 Associated with this it is highlighted that the recently approved 'Development Management Guidance on Energy' (2019) states, *"In future, significant material weight will be placed upon any meaningful contributions toward realising this National Development. For the avoidance of doubt, any single energy generation project greater than 10 MW…will be considered to make a meaningful contribution toward the interconnector needs case."*

5.1.15 In terms of direct socio-economic benefits, the construction and operation of the Proposed Development would bring financial benefit to both Orkney and the wider Scottish economy by way of bettering the security of electricity supply, enabling Orkney to be an exporter of electricity, protecting the jobs and local supply chain associated with renewables, marine renewables and centres of excellence such as EMEC. These matters are recognised as being benefits that can be delivered from renewables and the interconnector within OIC corporate policy, the Scottish Governments National Islands Plan and other national policy documents in relation to energy, as highlighted in this Planning Statement.

## 5.2 Overall Conclusions

5.2.1 This Planning Statement has assessed the Proposed Development alongside the findings of the EIA Report. As has been demonstrated through the EIA Report, the Orkney Islands have high levels of cultural and natural heritage assets. However, this should not be a barrier to the islands achieving its climate change objectives, which have been reinforced by the recently declared climate change emergency. Indeed, climate change presents the biggest threat to these assets through changes in habitats and species or the potential loss of cultural heritage assets to rising sea levels.

5.2.2 The approach being taken by Orkney Islands Council responds to the Scottish Governments call to action and the duties placed on public bodies through the Climate Change Act 2009 to exercise their functions to contribute to meeting targets and deliver the Climate Change Plan. The Government has stated unequivocally that there needs to be "transformative change" and that action has to be quick and decisive. This is further reinforced through the Government's call for a green recovery out of the Covid 19 pandemic, bringing opportunities in this sector. An emergency requires action and the planning system must be responsive to that. This is reflected in the latest CCC Report from October 2020 which sets out actions for the Scottish Government, including to align the NPF4 to a net-zero energy system – enforcing a favourable planning and consenting scheme for onshore wind and additionally, the Scottish Government in the NPF4 Position Statement have acknowledged that the climate emergency is likely to be a Material Consideration for future decision making which will

be set out in NPF4. In this regard, the climate change emergency is considered to have fundamentally rebalanced the decision-making requirements when it comes to development which would make a significant contribution to meeting the climate change targets and achieving a net zero economy. Moreover, the Proposed Development will contribute towards the delivery of a national development as identified in NPF3

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

# Appendix 1 – Location Plan

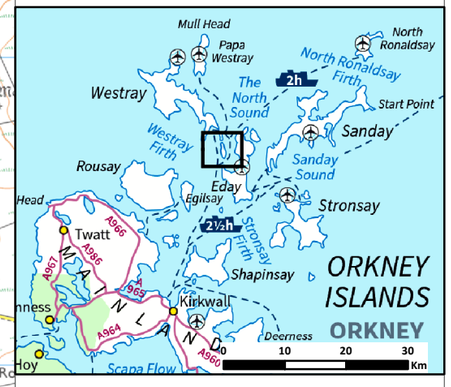
N

Point of Geldibist
Craw Tua
Mound
El Sub Sta
East Sous
Pier
Scarra Taing
Cubby Geo
Rapness Sound
Snuffas Geo
Caves
Sand Geo
Sheepfold
West Bight
East Bight
Natural Arch
Cave
The Kiln
Sibbies Geo
Three Geos
Inniens Bay
Holm of Faray
Swannies Geo
Cave
Whelky Geo
Tystie Geo
Outflow Geo
Sheepfold
Point of Dogs Bones
Lavey Sound
The Point of Ring
Quoy Noust
Chambered Cairn (remains of)
Muller Geo
Point of Tobar
Skibbie Geo
Caves
Quoy
Natural Arch
Cott
Surrie Geo
Caves
Doggerboat
Starry Geo
Cave
Cave
Djubi Geo
Hamar
Sprs
Ringie Geo
Caves
The Nev
Faray
Blue Geo
Caves
Windywall
Langie Geos
Gangstaiths
Holland
Well Geo
Torhellia Geo
Bight of Sandbister
Ness
Sheep Dip
Muckle Skerry
Scammalin
Little Skerry
Point of Scaraber
Axna Geo
Red Holm
MHWS
MLWS
Sound of Faray
Ferry
Cat Holes
Corbie Ness
Little Wells
Broad Ebb
Cave
Chambered Cairn (remains of)
North Linkataing
Muckle Hill of Linkataing
South Linkataing
Cuppo Craig
North Park
Greenfield
Papleyhouse
Jetty
North Ayre
Park
Cusbay
The Crook
Chambered Cairn
South House
South Ayre
Cusbay
Sandy Craig
Braehead
Quarrie (dis)
Crowber
Geo of Crowber
Quarry (dis)
Banks of Yarphey
Lesshamar
Stack of Yarphey
Quarries (dis)
Greenan Nev
Mid Guith
Resting Hill
Benstonhall
Guith
Shoehall
Newark
Bay of Newark
North Farahouse
South Farahouse
Bay of Doomy
Doomy
Cairn
Cairn
Sheepfold
Cairn
West Rinch
Rusk Holm
Sheepfold
Skerry of Rusk Holm
Fort of Rusk Holm
Sheep Fort
Outer Skerry of Rusk Holm
39
38
37
36
35

**KEY**

Planning Application Boundary

Site Boundary (for EIA)




0 0.5 1 km

Scale 1:20,000 @ A3

ORKNEY ISLANDS COUNCIL

ITPENERGISED Earth. Smart. Solutions

Orkney's Community Wind Farm Project - Faray

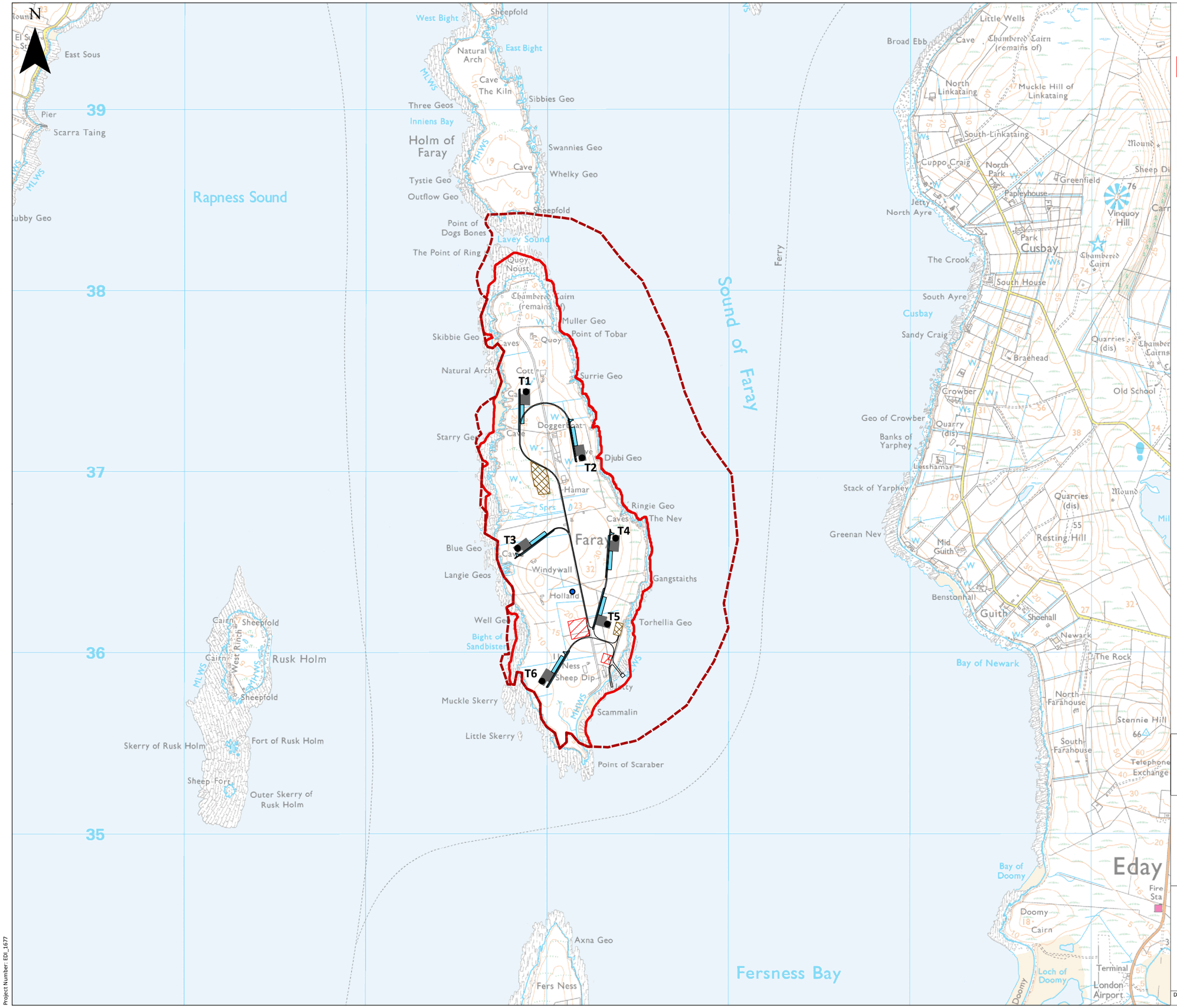
**Figure 1**

**Site Location Plan**

| Date: | Drawn by: | Checked by: | Version: |
|---|---|---|---|
| 01/07/2021 | EF | RT | V1 |

Project Number: EDI_1677

# Appendix 2 – The Proposed Development Layout




**KEY**

- Planning Application Boundary
- Site Boundary (for EIA)
- Turbine Layout (Symbol does not indicate tower dimensions just its location)
- T1 — Turbine Identifier
- Access Track (including marine access)
- Permanent Hardstandings
- Temporary Hardstandings
- Temporary Construction Compound
- Substation Compound
- Borrow Pit Search Areas
- Indicative Met Mast Location (Symbol does not indicate met mast footprint)

0 0.5 1 km

Scale 1:20,000 @ A3

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ITPENERGISED Earth. Smart. Solutions

Orkney's Community Wind Farm Project - Faray

**Figure 2**

**Site Layout**

| Date: | Drawn by: | Checked by: | Version: |
|---|---|---|---|
| 01/07/2021 | EF | RF | V1 |

Project Number: EDI_1677

# Appendix 3 – Policy Schedule

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

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

| Policy Topic | Policy |
|---|---|
| **Policy 7 Energy**<br><br>**Extract** | **C All Renewables and Low Carbon Energy Developments**<br><br>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.<br><br>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.<br><br>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.<br><br>**D Onshore Wind Energy Development**<br><br>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:<br><br>a. Communities and Amenity<br><br>b. Landscape and Visual Impact<br><br>c. Natural Heritage<br><br>d. Historic Environment<br><br>e. Tourism and Recreation<br><br>f. Peat and Carbon Rich Soils<br><br>g. Water Environment<br><br>h. Aviation, Defence and Communications<br><br>i. Construction and Decommissioning<br><br>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.<br><br>iii. Applications for any windfarms should take account of the Spatial Strategy Framework for windfarm development:<br><br>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 |

| Policy Topic | Policy |
|---|---|
| | 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.<br>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.<br>c. Wind farm developments will not be supported within the National Scenic Area.<br>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.<br>v. Consent for wind energy developments may be granted for a maximum period (usually 25 years) from final commissioning/the date that the device commences energy generation. Planning conditions and, where required, a financial bond, letter of credit and/or Legal Agreement will be attached in relation to the removal of the development and to the restoration of the site at the point when the planning permission expires or when the project ceases to operate for a specified period of time.<br>vi. Applications for the erection of monitoring equipment, anemometer masts etc., in relation to proposed wind farm projects in advance of a full application being submitted will be supported subject to other development plan policies and any other material considerations. Any planning permission for monitoring/survey equipment will normally be limited to a maximum period of 2 years unless the need for a longer monitoring period can be demonstrated. Consideration should be given to using digital monitoring equipment, especially to mitigate impacts in sensitive locations. |
| **Policy 1 Criteria for All Development** | **Development will be supported where:**<br>i. It is sited and designed taking into consideration the location and the wider townscape, landscape and coastal character;<br>ii. The proposed density of the development is appropriate to the location;<br>iii. It is not prejudicial to the effective development of, or existing use of, the wider area;<br>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;<br>v. It would not create an unacceptable burden on existing infrastructure and services that cannot be resolved;<br>vi. It does not result in an unacceptable level of risk to public health and safety;<br>vii. It is resource efficient and utilises sustainable construction technologies, techniques and materials and, where practicable, low and zero carbon generating technologies are installed;<br>viii. It facilitates the prevention, reuse, recycling, energy recovery and disposal of waste, including where relevant, the use of Site Waste Management Plans; |

| Policy Topic | Policy |
|---|---|
| | ix. It protects and where possible enhances and promotes access to natural heritage, including green infrastructure, landscape and the wider environment; and<br>x. It protects and where possible enhances Orkney's cultural heritage resources. |
| **Policy 8**<br>**Historic Environment & Cultural Heritage**<br><br>**Relevant Extract** | **A All Development**<br>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:<br>i. measures will be taken to mitigate any loss of this significance; and<br>ii. any lost significance which cannot be mitigated is outweighed by the social, economic, environmental or safety benefits of the development.<br>**B Specific Policy Considerations**<br>**i. Heart of Neolithic Orkney World Heritage Site**<br>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.<br>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.<br>**ii. Listed Buildings**<br>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.<br>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.<br>**iv. Scheduled Monuments**<br>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:<br>▪ there are exceptional circumstances;<br>▪ there is no practical alternative site; and<br>▪ there are imperative reasons of over-riding public need.<br>**v. Inventory Gardens and Designed Landscapes** |

| Policy Topic | Policy |
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| | Development which preserves or enhances the character and features of inventory gardens and designed landscapes and their setting, will be supported.<br>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.<br>**vi. Investigation & Recording**<br>a. Where there is the potential for historic environment assets to exist in particularly sensitive areas, such as the Inner Sensitive Zone of the World Heritage Site or the historic core of Kirkwall, applicants may be required to undertake 'Cultural Heritage Impact Assessments' to ensure that there will be no unacceptable effects on any known or potential historic environment assets.<br>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.<br>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**<br>**Natural Heritage & Landscape** | **A. Natural Heritage Designations**<br>**1. Internationally Designated Sites**<br>i. Development likely to have a significant effect on a site designated or proposed as a Special Protection Area (SPA) or Special Area of Conservation (SAC), collectively known as Natura 2000 sites, individually or cumulatively and not directly connected with, or necessary to the conservation management of that site must be subject to an Appropriate Assessment in order to assess the implications for the site's conservation objectives.<br>ii. Development will only be permitted where the Assessment ascertains that:<br>a) it would not adversely affect the objectives of the designation or the integrity of the site; or<br>b) there is no alternative solution; and<br>c) there are imperative reasons of over-riding public interest, including those of a social or economic nature.<br>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.<br>iv. The international importance of Ramsar sites should also be appropriately protected.<br>**2. Nationally Designated Sites**<br>i. Development that negatively affects a Site of Special Scientific Interest (SSSI) will only be permitted where:<br>a) the objectives of the designation and the overall integrity of the area will not be compromised; or |

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| | 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.<br>ii. Development capable of affecting a Nature Conservation Marine Protected Area (NC MPA) will only be permitted where it can be demonstrated that:<br>a) there is no significant risk of hindering the achievement of the conservation objectives of the NC MPA; or<br>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<br>c) the public benefit outweighs the risk of damage to the environment.<br>**3. Locally Important Sites**<br>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<br>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<br>b) any such effects are clearly outweighed by social, environmental or economic benefits.<br>Details of Local Nature Conservation Sites are contained in Supplementary Guidance: Natural Environment.<br>**B. Protected Species**<br>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.<br>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.<br>**C. Wider Biodiversity and Geodiversity**<br>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.<br>ii. All development proposals should have due regard for priority habitats and species identified in the UK Biodiversity Action Plan, the Scottish Biodiversity List, the list of Priority Marine Features and the Orkney Local Biodiversity Action Plan. Where possible, new development should incorporate benefits for biodiversity, and avoid further fragmentation or isolation of habitats.<br>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.<br>**D. The Water Environment** |

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| | 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:<br>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.<br>b) includes the management and/or enhancement of existing habitats and, if appropriate, the creation of new habitats.<br>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.<br>ii. There is a presumption against unnecessary culverting and engineering activities in the water environment.<br>**E. Peat and Soils**<br>i. Development on areas of peat or carbon-rich soils will only be permitted where:<br>a) it has been clearly demonstrated that there is no viable alternative;<br>b) an acceptance assessment of the likely effects of the development on carbon dioxide emissions has been undertaken and submitted; and<br>c) the economic and social benefits of the development clearly outweigh any potential detrimental effects on the environment, including likely carbon dioxide emissions.<br>ii. Where development on peat or carbon-rich soil is permitted, the Council may ask for a peatland management plan to be submitted which is supported by an appropriate peat survey and clearly demonstrates how the unnecessary disturbance, degradation and erosion of peat and soils will be avoided and, where this is not possible, minimised and mitigated.<br>iii. New areas of commercial peat extraction will only be permitted where it can be demonstrated that:<br>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.<br>iv. The applicant must submit a method statement, and where necessary a soil management plan, in support of any application.<br>**F. Trees and Woodland**<br>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:<br>a) it would achieve significant and clearly defined benefits that outweigh any potential loss; |

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| | 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<br>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).<br>ii. Works to trees must not result in any unnecessary fragmentation of a green network.<br>**G. Landscape**<br>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.<br>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.<br>iii. Development that affects the National Scenic Area (NSA) will only be permitted where it is demonstrated that:<br>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<br>b) any such adverse effects are clearly outweighed by social, environmental or economic benefits of national importance.<br>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**<br>Development in the coastal zone (above Mean Low Water Mark of Ordinary Spring Tides) will be supported where it can be demonstrated that:<br>**i.** the scale, location, siting and design of the development will not have a significant adverse effect, either individually or cumulatively, on the<br>landscape/coastal character, seascape or townscape, taking account of all relevant national studies and guidance;<br>**ii.** there will be no significant adverse effects, either individually or cumulatively, on natural, built and/or cultural heritage resources;<br>**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;<br>**iv.** there will be no significant adverse effects on other coastal and/or marine users; and<br>**v.** public access to and along the coast will be maintained and enhanced wherever possible.<br>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 |

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| | that any such effects are clearly outweighed by significant socioeconomic benefits.<br>**B Coastal Change**<br>**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.<br>**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.<br>*Relevant outputs from the National Coastal Change Assessment are anticipated during 2016.<br>**C Locational Considerations**<br>**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.<br>**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.<br>**[Part D Aquaculture is not relevant as it relates to finfish and shellfish farming developments]**<br>**E Ports & Harbours**<br>**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;<br>a) the proposal requires a harbour-side location or is ancillary to activities taking place within the harbour area;<br>b) the proposal would not adversely affect the commercial viability or efficient working of the harbour or pier for commercial marine related uses;<br>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<br>d) the proposal complies with the requirements of the HSE where the pier or harbour is covered by an HSE Consultation Zone.<br>**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** |

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| | 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.<br>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.<br>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 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.<br>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.<br>**B. Sustainable Drainage Systems (SuDS)**<br>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.<br>ii. Planning applications must include a drainage design which demonstrates compliance with best practice and provides the following details:<br>a) the types of measures to be used and location;<br>b) evidence of sub-soil porosity and suitability for use of infiltration SuDS;<br>c) where required, pre- and post-development run-off calculations to determine the scale of SuDS required;<br>d) proposals for integrating the drainage system into the landscape or required open space provision;<br>e) demonstration of good ecological practice including habitat enhancement, where necessary; and<br>f) land take requirements for different drainage options based on initial calculations carried out to size any significant drainage structures.<br>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.<br>iv. In developments that involve a change of use and / or redevelopment, opportunities should be sought to retrofit SuDS wherever possible.<br>**C. Waste Water Drainage**<br>i. All new development within or adjacent to settlements must connect to the public sewer as defined in the Sewerage (Scotland) Act 1968, unless:<br>a) The proposed development is in a settlement where there is no, or a |

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| | limited collection system, or<br>b) The proposed development is in a village or town where there are<br>infrastructure constraints that prevent connection and a temporary<br>private system is proposed.<br>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.<br>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**<br>**Transport, Travel & Road Network Infrastructure**<br><br>**EXTRACT** | **C. Road Network Infrastructure**<br>Development will only be permitted where due regard has been paid to Designing Streets and the proposal demonstrates that:<br>i. It is well connected to the existing network of roads, paths and cycleways and will not create a barrier to future development;<br>ii. It can be safely and conveniently accessed by service, delivery and other goods vehicles, as appropriate to the development;<br>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);<br>iv. It is designed to cause minimal impact on the character of the site and the surrounding area; and<br>v. There are satisfactory arrangements to ensure that there is provision for the long term maintenance. |